

King's Cliffe Local Liaison Group Meeting

2 May 2012

Present

Phil Watson (PW)
Mark Laurenson (ML)
Roy Mantas (RM)
Kevin Burton (KB)
Chris Leuchars (CL)
David Burgess (DB)
Tony Slipper (TS)
Heather Smith (HS)
Felicity Stevenson (FS)
Fiona Cowan (FC)
Michael Day (MD)
Palden Dorje (PD)
James Wilson (JW)
Simon Moyle (SM)
Eleanor Nicholson (EN)
Alan Nettey (AN)
Emre Williams (EW)

Representing

Northamptonshire County Council (NCC)
NCC
Environment Agency (EA)
EA
King's Cliffe Parish Council
Woodnewton Parish Council
Tixover Parish Council
Councillor (NCC – Prebendal)
Easton on the Hill Parish Council
Collyweston
King's Cliffe Parish Council
East Northants Council (ENC)
ENC
Augean
Jennings Nicholson Associates (for Augean)
The Planning Inspectorate (PINS)
PINS

1. Apologies and Introductions

1.1 No apologies were given.

1.2 **James Wilson (JW)** – Introduced himself as the Interim Head of Planning Services at ENC. James will be in the post until July.

1.3 **Alan Nettey (AN) and Emre Williams (EW)** – Explained they represented PINS who are administering the application by Augean to the National Infrastructure Directorate.

2. Minutes of Previous Meeting (5 October 2011)

2.1 **David Burgess (DB)** – Clarified that the reference in 3.14 was to extensions in time rather than area.

2.2 **Mark Laurenson (ML)** – Confirmed this was the case.

2.3 The minutes were accepted as a reasonable record.

3. Operator Update

3.1 **Simon Moyle (SM)** – Explained that the new wheel wash was installed at the beginning of March and has been operational since. The security cameras have been upgraded and include a new one looking north along Stamford Road. The site continues to receive LLW.

- 3.2 **Gene Wilson (GW)** – Explained that Augean has recently entered into an agreement to manage and operate a commercial high temperature incinerator in Sandwich, Kent. Regarding Thornough, GW explained that an application was made to Peterborough City Council in March to extend the void space and life of the site (to 2029).
- 3.3 **GW** explained that the application for the Development Consent Order (DCO) for the ENRMF has been submitted, accepted and validated. The submitted document is vast and covers 4 parts:
- Draft DCO and supporting documents setting out the draft conditions Augean consider would be appropriate
 - Planning statement
 - Environmental Impact Assessment (EIA)
 - Consultation Report setting out what consultation has been undertaken and includes all responses
- 3.4 **GW** also updated the group regarding the Section 73 applications which have been submitted to NCC to vary the end date of the existing planning permissions to 2016. These have been submitted as Augean is concerned that the PINS process will take longer than the remaining consented life of the site.
- 3.5 **GW** explained that certain monitoring data was now available on Augean's website. This data will be updated this month and will include additional baseline data for radioactivity.
- 3.6 **Eleanor Nicholson (EN)** – Explained that a statutory advertisement had been placed in the Times, London Gazette and twice in the Stamford Mercury. The ads established the background to the application and advised how the public could get in touch with PINS. Some 47 parish councils were also notified and individual households have been notified by leaflet drop. The non technical summary and a copy of the formal notice have also been distributed by email.
- 3.7 **Various** – Several attendees expressed concern they had not received a leaflet.
- 3.8 **EN** – Agreed to follow up with the distributor.
- 3.9 **GW** – Advised that hard copies of the application were available at various Council offices as well as the site. GW explained that the information submitted for the Section 73 applications to NCC was essentially the same with some parts of the Environmental Statement greyed out where they only related to the extension to 2026.
- 3.10 **GW** advised that he would be available at the site 1 day per week for the next 4 weeks for people to drop in and discuss any aspects of the proposal. In addition an open day has been scheduled for Saturday 7 July and representatives from the EA, Health Protection Agency and nuclear industry will be in attendance.
- 3.11 **Phil Watson (PW) and ML** – Confirmed that the Section 73 applications had been submitted to NCC and were being sent out for consultation today (2 May) with responses due by 1 June. ML noted that there was some flexibility in these dates if necessary to accommodate scheduled meetings of parish councils etc.

