

DR/31/20**Report to:** DEVELOPMENT & REGULATION 23rd OCTOBER 2020**Proposal:** MINERALS AND WASTE DEVELOPMENT –

- (i) Continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) of planning permission ESS/14/16/MAL that was for the importation of packaged ILW from Magnox sites Sizewell "A" and Dungeness "A" to Bradwell Power Station and the interim storage within the existing Interim Storage Facility (ISF) to allow importation until 31st December 2023, which is the end date controlled by condition 05 (Secondary Cessation Date & ILW Limit) of planning permission ESS/14/16/MAL Ref No: ESS/86/20/MAL
- (ii) Continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) of planning permission ESS/15/16/MAL that was for the importation of packaged ILW from Magnox sites Sizewell "A" and Dungeness "A" to Bradwell Power Station and the interim storage within the existing Interim Storage Facility (ISF) to allow importation until 31st December 2023, which is the end date controlled by condition 05 (Secondary Cessation Date & ILW Limit) of planning permission ESS/15/16/MAL. Ref No: ESS/87/20/MAL

Ref: ESS/86/20/MAL & ESS/87/20/MAL**Applicant:** Magnox Limited**Location:** Land at Bradwell Power Station, Bradwell on Sea, Southminster, Essex, CM0 7HQ**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Terry Burns Tel: 03330 136440The full application can be viewed at <https://planning.essex.gov.uk>

to the tranche of power stations/interests totalling 12 in all spread across mainland UK.

The Bradwell site was the first of the Magnox estate to come off the electricity generating grid in 2007. As part of the Magnox estate wide dismantling programme Bradwell has reached in the decommissioning programme what is known as Care and Maintenance (C&M). This C&M stage is programmed to last for many decades (likely to 2083) as part of the Interim End State prior to the Final Site Clearance (envisaged by 2092). At C&M stage each site is defined in a “box” model” with all sites within the Magnox estate consisting of a number of boxes.

The Bradwell site is situated on the Dengie peninsular and fronted to the north by the Blackwater Estuary with the existing Magnox car park to the south and agricultural land to the west and east.

The complex now comprises two reactor buildings and the ISF storage facility building located within the south eastern corner of the complex.

Access to the power station is via a private road to the south of the complex that links onto the main Maldon Road via Trusses Road and the B1021 Waterside Road.

Agricultural land surrounds the site. The nearest residential properties lie to the south at Downhall Farm and the settlement of Downhall both at over 500 metres and a similar distance to the south east lies Weymarks Farm.

The nearest public access is off the coastal footpath that runs immediately to the north of the BPS complex, Public Rights of Way (PROW) exist to the west with PROW 241-1 and to the south, PROW 241-2. The BPS is open to view from vantage points on the opposite estuary banks as well as from users of the water and given the low lying nature of the land the BPS is visible from long distance views.

There have been various planning approvals relating to the site; the relevant ones being ESS/14/16/MAL and ESS/15/16/MAL determined by D and R Committee in September 2016 for:

- (i) The importation of packaged intermediate level waste from Magnox sites Sizewell “A” and Dungeness “A” to Bradwell site and the interim storage within the existing interim storage facility.
Ref: ESS/14/16/MAL
and:
- (ii) Variation of condition 3 (restriction on importation) of planning permission ESS/43/12/MAL to temporarily suspend condition 3 to allow the importation of packaged intermediate level waste from Magnox sites Sizewell “A” and Dungeness “A” into the Bradwell sites existing interim storage facility for the period up to 2023.
Ref: ESS/15/16/MAL

At the time of the 2016 committee report it was reported that: *“The proposal would seek to utilise some of the contingency space within the Bradwell ISF (the Magnox*

supporting letter gives the storage numbers for Bradwell now as generating around 173 DCICs with best estimate of 166) by the importation of around 170 (range of 165 – 195 assessed) DCICs arising from Dungeness “A” and Sizewell “A” two power station sites where a similar storage strategy also exists but no ILW building has been constructed

“Importation would take place, subject to Nuclear Decommissioning Authority (NDA) funding, between early 2018 and before 2023. The time period is seen as allowing contingency for “slippage in timescales due to, for example, reduced funding being available or changed hazard reduction priority within Magnox”.

The applicant also confirming that “The transfer of ILW packages is expected to take place over a period of up to three years (750 working days) on a campaign basis.....”.

