



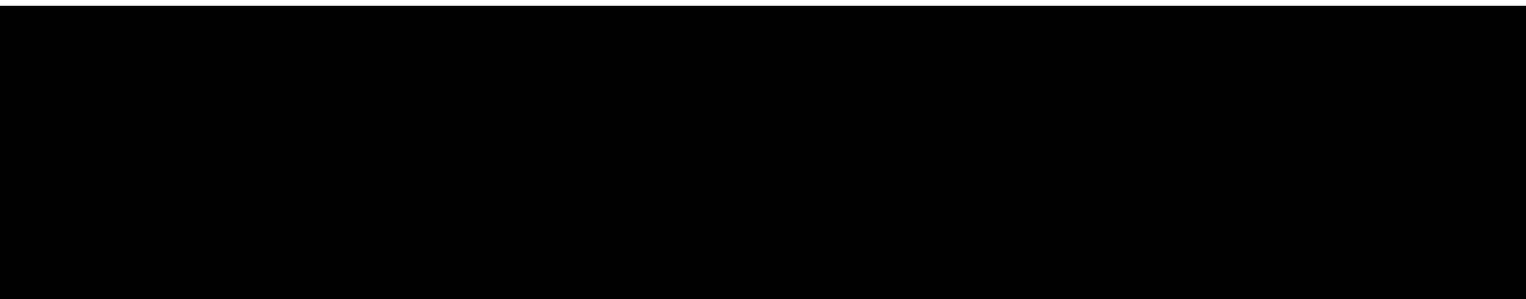
**CONSULTATION  
REPORT**

**FOR THE PROPOSED DEVELOPMENT CONSENT ORDER  
APPLICATION FOR THE ALTERATION AND  
CONSTRUCTION OF HAZARDOUS WASTE AND LOW  
LEVEL RADIOACTIVE WASTE FACILITIES AT THE EAST  
NORTHANTS RESOURCE MANAGEMENT FACILITY,  
STAMFORD ROAD, NORTHAMPTONSHIRE**

*PINS project reference: WS010005*

**PINS document reference: 4.1**

**September 2021**



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# Consultation Report

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## Appendices

Appendix CRA	Consultation Compliance Checklist.
Appendix CRB	Consultation Diary
Appendix CRC	Initial draft of Statement of Community Consultation (SoCC), PowerPoint presentation to East Northants District Council (ENDC) (2 July 2020).
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Appendix CRL	Exhibition pack including booklet of exhibition boards, Non Technical Summary, SoCC, Section 48 notice and comments sheet.
Appendix CRM	Correspondence, Electronic newsletter, news media statement and newspaper coverage of extension to period for receipt of responses to consultation until 8 January 2021.
Appendix CRN	Correspondence, Electronic newsletter, news media statement and newspaper coverage of further extension to period for receipt of responses to consultation until 15 February 2021.
Appendix CRO	Table of responses to Section 47 consultation held between 26 October 2020 and 14 December 2020, and during extended period for receipt of responses and replies from the Applicant to issues raised and how the Applicant has taken account of the issues raised in preparation of the final application and Environmental Statement.
Appendix CRP	Table of Section 42, Section 43 and Section 44 consultees
Appendix CRQ	Cover letter to Section 42, Section 43, and Section 44 consultees (26 October 2020), the Preliminary Environmental Information Report, a Non Technical Summary, the SoCC , Section 48 Notice and a public information leaflet.
Appendix CRR	Table of responses to Section 42 consultation held between 26 October 2020 and 14 December 2020, replies from the Applicant

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	and how the Applicant has taken account of the issues raised in preparation of the final application and Environmental Statement.
Appendix CRS	Section 46 letter to PINS informing them of commencement of statutory consultation (26 October 2020) and letter of acknowledgement from PINS (27 October 2020).
Appendix CRT	Published Section 48 and Section 47 Notices.
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Appendix CRX	Copies of recent company newsletters.
Appendix CRY	Copies of electronic newsletters.
Appendix CRZ	Log of telephone enquiries received during consultation.

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## Executive Summary

- I. This Consultation Report has been prepared on behalf of Augean South Ltd (Augean) to accompany an application to the Secretary of State (SoS) for a Development Consent Order (DCO) for an extension in the area and life of the East Northants Resource Management Facility (ENRMF) including an extension to the west of the existing landfill site and in the throughput of the waste treatment and recovery facility at the East Northants Resource Management Facility Stamford Road, Kings Cliffe. PE8 6XX.
  
  - II. The report has been prepared in accordance with section 37(3)(c) of the Planning Act 2008 as amended (the Act). Augean has a statutory duty to consult on and publicise the application before submitting it in accordance with the Act and all regulations and guidance issued pursuant to the Act. This report demonstrates compliance with Section 42, Section 47, Section 48 and Section 49 of the Act and the extensive consultation that has been undertaken.
  
  - III. The evidence of the consultation process is presented in tables and appendices including consultation materials, presentations, letters and email of response and feedback documents.
  
  - IV. The Act places a high degree of importance on meaningful and comprehensive pre-application consultation with the local community, those with an interest in the land, Local Authorities and other statutory consultees. The programme of
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- consultation has been informed by best practice from consultations carried out for similar developments as well as compliance with legislative requirements government guidance, Planning Inspectorate (PINS) advice notes and Augean's experience of engaging with the local communities near the ENRMF for over 15 years.
- V. Additionally, note was taken of the temporary changes that were implemented by the government for public consultations on proposed planning applications, including those for DCOs during the Covid -19 crisis, and the way that they have needed to be carefully considered to ensure health impacts are avoided while continuing to engage people in a meaningful way. The government has stated that planning processes, including the assessment of planning applications, plan making and neighbourhood planning, should continue as far as is practicably possible during the pandemic. The approach to consultation is detailed in Section 3 of the report.
- VI. The consultation has been conducted in a distinct series of phases in line with best practice. From early conceptual stages informal engagement with both statutory consultees and the local community has taken place. The approach to consultation with the local community was outlined in the draft version of the Statement of Community Consultation (SoCC) which was agreed with the relevant consultees and key members of the local community and before a final version was duly published. The obligation to publish a notice in a local paper regarding the SoCC

- and its availability for inspection is reported. This is described in Section 4 of this report.
- VII. The formal statutory consultation with the community to comply with Section 47 of the Act was carried out on from 26 October to 14 December 2020. As further detailed in the report it was agreed with members of the community that due to the challenges of the Covid-19 pandemic, the Applicant would be happy to continue to accept consultation responses until 15 February 2021. This process is explained in Section 4 of this report.
- VIII. In Section 5 consideration is given to the Environmental Impact Assessment (EIA) Scoping report consultation with statutory consultees.
- IX. Section 6 of the report explains how in accordance with Section 42 of the Act the Applicant consulted with local and adjacent authorities, landowners and other prescribed consultees.
- X. The obligation under Section 46 to notify the SoS of the commencement of the statutory consultation is reported in Section 7.
- XI. Consistent with Section 48 of the Act, the Applicant placed notices in local newspapers for two successive weeks and in a nation newspaper and the London



- Gazette for one week. The notice explained that the development is an EIA development and how members of the public could access the documentation relating to the application and give a deadline for representations to be made. Information on the notices and how they were made available is set out in Section 8.
- XII. The ongoing nature of consultation and communication about the application with both statutory consultees and the local community is described in Section 9.
- XIII. Under Section 49 of the Act an applicant must have regard to any relevant responses received through consultation under Sections 42,47 and 48 of the Act. The statutory consultees that were consulted under Section 42 and local community consultees that were consulted under Section 47 of the Act made comments or raised specific issues about how the scheme might affect them or how it could be improved. The Applicant has taken careful account of all feedback from the consultation. The representations are included in Appendices to this report and a summary of issues raised by the local community is included as Table 1 in Section 10 of the report.
- XIV. The conclusion in Section 11 reflects on the consultation and how comments received have been able to influence the application in a meaningful and constructive manner where possible or appropriate given the due regard that must also be given to legislative requirements regulator guidance, environmental and

✓ safety considerations together with government policy which pre-determines many aspects of a waste management facility.

