STATUTORY INSTRUMENTS

1986 No. 812

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (NIREX) Special Development Order 1986

Made - - - -	*7th May*	1986
Laid before Parliament	*14th May*	1986
Coming into Operation	*7th July*	1986

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24 and 287(5) of the Town and Country Planning Act 1971(**a**), and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order may be cited as the Town and Country Planning (NIREX) Special Development Order 1986 and shall come into operation on 7th July 1986.

(2) In this order, unless the context otherwise requires —

"the county planning authority" in relation to any of the investigation land means the county planning authority for the area in which that land is situated;

"the district planning authority" in relation to any of the investigation land means the district planning authority for the area in which that land is situated;

"the investigation land" has the meaning given by article 2 of this order;

"low level radioactive waste" means radioactive waste in which the radioactivity does not exceed four Giga-Becquerels per tonne alpha or twelve Giga-Becquerels per tonne beta/gamma;

"radioactive waste" has the same meaning as in the Radioactive Substances Act 1960(**b**); and

"site" means the land specified in a particular Part of the Schedule to this order.

2. This order shall apply to the land specified in Parts I to IV of the Schedule to this order (in this order called "the investigation land").

(**a**) 1971 c.78. (**b**) 1960 c.34.

3. Subject to the provisions of this order, the Town and Country Planning General Development Orders 1977 to 1985**(a)** shall apply to the investigation land.

4. Permission is hereby granted for the carrying out on the investigation land of development of all or any of the descriptions specified in article 5 for the purposes of enabling United Kingdom Nirex Limited (in this order called "NIREX") to carry out geological investigations of land, or to have such investigations carried out its behalf, to assess whether all or any of that land would be suitable for depositing low level radioactive waste.

5. Subject to the conditions set out in article 6, the development permitted by this order is development by:—

(*a*) the drilling of boreholes,

(*b*) the making of trial pits and trenches,

(*c*) the levelling of land,

(*d*) the removal of topsoil,

(*e*) the extraction and removal of materials for examination,

(*f*) the carrying out of geophysical, geotechnical, geochemical and hydrogeological tests,

(*g*) the temporary use of existing buildings on the land as offices, laboratories, workships or stores or for any other purpose ancillary to the geological invesigations of the land,

(*h*) the stationing on the land of any temporary buildings, plant, equipment or other structures or erections needed in connection with the geological investigations,

(*j*) the laying down of hard-core for the stationing of any such temporary structures or of vehicles.

6. This permission is granted subject to the following conditions —

(*a*) no development permitted by this order shall be carried out more than five years after the coming into operation of this order whether or not any of the development was begun before the expiry of that period;

(*b*) before development is first begun on any site, NIREX shall provide the county planning authority and the district planning authority with information as to the development which is proposed to be carried out, and at intervals not exceeding four months thereafter shall provide those authorities with information as to any material changes which have been, or are being, made in the development on the site;

(*c*) no operations, other than those described in article 5*(f)* or the extraction of water, shall be carried out between the hours of 7 p.m. and 7 a.m. or on a Sunday or on a public holiday;

(*d*) no explosive charge of more than one kilogram shall be used;

(*e*) the geological investigations shall comply with the recommendations of the British Standards Institution's Code of Practice BS: 5228: Part 1 (1984 edition) regarding the emission of noise from any site;

(a) S.I. 1977/289, 1980/1946, 1981/245, 1569, 1983/1615, 1985/1011 and 1981.

(*f*) where operations are not being carried out in or in relation to a borehole, it shall be secured by the fitting of a suitable cover;

(*g*) not later than the expiry of the period referred to in condition (*a*) —

(i) NIREX shall submit to the county planning authority for their approval (with or without modifications) a scheme for the aftercare of the site in their area for a period of two years beginning with the date of the approval of the scheme (with or without modifications), which scheme may consist of steps for planting, cultivating, fertilising, watering or otherwise treating the land, and NIREX shall ensure that the scheme is carried out;

(ii) any borehole shall be suitably sealed or secured;

(iii) all temporary buildings, plant, equipment, other structures or erections and hard-core placed or laid down on the land and used for the purposes of the geological investigations shall be removed from the land;

(iv) all use of existing buildings on the land for purposes connected with the geological investigations shall cease.