The committee report set out conditions which included Condition 2 (Duration) which was subsequently reflected in both permissions: This stated *“All importation of Intermediate Level Waste from either the Sizewell “A” or Dungeness “A” power stations shall cease, within 4 years of the date of notification having commenced as required by Condition 1”.*

Condition 5 (Importation Limits) in ESS/14/16/MAL and similarly included as part of Condition 5 (Waste Acceptance) of ESS/15/16/MAL the following *“Unless otherwise agreed in writing by the Waste Planning Authority for a period up until the 31st December 2023, no more than a total 170 Ductile Cast Iron Containers arising from either Sizewell “A” and Dungeness “A” power stations combined shall be imported into the Bradwell site for temporary storage in the Intermediate Storage Facility”.*

2. PROPOSAL

The applicant states: *“The restrictive conditions (02 & 05) that were imposed on both of planning permissions (ESS/14/16/MAL and ESS/15/16/MAL) limit the time period in which importations of ILW to the Bradwell site can take place. Condition 02 of the respective planning permissions requires the importation of ILW to cease within four years of the importation having commenced; the cessation date is therefore 22nd March 2022 . Condition 05 of the same planning permissions includes a later importation termination date of 31st December 2023.*

As a result of delays in the processing and packaging of ILW at Sizewell ‘A’ and Dungeness ‘A’, it will not be possible to import all of the packaged ILW to the Bradwell site for interim storage within the four year period i.e. by 22nd March 2022.....

It is, therefore, proposed to remove condition 02 of each respective planning permission. To facilitate this, two Section 73 applications have been submitted to ECC. The removal of these conditions will allow the importation of ILW to Bradwell Power Station until the 31st December 2023, which as stated above is already controlled by condition 05 of each respective planning permission. ECC will retain control of the permitted use of the site and of the relevant developments.

To be clear:

- ☐ *it is not proposed to change the allowable origin of the packaged ILW stored in the Bradwell site ISF, which will continue to be controlled through the conditions imposed on planning permissions ESS/14/16/MAL and ESS/15/16/MAL;*
- ☐ *if granted planning permission, the same packaged ILW can be imported as previously permitted, the change would simply be that this can take place up to 31st December 2023 (as originally requested) rather than up to 22nd March 2022; and*
- ☐ *if not granted planning permission and the importation to Bradwell ceases within four years of commencement, i.e. by 22nd March 2022, then the development granted planning permission in October 2016 will only have been partially implemented: some imported packages will be interim stored at Bradwell but with interim storage arrangements still having to be implemented at Sizewell 'A' and at Dungeness 'A' for the ILW remaining at those sites at that time".*

Included as footnotes to the above bullet points the applicant has commented that:

"It is likely that separate applications will be made in due course to increase the maximum number of packages that can be imported from Sizewell 'A' and Dungeness 'A'. Magnox does not intend to make any such applications until it is clear that an increase is required and clear what that increase should be. Magnox's preference is also to make such applications as and when the current COVID-19 pandemic has declined to the point that more direct stakeholder engagement is possible than can be undertaken at the present time.

In the interest of openness, ECC should note that at a later date Magnox may wish to apply to amend the 31st December 2023 dates referred to in condition 05 of both permissions to provide for a time extension for the importation of packaged waste from Sizewell 'A' and Dungeness 'A'. Magnox does not intend to make any such applications until it is clear that a time extension is required and clear what that time extension should be. Magnox's preference is also to make such applications as and when the current COVID-19 pandemic has declined to the point that more direct stakeholder engagement is possible than can be undertaken at the present time".

The applicant has set out the reasons for the delay being encountered as *"Following developments in the NDA's national strategy for radioactive waste, in 2016 Magnox Ltd applied to Essex County Council for planning permission for the importation to Bradwell site of packaged ILW, until December 2023, from Sizewell A and Dungeness A sites.*

Planning permission was granted but a planning condition was imposed limiting the duration of imports to four years. Since imports commenced in March 2018, the effective end date for imports is March 2022 and not December 2023 (albeit this later date is controlled by condition 05 of the planning permissions), this then shortening the time available for the imports from that originally requested by Magnox.

It is clear now that Magnox is not able to complete the imports to Bradwell by March 2022: the rate of packaging of wastes at Dungeness A has been slower than originally anticipated and further delays are expected, and the packaging of ILW at Sizewell A has had to be deferred.

An increase in the duration of processing wastes at Dungeness A, and therefore an increase in the duration of transfers to Bradwell of these wastes, has been incurred as a result of:

- delays in retrievals of “sludge” wastes due to difficulties with retrievals equipment;*
- increased waste processing times for “wet” wastes as a result of the container “fill-dry”, “fill-dry” process taking longer than had been expected;*
- an increase in the number of packages to be filled, processed and despatched such that the predicted number of packages is now towards the upper end of the range originally discussed with Essex County Council ; and*
- operations at Dungeness A having ceased during the UK coronavirus crisis, with it presently being unclear when normal operations at Dungeness A will resume (significant delays are being incurred as a result of this alone).*

Looking forward, it may become necessary to re-locate facilities involved in the processing of wastes at Dungeness A, prior to that processing being completed, due to other site works. Relocation of waste processing facilities would likely introduce a further 12 month delay (as a minimum).

As regards Sizewell A, waste retrievals and processing work at Sizewell A have been deferred due to Magnox prioritising the allocation of its limited (i.e. finite) resources to other, on-going high hazard reduction and decommissioning projects within the company. Sizewell A has very low volumes of ILW and there are no safety implications of keeping the waste where it is for a number of years (though it cannot remain where it is indefinitely)”.