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## 1. Preface

1.1. This Consultation Report has been prepared on behalf of Augean South Ltd (Augean). Augean (as “the Applicant”) is making an application to the Secretary of State (SoS) for a Development Consent Order (DCO) for an extension in the area and life of the East Northants Resource Management Facility (ENRMF) including an extension to the west of the existing landfill site and increasing the throughput of the waste treatment and recovery facility (The Proposed Development) at the East Northants Resource Management Facility, Stamford Road, Kings Cliffe. PE8 6XX. A detailed description of the company and the Proposed Development is given in Section 2.

1.2. Section 37(3)(c) of the Planning Act 2008 (the Act) requires that an application for a development consent order is accompanied by a consultation report.

1.3. Subsection (7), states that “the consultation report” means a report giving details of:

- *what has been done in compliance with sections 42, 47 and 48 in relation to a proposed application that has become the application,*
- *any relevant responses, and*
- *the account taken of any relevant responses.*

1.4. A “relevant response” is defined in Section 49(3) as:

- *a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person's case,*
- *a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or*
- *a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.*

1.5. This Consultation Report sets out the approach to consultation regarding:

- Statutory consultation (to comply with Sections 42, 47 and 48 of the Act) that has taken place, how the consultation responses have been considered with regard to Section 49 of the Act and how they have subsequently shaped the final form of the application.
- The non-statutory or informal consultation that has been undertaken on the project, which has also helped shape the final application.

1.6. The Applicant has given careful consideration to the specific requirements set out in the following legislation in developing the approach to consultation for the ENRMF:

- The Act.

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regs)
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the Infrastructure EIA Regulations 2017).
- The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020.

1.7. In addition, in preparing this Consultation Report, attention has been paid to:

- Ministry of Housing, Communities and Local Government (MHCLG) (2015) Planning Act 2008 guidance on the pre-application process (the Guidance).
- Planning Inspectorate (PINS) Advice Note 3 Environmental Impact Assessment Consultation and Notification.
- PINS Advice Note 6: Preparation and Submission of Application Documents.
- PINS Advice Note 14: Compiling the Consultation Report.

1.8. Section 55(3)(e) of the Act provides that the SoS may only accept the application for development consent if it is concluded (amongst other matters) that the Applicant has complied in accordance with the requirements of the pre-application procedure. Appendix 3 of the PINS Advice Note 6: Preparation and Submission of Application Documents (January 2019) comprises a Section 55 Application

Checklist (PINS document reference 1.6) based upon the statutory criteria for acceptance of applications set out in section 55(3).

1.9. The parts of this relating to consultation have been extracted in the Consultation Compliance Checklist found at Appendix CRA, which outlines how the criteria have been met and where further information can be found in this report.

1.10. Appendix CRA demonstrates that the Applicant has fully complied with the pre-application consultation requirements of the Act.

1.11. The report demonstrates that the Applicant has complied with the relevant sections of the Act relating to pre-submission consultation and provides a summary of the consultation process, and the responses that have been received through the consultation under Sections 42, 47 and 48 of the Act.

1.12. With regard to Section 49 of the Act, the Applicant has taken account of all responses received from the different stages and forms of consultation. All issues raised and responses received were considered and where appropriate were taken into account by the applicant.

1.13. A summary of the principal phases of consultation is set out below and a more detailed consultation diary is available at Appendix CRB.

1.14. The consultation can be divided into different phases:

- Informal consultation on the emerging project October 2019 – June 2020

- Consultation on EIA Scoping Report and Statement of Community Consultation (SoCC) June 2020 – September 2020
- Formal Section 42 and Section 47 consultation October 2020- December 2020
- Extended period for receipt of responses December 2020 to February 2021
- Further ongoing consultation February 2021 to July 2021
- Formal Section 42 consultation June 2021
- Ongoing and forthcoming initiatives

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## 2. Introduction

- 2.1. The Consultation Report has been prepared on behalf of the Applicant in accordance with section 37(3) of the Act and with due regard to section 37(7) of the Act.
- 2.2. The Applicant has a statutory duty to consult on and publicise the application before submitting it in accordance with the Act and all regulations and guidance issued alongside the Act. This report demonstrates compliance with Section 42, Section 47, Section 48 and Section 49 of the Act and the extensive consultation that has been undertaken. The approach to the consultation with the S47 consultees is described in Section 4 of this Consultation Report and the approach to the S42 consultees is described in Sections 6 and 9 of this report. Copies of standard or example emails or, where appropriate, of specific correspondence to consultees are provided as appendices for reference. There is no requirement in the regulations, Act or guidance to specify in the correspondence which section the parties are being consulted pursuant to. It is considered that the consultation correspondence is adequate for the purposes of the consultation process and that if the specific section under which they are being consulted is not referenced specifically, there has been no prejudice to those that have been consulted.



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## Structure of the report

2.3. The report is structured as follows:

- Executive Summary – gives an overview of the content of the Consultation Report
- Section 1 - the Preface includes the background of the legislative requirements that must be met through the consultation process.
- Section 2 - Introduction and overview of the Applicant and the Proposed Development.
- Section 3 - Approach to consultation
- Section 4 - Community consultation; development and publication of the SoCC and statutory consultation under Section 47
- Section 5 – Environmental Impact Assessment scoping report
- Section 6 – Statutory consultation under Section 42 including the development of the PEIR and the consultation Publication of notices
- Section 7 – Section 46 Notification
- Section 8 - Section 48 Publicity
- Section 9 – Consultation after completion of the October 2020 statutory and community consultation
- Section 10 - Responses to consultation
- Section 11 - Conclusions

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## Project background

### *Augean South Ltd*

2.4. The ENRMF is owned and operated by the Applicant. The company is a leader in the waste management sector. The company delivers a broad range of services across many key areas for the sustainable management of waste. The company specialises in the management of the UK's more difficult to manage wastes including hazardous waste and low level radioactive waste. The company applies the waste hierarchy to enable recycling, recovery and reuse wherever possible for these more challenging waste types. Where waste must be disposed of the Applicant treats the waste where practicable to reduce the polluting potential before landfill disposal.

### *The East Northants Resource Management Facility*

2.5. The existing ENRMF site comprises an active hazardous waste and low level radioactive waste (LLW) landfill site (Existing Landfill Facility) together with a waste treatment and recovery facility (Existing Waste Treatment and Recovery Facility). The Existing Landfill Facility is operated progressively; accordingly, there are parts of the site operating, awaiting operations and completed and under restoration. A gas management and surface water management compound including a flare stack are located in the north western corner of the current site. Site infrastructure including the site access, waste reception facilities, car parking areas, site offices, welfare facilities, storage areas, laboratories and wheel and vehicle body washing facilities are in place at the site. The Proposed Western

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Extension that is included as part of the DCO application is immediately west of the ENRMF and is currently predominantly agricultural land.