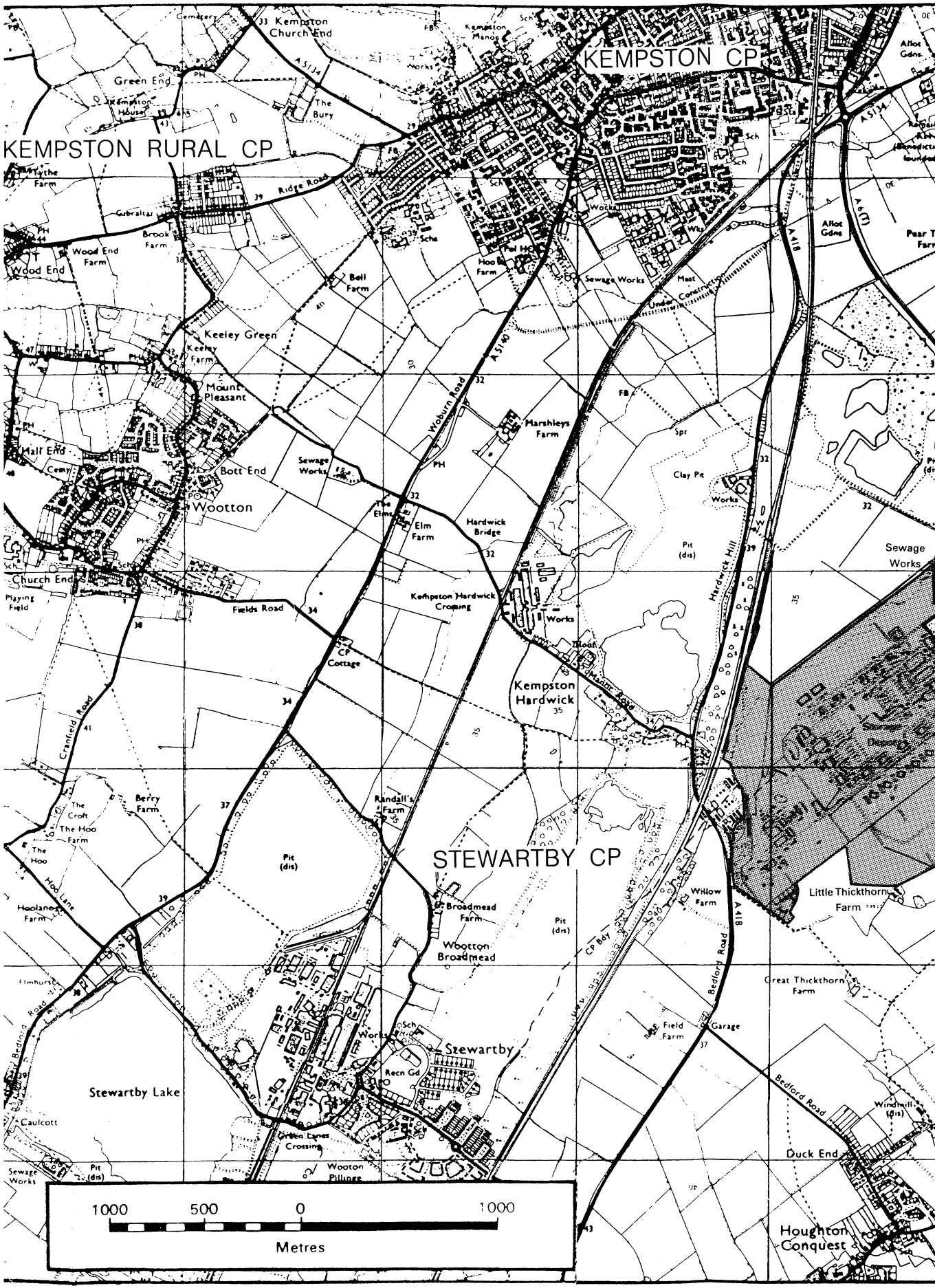
SCHEDULE

LAND TO WHICH THIS ORDER APPLIES

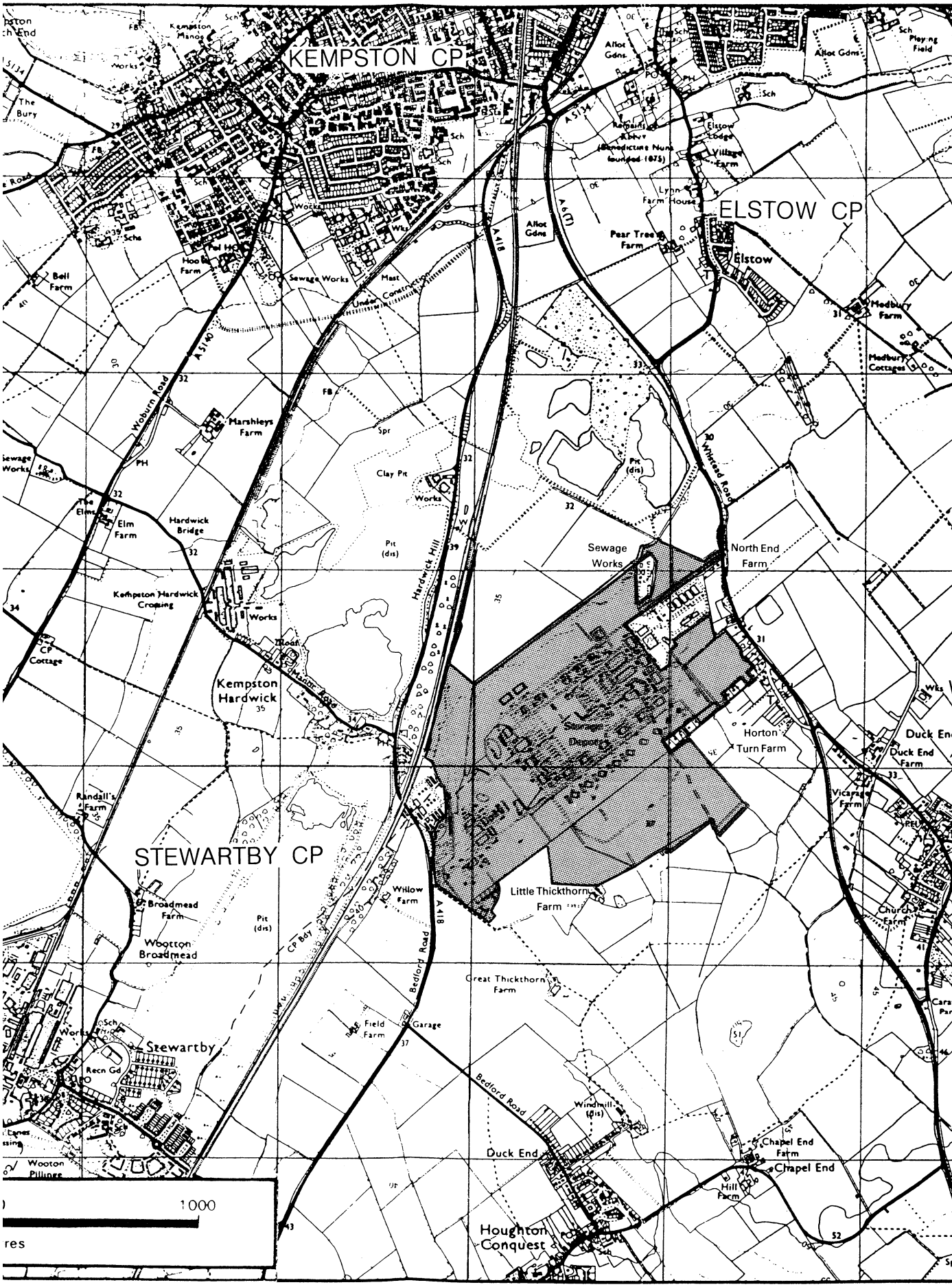
Part I—Elstow Storage Depot

Approximately 180 hectares of land, known as the Elstow Storage Depot, which is situated approximately 5 km south of Bedford in the north part of the Marston Vale and which is delineated by the outer edge of a red line and coloured pink on the map included in this Part of the Schedule and marked "Map of the Elstow Storage Depot Investigation Land included in Part I of the Schedule to the Town and Country Planning (NIREX) Special Development Order, 1986", and in particular including the strip of land extending from the north-west corner of the main area of the site, of approximately 500 m in length and approximately 20 m across at the widest point.