In respect of the applicant undertaking consultation/engagement with the local community in respect of the present applications, the applicant confirms that “Magnox has been discussing the inter-site transfer of packaged ILW to the Bradwell site with a number of organisations, including ECC, for several years. This has been through Local Community Liaison Committee (LCLC) meetings and through correspondence between Magnox and ECC.

The LCLC for Bradwell site provides a useful mechanism for the NDA, Magnox and the local community to communicate on forward plans for the site. In this instance and given the current situation in respect of the COVID-19 pandemic, it has not been possible to hold meetings with the LCLC (or anyone else) to present Magnox’s proposals. However, in the lead up to the submission of these Section 73 applications, local engagement has been undertaken Excluding engagement with stakeholders in relation to the original planning applications for importation of packaged ILW to Bradwell for interim storage, for these current applications, Magnox has informed the local community in writing that the present applications concerning the four year duration limit were to be made to Essex County Council in

July 2020, briefly explaining why the applications were required.

An email address was provided for comments or questions to be provided to Magnox .

More specifically, on 25th June 2020 a letter, signed by the Bradwell / Sizewell A Site Director, was sent (by email) to:

- ☐ *Maldon District Council (Chief Executive and Council Leader);*
- ☐ *All Bradwell site Local Community Liaison Committee (LCLC) members; and*
- ☐ *The clerks for all Parish Councils listed by Maldon District Council”.*

3. POLICIES

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise. Other material considerations include:

- i) The National Planning Policy Framework (NPPF) February 2019.
- ii) The National Planning Policy for Waste October 2014.
- iii) Nuclear Decommissioning Authority (NDA) Strategy (March 2016)
- iv) The Essex and Southend Waste Local Plan (adopted July 2017)
- vi) Approved Maldon District Local Development Plan 2014 -2029 (adopted July 2017).

The following policies of the Essex and Southend Waste Local Plan (adopted July 2017) and Approved Maldon District Local Development Plan 2014 -2029, (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Relevant policies within The Essex and Southend Waste Local Plan (adopted July 2017) are:

Policy 7 (Radioactive Waste Management at Bradwell-on-Sea)

Seeks to support facilities for the management of ILW where proposals are consistent with:

- “a. the proposals are consistent with the national strategy for managing ILW, LLW and VLLW as well as the decommissioning plans for the Bradwell-on-Sea power station;*
- b. the proposals are informed by the outcome of economic and environmental assessments that support and justify the management of radioactive waste at this location, and;*
- c. the proposals would not cause any unacceptable adverse impacts to the environment, human health or local amenity”.*

Policy 10 (Development Management Criteria)

Provides support for waste management development where such development

can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on, and where relevant to this application:

- i) Local amenity
- ii) Appearance quality and character of the landscape and visual environment.
- iii) The character and quality of the area, in which the development is situated, through poor design.

Relevant policies with the Approved Maldon District Local Development Plan 2014 -2029 are:

- (i) Policy S1 – Sustainable Development – “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- (ii) Policy T1 – Sustainable Transport – The supporting text states, “Recognised national policy requires consideration of the transport system to be balanced in favour of sustainable transport modes” The Policy proper seeks to support measures where amongst others; it secures provision for sustainable transport in new development.

National Policy Statements

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- Seek to secure high quality design and a good standard of amenity in

relation to existing occupants of land and buildings.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

National Planning Policy for Waste

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is “the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions through delivery of sustainable development and resource efficiency

The National Planning Policy for Waste published October 2014 sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also:

- *“undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management,.....;”*
- *drive waste management up the waste hierarchy recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;*
- *consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;*
- *take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;*
- *work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;*
- *consider the extent to which the capacity of existing operational facilities*

would satisfy any identified need”.

In identifying suitable sites, Waste Planning Authorities are required to assess the suitability of sites against “ each of the following criteria:

- the extent to which the site or area will support the other policies set out in this document;*
- physical and environmental constraints on development, including existing and proposed neighbouring land uses,*
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and*
- the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential”.*

For the determination of planning applications, the policy statement requires waste planning authorities to amongst other matters “

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”*

NDA Strategy

The status of the various strategies issued by the NDA clarified by the Planning Inspector reporting into the Somerset Waste Core Strategy Local Plan in January 2013. He stated that “in essence government is responsible for high level policy whilst the NDA is the implementing organisation required to draw up strategies for safe management of Higher Activity Radioactive Waste (HAW) and LLW. The NDA explained during the examination hearings that these strategies are approved by the Secretary of State for Energy and Climate Change. Some of them explicitly state that they should be used as guidance by local planning authorities when preparing and reviewing their planning strategies for waste management. In my view the NDA strategies represent national policy for the management of these wastes for the purposes of land use planning”.

The NDA Strategy approach is addressed further in the report.

4. CONSULTATIONS

Consultees were consulted on both applications and where their responses were referenced this has been identified.

