

Kings Cliffe Local Liaison Meeting

5 October 2011

Present

Phil Watson (PW)
Mark Laurenson (ML)
John Haddon (JH)
Tony Slipper (TS)
Maggie Scott (MS)
Chris Leuchars (CL)
Michael Day (MD)
Roy Mantas (RM)
Eleanor Nicholson (EN)
Gene Wilson (GW)
Simon Moyle (SM)
David Burgess (DB)

Representing

Northamptonshire County Council (NCC)
Northamptonshire County Council
Barrowden Parish Council
Tixover Parish Council
Duddington Parish Council
Kings Cliffe Parish Council
Kings Cliffe Parish Council
Environment Agency (EA)
Jennings Nicholson
Augean
Augean
Woodnewton Parish Council

1. APOLOGIES

Kevin Burton	Environment Agency
Heather Smith	NCC County Councillor
Felicity Stevenson	Easton on Hill

2. MINUTES OF PREVIOUS MEETING

- 2.1 The minutes of the last meeting were accepted as a reasonable record. Roy Mantas (RM) pointed out that the units referred to in paragraphs 3.42 and 3.45 should have been micro sieverts not millisieverts (mSv). Phil Watson (PW) apologised for confusion around the date of the next meeting provided in the July minutes.

3. MATTERS ARISING

- 3.1 To be picked up during the main agenda

4. OPERATOR UPDATE

- 4.1 **Simon Moyle (SM)** – Explained that operations had been fairly quiet but that engineering works were ongoing. SM advised that several members of the public had been shown around the site to see the construction of cell 5A as well as ongoing construction at the Thornough site. SM explained that the clay liner for cell 5A was nearly in and that the plastic liner would go in next week. SM welcomed people to ring him or the office to arrange to see the installation of the plastic liner. SM advised that there were no issues on site, leachate levels were compliant and that the chain link fence was now up around the site.
- 4.2 **John Haddon (JH)** – Asked if there were any trends in leachate levels.
- 4.3 **SM** – Explained that the results were reported to the EA every quarter and that it was very important that trends were investigated before problems could arise.

- 4.4 **David Burgess (DB)** – Asked if there were trigger levels in place.
- 4.5 **SM** – Confirmed that trigger levels were set in the environment permit.
- 4.6 **Gene Wilson (GW)** – Explained that if leachate results were near or at trigger levels then action would be taken before a problem or serious concern could arise. GW explained that the report to the EA covered groundwater, dust, air quality etc, i.e anything that could result in pollution. GW explained that Augean were committed to providing a summarised version of the data as the full version, available through the Environment Agency, can be technical and difficult to understand. GW undertook to make the key parameters (groundwater, dust and air quality) available online before end of the year and to circulate these to the Local Liaison Group. **(ACTION GW)**
- 4.7 **Tony Slipper (TS)** – Asked if drought conditions influenced the site.
- 4.8 **GW** – Less precipitation means less leachate as reduced water draining through the site.
- 4.9 **SM** – Explained that a presentation would be given at the next Local Liaison Group re engineering stages and testing. **(ACTION SM)**
- 4.10 **RM** – Explained that Kevin Burton (EA) receives the monitoring data and that while he couldn't attend today he explained that he was happy with the levels. RM explained that data is looked at by the site inspector and then by other teams with various specialties, eg watercourses. Increases in levels would be investigated and that the information would be available on the public register.
- 4.11 **GW** – Outlined that pre-application work for the new planning application ended in July and that since then topic sheets have been sent out periodically summarising in small bites technical aspects of the operations. Advised that there are still a few more to come and that more can be prepared if further topics need to be addressed. GW explained that the application was ready to be submitted in September but that in late August a commencement order came forward which means the application will now go to the Infrastructure Planning Commission (IPC). While this had been discussed a year or so ago the issuing of the commencement order was a surprise. Even if the application had already been submitted to NCC it would have been transferred to the IPC. GW noted that this was a new regime and that no application had yet been right through the process and only 1 hearing has been undertaken to date.
- 4.12 **PW** – Explained that the IPC deal with applications for nationally significant infrastructure.
- 4.13 **Chris Leuchars (CL)** – Asked where this is established.
- 4.14 **GW** – Responded that the this is set out in the Planning Act 2008 and details that sewage, waterworks, rail, waste etc projects above a certain size are to be dealt with by the IPC.
- 4.15 **JH** – Queried why Augean's recent application had not been dealt with by the IPC.
- 4.16 **GW** – Explained that the change occurred 1 October 2011 and that any decision after then that fits the act must be made by the IPC. There is no guidance about transitional arrangements.
- 4.17 **CL** – Expressed the opinion that the opinions of consultees would be irrelevant.