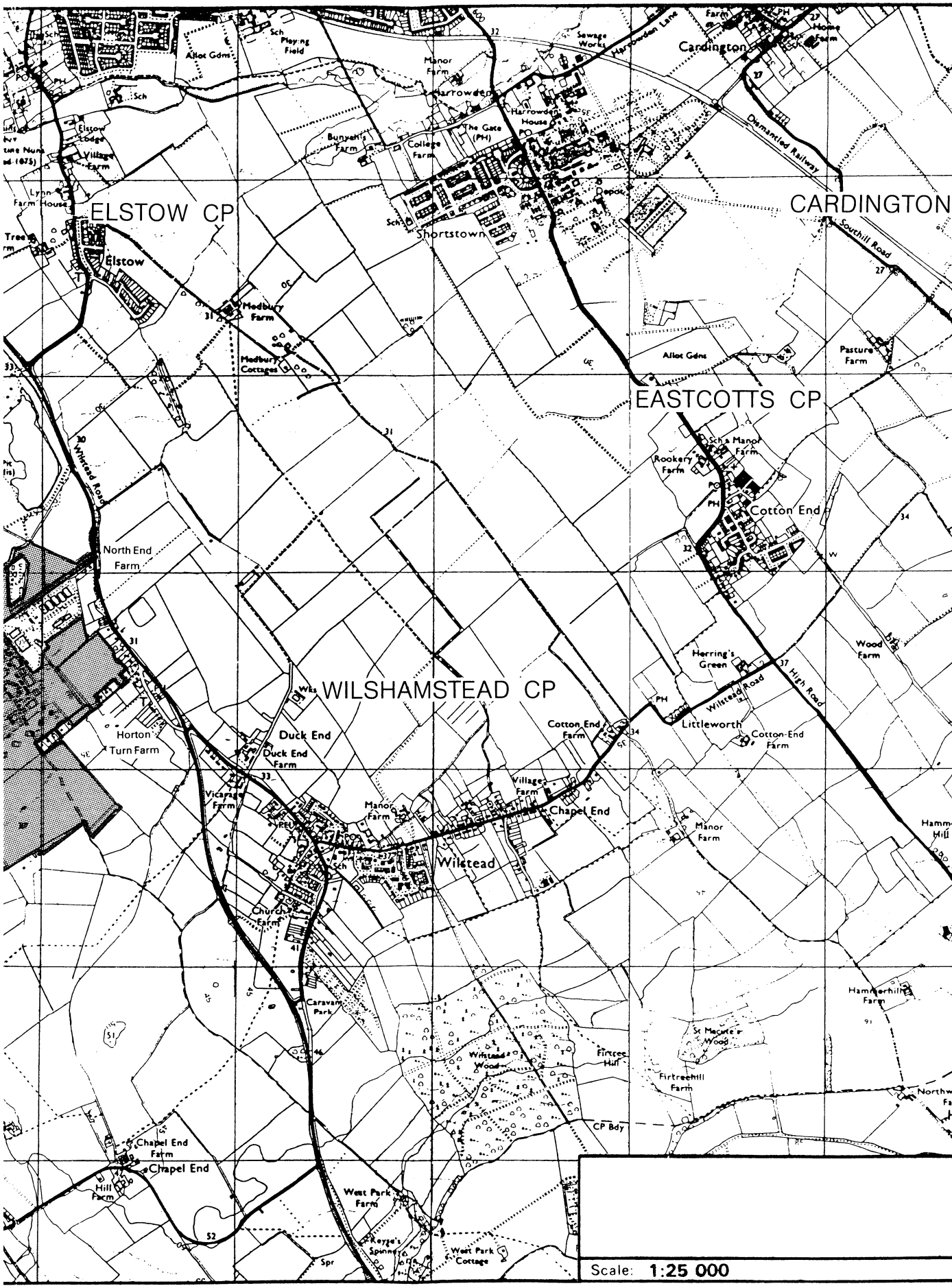
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MAP OF THE ELSTOW STORAGE DEPOT INVESTIGATION LAND IN
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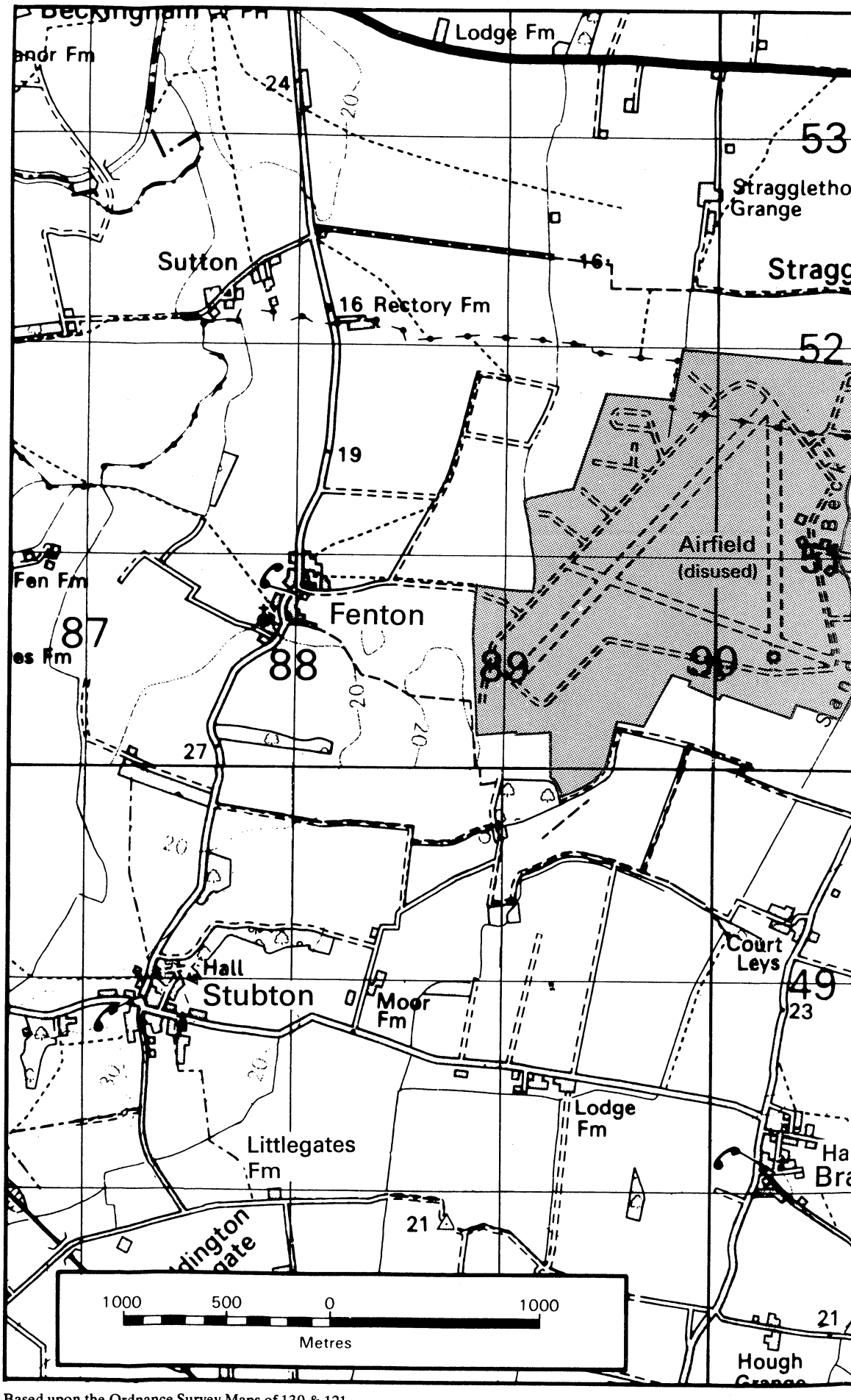
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Part II—Fulbeck Airfield