MALDON DISTRICT COUNCIL— Comment: *“The submitted details have been considered in liaison with the councils Environmental Health Officer.*

I can advise that Maldon District Council does not wish to raise an objection to the proposal, however the Council would request that a community fund be sought from the applicant, if one is not already in place as part of the original 2016 permission. The Council is of the view that the local community should see some benefits from the receiving of waste from other Magnox sites around the country.

In considering this consultation the Council has noted that the application relates to the amendment of the end date for the importation of previously permissioned waste, which was effectively controlled by another condition, and therefore no further conditions or controls are considered necessary or relevant in relation to the movement of the waste. It is noted that the number and origin of packages permitted for transportation to Bradwell would not change”.

ENVIRONMENT AGENCY (EA) – Any comments received will be reported at the meeting.

SOUTH EAST-ESSEX FIRE & RESCUE SERVICE – No objections and offer advice on Access; Building Regulations; Water and Sprinkler Systems.

NATURAL ENGLAND (NE) – Comment: *“Based on the plans submitted, Natural England considers that the proposed developments continued importation of packaged Intermediate Level Waste (ILW) without compliance with condition 02 (Initial Cessation Date) will not have significant adverse impacts on designated sites and has no objection”.*

NE go on to refer to specific impacts on Sites of Special Scientific Interest and that there would be no objection.

NATIONAL RAIL – Any comments received will be reported at the meeting.

HIGHWAYS - STRATEGIC DEVELOPMENT- No objection.

PLACE SERVICES (ABOROCULTURE, ECOLOGY, LANDSCAPE, HISTORIC BUILDINGS, HISTORIC ENVIRONMENT, URBAN DESIGN) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Any comments received will be reported at the meeting.

ASHELDHAM PARISH COUNCIL – Comment: *“Members have no objections to the utilisation of Condition 5 in that the time is extended to 31st December 2023, as*

long routes 1 and 2 are utilised as specified in the Transport Management and Monitoring Scheme date 30th November 2016 and as they are not moving any more flasks than originally stipulated, it is just that more time is needed.

Members request that a community fund is considered for village”.

BRADWELL-ON-SEA PARISH COUNCIL- Any comments received will be reported at the meeting.

SOUTHMINSTER PARISH COUNCIL – Comments “ Support the proposals for both applications”.

STEEPLE PARISH COUNCIL – Comment *“Further to an extra-ordinary meeting of Steeple Parish Council on Tuesday 29th September 2020, the members have no objections to the above mentioned applications but would like to raise the following points:-*

- 1. If a further application for the cessation date of 31st December 2023 was applied for, it would not be sympathetically received.*
- 2. Travelling times are strictly adhered to and no movements are made through Steeple during the time that parents are taking/collecting children to and from school.*
- 3. To ensure that the speed limit is strictly adhered to when travelling through Steeple as there are 23 listed cottages on the main road through Steeple which is also narrow in parts, if using route 1 that are already vulnerable to the constant traffic flow.*
- 4. If route 2 is used concerns are raised that the hill on Batts Road is very steep and the road is very narrow.*
- 5. The question was asked why have the required amount of flasks not been transferred in the original time requested?”.*

LOCAL MEMBER – MALDON - Southminster - Any comments received will be reported

5. REPRESENTATIONS

Site and press (Maldon and Burnham Standard) and neighbour notifications were undertaken. As a result, five letters of representation have been received objecting to the application.

Observation

Moved to Bradwell recently and did not expect it to become a nuclear dumping ground; Sizewell and Dungeness waste should not be going to Bradwell. Floodgates could open for other sites to follow.

Comment

The background to the movement of nuclear waste under the National Strategy and the duration for the importation of ILW from the two named sites into Bradwell has already been examined through an earlier planning application and considered acceptable

by the Waste Planning Authority. Opening Bradwell to receive similar wastes from other sites would require separate planning approval in any event.

Concerned over traffic increase.

As noted above the movement of waste into Bradwell has already been separately addressed. Traffic movements associated with the importation programme is not proposed to change. Traffic issues are addressed further in the report.

No information in the public realm as to the levels of importation; whether this is monitored and how much waste is being dumped at Bradwell.

The importation of canisters into Bradwell were the subject of an application previously and the report at the time noted that up to 190 canisters had been assessed at the time for likely importation from the two named stations. A condition of permission for the importation application required regular submission of importation reports and these are regularly submitted and recorded with the applicant confirming in each report the forecast for future deliveries of canisters. These reports are publicly available.

Calling the scheme “interim” is disingenuous as the Geological Disposal Facility (GDF) is hundreds of years away. Bradwell still has additional radioactive waste left to be removed.

The “interim” nature and position of the GDF were issues discussed at the time of the previous 2016 committee report assessing the importation question. These are not matters relevant to this present application.