- 4.18 **GW** – Disagreed and stated that the IPC process was open and transparent and would include extensive consultation. Following an application the IPC has 28 days to accept it. A pre-examination phase follows for 2 to 3 months and would involve the IPC looking at the application in more detail and collecting responses. An examination phase would follow, including a non adversarial hearing where inspectors ask the questions. The parties involved would however have legal support. There would likely be a panel of perhaps 2 or 3 inspectors.
- 4.19 **MS** – Asked if other parties would have the opportunity to speak.
- 4.20 **GW** – Confirmed that there would be the opportunity for others to speak. A recommendation from the inspectors would be expected in about another 3 months with likely another 3 months before a final decision would be made by the Secretary of State. The Local Authority would be engaged through the pre-application and IPC process. Augean still have a number of things to do before submission to the IPC around December. In particular a series of adverts will go in the Stamford Mercury, Times and London Gazette with 28 days given for further comments. All previous comments and any further comments will be submitted with the application.
- 4.21 **DB** – Asked whether there were guidelines for the pre-application work.
- 4.22 **GW** – Yes, very good guidance although the regulations are more difficult. The LPA are encouraged to produce a local impact report for submission to the IPC. Parishes have the opportunity to do likewise and neighbouring authorities are also welcome to comment. With the application likely to be submitted in December it is likely that interested parties will be contacted by the IPC in January or February following the initial 28 day period for acceptance of the application.
- 4.23 **GW** explained that under the current planning permission there was no Sunday or Bank Holiday working. To allow the site to take in air pollution control residue from municipal incinerators (which operate 24/7) it is proposed that the application would include provision for up to 6 tankers to deliver material to the soil treatment facility for processing. No landfilling would take place on these days.
- 4.24 **Eleanor Nicholson (EN)** – Distributed a process sheet explaining how parties could become involved in the IPC planning process (see appendix 1). EN confirmed that the pre-application work was essentially complete although there was still advertising to be done. Once submitted the applications would be advertised and a public information brochure circulated explaining how people can engage in the process. EN commented that the IPC website is very user friendly and that the project would be assigned its own web page where all correspondence would be available. Parties would need to register on the website and summarise their views before being asked later to expand on those views, including being given the opportunity to speak at the hearing.
- 4.25 **DB** – Sought to clarify that there would be open floor representations but no cross examination.
- 4.26 **EN** – Confirmed that this would be the case
- 4.27 **CL** – Asked if pre-application comments should go to Augean.

