

Agenda Item	<b>6.6</b>
Report No	<b>PLN/043/21</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 8 June 2021

**Report Title:** 21/01087/S42: DSRL  
DSRL, Dounreay Nuclear Research Establishment, Dounreay, Thurso

**Report By:** Acting Head of Development Management

### Purpose/Executive Summary

**Description:** Section 42 application to release Condition 21 of planning application 06/00373/FULCA for the import of material

**Ward:** 2 – Thurso and North West Caithness

**Development category:** Local

**Reason referred to Committee:** Section 42 application relating to major development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

## **1. PROPOSED DEVELOPMENT**

- 1.1 The application seeks consent under Section 42 to delete condition 21 attached to planning permission 06/00373/FULCA which granted consent for the following:

*Construction of low level waste facilities, comprising of up to 6 shallow sub surface vaults, grouting plant and administration building with associated infrastructure.*

Condition 21 specifies:

*No infill material, other than topsoils and subsoils as exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended), shall be brought onto the site without benefit of the requisite planning permission and Waste Management Licence and only in accordance with a scheme of restoration and in locations approved in writing by the Council.*

- 1.2 When consent was granted in 2009 it was envisaged that there would no requirement for material to be brought onto site as at that time there was a sufficient supply available on site. Since then, the material on-site has been used for an alternative project reducing the amount of on-site won material available to infill the sub surface vaults therefore there is now for a material to be brought onto site. In addition, more material is required to facilitate the capping than was originally anticipated.
- 1.3 Informal discussions took place with the applicant prior to the submission of the application to advise that a Section 42 application could be made and the level of detail required in support of the request.
- 1.4 The application is supported by a Supporting Statement and a statement covering environmental considerations.
- 1.5 There have been no variations to the proposal since it was submitted.

## **2. SITE DESCRIPTION**

- 2.1 The site of the low level waste facilities lies within the eastern confines of the site operations at Dounreay which is now embarking on a significant project to decommission the nuclear facility. The formation of the low level waste facilities has been underway since 2009.

## **3. PLANNING HISTORY**

- There are a number of historic permissions covering the Dounreay site most recently related to its decommissioning. Of most relevance to this application is
- 3.1 06/00373/FULCA: Construction of low level waste facilities, comprising of up to 6 shallow sub surface vaults, grouting plant and administration building with associated infrastructure – Permission Granted on 27<sup>th</sup> April 2009

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown Neighbour  
Date Advertised: 19<sup>th</sup> March 2021

Representation deadline: 2<sup>nd</sup> April 2021

Timeous representations: 0

Late representations: 0

## **5. CONSULTATIONS**

- 5.1 SEPA: No objections. We continue to work directly with the developer on this project and have no objections to this application. If you consider it reasonable to do so it may be beneficial to include the requirement for a materials mass balance to be provided as a condition as this would ensure that all parties have a clear understand of materials already on site, being used as part of the project and being taken onto the site.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

Policy 24 (Dounreay) sets out that the Council will support proposals which meet the requirements of the updated Planning Framework for Dounreay and its main principles of:

- the timely, safe and environmentally acceptable decommissioning restoration and after-use of the site;
- phasing through to the interim end point, setting out the developments required for decommissioning and restoration towards achieving the site end state, including new build, adaptation, demolition and remediation;
- sufficient flexibility to respond to changing constraints whilst not placing undue restrictions on the site operator;
- indication of potential new interim uses and end uses for parts of the site;
- developer requirements.

### **6.2 Caithness and Sutherland Local Development Plan 2018**

Dounreay is identified as an Economic Development Area

### **6.5 Highland Council Supplementary Planning Policy Guidance**

Dounreay Planning Framework 2015

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (as amended December 2020)

## **8. PLANNING APPRAISAL**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
  - b) any other material considerations

### **Development plan/other planning policy**

- 8.4 The application is concerned with the removal of a condition attached to the planning permission pertaining to construction of low level waste facilities at Dounreay to allow for the importation of material for 'capping' purposes. In considering a Section 42 application the Planning Authority's assessment is concerned solely with whether deletion of the condition is appropriate and whether any additional conditions may be required.
- 8.5 In policy terms, neither Policy 24 (Dounreay) or the associated 2015 Dounreay Planning Framework prohibit the importation of material into the facility nor does the Section 42 request adversely impact on any of the objectives of the Framework as listed in Section 6.1.
- 8.6 The Supporting Statement submitted with the application notes that 8,400 tonnes of material are required in total through the eight stage process of capping the low level waste. The specific requirements of this process can be addressed through use of crushed rock (limestone, granite or local Caithness flagstone) and/or crushed concrete. The use of imported material will have no impact, visually, on the project as a whole.
- 8.7 Due to space constraints within the site, the material will be delivered as required for its use rather than stockpiled. It is estimated that that deliveries will be required over a 34-week period with around 140 loads required for the first and most significant phase (2-3 weeks) with a further 150 loads over a more prolonged period of 22 weeks. Given the existing access arrangements at Dounreay, directly from the A836, there is no significant adverse impact on the public road network anticipated as a result of these loads.
- 8.8 The applicant has not yet confirmed which local quarry the above material will be sourced from therefore full details will be sought by condition and can be provided after the tendering process.

