

## King's Cliffe Local Liaison Group Meeting

29 February 2012

### Present

Phil Watson (PW)  
Mark Laurenson (ML)  
Chris Leuchars (CL)  
John Haddon (JH)  
Tony Slipper (TS)  
Simon Moyle (SM)  
Eleanor Nicholson (EN)  
Michael Day (MD)  
Fiona Cowan (FC)

### Representing

Northamptonshire County Council (NCC)  
NCC  
King's Cliffe Parish Council  
Barrowden Parish Council  
Tixover Parish Council  
Augean  
Jennings Nicholson Associates (for Augean)  
King's Cliffe Parish Council  
Collyweston

### 1. Apologies

Heather Smith	Councillor (NCC – Prebendal)
Phil McCrone	Laxton Parish Meeting
Gene Wilson (GW)	Augean
Maggie Scott	Duddington Parish Council

- 1.1 **Phil Watson (PW)** – Explained that Heather Smith has asked that we better co-ordinate re LLG meeting dates in the future as she would have attended if not for a prior commitment.
- 1.2 **Eleanor Nicholson (EN)** - Had assumed that officers from the EA would be in attendance and suggested they were perhaps just running late.

### 2. Minutes of Previous Meeting (5 October 2011)

- 2.1 The minutes were accepted as a reasonable record.
- 2.2 With regard to the various action points the following updates were given:
- 4.6 Monitoring now available online.
  - 4.9 Presentation to be given today.
  - 4.3.2 To be addressed later in the meeting.
  - 4.5.7 Done, JH has spoken to someone at the Nuclear Decommissioning Authority (NDA).
  - 4.75 This matter was raised at the subsequent meeting of NuLeAF. NuLeAF don't feel it is in their remit to push on this matter as it relates to NDA policy. PW explained to NuLeAF where the issue had been raised and asked that NuLeAF discuss if the right opportunity arises.
  - 5.8 Awaiting the EA. Action point to be carried over to next meeting. (**Action Roy Mantas**) - (NB Roy Mantas has confirmed that this point has been undertaken, please see attached e-mail dated 17<sup>th</sup> October 2011 from Roy)

### 3. Operators Update

- 3.1 **Simon Moyle (SM)** – Explained that Phase 5A construction has been completed. CQA report sent to EA and approved. Waste is being deposited into the cell (hazardous and asbestos to date but can take LLRW). Consignments of LLRW taken have been received onsite. The EA and Health Protection Agency audited the procedures and there were no issues raised.
- 3.2 The fence line has been cut occasionally but not to an extent that would have allowed people to get in. The damage has been repaired and the fences are checked daily. The vandalism started near the northern boundary but has also been undertaken further south.
- 3.3 Pre application consultations have brought up issues of mud and queuing. The new wheel wash is scheduled to arrive on Saturday. Plans are also being devised to improve drainage on the internal road at the access to the site and on the Stamford Road. These measures could involve the installation of a grill or cut off ditch.
- 3.4 Operations at the soil treatment facility are ongoing with further dust mitigation measures to be put in place over the next few months.
- 3.5 **Tony Slipper (TS)** – Asked where the LLRW is going at present.
- 3.6 **SM** – Advised that LLRW received to date has been disposed of in cell 4B.
- 3.7 **EN** – Explained that the applications to the IPC are in the final stages of preparation before they are submitted. Submission expected in a week to 10 days. The IPC have 28 days to accept the applications. At the end of the period, Augean will advertise the applications in the media and produce an information leaflet to be circulated to around 2,600 households. The leaflet will include some application information, explain how the application has been updated through the consultation process and detail how the public can access the IPC consultation process (register on the IPC website or write to the IPC). EN explained that a project page for the East Northants Resource Management Facility has been set up on the IPC website:  
[\(http://infrastructure.independent.gov.uk/projects/east-midlands/east-northants-resource-management-facility/\)](http://infrastructure.independent.gov.uk/projects/east-midlands/east-northants-resource-management-facility/). The site includes a log of any communication with the IPC. The IPC has also produced a series of guides re different aspects of the process.
- 3.8 Augean are working through the last of the consultation responses and aim to send replies to the respondents addressing the issues raised.
- 3.9 **Fiona Cowan (FC)** – Asked if comments would still be received as Collyweston Parish Council is yet to respond.
- 3.10 **EN** – Explained they would be accepted but asked that they be submitted asap. EN added that further information would be distributed through the electronic newsletter and another series of topic sheets re issues raised in the last round of consultation.