The handling of the remaining insitu Bradwell nuclear waste is part of the decommissioning programme set out in the National Policy Strategy III for nuclear waste handling across the Magnox estate. This programme is a separate issue to the applications now being considered for the ILW handling issues.

Roads used for the routeing are not in a good state and Essex Highways should have revisited their suitability.

The Highways Authority note that “there is no change to the original permission, it is only extending the amount of time needed to complete the work. Consequently, there are no highway safety or efficiency implications, as the original Transport Management &

Monitoring Scheme would still apply”.

Densely populated area of the country; quiet backwater; detrimental to fishing industry; earthquake fault zone; detrimental to environment and wildlife and potential harm to all forms of life.

The proposal is related to a time related aspect and the importation into an existing facility has already been considered acceptable in the past.

6. APPRAISAL

The principal issues in respect of this proposal are considered to be:

A. Timescale

B. Other issues/representations – Traffic; Funding

A. TIMESCALE

The timescales for the receipt of ILW from the two named power stations was detailed at the time in the 2016 Committee report; and for background and clarity purposes it was stated at that time *“the provision of the existing Bradwell ILW facility was based, at the time of application ESS/43/12/MAL, on the predicted number of containers considered to be generated at Bradwell from the decommissioning programme then being pursued. Post that determination the decommissioning programme has progressed with experience in the waste handling of the types of waste arising at the former power stations. Technological advances and the ability to handle and deal with the waste types have changed. The applicant has confirmed that waste categorisation and technology has reduced the predicted quantities of Bradwell waste requiring to be stored in its dedicated ILW facility. This has resulted in “more shelf space” being available.*

The national decommissioning process is being guided by an overarching strategy approach known in its latest iteration as Strategy III that became effective April 2016 following its presentation to Parliament and subsequent publication. Strategy III follows on from earlier United Kingdom Atomic Energy Authority (UKAEA) studies and is now “owned” by the successor body the NDA as the national nuclear decommissioning agency. The Strategy represents the latest Government, policy approach to the nuclear legacy and outlines the long term objectives for addressing this. Inspectors at local plan inquiry have acknowledged this policy status as with the Inspector at the Somerset Local Plan Inquiry 2012. The emerging nuclear policy within the Essex Replacement Local Plan submitted to the Inspectorate reflects conformity to this national strategy.

The NDA completed a consultation on the Optimisation approach to ILW guided by Strategy III and reflects the best value to the public purse/sustainable and what is the logical approach to handling the remaining ILW across the Magnox estate. This Optimisation Strategy entitled “Optimising the number and location of FED treatment facilities and ILW storage facilities on Magnox Limited sites -Final Preferred Option” was published March 2015. The document seeks to use and optimise the ILW facilities already in place and in this regard proposes for the Magnox sites in the East of England to work together, such that the Bradwell ILW facility could accommodate ILW arising from Sizewell “B” (Suffolk) and Dungeness

“A” (Kent). A similar arrangement would exist in the West of England with Berkeley, Oldbury and Hinkley working together.

The Bradwell ISF was designed to temporarily accommodate the onsite ILW until the national geological disposal facility (GDF) became available. This national facility is a separate proposal that is being progressed at a national level with a currently envisaged availability date of 2040 (and the applicant to this application stating that for Magnox the availability would be around 2060 as referenced in Strategy III)”.

Following planning approval, a condition was imposed that required as part of the approved Transport Monitoring Plan, regular updates on ILW transportation. Magnox submits regular updates on its movement programme. In its last monitoring submission, dated September 2020 it was stated *“that all operations at Magnox sites ceased at the end of March 2020 due to the prevailing coronavirus situation. As a result, no waste packages were imported to Bradwell and the figures remain unchanged from those previously reported which related to there having been::*

- (i) 87 packages so far delivered from Dungeness with 78 by rail and 9 by road due to works at Southminster railhead.*
- (ii) Some 83 packages still to be delivered (72 Dungeness and 22 from Sizewell). 50 of the 72 from Dungeness to be delivered by rail then road. The remaining packages from Dungeness (22) and all those from Sizewell would be road delivered.*
- (iii) Predicted that some 35 packages to be delivered over the next 6 months”.*

Further stating *“Magnox maintains a prediction of inventory package numbers and currently this has identified some 190 containers (in the December 2019 report for transport movements Magnox had looked at there being some 177 containers) to arise during the decommissioning process with the increase on the previously envisaged 170 arising from the Dungeness compliment from the current 90 containers to 97.*

“...it should be noted that predicted package numbers may increase or decrease, with uncertainty in the final number reducing as waste retrievals and packaging progress. There are opportunities to reduce package numbers and risks that they will increase.

Package numbers may increase because of a range of issues: for example, additional wastes could be categorised as ILW instead of LLW; the solids loadings in wet wastes could be found to be higher than assumed; wastes may require a different type of container with a lower internal capacity than the container originally assumed; or compaction of solid wastes may be not be successful. Conversely, package numbers may decrease if wastes initially assumed to require packaging as ILW are found to be disposable as LLW, or if the solids loadings of wet wastes are found to be lower than assumed, or if volumes had been over-estimated etc”

At the time of the 2016 applications the applicant had stated that importation would likely commence in 2018 and take place over a three year period on a campaign

basis. The application also confirming that allowing for programme slippage it was envisaged that importation to Bradwell would be completed by 2023.