- 4.28 **EN** – Responded that pre-ap comments should go to Augean
- 4.29 **CL** – Asked if NCC would co-ordinate responses from parishes and districts.
- 4.30 **PW** – Responded that he was not sure at this stage and that NCC needed to assess its position.
- 4.31 **CL** – Asked if Councillors would have an input.
- 4.32 **PW** – Reiterated that NCC still need to consider what will be involved but that it is likely that a report would be taken to Councillors. The LLG will be kept informed. **(ACTION PW)**
- 4.33 **DB** – Asked if Councillor Heather Smith would still be able to comment as a representative of the local community.
- 4.34 **PW** – Confirmed that Councillor Smith would still be involved in the IPC process and any consultation undertaken by NCC.
- 4.35 **JH** – Queried if Rutland and neighbouring authorities would also be involved.
- 4.36 **PW** – Confirmed that this would be the case and that the EA etc would also be involved.
- 4.37 **DB** – Requested that the issue re the location of the aquifer be addressed at an early stage.
- 4.38 **GW** – Explained that this has already been addressed.
- 4.39 **DB** – Raised a concern that an Environmental Permit application would not be made until 2014 and that this was out of phase with the planning applications. As a result of this phasing DB was concerned that the EA would feel obliged to look positively at the permit application.
- 4.40 **GW** – Explained that the EA would be consulted through the planning process and would be expected to comment in respect of their policy and views.
- 4.41 **DB** – Asked if the EA could appear?
- 4.42 **GL** – Explained that they could although they don't generally if they have no objections.
- 4.43 **DB** – Asked if the technical details would be considered through the planning process.
- 4.44 **GW** – Confirmed that they would be but couldn't comment on whether the EA would choose to attend.
- 4.45 **RM** – Commented that the EA were unlikely to attend if they don't object.
- 4.46 **DB** – Noted that locals look to the EA to evaluate and hope that they act in the interest of the public rather than just respond.
- 4.47 **RM** – Commented that there was also the permitting process which is an entirely independent process.
- 4.48 **DB** – Noted that there are substantial overlaps, especially re groundwater protection.

- 4.49 **GW** – Commented that Augean would have to demonstrate that the site was suitable for the range of wastes proposed. As well as establishing the principals under planning Augean would also have to satisfy the Environmental Permitting Regulations. This would likely not be undertaken for a few years as the extension would not be required for operations until 2016. A detailed risk assessment is required as part of the planning process to show that proposals meet groundwater policy and that is probably the most important detail of the planning application.
- 4.50 **TS** – Asked if previous objections should be resubmitted.
- 4.51 **PW** – Commented that respondents could make their points again but that the decision makers would likely be aware of the site background and previous local concerns. Confirmed that it was always best to make points again.
- 4.52 **JH** – Asked if customers have been invited to look at the site.
- 4.53 **GW** – Explained that customers often visit the site as part of their Duty of Care before they agree to the site taking their waste.
- 4.54 **JH** – Asked if the Nuclear Decommissioning Authority (NDA) has been to the site.
- 4.55 **GW** – Confirmed that NDA visit the site regularly.
- 4.56 **JH** – Asked for the names of the relevant staff at NDA.
- 4.57 **GW** – Agreed that these could be provided. **(ACTION GW)** Explained that NDA don't audit the site but that an audit was undertaken by Research Sites Restoration Limited (RSRL) who are responsible for decommissioning the sites at Harwell and Winfrith on behalf of the NDA.
- 4.58 **GW** – Reiterated that a leaflet would be widely distributed informing the local community that the application had been made to the IPC. The leaflet would be distributed to all homes in the villages involved in the referendum as well as to around 47 parish councils. Advertisements would be placed in the media and Augean's website kept up to date, including a consultation email address and dedicated phone line. A drop in arrangement might also be set up for questions and presentations can be made to parish councils and small groups. Augean are happy to consider other suggestions.
- 4.59 **DB** – Asked that the advert include the relevant addresses for responses and requests.
- 4.60 **GW** – Confirmed that this would be done and that requests for information should be made to Augean with representations to go to the IPC.
- 4.61 **CL** – Raised issues with a recent Augean newsletter. In particular the last sentence of the first paragraph re levels which states 'and consistent with other landfills'. CL noted that this was misleading and suggested that there was more than 1.
- 4.62 **GW** – Agreed that Clifton Marsh was the only facility taking LLW from other than specific sources.
- 4.63 **CL** – Also raised issues linking the proposals to operations at Drigg which is a repository and therefore not a relevant comparison.