## **9. CONCLUSION**

- 9.1 The application is a relatively straightforward request to allow for the importation of material into Dounreay to assist in the completion of the capping of low level waste facilities as part of the overall decommissioning project.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations. Therefore, it is considered Condition 21 of permission 06/00373/FULCA can be removed subject to an alternative condition to limit the amount of material which can be brought into the site in line with the details provided. For the avoidance of doubt, it is not necessary to restate the conditions attached to the 2009 consent as these have been discharged and/or are no longer applicable.

## **10. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## **11. RECOMMENDATION**

**Action required before decision issued** N

**Subject to the above actions**, it is recommended to

**GRANT** the application subject to the following conditions and reasons

1. Prior to any material being imported into the site, details of its source (quarry) shall be provided to the Planning Authority including a routing plan for vehicles. The development shall thereafter progress in accordance with the approved details.  
**Reason:** To confirm the selected quarry as no such details have been provided and in the interest of traffic management.
2. The development shall progress in accordance with the details docquetted hereto with the volumes of imported material limited to the details specified in approved document 'Review of Stockpile Materials for Backfill' unless otherwise approved in writing by the Planning Authority.

**Reason:** For the avoidance of doubt and to ensure the development does not exceed the quantities applied for.

3. Except where amended by the details approved as part of this application, the development shall continue to progress in accordance with the plans and conditions attached to permission ref: 06/00373/FULCA.

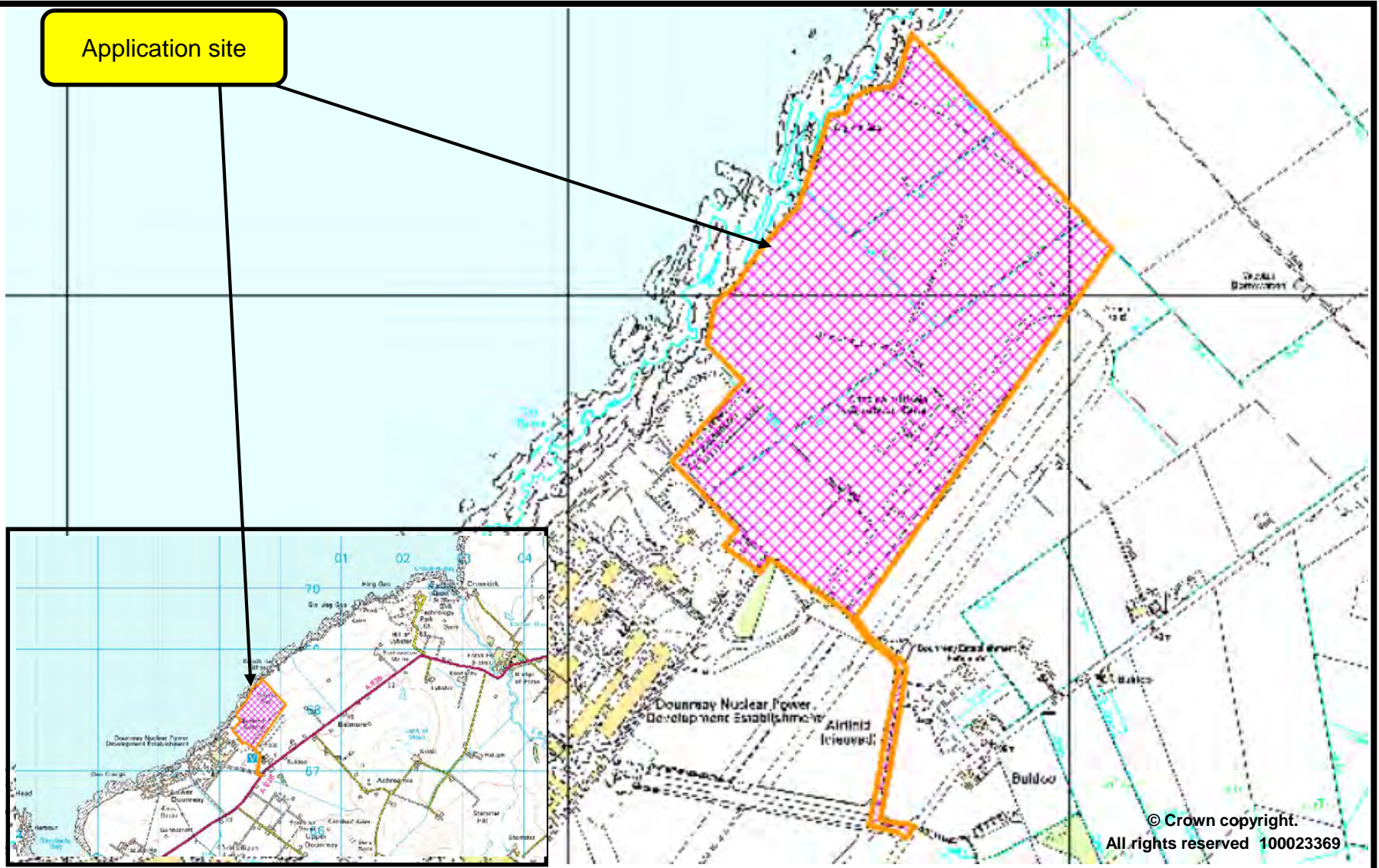
**Reason:** To clarify the terms of the permission hereby approved.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Designation: Acting Head of Development  
Author: Gillian Pearson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Site Location Plan  
Plan 3 - Site Location Plan  
Plan 4 - 1Z313685 REV P1 General Plan  
Plan 5 - 1Z313684 REV P1 General Plan

