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Item 8

COUNTY COUNCIL PLANNING DECISION

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of a recent decision by Cumbria County Council for the creation of a waste management centre for the disposal of low and very low level radioactive waste at the former opencast site at Keekle Head near Pica.

Recommendation: That the decision be noted.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 The Council was consulted by the County Council on a planning application for the creation of a waste management centre for the disposal of low and very low level radioactive waste at the former opencast site at Keekle Head near Pica in 2010. Following referral to the Councils Nuclear Working Group Members of the Planning Panel resolved to support the Officers recommendation to object to the proposal at their meeting on 08 December 2010. The following response was sent to the County Council in response to their consultation on this planning application:-

> "The Council has consistently adopted a non dispersal position with regards to radioactive waste. Without details of the volume of waste involved and a full assessment of the capacity of existing sites which may be suitable for VLLW and the need for future capacity there is not considered to be an overriding justification and need for a waste management facility on this site. To approve this proposal without a full spatial assessment and consultation and the absence of necessary data would be inappropriate at this stage.
>
> The Council do not consider that there is an overriding justification and need for a waste management facility on this site. The community and other benefits put forward are limited and are considered to be insufficient to outweigh the effects of this proposal. As a consequence this proposal is considered to be contrary to Policy ST4 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, Policies 1 and 2 of the adopted Cumbria Minerals and Waste Development Framework Core Strategy and Policies DEV 8 and NUC1 of the adopted Copeland Local Plan 2001-2016."

1.2 Following a lengthy consultation and assessment period the County Council resolved to refuse planning permission for this development on 09 May 2012. They have listed five reasons for refusal which also reflect the Councils original concerns to the proposal.

1.3 A copy of the decision notice is attached for information purposes.

Contact Officer: **Nick Hayhurst – Senior Planning Officer**

Background Papers: **Planning application file ref 4/10/9001**

TCP.1 REFERENCE No. **4/10/9001**

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

NOTICE OF REFUSAL OF PLANNING CONSENT

To: Endecom UK Ltd
North Tyneside Transfer Station
Wallsend Road
North Shields

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **refuse** to permit the development described in your application and on the plans and drawings attached thereto received on 13 January 2010.

viz: Development of a waste management facility for the disposal of low and very low level radioactive waste including site restoration and ancillary development

Keekle Head Former Opencast Coal Site, Pica, Whitehaven

The reasons for the Council's decision to refuse permission for the development are:

1. There is no need for this facility until around 2030, and no need that would outweigh its adverse impacts. The proposal is not in accordance with the decision making principles of national policy in Planning Policy Statement 10 (Paragraphs 4, 7 and 11) as it is not based on a robust analysis of available data and information, and an appraisal of options, or the latest advice on forecasts of Low Level Waste arisings; the proportion of Low Level Waste that can be driven up the waste hierarchy, and the extent to which existing waste management capacity would be able to meet any identified need. The proposal does not accord with national policy and cannot be justified unless and until a need has been proven.

2. The proposal is not in accordance with Planning Policy Statement 10 (Paragraph 20), North West Regional Spatial Strategy Policy EM13 and 'saved' Cumbria and Lake District Joint Structure Plan Policy ST4, as alternative sites, including those on or adjacent to existing nuclear sites where the waste arises or where waste is currently managed, which could give rise to less harm, have not been fully explored, considered or assessed.

3. The proposal is contrary to National Planning Policy Framework (Paragraph 34), North West Regional Spatial Strategy Policy EM 12 and Cumbria Minerals and Waste Development Framework Core Strategy Policy 1 and Development Control Policy 1 with regard to sustainable location and communities taking responsibility for their own waste, as its location would give rise to unnecessary waste road miles, and would not be accessible by rail or the sea.

4. The proposal is contrary to Cumbria Minerals and Waste Development Framework Core Strategy Policy 4 and Development Control Policy 10 as it would have an unacceptable impact upon a UK Priority Habitat and a County Wildlife Site. No adequate mitigation or compensation measures have been proposed; there is no overriding need for the development until around 2030 and more acceptable alternative sites on or adjacent to existing nuclear sites could result in less harm.

5. The proposal is contrary to North West Regional Spatial Strategy Policies DP 7 and EM 1 and Cumbria Minerals and Waste Development Framework Core Strategy Policy 4 and Development Control Policies 12 and 16. It would not respect, protect, maintain or enhance the local landscape character; maintain or enhance the tranquillity of the area, or be compatible with the landscape in terms of its scale, siting and design. The proposal would impose artificial, engineered and industrialised structures and features which would be and remain incongruous, discordant, incompatible and out of scale with the character of the local rural landscape. The proposal would have unacceptable visual impacts upon residential receptors on the periphery of the site and from High Park Open Access Land, as compared with the baseline restoration scheme, and restoration of the site would not be completed within a reasonable timescale.

The policies identified in the reasons for refusal are set out in the following summary.

Dated the 09 May 2012

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Signed: Paul Feehily
The Assistant Director, Planning & Sustainability, Environment Directorate
on behalf of the Council.

NOTE

- The applicant's attention is directed to the attached Notes.