- 4.64 **GW** – Suggested that the reference reflected the fact that Drigg also accepted LLW.
- 4.65 **JH** – Agreed that the landfill comment was misleading.
- 4.66 **DB** – Asked about Dounreay.
- 4.67 **GW** – Commented that Dounreay was effectively a landfill and suggested that there was a further site in Scotland with planning permission.
- 4.68 **RM** – Raised that from 31 October amendments to the Environmental Permitting Regulations (Schedule 23 – Radioactive Substances) would change and tighten up permitting levels. Exemptions would be on a 3 tier approach. Exempt sites would not require a permit to receive LLW below certain limits subject to the site having appropriate procedures in place.
- 4.69 **CL** – Pointed out that LLW is up to 4,000 Becquerel (Bq) and raised concerns that it is only the EA stopping the operator seeking to increase the Becquerel limit from 200 Bq and that there is nothing in law to restrict this.
- 4.70 **GW** – Agreed that it is regulated by the EA but that a limit of 200 Bq has been given to provide assurances for the local community. He noted that the planning permission would also restrict the operator changing the limits.
- 4.71 **PW** – Confirmed that planning permission would be required to increase the Bq limit.
- 4.72 **CL** – Commented that there was nothing to stop such an application being successful.
- 4.73 **GW** – Noted that the Bq limit is set in the particulars of development and is not just a condition that could be varied. But, if the applicant could justify a higher limit in risk assessment terms it might be successful. That said, 200 Bq doesn't pose a risk and allows the decommissioning of power stations etc. Also this level is positive for the staff handling the waste and for public perception. Agreed that it is difficult that there is no set rule.
- 4.74 **CL** – Asked if there were avenues to influence NDA through NULEAF.
- 4.75 **PW** – Agreed to raise this issue. **(ACTION PW)**
- 4.76 **RM** – Returned to the changes to the Environmental Permitting Regulations. Exempt landfill sites would be limited to receive LLW below a radiological level of 300 micro Sv and only in small quantities. The site would need to have procedures in place to show that they could accurately measure and assess the radiological level of waste received. This site can only take 20 micro Sv, although later quantities can be taken.
- 4.77 **GW** – Added that Augean would also produce radiological information data in the information to be circulated re air quality, groundwater etc.
- 4.78 **GW** – Noted that the points raised regarding the wording of the newsletter would be taken on board in future text.

5. EA Update

- 5.1 **RM** – Provided an update on behalf of Kevin Burton that sampling at the village spring (Horse Water pool was set to begin and continue indefinitely. RM explained that work is ongoing with Augean re waste acceptance procedures.
- 5.2 **GW** – Noted additional dust monitoring stations had been installed on the western boundary of the site.
- 5.3 **DB** – Asked about the ground water monitoring bore holes (per discussions at the last meeting).
- 5.4 **GW** – Explained that groundwater monitoring is ongoing and that levels of groundwater are dropping over time. Added that groundwater is monitored at several sites for a number of parameters.
- 5.5 **DB** – Asked about the minutes of the last meeting, in particular 3.15 to 3.17 re groundwater protection policy. Acknowledged that works needed to be in line with the landfill directive but queried whether there was a presumption against direct contact with an aquifer in NDA policy and that this would affect required clay depths. Understood that policy was being tightened up about when an aquifer could be exposed and that this would need to be considered when assessing the extension.
- 5.6 **RM** – Explained that if policy changed then the permit would be reviewed.
- 5.7 **GW** – If groundwater policy changes then this would be taken into account in the revised permit application.
- 5.8 **RM** – Agreed to look into this matter. **(ACTION RM)**
6. **County Council Update**
- 6.1 **PW** – Explained that the Minerals and Waste Development Framework is now fully adopted.
- 6.2 **GW** – Noted that Augean had made representations on the Supplementary Planning Document.
- 6.3 **ML** – Explained that the SPD had now been finalised and would be printed following the appeal period.
- 6.4 **CL** – Asked about radioactive waste policy.
- 6.5 **PW** – Explained that this was addressed in the Core Strategy and Control and Management of Development Document and that these would be reviewed in the not too distant future. Changes in national policy would have a bearing on these documents.
- 6.6 **JH** – Noted that strong representations were made against the previous Augean application for disposal of LLW.
- 6.7 **PW** – Responded that the Development Control Committee took these decisions into account in making their decision.