- 3.12 **DB** – Asked whether applications would be necessary to address changes to the EA permits.
- 3.13 **GW** – Explained that the permits are not time limited but would need to be varied to cover the proposed extended area.
- 3.14 **Kevin Burton (KB)** – Confirmed that while the permit boundary covered the whole site only part of the site was permitted for landfilling.
- 3.15 **GW** – Noted that it was the requirement for the gas flare, pumping station etc elsewhere on the site that mean the permit area covers the whole site.
- 3.16 **Chris Leuchars (CL)** – Asked how ENC would deal with the consultation and whether there would be a public meeting.
- 3.17 **JW** – Confirmed ENC would be responding re both the applications following meetings of their Development Control Committee.
- 3.18 **CL** – Asked if NCC were likely to take the applications to committee and if so, when.
- 3.19 **ML** – Explained that NCC’s best guess at this stage was that the Section 73 applications would be taken to committee on 24 July.
- 3.20 **Heather Smith (HS)** – Asked if Augean was anticipating the extensions would be granted and whether the existing cells would in fact be filled by 2016.
- 3.21 **GW** – Noted that Augean anticipate the existing cells being full by 2016.
- 3.22 **PW** – Explained that the applications to NCC are to extend the end date from August 2013 to 31 December 2016.
- 3.23 **TS** – Queried if the permissions would require restoration by 2016.
- 3.24 **GW** – Confirmed that this would be the case and as a result filling would stop well in advance of December 2016.
- 3.25 **PW** – Suggested that if there were no further questions that the representatives from PINS be invited to make their presentation.
- 4. PINS presentation**
- 4.1 **AN & EW** – Gave a presentation based on the attached slides (see Appendix 1).
- 4.2 **PW** – Asked if there were any questions.
- 4.3 **CL** – Asked how the proposed drop-in sessions at the King’s Cliffe Hall had been advertised.
- 4.4 **AN** – Explained that the information was on the website, in a press release and had been circulated to the parishes and councils.

- 4.5 **JW** - Noted the events would be advertised on the ENC website and perhaps in the Nene Valley News.
- 4.6 **AN** – Confirmed the dates were 14 and 15 May and circulated a flyer to the group providing more detail (see Appendix 2).
- 4.7 **HS** - Asked if the NCC response to the PINS application would go to the DC Committee and commented that she would like this to occur.
- 4.8 **PW** - Explained that NCC was not yet sure how the representation and Local Impact Report would be dealt with but this would be discussed with the Assistant Director, Roy Boulton.

5. **EA Update**

- 5.1 **KB** – Explained that the site had been inspected twice so far this year and had been the subject of a 3 day audit covering groundwater monitoring and leachate. The audit included the EA's own independent sampling and testing. Results are to be made available when received and will provide an independent check of Augean's latest sampling which was undertaken at the same time. The EA have confidence in the analytical elements of Augean's monitoring and identified some minor procedural improvements.
- 5.2 **KB** explained that Augean moved into cell 5A at the beginning of the year following the necessary checks. The cell is fully engineered and the first layer of waste was a regulating layer designed to stop any material that could interfere with the engineered layers. Tipping is proceeding at a reasonable pace.
- 5.3 **KB** advised that a visit to the soil treatment facility was undertaken in February. Several issues were raised with regard to the need to update dust control measures in line with best available technology. The EA considers that extra measures are necessary to prevent the release of dust and to control what is released. A formal letter was served to this effect and Augean responded very quickly with a programme for control and prevention. The programme includes the upgrade of processing equipment and includes the lowering of conveyors and enclosing various pieces of equipment. These changes are considered particularly important as the volumes increase. Augean has also installed dust monitoring devices although the focus remains on prevention.
- 5.4 **KB** informed the group that two complaints had been made to the EA in March re odour. EA officers visited the site and while the odour was not detected off site it is considered that the site is a likely source of odour and could have generated the complaints. The systems in place to control odour are however considered robust.
- 5.5 **GW** - Responded that one waste stream was causing odour concerns and that it has now been stopped.
- 5.6 **KB** – Improvements have also been recommended at the treatment facility including a wind vane to allow better understanding of when sensitive receptors are at risk.
- 5.7 **DB** – Asked if the performance of the boreholes had been tested.

