



Meeting note

File reference	WS010001
Status	FINAL
Author	Robert Ranger
Date	21 September 2017
Meeting with	Augean
Venue	Temple Quay House, Bristol
Attendees	Augean Leslie Heasman, MJCA Jennifer Holgate, Bond Dickinson Eleanor Nicholson, Jennings Nicholson Associates Peter Oldfield, Augean Gene Wilson, Augean The Planning Inspectorate Helen Lancaster, Senior EIA and Land Rights Advisor Robert Ranger, Case Manager Chris White, Infrastructure Planning Lead
Meeting objectives	Initial meeting to discuss an application for a non-material change to the East Northamptonshire Resource Management Facility Order 2013
Circulation	All attendees

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised on its openness policy, explaining that any advice given would be recorded and placed on the Inspectorate website under section 51 of the Planning Act 2008 (as amended) (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Augean (Ag) and the Inspectorate case team introduced themselves and their respective roles.

Ag provided an update on the East Northamptonshire facility and the company as a whole. Ag operates 17 sites, specialising in the management of hazardous waste. They control between a third and a half of all hazardous waste landfill void space in the UK.

The East Northamptonshire Resource Management Facility (ENRMF) near Kings Cliffe operates under a Development Consent Order (DCO) made in 2013, and under three environmental permits, covering the landfilling of hazardous waste and low level

radioactive waste, and a hazardous waste treatment plant. The treatment plant undertakes three processes:

- Stabilisation of waste
- Soil washing
- Bio-remediation processes

The existing environmental permit limits each of these processes to 100,000 tonnes each per annum (tpa) throughput. The DCO limits the throughput of the treatment plant to 150,000tpa. It also limits the direct input rate of the landfill to 150,000tpa; and the input to the site overall to 250,000tpa.

Ag explained that in 2015 and 2016 the treatment plant exceeded the throughput limit. There is no current or anticipated exceedance. They propose to apply to change the DCO to increase the throughput limit of the treatment plant to 200,000tpa.

Two previous changes, to the site entrance and to the layout of the site, were made within the terms of the DCO by the Local Authority. This proposed change is to the DCO itself and will require a change application.

Since the proposal does not change the overall site input rate, the site plant or elevations, the site plans, the description of the development, the operating hours, the anticipated impacts assessed in the Environmental Statement accompanying the DCO application or the assessed traffic numbers, Ag consider that the proposed change is likely to be non-material. Whilst there may be an increase in processed non-hazardous waste leaving the facility, the quantity of additional traffic would be below that originally assessed in the Environmental Statement.

The Inspectorate advised that they cannot give a definitive determination on materiality, and that this was a matter for the Secretary of State. They advised that Ag explain in their application their rationale for considering that the change is not material.

Ag explained that they proposed proportionate consultation on the proposed change, and would seek consent not to consult some prescribed consultees. The Inspectorate explained that developing practice was that this consent was sought directly from the Secretary of State at the department, in this case the Department for Communities and Local Government (DCLG).

They advised that Ag explain their justification for omitting consultees, and also their rationale on materiality, when making the request of the Secretary of State. The Inspectorate drew Ag's attention to the format of the request made by EDF Energy on the Hinkley Point C generating station non material change, which was easy to follow.

The Inspectorate explained that there is no statutory timescale for a decision on a non-material change application, but there is an expectation in guidance that it will be within six weeks of the close of consultation however recent examples are typically between 2.5 and 3 months for a decision.

They noted that, notwithstanding whether the proposed change may or may not be EIA development, it appeared to be Ag's view that the proposal had already been assessed within the ES for the DCO application. Ag confirmed that view.

The Inspectorate will publish any decision by the Secretary of State regarding consent not to consult prescribed consultees on their project webpage, which is the same webpage used for the original DCO application. This is also where the change application and any consultation responses will be published in due course.

The Inspectorate agreed that providing the Secretary of State with relevant extracts of documents submitted with the application or during the examination, along with signposting of the full document on the National Infrastructure Planning website, was a good approach that avoided excessive duplication.

In response to a query from the Inspectorate, Ag confirmed that the proposal would not result in any additional low level radioactive waste imports, nor require any changes to the Section 106 agreement that controls the community benefit fund.

Ag plan to submit an application in late November 2017, and to consult upon it until January 2018.

Specific decisions / follow up required?

The Inspectorate will forward to Ag the contact at DCLG for the change application, and the project email address that can be used for consultation responses.