

Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 23 October 2020

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr J Jowers
Cllr D Blackwell	Cllr M Mackrory
Cllr M Garnett	Cllr J Moran
Cllr D Harris	Cllr M Steptoe
Cllr J Henry	

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr J Reeves, substituted by Cllr J Henry.

There were no declarations of interest.

2. Minutes

The minutes of the meeting held on 25 September 2020 were agreed as a correct record.

3. Identification of Items Involving Public Speaking

There were none.

4. Land at Bradwell Power Station, Bradwell on Sea

The Committee considered report DR/31/20 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Timescale
- Other issues/representations – Traffic; Funding

Following comments and concerns raised by Members, it was noted:

- That climate change and rising sea levels potentially affecting the site, had not been raised as issues at this stage and were not part of the remit of this application. The Environment Agency had not raised these as imminent issues. The site was considered fit for purpose and robust. Sea bunding had been put in place as part of the original scheme. If issues were raised in the future, applications would need to come forward with schemes to address the issues.
- That the application was to remove Condition 2 from both existing planning permissions which required the importation of Intermediate Level Waste (ILW) to be completed within 4 years of the importation having commenced. The

removal of these conditions would allow importation of ILW to continue until the 31 December 2023 which is the later importation date already controlled by Condition 5 in both existing planning permissions which would remain in place. The ILW time store period has already been set with planning approval.

- The storage facility at the Bradwell site is for temporary long-term storage of ILW and is built for purpose. Nationally there is a consultation process on-going for the Geological Disposal Facility (GDF) but the location needs to be carefully considered and this is unlikely to start prior to 2040 at the earliest.
- The existing planning permissions were only for the importation of packaged intermediate level waste from Magnox sites Sizewell “A” and Dungeness “A” to the Bradwell site and the interim storage within the existing interim storage facility. It did not take account of any potential future development at the Bradwell site which would be considered in separate applications at that stage.
- The Nuclear industry have to take more safety and stringent measures with decommissioning which is time-consuming with the classification of various wastes. Nationally this process is causing delays, but health and safety is paramount due to implications if the waste is not classified correctly.

There being no further points raised, the resolution was proposed and seconded. Following a vote of ten in favour and one abstention, it was

Resolved

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:

- (i) Planning application form from Magnox Ltd dated 10/07/20
- (ii) 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 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 spilt 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.

5. Pitsea Landfill, Basildon

The Committee considered report DR/32/20 by the Chief Planning Officer.

Members noted that permission had been resolved to be granted to extend the life of the landfill site in September 2015, subject to conditions and legal agreements. The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site. Neither of these legal agreements had been completed.

The Committee resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to submit revised proposals with respect to the pedestrian bridge and long-term management of site. The Committee reviewed the position in July 2020 at which time it had been anticipated that the outstanding issues would be resolved within 3 months i.e. October 2020, unfortunately that had not been the case.

The Committee noted the current position and that a recommendation on the application had been delayed pending the outcome of further issues. The report sought to allow a further six months to allow resolution of the outstanding issues with respect to the submitted revised proposals.

Following comments by Members, it was noted:

- The importation of non-hazardous household waste had ceased since December 2018. There was a capacity of approximately 50,000 cubic metres remaining to allow Veolia to dispose of the small amount of waste generated through decommissioning the site. There was a possibility that a small amount may need to be imported to finish the site if there was not enough waste generated from the decommissioning to restore the site.
- The site continues to import inert materials but is currently very quiet due to the COVID-19 situation and lack of construction. This has not delayed the restoration work for this year but there is concern that if the construction industry does not generate more inert waste for disposal there would not be enough material for further restoration next year.
- The original intention was for a separate pedestrian bridge to be provided across the railway line. This was offered by Veolia at the time but was not a requirement from Highways. There were difficulties with authorisations from Network Rail and the cost escalated. Due to the lower number of HGV movements the alternative offered by Veolia was to fund improvement works on the current bridge to improve pedestrian and cycle access. A scheme of improvements was being worked on in conjunction with Essex Highways. In addition, work was already on-going with the legal agreement in preparation for an imminent resolution.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of eleven in favour, it was

Resolved

That it is not expedient to take enforcement action at this time and that a further 6 months be given to allow resolution of the outstanding issues with respect to the submitted revised proposals. If within 6 months a report has not been brought before the Committee with a recommendation on the application, then the expediency of enforcement action will be reviewed again at that time.

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/33/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

Further to queries raised on the 37 active enforcement cases, it was AGREED that clarification on the status of open enforcement cases would be circulated to the Committee outside of the meeting.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 27 November 2020, to be held as an online meeting.

There being no further business, the meeting closed at 11.21am