- 5.8 **KB** – Confirmed that testing of the 17 boreholes was undertaken prior to the audit and included testing of 4 redrilled boreholes and one new borehole. A good sample was obtained from 15 and no sample from 2. The new boreholes need to be developed to ensure the best results.
- 5.9 **DB** – Asked if the samples are considered representative.
- 5.10 **KB** – Confirmed that he considered they were representative.
- 5.11 **DB** – Asked if the EA will continue to monitor the boreholes.
- 5.12 **KB** – Explained that the permit requires the ongoing monitoring by the operator in line with set processes and that all results are public. The EA may repeat their sampling at a later date, especially of those boreholes that require further developing.
- 5.13 **TS** – Asked how the results are made available.
- 5.14 **KB** – Explained that Horsewater Spring is sampled quarterly and the results sent to King's Cliffe PC, including a summary page comparing the results to the drinking water standards. Boreholes are tested for a narrower range of substances in line with what might be expected to come from a landfill site.
- 5.15 **TS** – Asked if Tixover Parish Meeting would be advised if samples were above limits, for instance the Willow Brook.
- 5.16 **KB** – Noted that the Willow Brook is not specifically tested under the monitoring regime associated with the site.
- 5.17 **CL** – Asked how long the EA will continue to monitor the site.
- 5.18 **KB** – Stated that this would depend on results of the EA's and Augean's sampling. If the results are similar then the EA's monitoring may be less frequent.
- 5.19 **Roy Mantas (RM)** – Explained that funding for monitoring was available for this year and next. To secure further funding after that it will be necessary for officers to make a case for the need. This is the normal way of dealing with funding to ensure it is directed to the highest priority sites.
- 5.20 **CL** – Expressed concern that a system for ongoing monitoring was not being put in place now.
- 5.21 **RM** – Pointed out that the operator is required to continue to monitor the site.
- 5.22 **CL** – Noted there was no guarantee this would be Augean in the future.
- 5.23 **SM** – The permit requires ongoing monitoring by the operator, regardless of who that might be.

- 5.24 **RM** - Confirmed that there would be periodic checks of the site but that he couldn't guarantee at what level beyond next year.
- 5.25 **PW** – Requested that the EA update the group on this matter as things progress.
- 5.26 **KB** - Also commented that the results could be made available online.
- 5.27 **Fiona Cowan (FC)** – Asked that a link be sent out.
- 5.28 **GW** – Explained that Augean intend to provide a link on their monitoring page to the EA's page (**Action GW**). There is already a link between Augean's site and King's Cliffe PC's website showing the Horsewater Spring data.
- 5.29 **RM** – With regard to LLW, RM explained that Augean has taken 60 bags from Harwell. RM was present on 2 of the 3 occasions when this material was received. Procedures were monitored from receipt to disposal with a few minor recommendations made to tighten up procedures. Levels detected on site were well below acceptable limits. Independent monitoring of leachate and around boreholes has also been undertaken and sent off for analysis. Sampling has also been undertaken at Horsewater Spring and Willow Brook.
- 5.30 **RM** emphasised that only a small fraction of the waste received at the site was LLW.
- 5.31 **DB** - Asked about the EA review of their policy on location and positioning of such sites.
- 5.32 **GW and KB** – Commented that it hasn't been published yet.
- 5.33 **DB** – Explained that it relates to what is under particular landfill sites and that the site sits over a major aquifer.
- 5.34 **GW** – Responded that the wording of the policy could impact on the level of engineering required but would not change the suitability of the site for such operations.
- 5.35 **KB** – Noted that the site is not close to a sensitive water abstractor and that the EA takes a risk based approach.

6. **NCC Update**

- 6.1 **PW** – Reiterated that 3 applications have been submitted to NCC for the variation of the end dates of the existing soil treatment, hazardous and LLW landfill operations. Noted that the National Planning Policy Framework was published on 27 March but that the document doesn't specifically cover waste. Explained that NCC has commenced a review of the Minerals and Waste Development Framework and that this will take account of changes in national policy. PW noted that the review will be the subject of consultation in the future. However, the 3 applications will be dealt with having regard to the current MWDF documents.
- 6.2 **ML** - Explained that the consultation on the applications was being sent out to today (2 May). Noted that NCC's consultation is not as extensive as that being undertaken by Augean but still includes some 20 parish councils. Site notices have been erected on

site and the applications will be advertised by site notices in local papers. ML explained that the applications had not been circulated to the LLG list as everyone will receive the documents through their various roles with parish councils, district councils etc. ML explained that it was not possible to send out hard copies to everyone and that most have received a link to the documents online.

6.3 **HS** - Asked that information relating to the operation of the community fund be brought to the next meeting.