As a consequence the committee report recommended conditions to cover those aspects with two Conditions; the subsequent Condition 2 requiring, when importation commenced for this to be completed within 4 years of notification (this 4 year period had been agreed with Magnox); whilst subsequent Condition 5 set the outside date of 31st December 2023 as the period by which all the importation would have to be completed by in any event.

The effect of the present applications are in themselves a “tidying up” of the extant permissions to maintain clarity and confirm the final importation deadline.

Whilst the acceptability of use of the Bradwell storage facility is not an issue being considered by these present applications the utilisation of the Bradwell ISF by the named sites is still considered to be in conformity with Strategy III and Policy 7.

B OTHER ISSUES/REPRESENTATIONS - TRAFFIC

The applications do not propose any increases in traffic generation, over the present situation, nor seek to extend beyond the overall 2023 deadline. The existing programme of predominantly rail delivered waste canisters into nearby Southminster and then the short road movement to Bradwell would continue. Movement of canisters has not, to date given rise to local concerns expressed through to the Waste Planning Authority.

Steeple Parish Council has commented upon the transport aspects earlier in this report. The approved transport management scheme already provides for avoiding school movement times and the approved routes remain as for the two transport options these being:

Rail/Road: The principal HGV transfer route from the Southminster railhead would be via the B1018, Steeple Road, Foxhall Road, Batt's Road, Bradwell Road, Steeple Road, Maldon Road, Trusses Road and the Bradwell Site Approach Road.

Road Only: The proposed route seeks to utilise the most appropriate classified highways available.

The principal route for HGV only transport would be from the principal road network at Maldon, via B1018 to Latchingdon, followed by the unclassified road C111 through the settlements of Mayland and Steeple, and then the B1021 to the Bradwell site.

The Highway Authority has not raised any objection to the proposals on highway suitability or safety grounds. Overall transport movements will be predominantly rail weighted and the transport aspects remain appropriate and considered in accordance with Policies 10; S1 and T1.

C OTHER ISSUES/REPRESENTATIONS – FUNDING

Maldon District Council whilst not objecting, raises a question concerning

contributions for a community fund if one had not previously been set up.

The applicant has responded on that query and stated *“Following due consideration by Essex County Council of the original proposals to import waste to Bradwell under the 2016 application process, such a community fund was not considered by Essex County Council to be required to make the proposals acceptable in planning terms and, therefore, such a fund was not secured as part of the original planning permissions. Nevertheless, as highlighted during the consideration of the 2016 applications, Magnox as a whole runs a socio-economic scheme through which local communities can write-in and bid or request future to support local projects or initiatives, and this remains the case.*

In any case, under the current applications, the number of packages will not be increased beyond the originally consented amount. As such, there will be no additional impact upon local residents that would warrant the consideration of compensation”.

It should be noted that Maldon District Council did not seek any funding element at the time of the consideration into the 2016 applications seeking the importation request. Funding considerations were raised during the (recorded) verbal presentation of the then committee reports into the 2016 applications by the planning officer at the time. The committee were appraised that in response to third party representations concerning tourism aspects being impacted by the then application that Magnox hosted a socio economic fund for the area. Whilst such monies were ultimately arising from the public purse, the local community could bid for funding arrangements through this funding. Any “community benefits” as such arising from the proposals before the committee would best be channelled through that scheme.

It is considered that this socio economic fund would still remain a relevant source of funding to the local community. It is not considered appropriate to be seeking specific funding for the remaining importation elements.

7. CONCLUSION

The report has found that the receipt of ILW into Bradwell has already previously been approved and the proposals acknowledged as being in line with national policy initiatives. The control over the importation of the ILW canisters into the Bradwell storage facility is exercised through various conditions attached to the extant permissions.

The effect of these present applications would be in effect “a tidying up” of the conditions whilst leaving in place the overall cessation date of December 2023 for the receipt of the ILW canisters into Bradwell.

The proposals would seek the continued delivery method and programme already in place for receipt of the ILW canisters.

The report takes the opportunity of updating the other extant conditions and the overall proposals are considered to accord with the development plan.

8. RECOMMENDED

That for:

- (A) **ESS/86/20/MAL** planning permission be granted subject to the following conditions:

Commencement and Duration

1. The development hereby permitted shall be deemed as commenced from the 22nd March 2018.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Details

- 2.. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/14/16/MAL comprising:

- (a) Letter from Bilfinger GVA dated 30th March 2016;
- (b) Planning application form from Magnox Limited dated 30/03/16;
- (c) Planning Statement entitled "Planning Applications for Import of Packaged ILW for Interim Storage" dated March 2016;
- (d) Drwg No: BR/AO/2053 entitled "Application Site Boundary for ILW Store" dated 13/06/11.