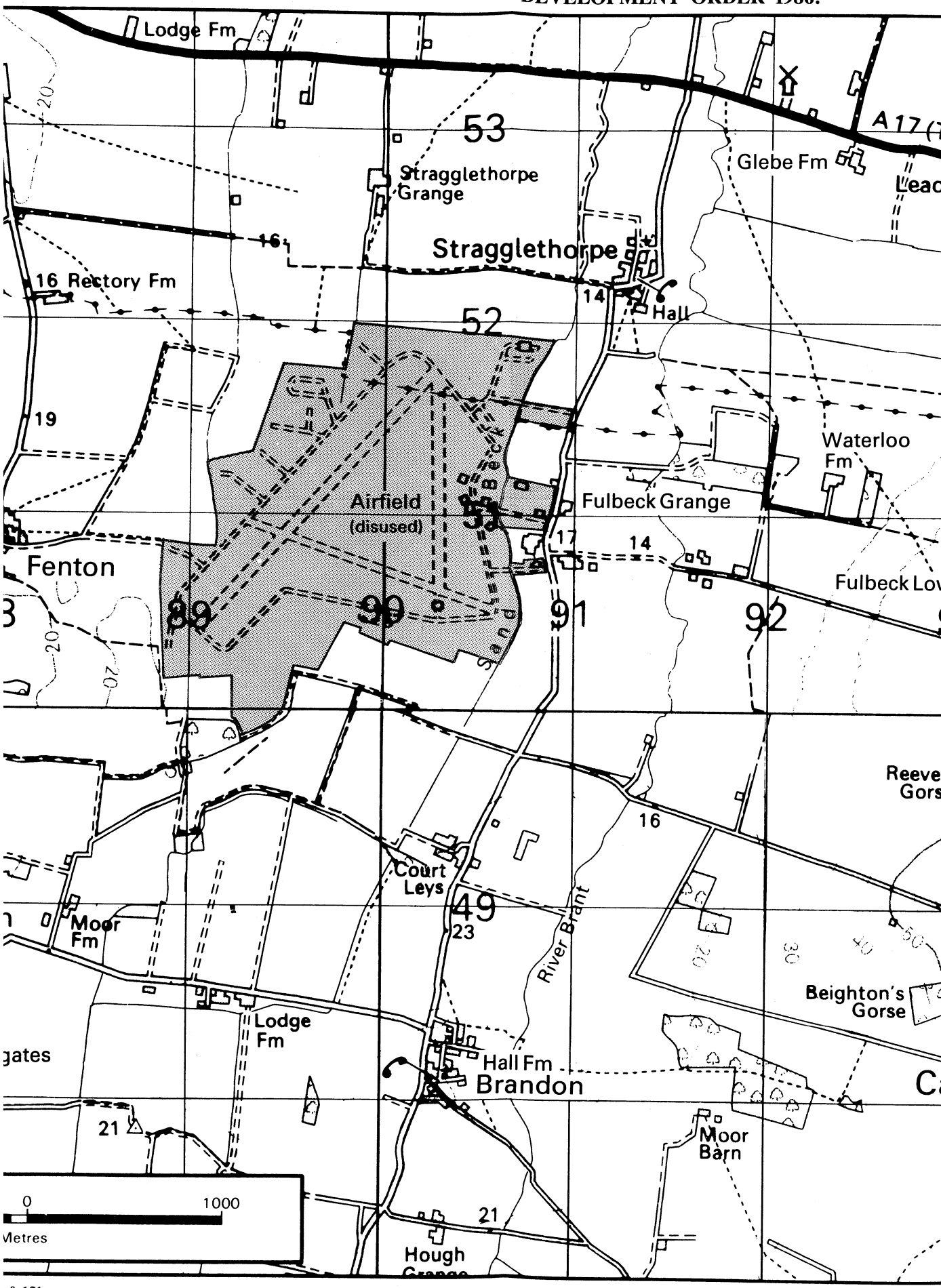
Approximately 270 hectares of land, known as Fulbeck Airfield, which is situated south of the A17 trunk road, approximately 10 km to the east of Newark and 1 km south of the hamlet of Stragglethorpe and which is delineated by the outer edge of a red line and coloured pink on the map included in this Part of the Schedule and marked "Map of the Fulbeck Airfield Investigation Land included in Part II of the Schedule to the Town and Country Planning (NIREX) Special Development Order 1986".

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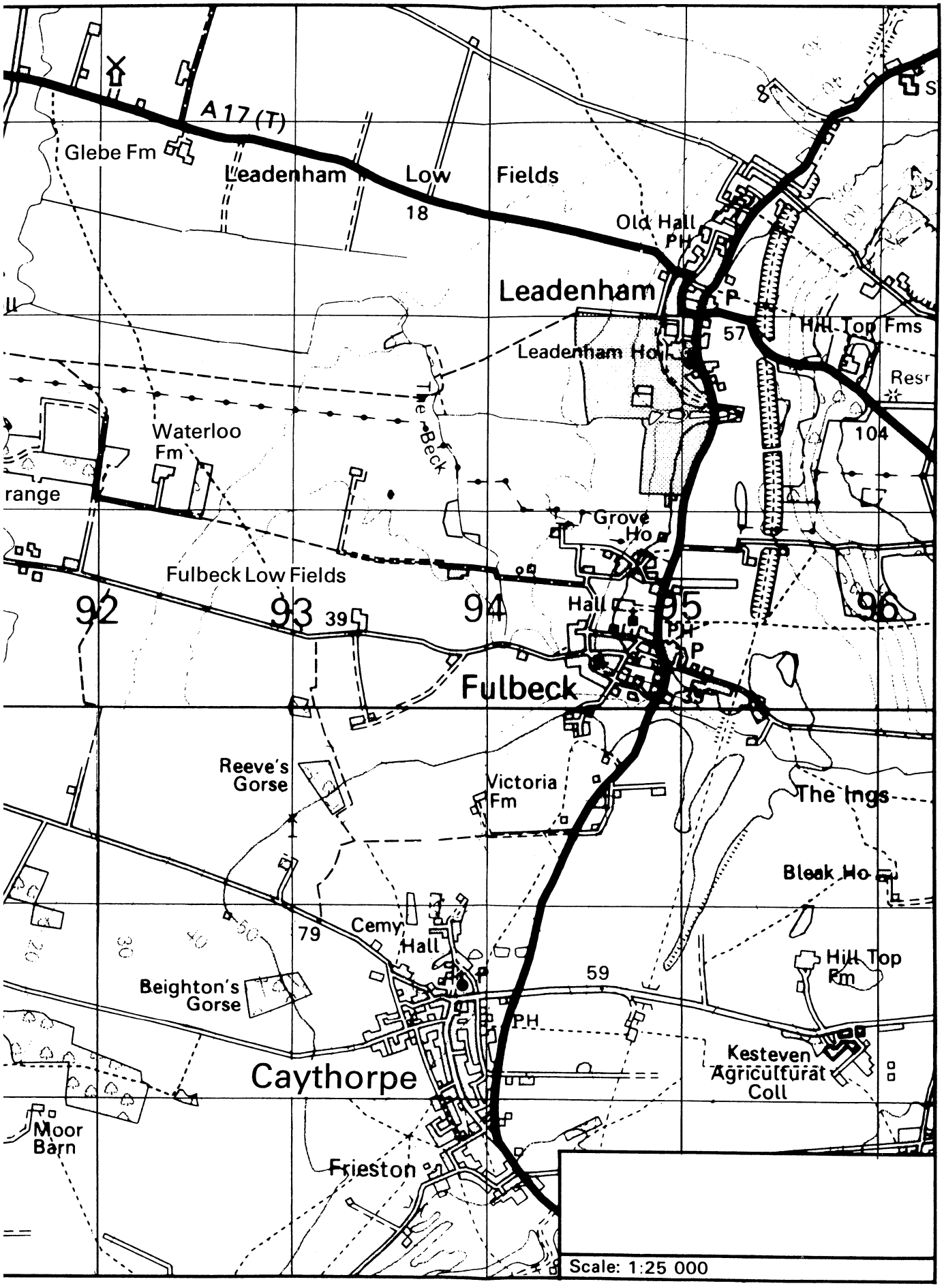
Based upon the Ordnance Survey Maps of 130 & 121