### *Recent planning history*

2.6. The ENRMF site has a long history of mineral and waste development and is an established waste treatment and recovery facility together with a hazardous waste and low level radioactive waste (LLW) landfill site. Clay extraction has taken place since 1957, landfill disposal commenced in 2000, the site has accepted only hazardous waste since 2004. The Applicant was granted permission to accept Low Level Radioactive Waste (LLW) at ENRMF by the SoS in May 2011 following a rigorous and detailed examination of the proposals at a public inquiry held in late 2010. The SoS was completely satisfied that the disposal of LLW at the site would not be harmful to human health or the environment. The Environment Agency also issued a permit for the disposal of these wastes. LLW has been disposed of at ENRMF since December 2011.

2.7. In July 2013, the East Northamptonshire Resource Management Facility Order 2013 (2013 Order) was granted by the SoS to extend the site to the west and continue site operations until 2026. The 2013 Order was amended in 2018 to increase the throughput of wastes at the waste treatment and recovery facility. The 2013 Order as amended in 2018 will hereafter be referred to as the Original Order.

2.8. In order to secure capacity for the treatment and disposal of hazardous wastes and LLW beyond 2026 to serve local, regional and national needs, Augean is seeking consent to construct the Proposed Western Extension, which is an additional landfill void of approximately 2.5 million cubic metres to the west of the currently operated site as well as increase the capacity of the Existing Waste Treatment and Recovery Facility and extend the lifespan of the ENRMF.

*The proposal*

2.9. The application seeks a DCO that will include authorisation for the following elements:

- The construction of new landfill void in the Proposed Western Extension for the continued disposal of the same range of predominantly hazardous wastes and a limited amount of low level radioactive waste (LLW) as deposited at the Existing ENRMF with a capacity of greater than 100,000 tonnes per annum (tpa) of hazardous waste which satisfies section 30(1) and section 30(2)(a) of the Act.
- A proposal for a coherent landform for the restoration of the Existing Landfill Facility and the Proposed Western Extension resulting in the construction of new landfill void in the Existing Landfill Facility to connect with the Proposed Western Extension with a capacity of greater than 100,000tpa of hazardous waste which satisfies section 30(1) and section 30(2)(a) of the Act.
- A total additional landfill void to be constructed of approximately 2.5 million cubic metres.

- The winning and working of minerals in the Proposed Development in order to create the landfill void and provide extracted materials for use on site as well as the exportation of clay and overburden for use in engineering, restoration and general fill at other sites.
- The temporary stockpiling of clay, overburden and soils for use in the construction of the engineered containment system at the site and restoration of the site.
- The direct input of waste into the Existing Landfill Facility and the Proposed Western Extension will continue at a rate of up to 150,000tpa.
- An increase to the hazardous waste throughput of the Existing Waste Treatment and Recovery Facility from 200,000tpa to 250,000tpa which comprises an increase of 50,000tpa compared with the rate consented in the Original Order and the extension of the treatment area to the south while remaining within the Existing ENRMF footprint which satisfies section 30(3) and section 30(4)(b) of the Act.
- A combined total waste importation rate limit to site for the Proposed Development of 300,000tpa which is an increase of 50,000tpa compared with the rate consented in the Original Order.
- The LLW which will continue to be disposed of at the ENRMF and will be disposed of in the Proposed Western Extension will be limited to that which is at the lower end of the activity range and typically will have a level of radioactivity of up to 200 Bq/g.
- The diversion of the overhead electricity cable that crosses the Proposed Western Extension to a trench which follows the route of the

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water pipes across the Proposed Western Extension and then follows the western margin of the site to the northern corner.

- The operational hours of the site will not change from those already consented in the Original Order.
- Restoration of the whole site to generally domed profiles to create a coherent restoration landform.
- Restoration of the site to improved biodiversity and nature conservation interest using the soils available at the site as well as suitable imported materials. The site will be restored to a mosaic structure of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies.
- Completion of the landfilling and restoration operations by December 2046 and removal of the Existing Waste Treatment and Recovery Facility.
- Retention of infrastructure until 2046 and the retention of long term management infrastructure beyond this date.

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### 3. Approach to consultation

3.1. Under sections 42, 47 and 48 of the Act, an applicant is required to publicise an application for a DCO and to consult the local community, certain prescribed bodies and Local Authorities on the proposed application and on the approach to public consultation.

3.2. In discussion with the local authorities and liaison group, the Applicant designed an extensive programme of consultation using best practice from consultations carried out for similar developments, and taking account of legislative requirements, government guidance and the PINS advice notes and other best practice. The plans for consultation were set out in the SoCC which was shared with the relevant Local Authorities and members of the Kings Cliffe Liaison Group (KCLG) at key stages of its preparation and agreed with them. This is further discussed in Section 4 of this report. This section of the Consultation Report sets out the approach taken to both non- statutory and statutory consultation and publicity under sections 42, 44, 47 and 48 of the Act, to support the application.

3.3. Recognising the impacts of coronavirus and the lockdown measures put in place by the Government (as announced by the Government on 23 March 2020), the Applicant adapted its methods of consultation and held an extended eight week statutory consultation period. This gave the community and stakeholders additional time to consider the proposals presented and provide feedback. The consultation period was then extended further following requests from the local community and subsequently a local councillor and the MP to 15 February 2021,

providing a further 63 days to submit feedback. Therefore, the total consultation period was 17 weeks. Further details of this can be found in Section 4 of this report.

3.4. Section 6 also explains the additional targeted statutory consultation undertaken by the Applicant in June 2021. Information about the project was issued to the affected landowners pursuant to section 42(1)(d) and a plan of the revised red line boundary, along with explanatory text was uploaded to the website.

### Context to the consultation

3.5. The Applicant has been operating at ENRMF since 2004 and has actively participated in the KCLG since 2005 which includes representatives from the surrounding parishes, local authorities and the Environment Agency. Over the past 15 years the Applicant has developed what are now well established means of ongoing communication and consultation with the community local to the site through the KCLG, the Register of Stakeholders, circulation of periodic newsletters and annual open days and engineering days as well as an open-door policy which is promoted at every opportunity.

3.6. The continuous communications programme was put in place to provide reassurance to the local community through openness and transparency and to generate a wider understanding of site operations and the waste industry in an educative and interactive manner. The Applicant values the relationships that



have been built with the local community and sees consultation and public engagement as a constant process.

3.7. In accordance with its normal practice at all of its sites, the Applicant has been committed to consultation with both statutory consultees, technical consultees, Local Authorities and the local community.

### Objectives of consultation

3.8. In accordance with the Guidance, the Applicant defined the following objectives as being important to ensuring compliance with statutory requirements in designing the programme of consultation and communications for the proposed development:

- As per paragraph 16 of the Guidance, to consult widely, honestly and comprehensively – to allow responses to influence the final application and be included in it, where practicable and appropriate.
- As per paragraph 18 of the Guidance, to ensure that all identified stakeholders, as well as the wider community, are engaged with and informed about the proposal and its benefits.
- As per paragraph 54 of the Guidance, to ensure that a range of methods are offered to reach all audiences, including digital and hard copy communications.
- As per paragraph 55 of the Guidance, to ensure that all communications are clear, concise and easy to understand, and to provide content/materials.

- As per paragraph 18 of the Guidance, to facilitate two-way communication, including opportunities for consultees to comment on the proposal and have their questions answered.
- As per paragraph 78 of the Guidance, to show how the feedback received has been considered and helped to shape the finalised application.
- As per paragraph 80 of the Guidance, to ensure that the consultation structure, mechanisms and feedback received have effectively contributed to the overall Consultation Report.

3.9. Appendix CRA includes information to demonstrate how the Guidance has been met.

### Consultation Areas

3.10. The consultation process was designed to engage with those local communities who may be affected by the Proposed Development within the consultation areas, shown at Figure 1. This is the same area that was previously identified for the consultation regarding the Original Order. The consultation areas were refined into Zone A and Zone B. The Applicant undertook to provide information about the Proposed Development and consultation events to these communities.