As amended by the:

- (e) Transport document entitled "Transport of Dungeness "A" and Sizewell "A" ILW packages to Bradwell; Mode of transport selection and justification" Dated 11th July 2016; and
- (f) Statement of Community Involvement dated June 2016.

As amended by the following details reserved by those conditions of Planning permission ref no: ESS/14/16/MAL addressing:

- a) For Condition 6 (Transport Plan) – The Transport plan shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 6 of planning permission reference ESS/14/16/MAL comprising:
 - i) The letter from GVA Bilfinger dated 30th November 2016;
 - ii) Application form from Magnox Limited dated 30/11/16 and
 - iii) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.
- b) For Condition 7 (Transport Monitoring Plan) - The Transport Monitoring programme shall be carried out in accordance with the

details of the scheme approved on 11th January 2017 under Condition 7 of planning permission reference ESS/14/16/MAL comprising:

- (i) The letter from GVA Bilfinger 30th November 2016;
- (ii) Application form from Magnox Limited dated 30/11/16 and
- (iii) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

As amended by planning application ESS/86/20/MAL comprising:

- (g) Planning application form from Magnox Ltd dated 10/07/20
- (h) Supporting letter from Avison Young dated 10/07/20.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Availability of Plans

3. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the to the Essex and Southend Waste Local Plan Policies 7 and 10 and National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Importation Limits

4. No more than a combined total of 170 ductile cast iron containers containing waste arisings from Sizewell 'A' and Dungeness 'A' power stations shall be imported to the Bradwell site for storage in the Interim Storage Facility. All such importation shall cease by 31st December 2023.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Waste Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

Transport Plan

5. The Transport Plan shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 6 of planning

permission reference ESS/14/16/MAL comprising:

- a) The letter from GVA Bilfinger dated 30th November 2016;
- b) Application form from Magnox Limited dated 30/11/16 and
- c) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Waste Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Transport Monitoring Programme

6. The Transport Monitoring programme shall be carried out in accordance with the details of the scheme approved on 11th January 2017 under Condition 7 of planning permission reference ESS/14/16/MAL comprising:

- (a) The letter from GVA Bilfinger 30th November 2016;
- (b) Application form from Magnox Limited dated 30/11/16 and
- (c) Report from Magnox entitled "Transport Management and Monitoring Scheme" dated 9th January 2017.

Reason: In the interests of clarity and on the basis of which the modes and percentage split of what transport would be undertaken formed an important aspect on the acceptability of the scheme and to ensure appropriate control is maintained by the Waste Planning Authority and reassessment of the application made should the percentage of rail mode transport fall below 80% overall having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

- (B) That for **ESS/87/20/MAL** planning permission be granted subject to the following conditions:

COMMENCEMENT AND DURATION

1. The development hereby permitted shall be deemed as commenced from the 22nd March 2018.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Details

2. (A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/45/11/MAL dated 18th August 2011 comprising:

- (a) Covering letter dated 22 August 2011,

- (b) Design and Access Statement dated August 2011,
- (c) Planning Statement received 25 August 2011,
- (d) Document entitled 'Protected species and designated area information' received 25/08/11,
- (e) Document entitled 'Note 1 - Land Quality' received 25/08/11,
- (f) Amec Native Reptile Presence/Absence Survey dated October 2009,
- (g) Amec Biodiversity Action Plan dated April 2009
- (h) Document entitled 'Arrangements for management of Land Quality' dated 01/06/11;
- (i) Emails from Chloe Gamble dated 05/10/11, 28/10/11, 01/11/11 11:46, 01/11/11 12:29, 02/11/11, 04/11/11 and 09/11/11.

Together with accompanying drawing numbers:

- (i) BR/A0/2053 Rev P2 dated 15/06/11,
- (ii) 214955-A-103 Rev S1 dated 05/05/11, (III) 214955-A-102 Rev S1 dated 05/05/11,
- (iii) 214955-A-106 Rev S2 dated 17/08/11,
- (iv) 2267/038 dated 26/04/11,
- (vi) 2267/02B dated 26/04/11 and (VII) 2267/04B dated 26/04/11.

(B) In respect of dust suppression those details as set out in:

- (a) application form dated 6 December 2011,
- (b) covering letter dated 6 December 2011,
- (c) supporting statement entitled "Discharge of Condition 6- ESS/45/11/MAL- Dust Minimisation Plan" dated 5 December 2011 and
- (d) email from Chloe Gamble dated 19 January 2012

(C) As amended by the application ESS/43/12/MAL dated 16 May 2012 and validated on 28 June 2012 together with the letter dated 25 June 2012 (ref: ECC00053) 'ESS/45/11/MAL- Variation of Condition 4'.