MAP OF THE FULBECK AIRFIELD INVESTIGATION LAND INCLUDE
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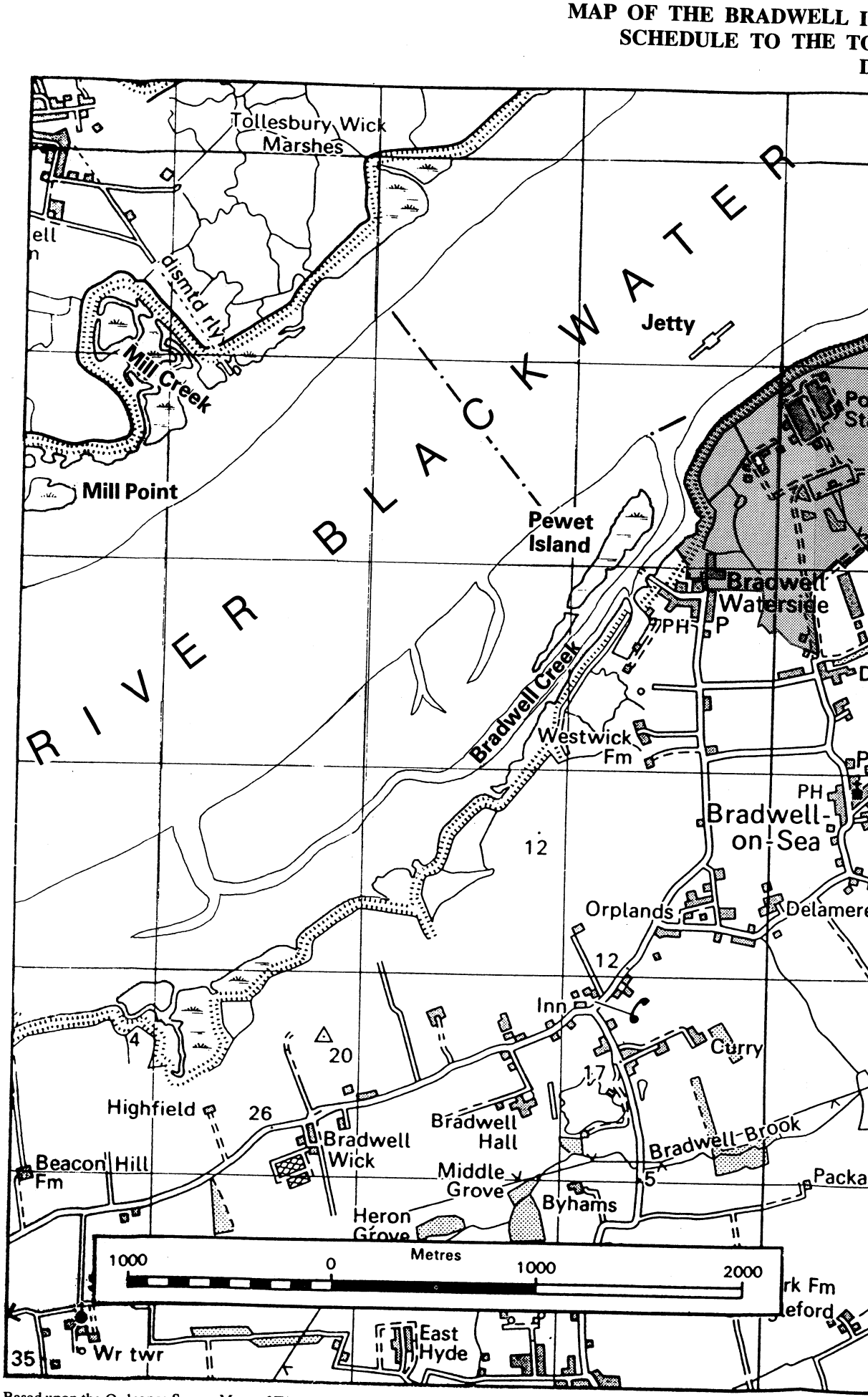
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Part III—Bradwell