Application site



The Highland Council  
Comhairle na Gàidhealtachd

Planning and Development Service

21/01087/S42

Section 42 application to release Condition 21 of planning application 06/00373/FULCA for the import of material

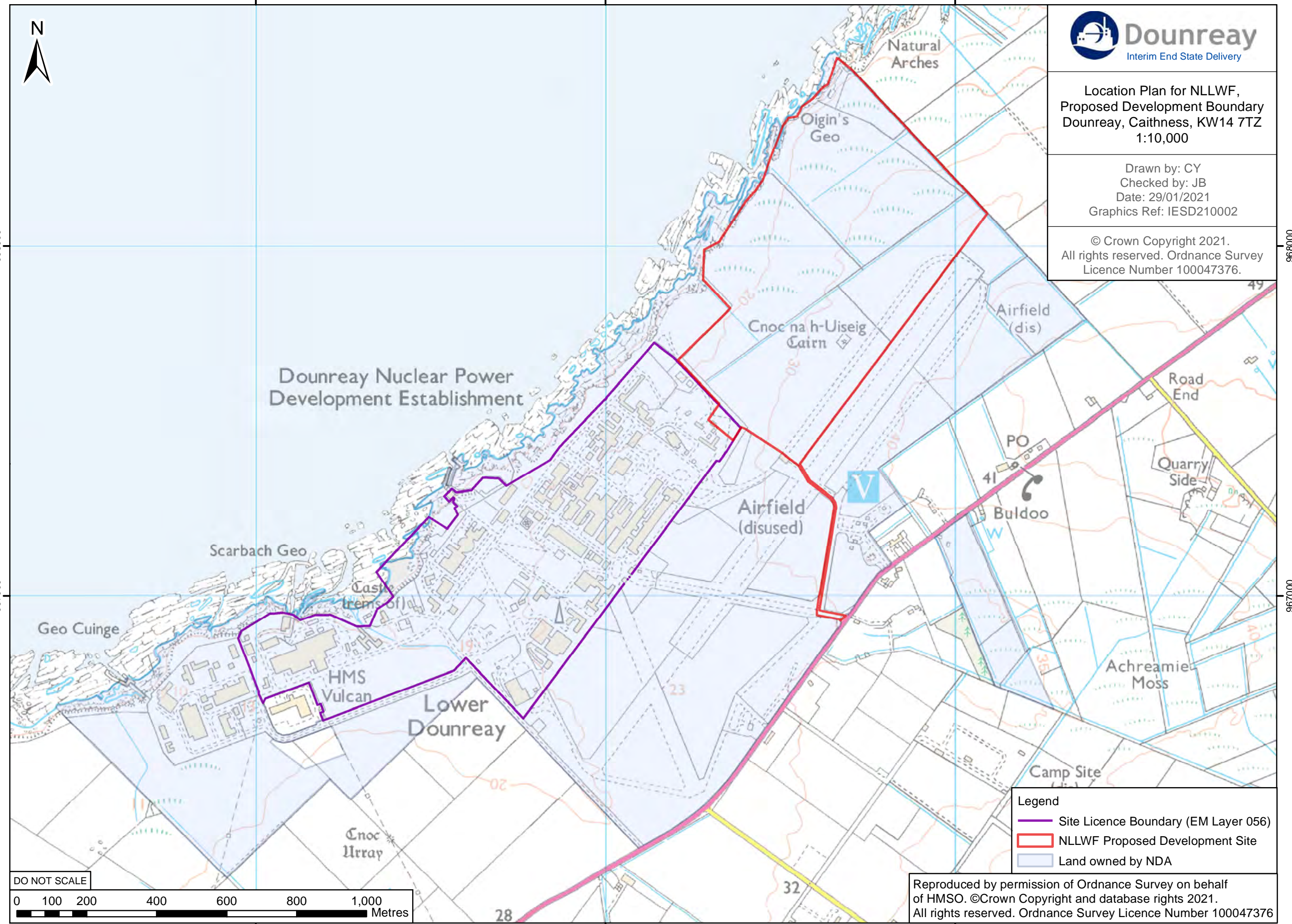
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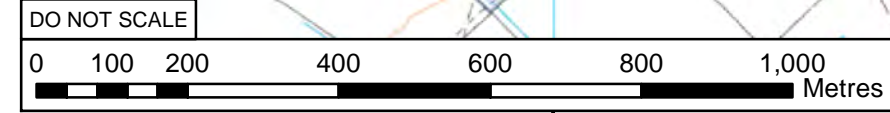
Location Plan for NLLWF,  
Proposed Development Boundary  
Dounreay, Caithness, KW14 7TZ  
1:10,000