6.4 **PW** - Agreed to do this (**Action PW**)

7. **Any Other Business**

7.1 **FC** – Explained that she was cut off by a lorry at 13.50 today outside the site. The lorry was turning toward Peterborough and was yellow in colour.

7.2 **SM & GW** - Agreed to look into this.

7.3 **GW** – Noted that there have been a number of complaints regarding mud on the road. These have come from one individual and have been reviewed with responses sent to the complainant. It seems that perhaps there are different perceptions re what is considered acceptable and that nothing that has been reported has been even approaching a highway safety issue.

7.4 **PW** – Explained that any complaints received by NCC are passed to Augean who are very prompt and thorough in their response.

7.5 **HS** – Asked how many times per day the sweeper is deployed.

7.6 **SM** – Explained that it was generally used on the road once every hour but it mostly works on the site to prevent any mud reaching the road.

7.7 **GW** – Pointed out that the new wheel wash is working well and has improved conditions between the wheel wash and exit from the site.

7.8 **SM** – Explained that the wheel bath is to be moved down to the soil treatment centre to provide additional controls. This will give 3 levels of protection. SM considers the wheel spinner to be the most important of these measures.

7.9 **DB** – Asked that the PINS presentation be distributed.

7.10 **ML** – Agreed to circulate the slides with the minutes (**Action ML**).

8. **Date of Next Meeting**

8.1 The next meeting was set for 2pm Wednesday 3rd October at King's Cliffe Memorial Hall.

Presentation to the Kings Cliffe Local Liaison Group

Emre Williams

&

Alan Nettey

From

The Planning Inspectorate

The abolition of the IPC

- Localism Act 2011 restored final decision to Secretary of State
- IPC abolished – staff, systems, processes, web presence transferred intact into the Planning Inspectorate
- Transitional arrangements should ensure that no proposal is delayed at any stage
- Planning Act 2008 regime largely unchanged – relatively minor adjustments to:
 - Acceptance tests (s.55 - Application is of a satisfactory standard; no IPC guidance notes)
 - Local authorities (A, B, C and D)
 - Interested parties (s.102 - IP status of statutory consultees and A and D authorities)
- National Planning Policy Framework gives primacy to National Policy Statements (where there is a designated NPS)

Public engagement – infrastructure is in the spotlight of public scrutiny

- Structured and extensive pre-application consultation with communities and local authorities – while options are still open
- More and more accessible information and communication – audio recordings of all hearings on the website, project updates on web and on Twitter
- Openness allows learning and development of good practice
- Rights to participate embedded in the examination process

BUT

- Explaining role of National Policy Statements and remit of other regulators is challenging (e.g. licenses/permits)
- Engagement doesn't mean every objection will be resolved

The role of local authorities

- Statutory Consultee
- Design of SoCC
- Advice on adequacy of consultation
- Negotiation of PPAs
- Negotiation of s106 agreements
- Statement of Common Ground
- Relevant Representation
- Pre-examination meeting
- Local Impact Report
- Written Representation
- Responding to written questions
- Site visits
- Hearings
- Enforcement
- Advocacy, assistance, information source: local voice

Resources?



The role of the interested parties

Following acceptance:

- Consultation
- Statement of Common Ground
- Relevant Representation
- Pre-examination meeting
- Site visits
- Written Representation
- Responses to written questions
- Hearings



The application process. The six steps

The Inspectorate has **28 days** to decide whether the application meets the required standards to proceed to examination including whether the developer's consultation has been adequate.

You can send in your comments in writing. You can request to speak at a public hearing. The Inspectorate has **6 months** to carry out the examination.

There is the opportunity for legal challenge.

Pre-application

Acceptance

Pre-examination

Examination

Decision

Post-decision

Look out for information in local media and in public places near the location of the proposed project, such as your library. The developer will be developing their proposals and will consult widely.

You can now register as an interested party; you will be kept informed of progress and opportunities to put your case. Inspectors will hold a Preliminary Meeting and set the timetable for examination.