- 6.8 **CL** – Pointed out that the officer recommendation was different to the decision of the Committee.
- 6.9 **PW** – Explained that it was not possible to pre-judge future policy but that the policy would be subject to public consultation. Current policy accepts that the site deals with hazardous waste and serves a broad catchment.
- 6.10 **CL** – Noted that opponents of the site would have a stronger case if there was policy against LLW being received at the site.
- 6.11 **PW** – Pointed out that the Council has been making representations on the MWDF policy documents prepared by other authorities to stress that they should address hazardous and radioactive waste, especially in light of the legacy facilities that require decommissioning.
- 6.12 **CL** – Asked when further policy might be forthcoming in a revised Core Strategy.
- 6.13 **PW** – Added that a review would not begin before Spring 2012.
- 6.14 **TS** – Highlighted that mineral extraction at Wakerley had the potential to impact on traffic issues in the area, particularly with the proposed extensions at Kings Cliffe. TS asked if the Highway Authority were aware of these potential issues.
- 6.15 **GW** – Noted that total inputs at Kings Cliffe would not be increasing from current permitted levels.
- 6.16 **PW** – Explained that the Highway Authority was consulted on both the Wakerley and Kings Cliffe applications.
- 6.17 **PW** – Regarding the forthcoming applications to the IPC, PW explained that the Council was likely to follow normal consultation and reporting processes but that a formal position will be made clear in due course.
- 6.18 **PW** – Asked if the note had been received from Augean re the issues around directing traffic to avoid the A43.
- 6.19 **All** – Yes
- 6.20 **GW** – Explained that traffic numbers had been updated on the recently drafted traffic sheet. Another month to go into the application.
- 6.21 **PW** – Asked if there was any further business.
- 7. DATE OF NEXT MEETING**
- 7.1 To best fit with the IPC process it was suggested that late February or early March would be idea. It was agreed the next meeting would be 2pm Wednesday 29 February 2012 at Kings Cliffe.

How can I be involved with the IPC planning process?

This describes the various stages of the IPC process and the points at which members of the public can become involved.

Pre – Application

- The pre-application consultation has already taken place:
 - Three public consultation days in Kings Cliffe, Collyweston and Woodnewton
 - Site Open Day
 - Four Workshops
- The application to the IPC needs to be advertised and will enable the local community to have the opportunity to comment further for a period of 28 days.
- The application has, and will be, informed by any comments made to Augean during the consultation process.
- A Consultation Report that will describe the various consultation activities and how the application has been influenced by these activities will accompany all of the other application documents that will be submitted to the IPC.

Acceptance

- The local community will be notified when the application has been accepted by the IPC via a Public Information Leaflet. This will include details of how to comment on the application to the IPC.
- A project page will be assigned to the application on the IPC website.

Pre – Examination

- The public will be able to register to put their case at this stage.
- Registration can be from a link on the IPC webpage or by calling their helpline and requesting a form to fill in and return.
- On registration you will be asked to leave personal details and a summary of views.
- At a later date all those registered will be invited to provide more detailed written views and to take part in the preliminary meeting and public hearings.
- Views will be published on the assigned webpage.
- All views expressed will be considered by the examining authority.

- A procedural meeting to which all parties will be invited takes place before moving on to the Examination stage.
- Timetable for Examination produced.

Examination

- The questions asked by the Commissioner(s) are informed and generated by representations.
- Local Authority (NCC) will produce a Local Impact Report (LIR) –which can also be informed by local opinion.
- People who have registered to put their case will have an opportunity to comment on the LIR – the deadline for doing this will be published.
- Everyone who has registered to put their case on a proposal will be given the opportunity to provide further details of their views in the form of a detailed written representation.
- All representations will be published on the IPC website and taken into consideration.
- There is also an opportunity to request an opportunity to put your views in person at the public hearings chaired by the Commissioner.
- Any hearings that will take place will be announced at the Pre Examination procedural meeting.
- Anyone who is registered will be able to request an open floor hearing.
- The Commissioner will ensure that this is not repetitious of the same issues.

Decision

- The decision on the proposed application will be made by the Secretary of State on the recommendations of the IPC Commissioner(s)

Post Decision

- A legal challenge against the decision has to be taken up within six weeks.