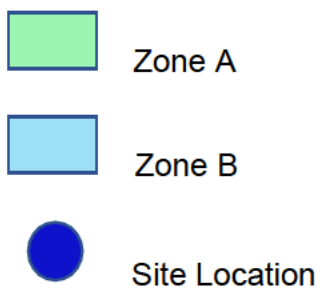
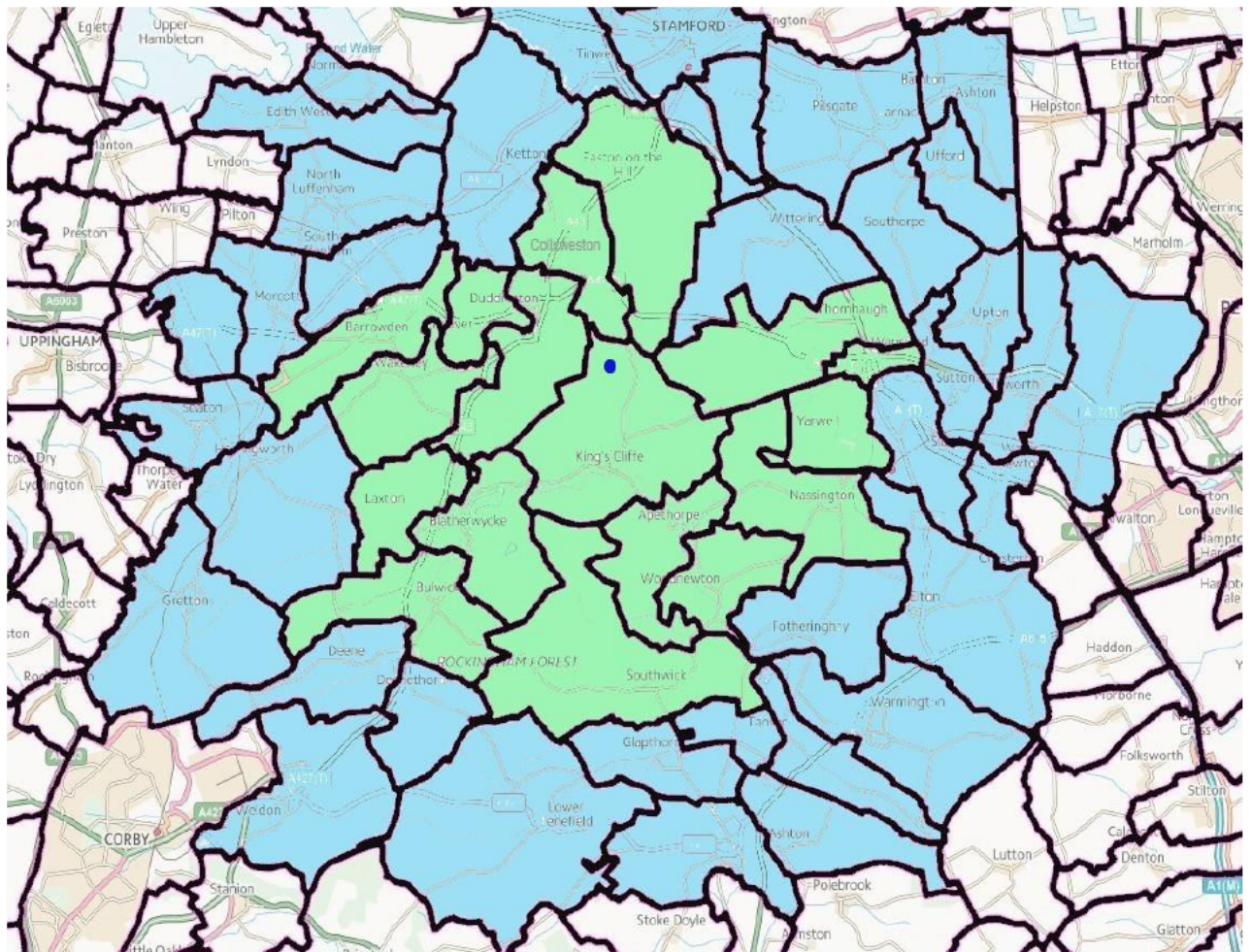
3.11. Zone A includes the villages nearest to the Proposed Development whose representatives participate in the KCLG and whose residents and businesses

have taken an interest in previous planning applications at the ENRMF. These villages are: Apethorpe, Barrowden, Blatherwycke, Bulwick, Collyweston, Duddington with Fineshade, Easton on the Hill, Kings Cliffe, Laxton, Nassington, Southwick, Tixover, Thornhaugh, Wakerley, Wansford, Woodnewton and Yarwell.

3.12. Zone B includes outlying villages whose residents and businesses have taken an interest in previous planning applications at the ENRMF. These towns and villages are: Ailsworth, Ashton, Bainton, Barnack, Benefield, Castor, Cotterstock, Deene and Deenethorpe, Edith Weston, Elton, Fotheringhay, Glapthorn, Glaston, Gretton, Harringworth, Ketton, Morcott, Normanton, North Luffenham, Oundle, Sibson cum Stibbington, Seaton, South Luffenham, Southorpe, Stamford, Sutton, Tansor, Tinwell, Ufford, Upton, Warmington, Water Newton, Weldon, Wittering and Wothorpe.

3.13. These areas are shown in Figure 1.

Figure 1



3.14. The Applicant undertook to provide information about the Proposed Development and consultation events to all elected representatives (Parish, District and County Councillors and Members of Parliament).

3.15. The Applicant welcomed the participation of those who work in or visit the consultation area and additionally took account of their views. This is reflected in the different locations of respondents to the consultation which are recorded in Appendix CRO.

3.16. Consideration was given to the composition of local communities, including whether people in the area might have specific needs or requirements, whether there were any identified any groups that could be described as 'seldom heard' and techniques that might be appropriate to overcome barriers to communication and participation in consultation. People were encouraged to contact the Applicant if they required information about the Proposed Development in a format particular to their needs.

3.17. As the main period of statutory consultation took place during the Covid-19 pandemic when various levels of restrictions were in place, particular attention was paid to the accessibility of the information to all. Recognising that some people may find it difficult to access the information, including people who may need to isolate, socially distance or shield themselves due to Covid-19, the Applicant offered that materials could be made available in formats appropriate to the needs of those people and by people with disabilities or those requiring

information in alternative formats or other languages on request by contacting the Applicant by telephone, email, letter or through the online exhibition contact form.

### Consultation methods

3.18. A range of consultation methods, channels and materials were considered and implemented including:

- Extended period of formal statutory consultation.
- Newspaper advertisements in line with statutory requirements.
- Public Information Leaflets.
- Posters.
- The Applicant's website.
- Application documents made available.
- Exhibition website.
- Exhibition pack in hard copy.
- Letters to prescribed consultees, Local Authorities providing updates on the project and offering meetings where relevant.
- Elected representatives' meetings and site visits.
- Engagement with special interest groups.
- Town and Parish Councils – regular updates about the project development and the consultation.
- Presentations.
- Informal liaison and discussion with all stakeholders.
- Company Newsletters.

- Community Newsletters or social media.
- Electronic Newsletters.
- Register of Stakeholders.
- Dedicated consultation email.
- Telephone Helpline.
- News media.
- Freepost.

3.19. How these methods, channels and materials were implemented is detailed in Section 4 and Section 6 of this report.

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## 4. Community Consultation

### Informal consultation on the emerging project

- 4.1. At an early stage, once a land option agreement for the arable fields to the west of the ENRMF had been agreed in October 2019, the Applicant informed the KCLG and Parish Councils in the vicinity of the site that site investigations were to commence to help inform any strategic decision about the future of the site.
- 4.2. The initial dialogue with statutory and local consultees is detailed in the Consultation Diary which is at Appendix CRB.