Drawn by: CY  
Checked by: JB  
Date: 29/01/2021  
Graphics Ref: IESD210002

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- Legend
- Site Licence Boundary (EM Layer 056)
  - NLLWF Proposed Development Site
  - Land owned by NDA



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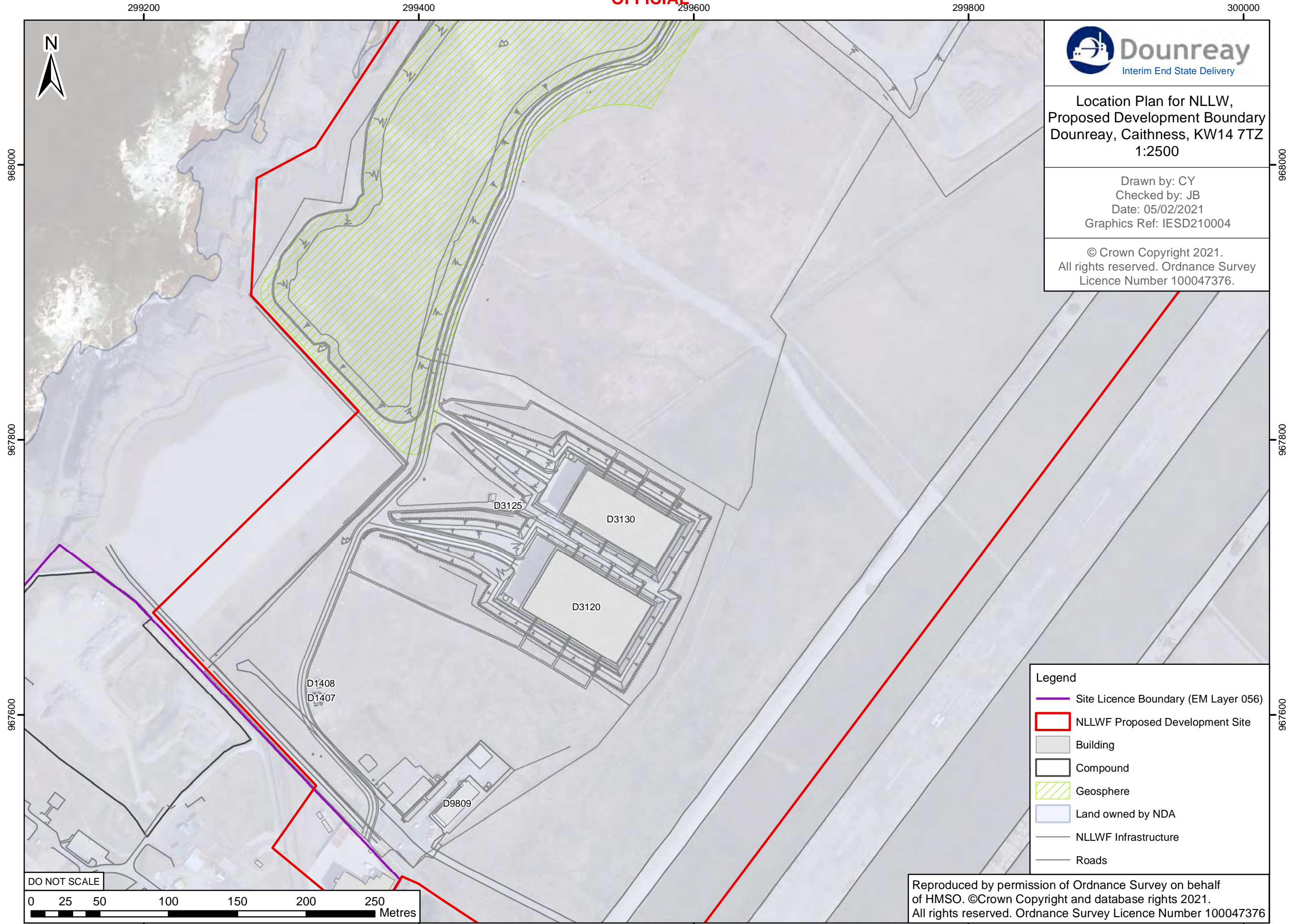
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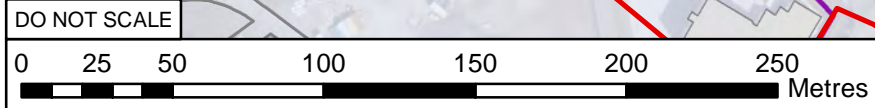
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Proposed Development Boundary  
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1:2500