- 3.11 EN advised that Augean are looking to submit the applications for time extensions for the extant permissions from 2013-2016 to NCC. Augean consider these applications are necessary due to delays in the IPC process and anticipated future delays. EN explained that the applications would be made under Section 73 (S73) of the Town and Country Planning Act and should be submitted in 10 to 14 days.
- 3.12 **Chris Leuchars (CL)** – Asked what S73 was.
- 3.13 **PW** – Explained that S73 provides for applications to vary conditions on existing planning permissions. In some instances less information was required to accompany such an application. In this case the applications are to be accompanied by an Environmental Impact Assessment so there is no real difference.
- 3.14 **EN** – Expressed frustration that these applications are necessary but procedural delays have been encountered as the IPC are not ready for hazardous waste applications – legislation only just enacted. As a result Augean have adopted a cautious approach and are applying to NCC for extensions to 2016.
- 3.15 **CL** – Asked if the applications would be subject to the normal process of consultation.
- 3.16 **PW** – Advised that NCC would consult on the applications for variation. Additional consultation would be undertaken by Augean and the IPC re the applications to 2026 beginning with the opportunity to comment re pre-application processes and whether Augean fulfilled the required steps. PW stressed that it was important people register their interest in the applications with the IPC. PW commented that the IPC process is complicated and new to all parties.
- 3.17 **EN** – Explained that an application for the Thornough landfill site is also set to be submitted in the next few weeks. The application would be for a time extension and excavation of part of the site known as Bradshaw Land which is located outside the red line area. The site does not receive LLRW.
- 3.18 **EN** – Noted that national policy on hazardous waste is still in draft form.
- 3.19 **PW** – Commented that it was surprising that the legislation has been introduced in advance of the supporting policy. As the application processes will be lengthy it may be that the policy can be taken into account before decisions are made.
- 3.20 **EN** – Explained that the IPC application process is not adversarial. Representations would generate questions for commissioners to ask Augean.
- 3.21 **CL** – Asked if the legislation required the separation of hazardous and LLRW.
- 3.22 **EN** – Commented that this has been discussed but is not set in policy. LLRW is not provided for in the Draft National Planning Policy Statement (NPPS).
- 3.23 **PW** – The absence of discussion of LLRW in the NPPS has been raised with DCLG. The final document is expected mid to late March.

- 3.24 **PW** – Pointed everyone to the IPC's leaflets re the application process which are fairly easy to understand.
- 3.25 **EN** – Commented that the IPC website is also very useful and easy to navigate as it is dedicated solely to planning matters.
- 3.26 **PW** – Explained that a series of hearings would be held into the issues raised during consultation. The IPC would invite attendees and try to engage with parties to get a broad spectrum of views.
- 3.27 **John Haddon (JH)** – Asked if there was a link between the applications to the IPC and NCC and whether a decision on the applications to NCC would be completed in advance of the IPC process.
- 3.28 **PW** – Suggested that it was more than likely the NCC applications would be completed before any decision through the IPC process. The NCC decision will be taken knowing that the applications have been submitted to the IPC for an extension to 2026 but the NCC decision will deal only with matters to 2016. PW added that there is no necessity in land use planning terms that both sets of applications be permitted.
- 3.29 **JH** – Asked if the IPC could grant permission if NCC refused.
- 3.30 **PW** – Confirmed that this could happen.
- 3.31 **EN** – Noted that the application to IPC would be for 2013 to 2026.
- 3.32 **JH** – Asked if this meant there were two competent bodies to deal with such applications.
- 3.33 **PW** – Legislation says the Waste Planning Authority (ie NCC) are the appropriate authority for the time extensions and, under the 2008 legislation, that the IPC are the appropriate authority for the applications to extend the area and time to 2026.
- 3.34 **EN** – Explained that it's the volumes of waste to be received at the site that makes it a nationally significant infrastructure project.
- 3.35 **PW** – Noted that both were competent authorities but for different applications.
- 3.36 **CL** – Commented that NCC have to make a decision only to 2016 which is not the full proposal. If operations are to cease in 2016 Augean would have to start working towards restoration. Suggested that this was a foot in the door for Augean.
- 3.37 **PW** – Responded that this wasn't the case but that CL was welcome to his views.
- 3.38 **JH** – Asked if the final decision would rest with the IPC.
- 3.39 **PW** – Explained that the final decision would be Secretary of State decision, not IPC. There would be a right of legal challenge to the courts for the applicant. Judicial review challenge to the SoS would also be available to third parties as is normal.
- 3.40 **EN** – Notified the group that Augean has set up a helpline for any queries 01904 654989