### Development of the Statement of Community Consultation

- 4.3. In accordance with section 47(2) of the Act, the applicant must consult each Local Authority that is within section 43(1) regarding the content of the SoCC. This is because their knowledge of the local area may influence decisions on the geographical extent of the consultation and the methods that will be most effective in the local circumstances.
- 4.4. As required by Section 47(3) of the Act, the relevant Local Authority must submit their comments on the SoCC within 28 days, beginning the day after they receive the consultation documents. The applicant also must have regard



to any responses received before the deadline, as outlined in Section 47(5) of the Act. Once the SoCC is finalised, the applicant must:

- under section 47(6), make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the proposed development;
- under section 47(6)(a), publish in a newspaper circulating in the vicinity of the proposed development, a notice stating where and when the statement can be inspected; and
- under section 47(6)(b), publish the statement in such manner as may be prescribed. Regulation 12 of the Infrastructure EIA Regulations 2017 requires that the consultation statement prepared under Section 47 of the Act sets out whether the application is an Environmental Impact Assessment (EIA) development and, if so, how the applicant intends to publicise and consult on the preliminary environmental information.

4.5. This section describes how the SoCC was prepared, the consultation which took place with Local Authorities and other consultees, the feedback received and changes made, and how the SoCC was publicised and made available to the local community.

4.6. The SoCC outlined how the Applicant proposed to consult with the community near the ENRMF in accordance with Section 47 of the Act. Consultation was then to be carried out in line with the strategy outlined in the final SoCC.

4.7. The SoCC provided the following information:

- Background information on the Applicant and the ENRMF.
- The Development Consent process and the role consultation plays in an application.
- Proposals for an Environmental Impact Assessment
- Potential benefits and impacts of the Proposed Development
- The consultation process including objectives and methods.
- The subject of the consultation.
- Who would be consulted.
- How the Applicant would consult.
- The availability of consultation documents.
- How responses could be given, and how it could be used to shape the proposals.

#### Informal consultation on draft Statement of Community Consultation

4.8. On 2 July 2020 a presentation was made to East Northants District Council (ENDC) about the Proposed Development at ENRMF. A copy of the initial draft of the SoCC was sent to the planning team at ENDC prior to the meeting on 22 June 2020 so that it could form part of the discussions. The presentation included an explanation of the consultation process and the preparation of the SoCC.

4.9. No specific comments were made about the draft SoCC by ENDC at the informal stage.

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- 4.10. A copy of the initial draft of the SoCC was also sent to Northamptonshire County Council (NCC) on 22 June 2020. Following a meeting via telephone with NCC, a verbal response was received from NCC asking for the local MP for Corby and ENDC to be included in the distribution list for the consultation documents. This was done. The initial draft SoCC, copies of letters and the presentation can be found at Appendix CRC.
- 4.11. On 27 August 2020, a KCLG meeting was held and a presentation was given about the Proposed Development. The presentation included an explanation of the consultation process and the preparation of the SoCC. The discussion included the potential for alternative arrangements to be made in case of any necessary Covid-19 restrictions being put in place, which was emerging as a greater possibility at that time, that would restrict physical exhibitions or site visits.
- 4.12. A copy of the presentation and the minutes of the meeting can be found at Appendix CRD.
- 4.13. A cover email and a copy of the draft SoCC was sent to KCLG members on 8 September 2020 requesting their informal views on the SoCC. Four written responses and one verbal response were received with helpful advice regarding how consultation or the SoCC could be given greater clarity were received and the SoCC was adapted accordingly.

- The draft SoCC was amended to list the names of the towns and villages in Zone A and Zone B.
- Note was made of the availability of possible exhibition locations in Easton on the Hill and Yarwell.
- Note was made of the availability of community publications and social media platforms in Collyweston and Easton on the Hill.
- Note was made of Apethorpe's preference for holding online exhibitions and using electronic means of communication.

4.14. The email to the KCLG members and the written responses received can be found at Appendix CRE

#### Formal consultation on the draft SoCC

4.15. As required by Section 47 (2) a formal draft SoCC with explanatory cover letter outlining the scope and methods of the consultation that the Applicant proposed, was circulated on 8 September 2020 to the Local Authorities; NCC and ENDC requesting formal comments on the draft SoCC by 6 October 2020 (i.e. 28 days beginning the day after the day the Local Authorities received the document).

4.16. On 5 October 2020, ENDC responded that they had no comments to make on the SoCC and its approach to consultation. No formal response was received from NCC.

4.17. A copy of the draft SoCC, the email requesting comments and the response from ENDC can be found at Appendix CRE.

#### Further consultation on the SoCC

4.18. As further restrictions had been put in place due to the Covid 19 pandemic and there was increased uncertainty as to whether more stringent measures were likely to be implemented during the identified consultation period (and which were in fact subsequently implemented), it was decided that it was not possible to conduct physical consultation events in a completely safe manner and that it was better to prepare a consultation that was accessible to people without the necessity to leave home in order to participate.

4.19. A plan evolved to make the exhibition available online with supporting interactive opportunities but mindful of the need to take account of those unable to access digital technology. The revised plans were reflected in an amended Section 9 of the SoCC, which focussed on the detail of how it was intended to consult with the local community.

4.20. An email was sent to NCC, ENDC and the KCLG members on 16 October 2020 requesting any further comments on the revised consultation plans.

4.21. No comments were received. A copy of the email and the revised section of the SoCC can be found at Appendix CRE.

4.22. The different iterations of the SoCC demonstrate the way in which the plans for the consultation evolved and were influenced by the community themselves.

### Publication of the SoCC

4.23. Amendments were made where appropriate to the draft SoCC and the finalised version of the SoCC was then publicised in a notice in the local paper, the Stamford Mercury, a newspaper circulating in the vicinity of the development as required by section 47 (6) on 23 October 2020. A copy of the published version of the SoCC is presented as Appendix CRF. A copy of the published Section 47 notice can be found at Appendix CRT

4.24. A copy of the SoCC was made available on the project page of the Applicant's website [www.augeanplc.com](http://www.augeanplc.com) and on the dedicated consultation website [www.augeanconsultation.co.uk](http://www.augeanconsultation.co.uk)

### Arrangements for inspection of SoCC

4.25. In anticipation of further restrictions the Government introduced the Business and Planning Bill in Parliament on 13 May 2020. The Bill responded to the

Covid-19 emergency and brought forward temporary changes to the planning system ensure it continued to operate effectively.

4.26. The effects of Covid-19 meant that it was not possible for everyone to enter public buildings safely to access certain planning documents made available for inspection. The Government made it clear that online inspection of documents should be the default position and introduced secondary legislation (The Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020) providing temporary flexibility for consultation and publicity requirements for planning applications including DCOs.

4.27. The Act requires that at the pre-application stage the Statement of Community Consultation must be made available for inspection. It was the Government's view that the requirement could be met by making documents available for inspection online. It expected applicants to take reasonable steps to ensure that anyone wishing to view the documentation could find these documents online. Hard copies should be made available by the applicant on request.

4.28. In addition to its availability on the Applicant's website, the SoCC was included in the documents provided on a memory stick to Oundle and Stamford Public Libraries where they could be viewed using publicly available digital technology

only due to Covid 19 restrictions. A hard copy was available to view on request. No requests to view a hard copy were received.