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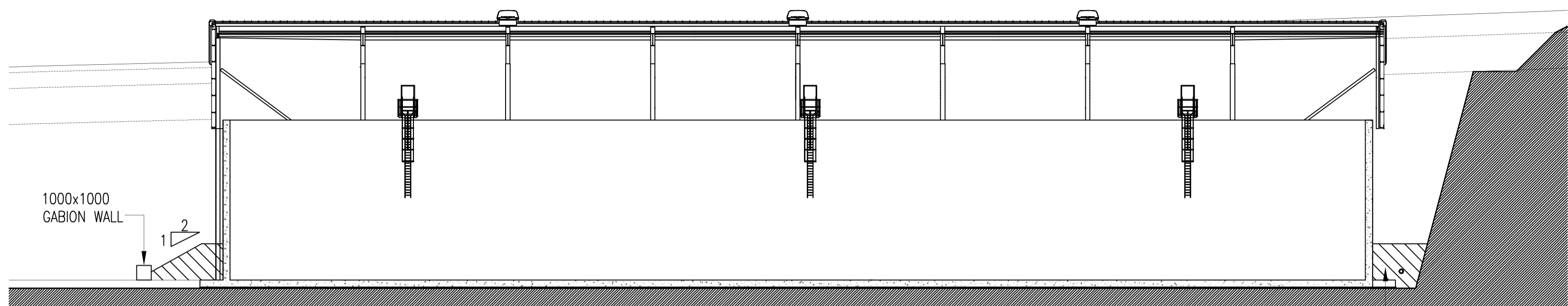
- Legend**
- Site Licence Boundary (EM Layer 056)
  - NLLWF Proposed Development Site
  - Building
  - Compound
  - Geosphere
  - Land owned by NDA
  - NLLWF Infrastructure
  - Roads