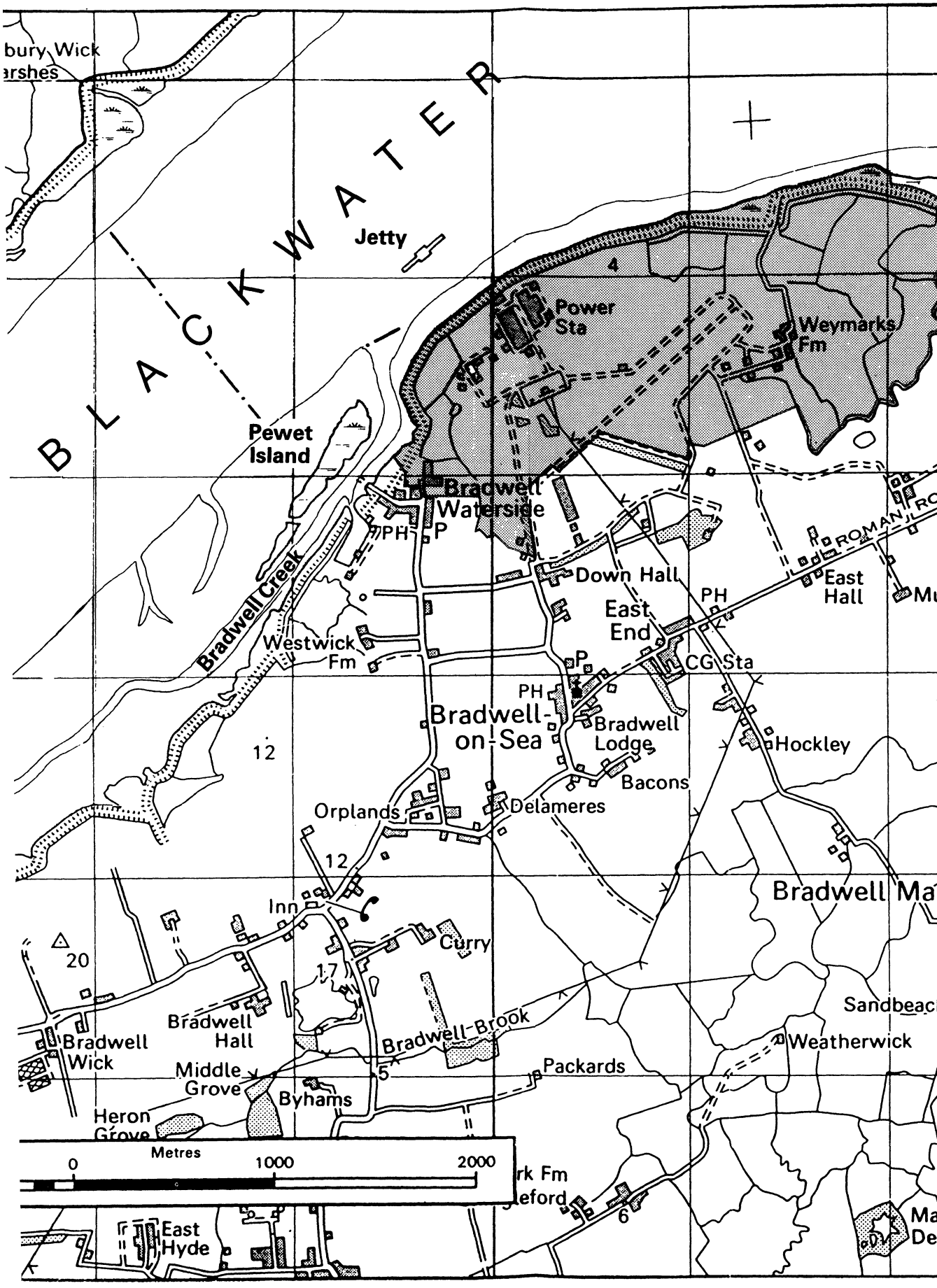
Approximately 300 hectares of land, forming part of the Bradwell Nuclear Power Station site, on the southern bank of the Blackwater Estuary, and which is delineated by the outer edge of a red line and coloured pink on the map included in this Part of the Schedule and marked "Map of the Bradwell Investigation Land included in Part III of the Schedule to the Town and Country Planning (NIREX) Special Development Order 1986".

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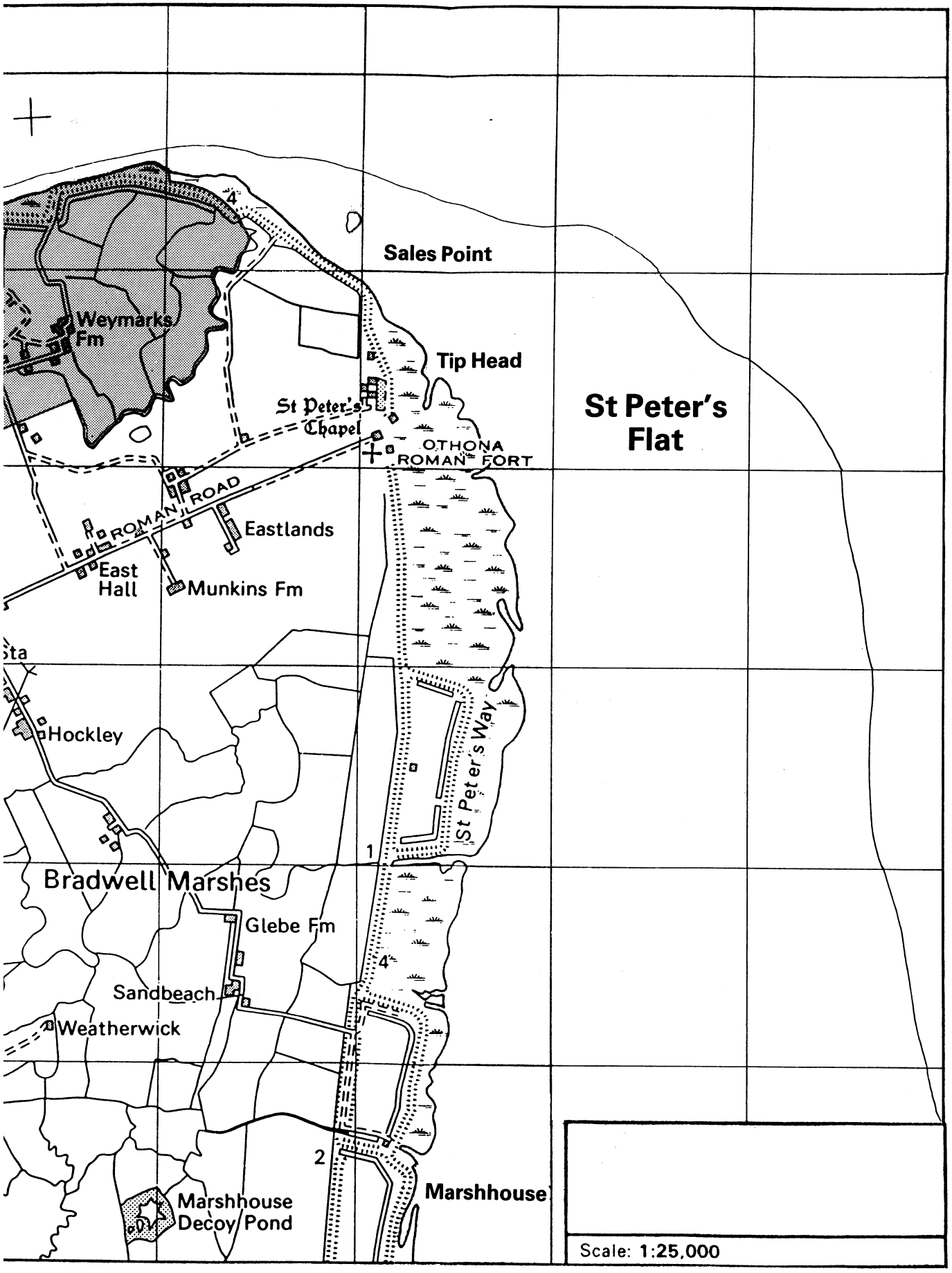


Based upon the Ordnance Survey Maps of TA 11, 12, 21 & 22
with the permission of the Controller of H.M. Stationery Office.