4.29. Copies of the SoCC were circulated to elected representatives at every level, including the MP, Northamptonshire County, East Northants, and Peterborough City Councillors, all 47 of the Town and Parish Councils and Parish Meetings, within the consultation area, the KCLG members and other interested groups and individuals.

4.30. Tables of the consultees to whom the SoCC was circulated can be found at Appendices CRG and CRP.

4.31. It was stated in the SoCC that the formal statutory consultation period was to commence on 26 October 2020 and run until 14 December 2020

#### Formal Section 47 Community Consultation 26 October 2020 – 14 December 2020

##### *Background*

4.32. The Applicant designed and implemented the statutory consultation to be transparent, inclusive and accessible to those most likely to be affected by the Proposed Development. Throughout the pre-application consultation period there were opportunities for discussion and comment on the proposals.



Comments could be made to the Applicant by telephone, email, via the company website or by letter in order to provide the maximum opportunity for feedback responses on the proposals.

4.33. The revised consultation arrangements provided equivalent or better opportunities to conventional methods of consultation and enabled the local community to access information about the Proposed Development, to ask questions and receive answers from the Applicants professional team and to comment on the application.

4.34. Although many of these opportunities were based on digital technology platforms, every effort was made to ensure that those without access to digital methods of engagement were given alternative options to access, question and respond to information.

4.35. The range of methods ensured that the local community were able to access the consultation information. The Applicant stated in the public information leaflet that if anyone was unable to access the information for any reason, they would work directly with that person to find a solution and provide access to the information.

- 4.36. The Applicant will seek to identify future opportunities for face to face events as part of their regular engagement with the community once Covid-19 restrictions are relaxed. All such events will be widely publicised to the local community when available.
- 4.37. Based on the level and nature of interest shown during and before the statutory consultation, the Applicant will continue to engage with interested parties throughout the application process and beyond. The means of engagement will be determined from responses received but will include continued commitment to the KCLG, periodic newsletters and annual open days.

### Publicising the consultation

- 4.38. The following materials were used to publicise the proposals:
- A six-sided A5, full-colour public information leaflet was produced. It summarised the proposals for ENRMF to give a general overview of what was proposed and information about the Applicant and the site.
- 4.39. Details were given about the format of the consultation and how the online exhibition could be accessed or how a hard copy exhibition pack could be obtained. The leaflet included a dedicated telephone number and email address for those wishing to contact the Applicant to discuss the proposals. Members of the public expressing an interest in the scheme were invited to join a register

of stakeholders to receive further information, feedback or updates by post or email as preferred. A copy of the leaflet can be found at Appendix CRH.

4.40. The public information leaflet was distributed to over 5,500 households and businesses within Zone A as described in Section 3 of this report by a solus distributor providing a premium service to deliver only printed material from the Applicant and no other direct mail. There are 135 outlying properties that from experience are difficult to deliver leaflets to reliably. The leaflet was sent by post to these properties.

4.41. A cover email and attached copies of the public information leaflet, the Non Technical Summary (NTS), the SoCC and the Section 48 notice were emailed together with an internet link to the Preliminary Environmental Information Report (PEIR) and its figures and appendices. Multiple hard copies of the leaflet were posted to elected representatives at every level, including MPs, Northamptonshire County, East Northants and Peterborough City Councillors, all of the Parish Councils and Parish Meetings within Zone A, KCLG members, as well as to special interest groups, schools and health and welfare providers.

4.42. The consultation was publicised to people living in Zone B by sending a cover letter and attached copies of the public information leaflet, the NTS, the SoCC, the Section 48 notice by email together with an internet link to the PEIR and its figures and appendices to the clerks of the town or Parish councils and Parish

Meetings. Additionally, multiple hard copies of the leaflet were sent to the Town Councils, Parish Councils or Parish Meetings.

4.43. Multiple A4 posters were sent to all 47 Town and Parish Councils and Parish Meetings for display on local notice boards to further publicise the consultation. A copy of the poster can be seen at Appendix CRH.

4.44. Communities beyond Zone B were notified about the Proposed Development and consultation through the statutory newspaper advertisements and the Applicant's website.

4.45. Many of the Parish Councils and Parish Meetings further publicised the consultation through their own social media channels by placing the leaflet and/or poster on the village website or Facebook page. The Friends of Fineshade circulated information about the Proposed Development with links to the exhibition and documents on their website and further publicised this through Twitter. Unfortunately, due to the Covid-19 pandemic community publications in hard copy were suspended by the Parish Councils so this method of publicity could not be utilised. Screenshots of these methods of publicising the consultation are shown at Appendix CRI.

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## The consultation - 26 October 2020 – 14 December 2020

4.46. So that the local community could participate in a meaningful consultation, and mindful of the Applicant's existing website which is familiar to the local community from previous consultations but has a commercial rationale and focus, a dedicated exhibition website about the project was created and linked from the Applicant's website about the project was created. The project website can be viewed directly at [www.augeanconsultation.co.uk](http://www.augeanconsultation.co.uk) or through the Applicant's website [www.augeanplc.com/enrmf](http://www.augeanplc.com/enrmf)

4.47. Screenshots of the consultation website can be found at Appendix CRJ

4.48. In light of the restrictions due to Covid-19, the website provided online pages that were an alternative to the conventional physical exhibition boards with opportunities to pose questions, leave comments, access documents and join a stakeholder register remotely. The 25 virtual exhibition boards set out information on the following:

- Welcome
- Augean PLC
- The East Northants Resource Management Facility
- The Proposed Application
- Preliminary Environmental Information Report (PEIR)
- The PEIR Findings (Potential Impacts on Human Health)

- The PEIR Findings (Ecology and Biodiversity. Landscape and Visual Impacts. Soil Resource and Agriculture. Archaeology and Cultural Heritage.)
- The PEIR Findings (Water Resource. Flood Risk Assessment. Transport and Traffic. Noise.)
- The PEIR Findings (Air Quality. Amenity. Socio-economic Impacts. Cumulative Impacts.)
- Restoration
- Preliminary Proposals for the Restoration Scheme
- Hazardous Waste
- Low Level Radioactive Waste (LLW)
- Radiation
- Waste Treatment and Recovery Facility
- Waste Treatment and Recovery Facility Continued
- How People and the Environment are Protected (Robust Risk Assessments.)
- How People and the Environment are Protected (Waste Pre-acceptance Procedures. Laboratory Services.)
- How People and the Environment are Protected (Transport. Checks on Arrival.)
- Landfill Engineering
- Monitoring
- Community Fund
- Community Fund continued

- What Happens Next
- Further Information

4.49. The exhibition boards were designed to give a comprehensive overview of Augean, the ENRMF, site operations, the proposed development, the PEIR, the principal waste streams, how Augean ensures the safety of people and the environment, the availability of the community funds and the projects it has supported recently, the application process and sources of further information.

The exhibition boards can be viewed at Appendix CRK.

4.50. The website enabled the local community to access information about the proposed development, to ask questions and receive answers from the Applicant's professional team, as well as giving them the ability to comment on the application via an online comments sheet.

4.51. The website and online exhibition were an effective way of providing information that could be accessed at times convenient to an individual rather than fixed times of an exhibition which often conflict with working hours and mean that working people can find exhibitions difficult to attend. This method ensured members of the community had every opportunity to view the consultation materials, ask questions and provide feedback regardless of the various restrictions in place as a result of the Covid-19 pandemic.