- 3.41 **PW** – Suggested consultations from NCC were likely to be sent out in the next 3 weeks. With regard to the Community Fund, PW explained that the terms of the legal agreement were quite prescriptive and that the landfill tax regulations set out what could be funded from the monies.
- 3.42 **SM** – Explained that the existing fund provides money to lots of local groups.
- 3.43 **PW** – Noted that the new fund would allow for salaries to be paid to admin staff etc. The money would be calculated on the basis of £5 per tonne of LLW and would be made as one annual payment by Augean for the financial year. As a result no significant sum is expected until April 2013. NCC will notify parties in due course.
- 3.44 **Michael Day (MD)** – Asked if the money could be used to fund any project.
- 3.45 **PW** – Explained that the money could be used for community projects and waste education. The relevant extracts from the Section 106 legal agreement and the 1996 landfill tax regulations are attached to these minutes. An application form is being developed but has not yet been finalised. NCC would administer the fund and look to involve Councillor Heather Smith.
- 3.46 **TS** – Asked if the fund was available to parties outside Northamptonshire.
- 3.47 **PW** – Explained that the fund was available for projects within 10 miles of the site.
- 3.48 **CL** – Asked how the fund came about.
- 3.49 **PW** – The Secretary of State (SoS), Inspector & NCC all felt that a community fund was not necessary to alleviate the impacts of the development. While it wasn't considered a material planning consideration, both the SoS and Inspector did welcome the proposal for such a fund. The fund has therefore been set up as a special arrangement. More information, an application form and guidance notes will follow from NCC. There will be an opportunity for the LLG to comment on draft versions. Ultimately though no reasonable amounts of money will be available until 2013.
- 3.50 **PW** – Regarding other NCC matters, PW advised that the NPPS may necessitate reviews of MWDF policy documents.
- 3.51 **FC** – Noted that all Planning Policy Statements were set to be abolished.
- 3.52 **PW** – Explained that civil servants have made representations to save at least some of the Planning Policy Statements. National policy is not repeated in local policy so if the PPS documents fall away then there will need to be a review of local policy documents. PPS10 (Planning for Sustainable Waste Management) would be particularly relevant. Others include 'Planning and Flood Risk' etc and are sensitive and important issues. Any review would be subject to consultation. The review would address changes through the Localism Act.
- 3.53 **CS** – Asked if NCC would make representations to the IPC.

3.54 **PW** – Explained that the County and District are required to produce a Local Impact Report (LIR) which would address environmental issues to be taken into account by the IPC. The IPC regulations are not prescriptive re involvement of councillors but some authorities have also prepared committee reports as well. The LIR does not prevent the authority making additional comments to the application. PW explained that he anticipates a committee report being taken to the Development Control Committee. A meeting of the committee would be open to the public.

4. **Date of Next Meeting**

4.1 Meeting was set for 2nd May 2012

4.2 **JH** – Requested EN circulate electronically her document re how to be involved in the IPC process.

4.3 **EN** – Agreed to do so. **(Action EN)**

4.4 **SM** – Gave a presentation on recent cell construction work. Copies of the slides can be made available on request.

5. **EA Update**

5.1 It appears that the email reminding the EA of the meeting did not arrive due to an admin error and this explains why they did not attend the meeting.

5.2 Since the meeting the EA has provided a brief update. Roy Mantas has advised that a programme of independent monitoring of nearby boreholes and watercourses, arranged by the EA, has now commenced and is undertaken in addition to Augean's own monitoring. RM also advised that 4 consignments of very LLRW have been received to date, all from non nuclear sources.