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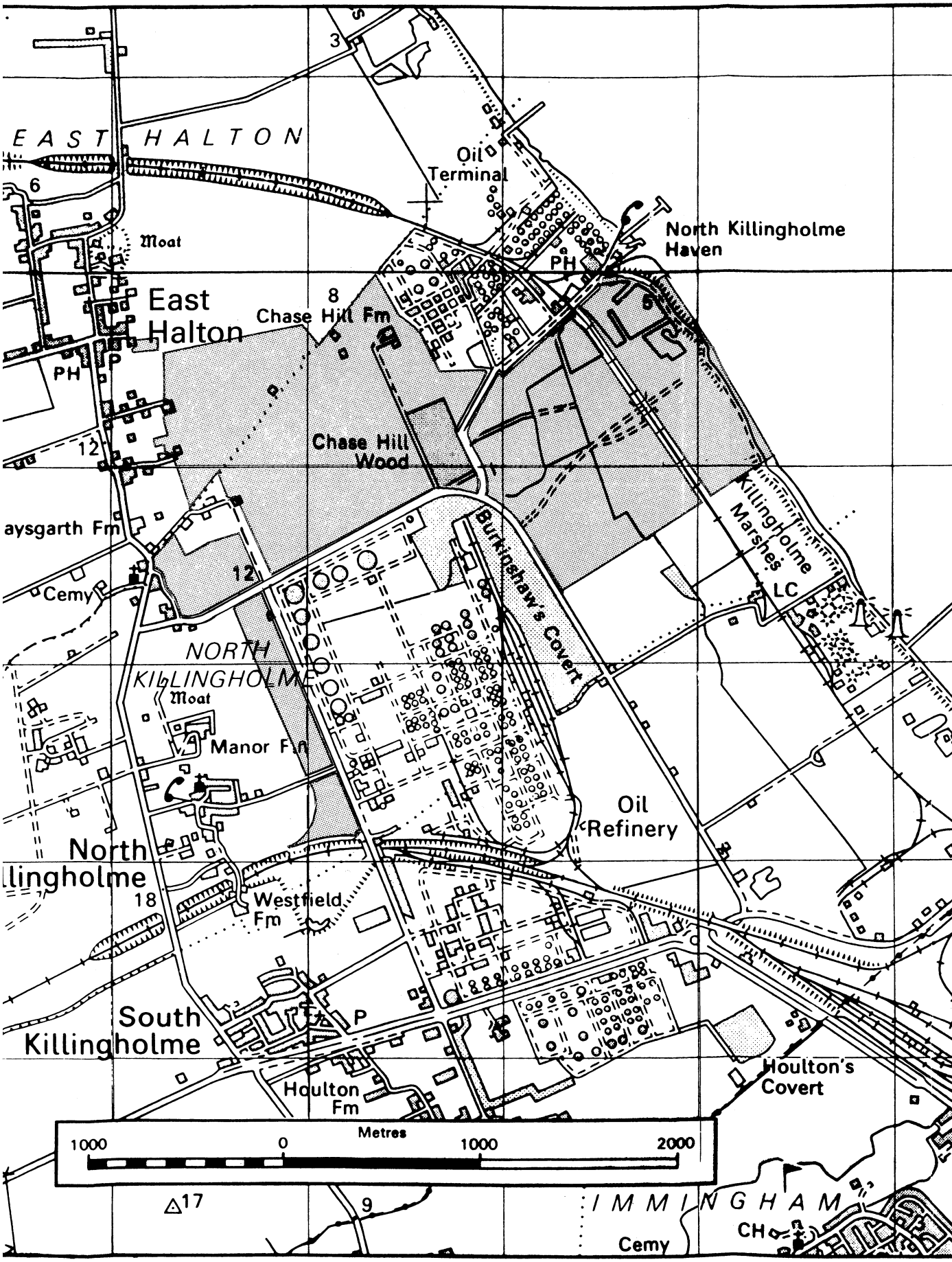
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Part IV—South Killingholme

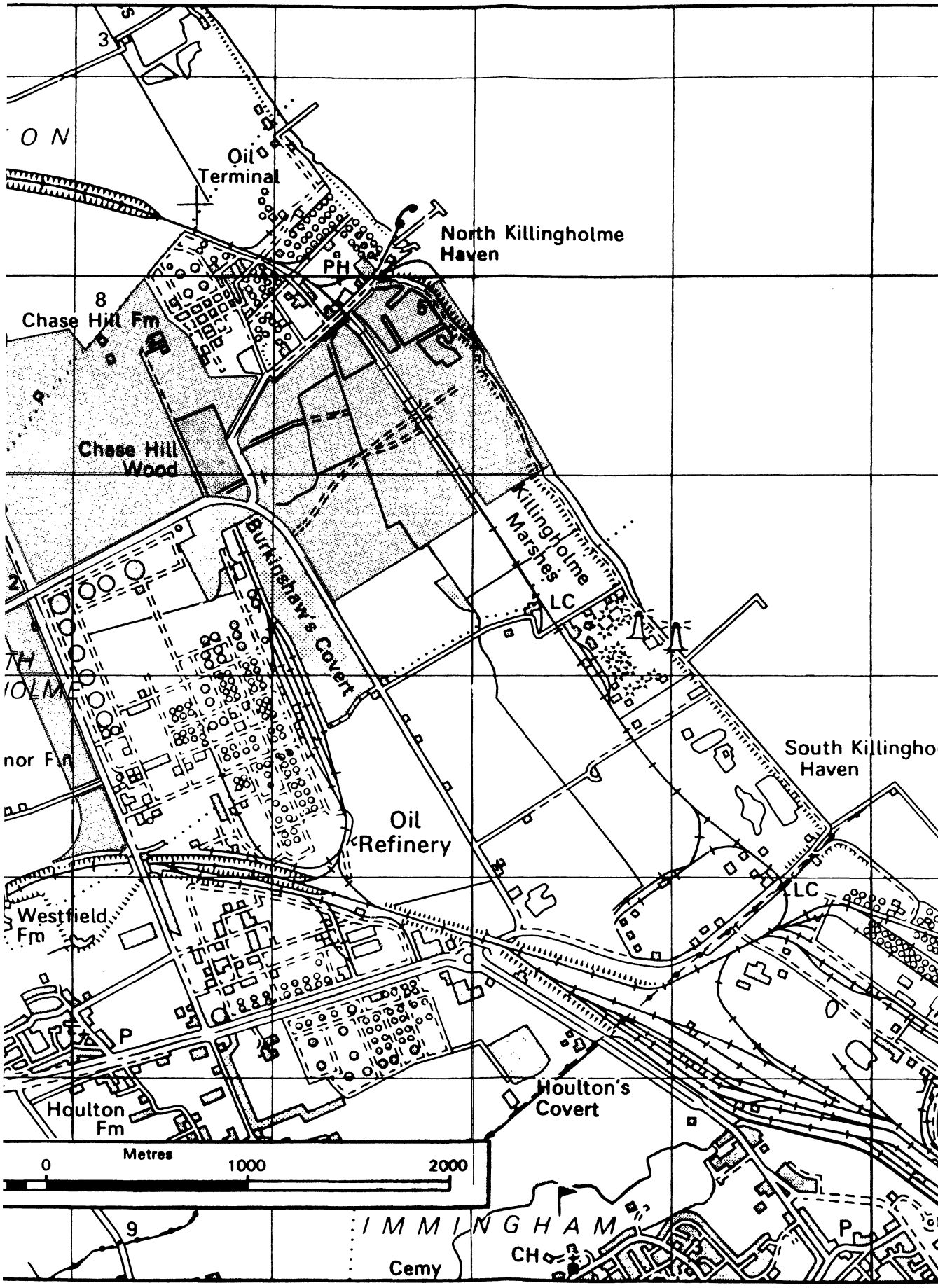
Approximately 330 hectares of land in seven areas, known as the Killingholme Power Station site, which is situated between the village of East Halton and the river Humber approximately 11 km south-east of Kingston-upon-Hull, and each of which is delineated by the outer edge of a red line and coloured pink on the map included in this Part of the Schedule and marked "Map of the South Killingholme Investigation Land included in Part IV of the Schedule to the Town and Country Planning (NIREX) Special Development Order 1986".