- 4.52. Although these opportunities were based on digital technology, additional efforts were made to ensure that those without access to digital methods of engagement were given alternative options to access, question and respond to the information about the Proposed Development.
- 4.53. To take account of potential lack of access to digital technology a hard copy exhibition pack was available on request. The exhibition packs included a folder, a booklet of the exhibition boards, copies of the NTS and the SoCC, a comments sheet and a Freepost envelope. There were 57 exhibition packs sent out by post in response to requests that were received. No comments sheets were returned in hard copy.
- 4.54. An example of the exhibition pack is available at Appendix CRL.
- 4.55. It was made clear in the public information leaflet, on the website and in the exhibition pack that if anyone needed further assistance to obtain the information in a different format that every effort would be made to help make the information about the scheme accessible in accordance with guidance on consulting with hard to reach groups.
- 4.56. To further facilitate good communication the dedicated Telephone Helpline was available 01904 647989 as well as an email address



ENRMF@augeanconsultation.co.uk and a Freepost address: FREEPOST Augean ENRMF. The FREEPOST address was not used by any of the respondents as a means of returning comments sheets.

4.57. Those participating in the online or hard copy exhibitions were encouraged to join a specially created list of stakeholders by leaving either their email or postal address. This Register of Stakeholders allowed an easy and quick method of directly feeding back information, updates and providing information on further opportunities to engage with the Applicant regarding the proposals. The Applicant made it clear that joining in the stakeholder register was voluntary, and that people were able to unsubscribe from this list at any time. The Register of Stakeholders has 156 subscribers. Four editions of e-newsletter updates have been sent.

4.58. Meetings have been offered via Zoom or Microsoft Teams. While it was possible in accordance with the restrictions in place at the time, and safe to do so, some outdoor meetings were held at the site with individual interested parties to discuss the Proposed Development, how it would impact on them and how best to make some alterations to the plans where possible.

4.59. The opportunity to participate in a choice of workshops was given. Only one person responded to this initially and an individual meeting was held as an alternative. The opportunity of a workshop was re-offered after the formal

statutory consultation had ended. Two people responded but did not take up the offer to suggest a convenient time for the workshop.

- 4.60. Those wishing to make detailed comments were invited to fill in either the online comment sheet or a hard copy comments sheet provided in the exhibition information pack to be returned by post in the Freepost envelope provided.

#### Agreement to extend receipt of responses to consultation

- 4.61. While the formal consultation was to end on 14 December 2020, on 8 December 2020 an approach was made to the Applicant by the Stamford Mercury newspaper who had been contacted by some local residents to request that the consultation period was extended due to the Covid-19 pandemic.

- 4.62. The Applicant recognising the importance of giving the local community every opportunity to engage and help inform the Proposed Development before the application for a DCO was finalised and submitted to PINS agreed to take account of any further consultation responses received before 8 January 2021.

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- 4.63. A notice was sent to all 47 Town and Parish Councils and Parish Meetings, elected representatives, the KCLG, special interest groups and those on the register of stakeholders to promote this further opportunity to respond.
- 4.64. A statement was issued to the Stamford Mercury and Northants Telegraph to widen the publicity for this measure which was published on 11 December 2020.
- 4.65. The correspondence, electronic newsletter, news media statement and newspaper coverage are presented at Appendix CRM
- 4.66. On 9 January 2021 a further request was made by a County Councillor and the local MP to further extend the opportunity to respond to the consultation due to further Covid-19 restrictions being put in place.
- 4.67. The Applicant agreed to extend the period of time for acceptance of responses to 15 February 2021.
- 4.68. Once more this opportunity was promoted via a notice sent to all 47 Town and Parish Councils and Parish Meetings, elected representatives, the KCLG, special interest groups and those on the register of stakeholders. A statement was issued to the Stamford Mercury and Northants Telegraph to widen the publicity for this measure which was published on 12 January 2021.
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4.69. The correspondence; electronic newsletter, news media statement and newspaper coverage are presented at Appendix CRN.

### Responses to the consultation

4.70. In response to the consultation a total of 48 responses were received via online comments sheets, by letter and email during the initial Section 47 statutory consultation period from 26 October 2020 to 14 December 2020 and 40 further emails were received between 15 December 2020 and 15 February 2021.

4.71. Copies of all of the responses received from the local community and special interest groups are included at Appendix CRO together with responses from the Applicant. A summary table of the principal issues raised through the consultation process can be found at Table 1 in Section 10. The actions that have been taken to amend the application in response to the feedback received is described in Section 10 of this report.

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## 5. Environmental Impact Assessment Scoping Report

- 5.1. The Proposed Development falls under Schedule 1 of the Infrastructure EIA Regulations 2017 which means that an EIA is required for the proposals.
- 5.2. Under Regulation 8 of the Infrastructure EIA Regulations 2017, an applicant is required to notify the SoS of its intention to submit an ES Under Regulation 10 of the Infrastructure EIA Regulations 2017, an applicant may request a Scoping Opinion from the Secretary of State to confirm the scope of information to be provided in the ES. A Scoping Report was prepared to inform the request to PINS for a scoping opinion. The Scoping Report included a description of the Proposed Development and set out for review by PINS the proposed scope of assessments to be undertaken as part of the EIA.
- 5.3. In line with Regulations 8(1)(b) and 10(1), the Applicant submitted the EIA Scoping Report to PINS along with a request for a Scoping Opinion on 1 July 2020.
- 5.4. A copy of the Scoping Report and the covering letter to PINS is appended to the Environmental Statement (ES) at Appendix ES2.1. A copy of the Scoping Report was made available on the PINS website and the Applicant's website ([www.augeanplc.com](http://www.augeanplc.com)).

- 5.5. The request for comments on the scope of the EIA for the proposed development was sent by PINS on 2 July 2020 to the consultees as listed in the scoping opinion. There were 17 responses received by the statutory deadline. Two late responses were received subsequently, which were taken into account in the same way as those that had been received before the deadline.
- 5.6. The formal Scoping Opinion was received from the SoS via PINS on 10 August 2020 following its consultation with statutory consultees. The Scoping Opinion and the covering letter from PINS including a list of who they consulted, the responses that were received are provided at Appendix ES2.2 of the ES (PINS document reference 5.4.2.2).
- 5.7. The Scoping Opinion was used to inform the preparation of the Preliminary Environmental Information Report (PEIR) and the ES. A table summarising the issues raised in the scoping opinion and the way in which the responses to the Scoping Report have been addressed in the EIA and ES (PINS document reference 5.2) are summarised in Table ES2.1
- 5.8. In addition, following receipt of the Scoping Opinion, the Applicant reviewed the list of consultees contacted by PINS as part of its consultation on the Scoping Report. This was to ensure that all organisations contacted by PINS were included in subsequent consultation activity.

## 6. Statutory Consultation under Section 42 of the Act

### Identifying Section 42 Consultees

6.1. Section 42 of the Act states:

- *The applicant must consult the following about the proposed application—*
  - (a) such persons as may be prescribed,*
  - (b) each local authority that is within section 43,*
  - (c) the Greater London Authority if the land is in Greater London, and*
  - (d) each person who is within one or more of the categories set out in section 44.*

#### Section 42(1)(a)

6.2. As required by Section 42 of the Act, the Applicant has undertaken consultation with a prescribed list of bodies as follows:

6.3. Statutory bodies as prescribed under Section 42 were identified using Schedule 1 of the APFP Regulations, taking into account changes made as a result of The Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013 (The PCIP Regulations). Regard was also had to PINS Advice Note 3: EIA Consultation and Notification, which provides guidance on how to identify prescribed consultees. The list of statutory bodies that were identified are listed in Appendix CRP to this report.