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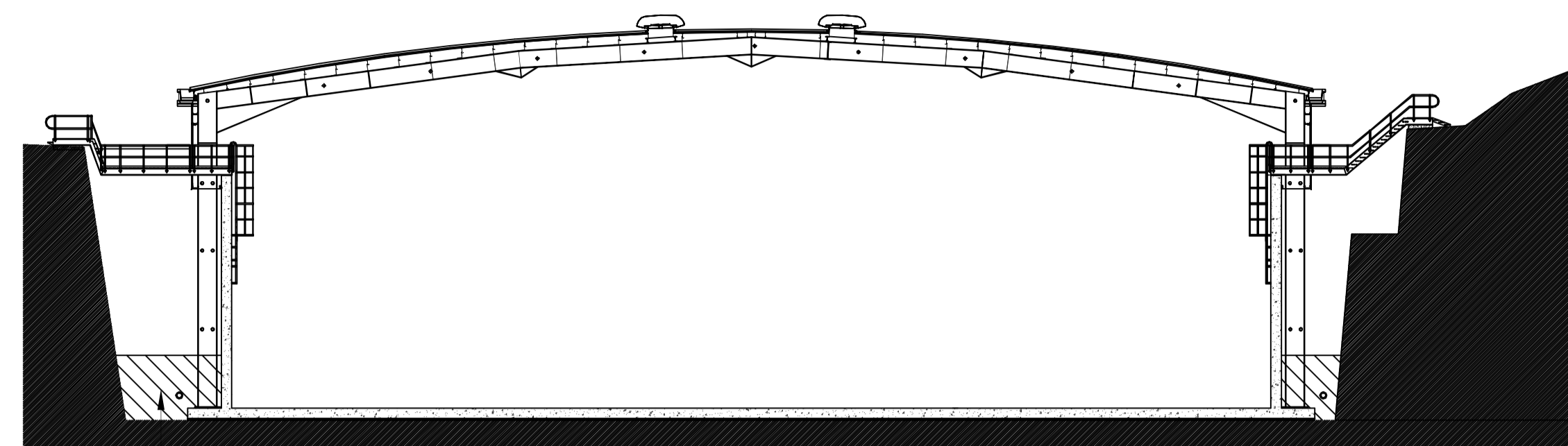
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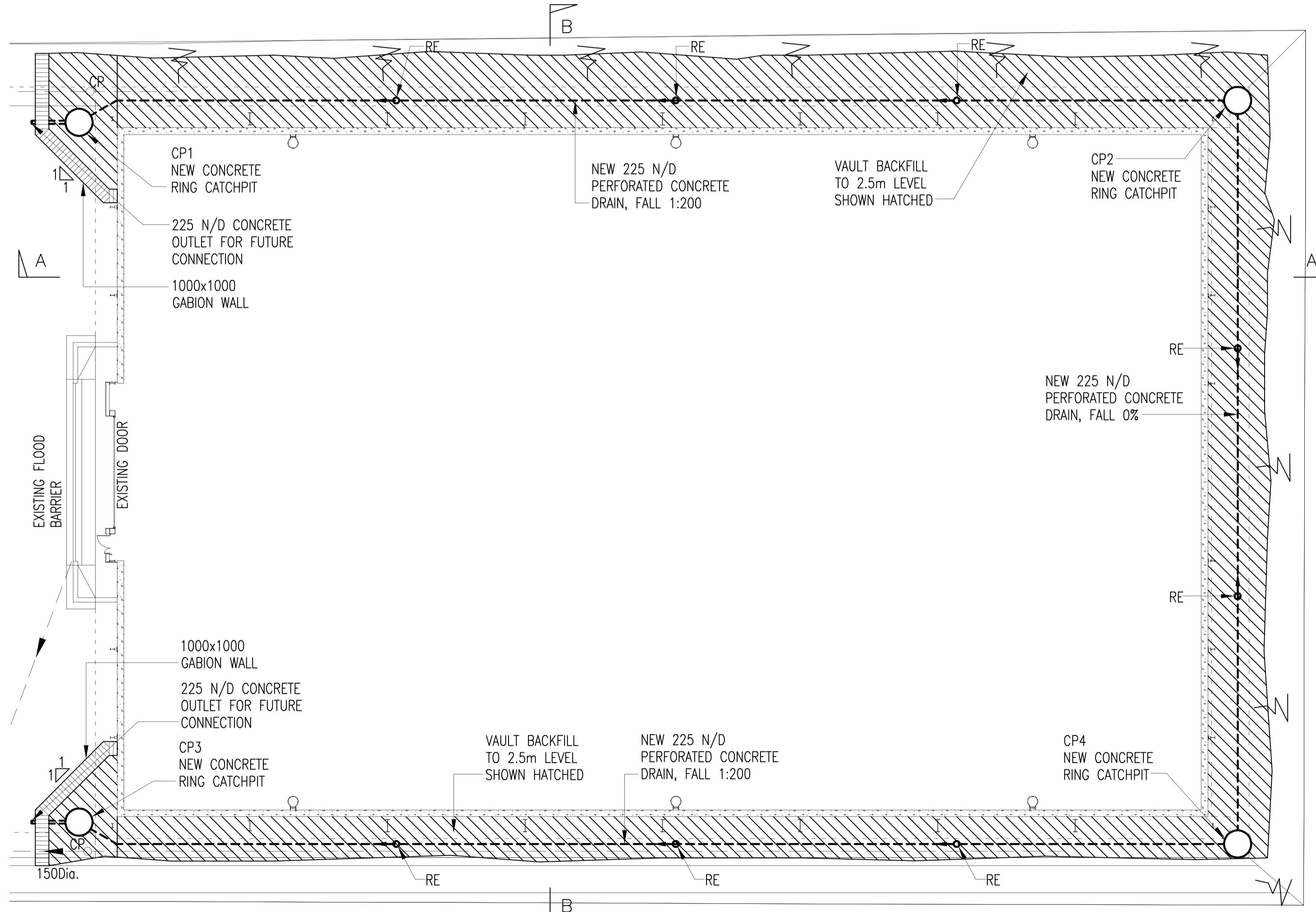
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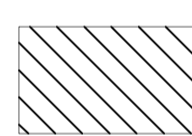
BACKFILL TO 2.5m SHOWN HATCHED