A recommendation to the relevant Secretary of State will be issued by the Inspectorate within **3 months**. The Secretary of State then has a further **3 months** to issue a decision on the proposal



Pre-exam period

- Developer gives **notice of accepted application**
- Registering to 'have your say' – as **interested parties through relevant representations** (minimum 28 days)
- Appointment of **Examining Authority** (panel or single examiner)
- Examining Authority makes its **initial assessment of principal issues**
- **Preliminary meeting** to discuss procedural issues and timetable for examination

Stage 1
Pre-app

Stage 2
Acceptance

Stage 3
Pre-exam

Stage 4
Examination

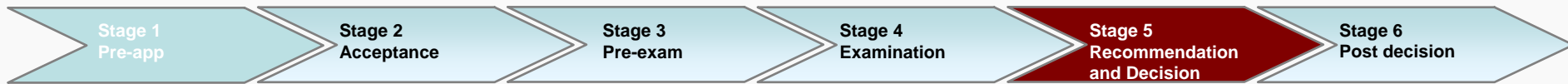
Stage 5
Recommendation
and Decision

Stage 6
Post decision

The examination

- **Inquisitorial** not adversarial
- Primarily through **written representations** and responses
- Possible hearings -
 - Open floor
 - Specific issue
 - Compulsory acquisition





Report with recommendations and the decision

- Report and recommendation to the SoS need to take into account:
 - National Policy Statements
 - Submitted evidence
 - International, national and other obligations
- Recommendation to the SoS would include a draft DCO and a where relevant a draft s.106
- Decision by the relevant SoS(s)
- Challengeable through application for Judicial Review

Managing related consents

- Single consenting
- In practice, applicants may still need or want to seek separately a range of consents and licences, eg environmental permit, preliminary works permission, nuclear site licence, associated development consents in Wales
- Others may be wrapped into the development consent process but must be explicitly addressed, eg deemed marine licence, s.127 statutory undertaker's land certificate, hazardous substances consent
- Applicants must take responsibility for planning for all the necessary consents, and will need advice. NI Advice Note 11 should assist and new material is still being added

Hazardous Waste Facilities:

East Northants Resource Management Facility

by Augean PLC

Acceptance

Pre-examination

Examination

[Find out more about the process >](#)



You can now register as an interested party

[Register online](#)

If you are unable to complete a registration form online and would like to register your interest, please call the helpline on: 0303 444 5000 to request a paper form. [Advice Note about Registering](#)

[Overview](#)

[Application documents](#)

[Project documents](#)

[Advice given](#)

[Representations](#)

About this project

The alteration of existing and the construction of new facilities for the recovery and disposal of hazardous waste and disposal of low level radioactive waste at the East Northants Resource Management Facility, Stamford Road, Northamptonshire.

[Visit developers website](#)

Next action

Registration closes on **Friday 1 June 2012 at 11:59pm**

Dates for your diary

01/06/2012 - Registration of interested parties closes

19/06/2012 - Deadline for applicant to certify compliance with notification requirements

Recent activity



Registration of interested parties begins

20 April 2012



Decision on whether or not to accept the application for examination

11 April 2012



Application expected from applicant
Application received by the Planning Inspectorate

14 March 2012

Location

2.6km north of Kings Cliffe East
Northamptonshire



Contact us

- Planning Inspectorate advice available to all parties – but not legal advice on which you can rely
- Advice and Guidance is available on our website:
- Our enquiries line can also offer advice and guidance: 0303 444 5000
- The case team will always be on hand to offer you help
Emre Williams, Alan Nettey and Chris Nash

Address:

National Infrastructure Directorate

The Planning Inspectorate

Temple Quay House

Temple Quay

Bristol

BS1 6PN

enquiries@infrastructure.gsi.gov.uk

ENRMF@infrastructure.gsi.gov.uk

<http://infrastructure.planningportal.gov.uk/>



The Planning
Inspectorate

The Planning Inspectorate is the government agency responsible for examining applications for major infrastructure projects.

An application has been received from Augean PLC for the East Northants Resource Management Facility 1.6 miles north of Kings Cliffe Village in Northamptonshire.

The Planning Inspectorate is holding two drop in sessions to help people understand the planning process, when to register and how to make a representation.

Contact the Planning Inspectorate:

0303 444 5000

enrmf@infrastructure.gsi.gov.uk

www.planningportal.gov.uk/infrastructure

Follow this application:

<http://twitter.com/ENorthantsRMF>



Fairness

Openness

Impartiality

East Northants Resource Management Facility

Find out how to register and make a representation

Drop in Sessions

Where: Kings Cliffe Memorial Hall,
Eagle Lane, Kings Cliffe,
Peterborough, PE8 6XD

When: Monday 14 May
1pm - 8pm

Tuesday 15 May
10am - 2pm