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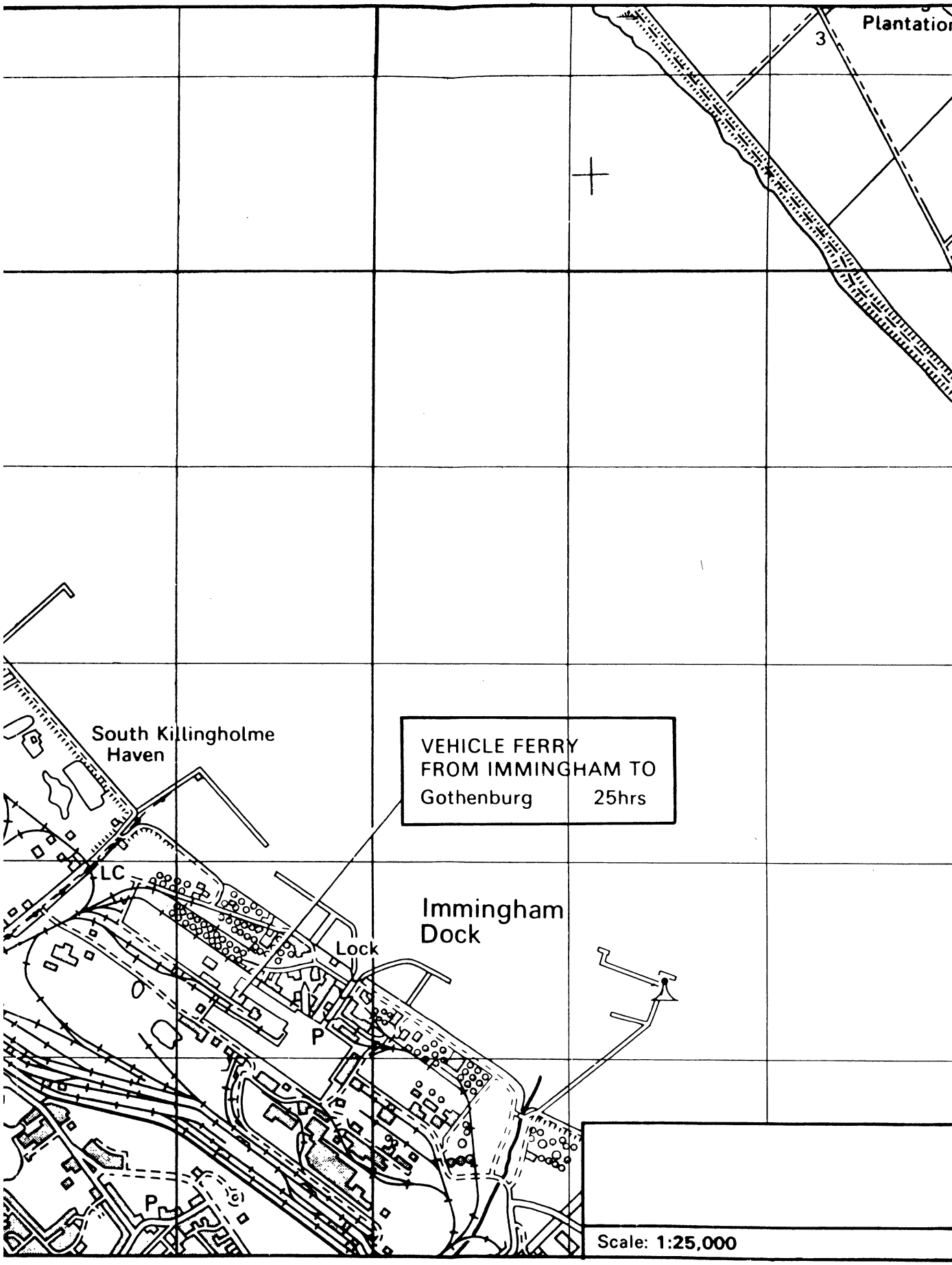
d upon the Ordnance Survey Maps of TA 11, 12, 21 & 22
the permission of the Controller of H.M. Stationery Office.

MAP OF THE SOUTH KILLINGHOLME INVESTIGATION LAND I
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NVESTIGATION LAND INCLUDED IN PART
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Kenneth Baker,
Secretary of State for the Environment.

7th May 1986.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order is made under section 24 of the Town and Country Planning Act 1971 and grants planning permission, subject to conditions, for the carrying out of development for the purpose of investigating the suitability of land described in the Schedule to the order for use for the deposit of low level radioactive waste (as defined in article 1(2) of the order).

The four sites for which planning permission is granted are at Elstow in Bedfordshire, Fulbeck in Lincolnshire, Bradwell in Essex and South Killingholme in Humberside.

The planning permission granted (article 4) enables United Kingdom Nirex Limited ("NIREX"), or a person acting on its behalf, to carry out the development described in article 5 of the order. The development involves the making of geophysical, geotechnical, geochemical and hydrogeological tests (and ancillary works) needed to assess the suitability of all or any of the investigation land for use for the deposit of low level radioactive waste.

The planning permission is subject to the conditions set out in article 6 of the order. It permits development for five years only (condition (*a*) in article 6). NIREX is required to provide the relevant county planning authority and relevant district planning authorities with information regarding the development before it begins and to up-date that information at intervals of four months or less. Condition (*c*) in article 6 prevents the carrying out of certain operations between the hours of 7 p.m. and 7 a.m. and on Sundays and public holidays. Conditions (*d*) and (*e*) in article 6 prevent the use of an explosive charge of more than one kilogram and limit the volume of noise emitted from the sites by reference to the British Standards Institution's Code of Practice BS:5228: Part 1 (1984 edition). Conditions (*f*) and (*g*) in article 6 require boreholes not in use to be secured and require the aftercare and restoration of the investigation land.

The Code of Practice referred to is obtainable from the British Standards Institution at the following addresses —

(*a*) by post from Linford Wood, Milton Keynes MK14 6LE, and

(*b*) in person from Hampden House, 61 Green Street, London W1 and 195 Pentonville Road, London N1.

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