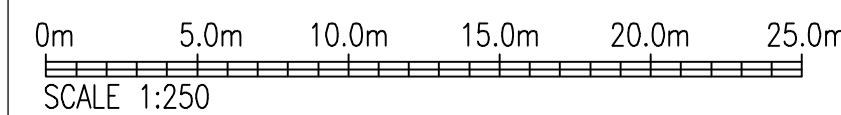


SECTION B-B

BACKFILL TO 2.5m SHOWN HATCHED



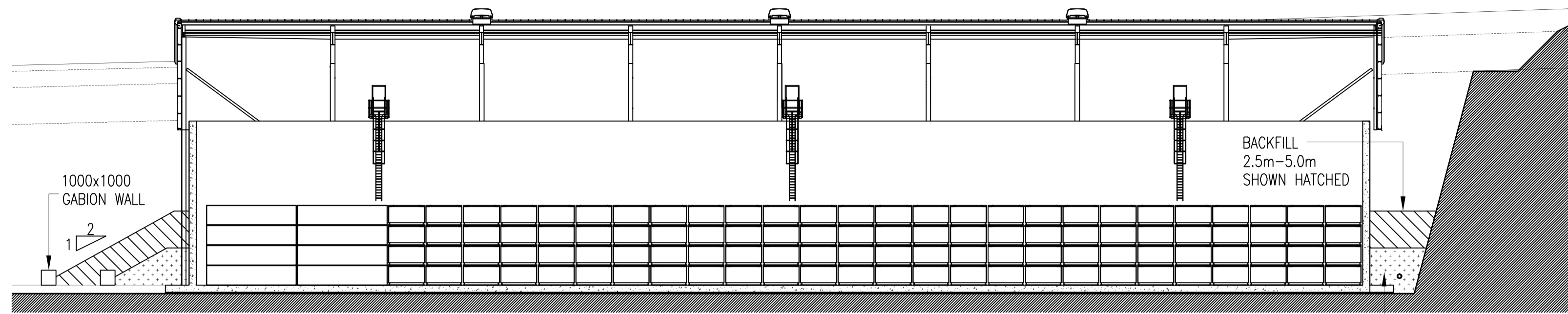
KEY:-  
 EXTERNAL BACKFILLING TO 2.5m ABOVE FLOOR LEVEL  
 ESTIMATED BACKFILL VOLUME (TO 2.5m) = 2500m<sup>3</sup>



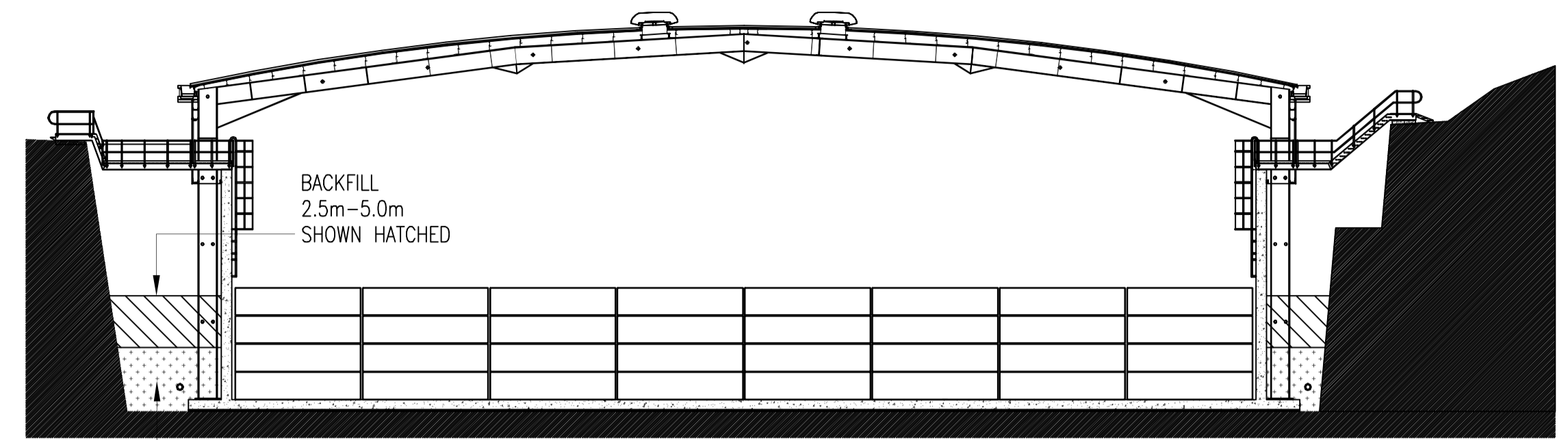
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SITE	DOWNREAY	SEARCH FIELD		APPROVED BY	
DESIGNER	ARCH HENDERSON	DESIGNERS DRG REF.	1D183238-93		
MOD. P1	DATE: 08-02-2021	USED ON/REF NUMBERS		PROTECTIVE MARKING OFFICIAL	TITLE
				THIS DRAWING IS THE PROPERTY OF DOWNREAY SITE RESTORATION LTD AND MAY NOT WITHOUT CONSENT OF THE COMPANY BE COPIED IN WHOLE OR IN PART OR USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SUPPLIED.	GENERAL ARRANGEMENT BACKFILLING TO 2.5m D3120 VAULT CLOSURE - PHASE 1
MOD BY	CHECK BY	APPD BY	DIMENSIONS IN MILLIMETRES UNLESS STATED	FIRST ISSUE DATE	ORIGINAL SCALE
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				DRG No.	ISSUE
				1Z313684	P1
				SHEET 1 OF 1 SHEETS	