(D) As amended by application ESS/15/16/MAL comprising

- (a) Letter from Bilfinger GVA dated 30th March 2016;
- (b) Planning application form from Magnox Limited dated 30/03/16;
- (c) Planning Statement entitled "Planning Applications for Import of Packaged ILW for Interim Storage" dated March 2016;
- (d) Drwg No: BR/AO/2053 entitled "Application Site Boundary for ILW Store" dated 13/06/11.

As amended by the:

- (e) Transport document entitled "Transport of Dungeness "A" and Sizewell "A" ILW packages to Bradwell; Mode of transport selection and justification" Dated 11th July 2016; and
- (f) Statement of Community Involvement dated June 2016.

(E) As amended by application ESS/87/20/MAL comprising

- (a) Planning application form from Magnox Ltd dated 10/07/20
- (b) Supporting letter from Avison Young dated 10/07/20.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Availability of Plans

- 3. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to the Essex and Southend Waste Local Plan Policy 10 and National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Waste Acceptance

- 4. (a) Other than as set out in Condition 4(b) below no waste other than those waste materials defined in the application details submitted under planning application ref no: ESS/45/11/MAL and arising from within the Bradwell site boundary as indicated in blue on drawing reference BR/A0/2053 Rev P2 dated 15/06/11 shall enter the building hereby permitted.

(b) No more than a combined total of 170 ductile cast iron containers containing waste arisings from Sizewell 'A' and Dungeness 'A' power stations shall be imported to the Bradwell site for storage in the Interim Storage Facility. All such importation shall cease by 31st December 2023.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the environment and having regard to the Essex and Southend Waste Local Plan Policies 7 and 10 and the Maldon District Local Development Plan (2014 -2029) Policies S1 and T1.

Environmental Protection Silencers

- 5. All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to the Essex and Southend Waste Local Plan Policy 10 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of noise emissions.

Dust Suppression

6. The scheme to minimise dust emissions set out in application form dated 6 December 2011, covering letter dated 6 December 2011, supporting statement entitled "Discharge of Condition 6- ESS/45/11/MAL-Dust Minimisation Plan" dated 5 December 2011 and email from Chloe Gamble dated 19 January 2012 approved by letter from ECC dated 25 January 2012 shall be implemented in accordance with the approved scheme. The dust suppression measures shall be retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To protect the amenity of neighbouring occupiers during the life of the site activities approved under this permission having regard to the Essex and Southend Waste Local Plan Policy 10 and the National Planning Policy Framework and its accompanying Technical Guidance for ensuring that suitable control is in place in respect of dust emissions.

Storage

- 7 Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All: fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage.

Reason: To prevent contamination of the soil resource and pollution of the land drainage/groundwater regime having regard to the Essex and Southend Waste Local Plan Policy 10.

Use of the Intermediate Waste Storage Facility

8. The use of the Interim Waste Storage Facility for the storage of Intermediate Level Waste shall cease and all Intermediate Level Waste containers shall be removed out of the Bradwell facility within 3 years of the national Geological Disposal Facility, or alternative repository, being commissioned and available for receipt of the Bradwell stored Intermediate Level Waste.

Reason: In the interest of clarity and to ensure development is carried out in accordance with the approved application details and to which the original application ESS/43/12/MAL sought to accommodate Intermediate Level Waste until a suitable national repository became available to accommodate the Bradwell Interim Level Waste and was the basis upon which the application was subsequently approved and was not intended to become a permanent repository of the Intermediate Level Waste having

regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

Removal of Intermediate Level Waste

9. No Intermediate Level Waste shall leave the Bradwell Intermediate Storage Facility until a scheme to address the removal from the former Bradwell Power Station site to the national Geological Disposal Facility, or alternative repository, has been submitted to the Waste Planning Authority. The removal of Intermediate Level Waste shall be in accordance with the approved scheme.

Reason: In the interest of clarity and to ensure development is carried out in accordance with the approved application details and for ensuring that Intermediate Level Waste is ultimately removed from the facility and to which the original application ESS/43/12/MAL sought to accommodate Intermediate Level Waste until a suitable national repository became available to accommodate the Bradwell intermediate Level Waste and was the basis upon which the application was subsequently approved and was not intended to become a permanent repository of the Intermediate Level Waste having regard to the Essex and Southend Waste Local Plan Policies 7 and 10.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would be located adjacent to several European sites (Essex Estuaries Special Area of Conservation, Blackwater Estuary SPA, Dengie SPA, Colne Estuary SPA, Crouch and Roach Estuaries SPA, Foulness SPA, Blackwater Estuary Ramsar Site, Dengie Ramsar site, Colne Estuary Ramsar Site, Crouch and Roach Ramsar Site, Foulness Ramsar Site, Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone, Blackwater Estuary Site of Special Scientific Interest (SSSI), Dengie SSSI, Colne Estuary SSSI, Crouch and Roach Estuaries SSSI and Foulness SSSI) and would not be directly connected with or necessary for the management of that site for nature conservation.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

LOCAL MEMBER NOTIFICATION

MALDON - Southminster