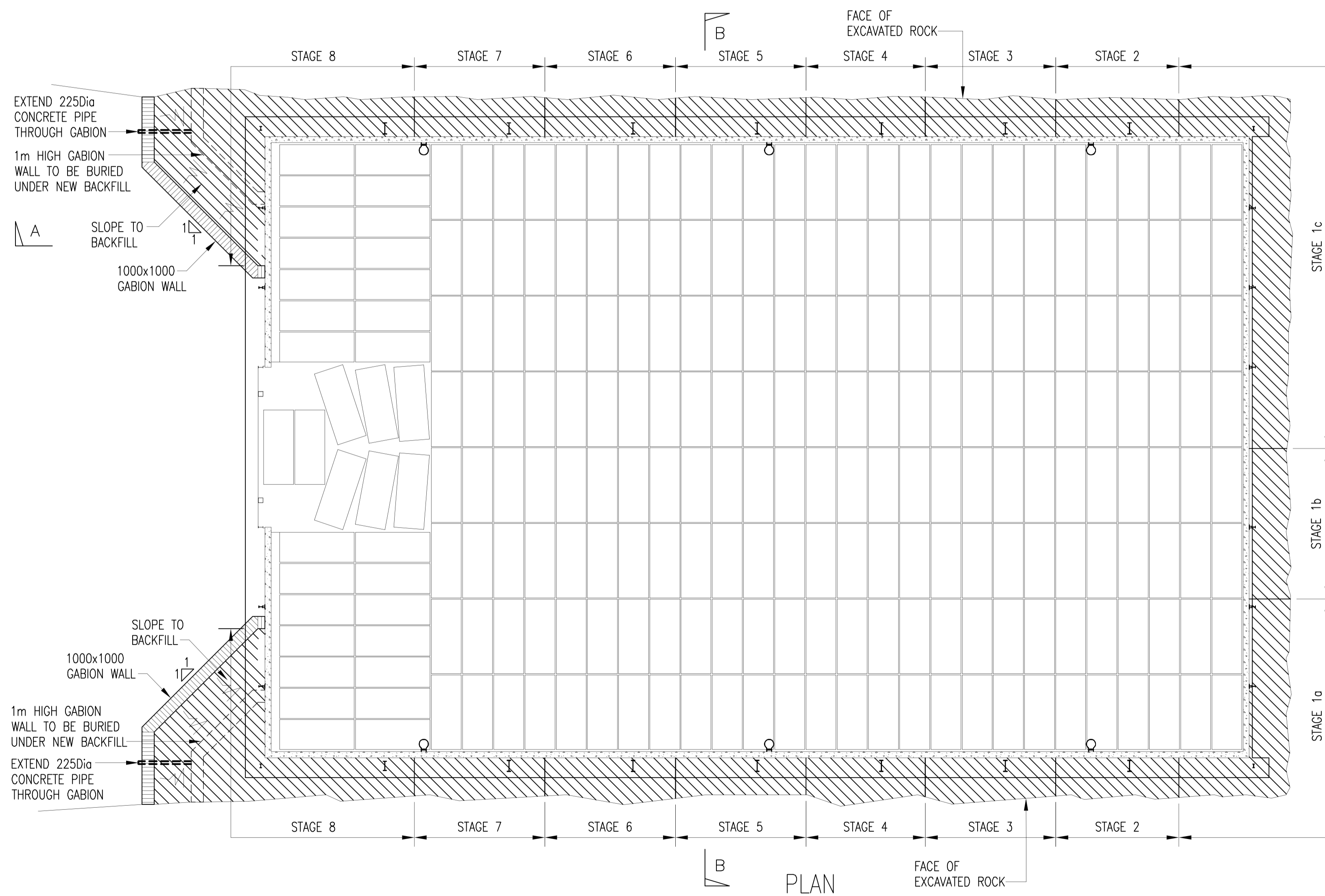
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SECTION A-A



SECTION B-B

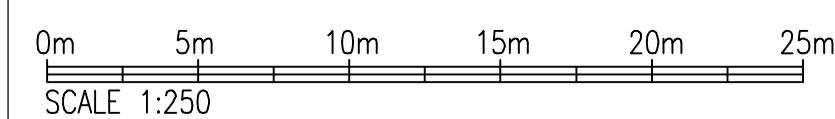


PLAN

KEY:-

EXTERNAL BACKFILLING FROM 2.5m TO 5.0m ABOVE FLOOR LEVEL

	ESTIMATED BACKFILL VOLUME (2.5-5.0m)
STAGE 1a	300m <sup>3</sup>
STAGE 1b	170m <sup>3</sup>
STAGE 1c	500m <sup>3</sup>
STAGE 2	240m <sup>3</sup>
STAGE 3	240m <sup>3</sup>
STAGE 4	240m <sup>3</sup>
STAGE 5	220m <sup>3</sup>
STAGE 6	220m <sup>3</sup>
STAGE 7	220m <sup>3</sup>
STAGE 8	400m <sup>3</sup>
TOTAL	2750m <sup>3</sup>



PLANT NO.	-	PROJECT NO.	-	DRAWN BY	AC
BUILDING	D3120	DISCIPLINE	02	CHECKED BY	
SITE	DOUNREAY	SEARCH FIELD		APPROVED BY	
DESIGNER	ARCH HENDERSON	DESIGNERS DRG REF.	1D183238-94		
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PRELIMINARY, FIRST ISSUE.				FIRST ISSUE DATE	08-02-21
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					SHEET 1 OF 1 SHEETS
				ISSUE	P1