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Section 42(1)(b)

- 6.4. Local authorities, including neighbouring authorities whose areas adjoin the authority area within which the application site lies, as set out in Section 43 of the Act.
- 6.5. The local authorities required to be notified were identified by locating the site geographically on Ordnance Survey maps. The lower tier district council area in which the site is located was identified as East Northants District Council (ENDC) and the county council area in which the site is located was identified as Northamptonshire County Council (NCC). Both Councils were scheduled to cease to administer their respective areas from April 2021 and be replaced by a Unitary Authority: North Northamptonshire Council (NNC). It was agreed that once the Councils ceased to exist a notification would be sent to the new administration to advise them of consultation undertaken thus far.
- 6.6. The waste and minerals specialist Officers from the former Planning Services Department for NCC now comprise the Minerals and Waste Planning Service for Northamptonshire which includes NNC in which the site is located, and West Northamptonshire Council (WNC) which forms the new neighbouring planning authority to NNC. Shortly after being formed, the new Minerals and Waste Planning Service for Northamptonshire which represents NNC and WNC was formally consulted under Section 42 of the Act on 8 June 2021.



- 6.7. The Minerals and Waste Planning Service for Northamptonshire confirmed on 9 June 2021 that the response that was made by NCC was in effect a countywide response, therefore the response of the previous NCC could also be regarded as the response of both the NNC and WNC.
- 6.8. The lower tier district council areas adjoining ENDC were identified and the County Council or unitary Councils surrounding NCC were identified. These consultees are listed in Appendix CRP. The response from the new neighbouring WNC is addressed in paragraph 6.7 above.

Section 42(1)(c)

- 6.9. The ENRMF is not situated in Greater London, therefore section 42(1)(c) of the Act does not apply.

Section 42(1)(d)

- 6.10. Section 44 of the Act identifies those who should be consulted under section 42(d) of the Act and states:

*S.44 Categories for purposes of section 42(1)(d)*

*(1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.*

(2) A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person—

(a) is interested in the land, or

(b) has power—

(i) to sell and convey the land, or

(ii) to release the land.

(3) An expression, other than “the land”, that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in subsection (2) the meaning that it has in section 5(1) of that Act.

(4) A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled—

(a) as a result of the implementing of the order,

(b) as a result of the order having been implemented, or

(c) as a result of use of the land once the order has been implemented, to make a relevant claim. This is subject to subsection (5).

(5) A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.

(6) In subsection (4) “relevant claim” means—

(a) a claim under section 10 of the Compulsory Purchase Act 1965 (c. 56) (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);

*(b) a claim under Part 1 of the Land Compensation Act 1973 (c.26)(compensation for depreciation of land value by physical factors caused by use of public works);*

*(c) a claim under section 152(3)*

6.11. The Applicant identified each person falling within Category 1 and 2 pursuant to Sections 44(1) and (2) and formally consulted them as part of the statutory consultation in October 2020. The persons are listed in the Book of Reference (PINS document reference 3.4) and in Appendix CRP to this report.

6.12. The parties consulted under Category 1 and 2 pursuant to Sections 44(1) and (2) of the Act comprise in summary, those who are owners, occupiers, lessees or tenants of the land and those who have an interest in the land.

6.13. As identified in the Book of Reference and summarised in Table 4 at Appendix CRP to this report, the following were consulted in October 2020 as owners, occupiers, lessees or tenants of the land:

- Howard Farms Ltd, Percival William Howard and Anthony Frederic Howard.
- The freehold owners and trustees of land title NN240859 located in the north of the application boundary including their representatives Cerno Capital Partners and Carter Jonas LLP.

6.14. As identified in the Book of Reference and summarised in Table 4 at Appendix CRP to this report, the following were consulted in October 2020 as those who have an interest in the land:

- HSBC Bank plc and National Grid Gas plc (North Sea Gas Pipe as listed on the titles).
- Western Power Distribution (East Midlands) plc who do not have any interests in the land, but do have the benefit of a contractual wayleave and apparatus (overhead power cables) which will be diverted as part of the Proposed Development as described in Appendix ES5.1 (PINS document reference 5.4.5.1) as Work Number 5.

6.15. While Anglian Water have apparatus on the Proposed Western Extension, they were not consulted under Section 44 of the Act as they have no registered or noted interest in the land and their apparatus (water pipes) will not be affected by the Proposed Development as sufficient stand offs are incorporated in the Application. Anglian Water were consulted under Section 42(1)(a) of the Act in October 2020.

6.16. Following the October 2020 formal consultation detailed technical discussions have continued between the Applicant and their advisers with Western Power Distribution, National Grid and Anglian Water to discuss the appropriate standoff necessary to protect the gas and water pipes and with respect to the location of the proposed diverted power cable. Copies of the relevant correspondence are provided at Appendix ES5.1 to the Environmental

Statement (PINS document reference 5.4.5.1). The Applicant is currently liaising with solicitors representing Western Power Distribution (Osborne Clarke) with regard to granting necessary easements over the Proposed Western Extension to facilitate the diversion. The Applicant intends to enter into all necessary agreements with Western Power Distribution as soon as possible and in any event before the end of the examination.

- 6.17. In assessing whether there are any category 3 persons, the Applicant has complied with section 44(4) of the Act and made diligent inquiries to consider whether there are any persons who ‘would or might be entitled’ to make a relevant claim. In particular, the Applicant has considered the nature of the Proposed Development and the fact that the existing site is already operational, and no relevant claims have been made in relation to the 2013 Order or otherwise. In addition, the Proposed Development is not expected to have any adverse environmental impacts on land outside of the Order limits and the potential for any category 3 interests has been considered in this context. If any impacts did arise so as to cause injurious affection or a depreciation in land value by relevant physical factors (as per the definition of relevant claim in section 44(6) of the Act), the Applicant considers that this could only potentially impact persons with an interest in the land in very close proximity to the Proposed Western Extension (i.e. the part of the site which is not currently operational). The titles of the adjacent landholdings have been reviewed and potential interests in the land which would be sufficient to mean that they might be entitled to make a relevant claim have been considered. The Applicant

decided as a precaution to consult only the owners who had not already been consulted whose land is adjacent to the boundary of the Proposed Western Extension. This consultation with Category 3 potential parties is described in Section 9, paragraph 9.5.

### Preliminary Environmental Information Report (PEIR)

6.18. A PEIR was prepared in which the preliminary findings of the EIA which was being undertaken in preparation for the submission of the application were set out. Consideration was given to the Scoping Opinion in the preparation of the PEIR. The PEIR contained summaries of the following environmental impact assessments:

- Ecology and biodiversity.
- Landscape and visual impacts.
- Soil resources and agriculture.
- Archaeology and cultural heritage.
- Water resources.
- Flood risk assessment.
- Transport and traffic.
- Noise.
- Air quality.
- Amenity.
- Socio-economic impacts.
- Cumulative impacts.

6.19. The purpose of preparing and circulating the PEIR during the pre-application consultation period was to explain the state of the proposals at a preliminary stage and to identify the potential impacts and benefits of the application and to seek comments on the proposals from all consultees. A non-technical summary (NTS) of the PEIR was also prepared.

6.20. Due to the Covid-19 restrictions in place and mindful that the majority of consultees would not be working in their customary office settings, it was decided that all of the documents would be circulated electronically with links supplied for ease of downloading larger documents.

#### Formal Statutory Consultation 26 October 2020 – 14 December 2020

6.21. As required under Section 42 of the Act, the application was the subject of extensive pre- application consultation with statutory consultees.

6.22. The complete list of Section 42 consultees can be found at Appendix CRP.

6.23. The consultation materials that were sent by email to the persons listed in Appendix CRP comprised:

- A cover letter;
- The PEIR and an internet link to the PEIR hosted on the Applicant's website: [www.augeanplc.com](http://www.augeanplc.com) and [www.augeanconsultation.co.uk](http://www.augeanconsultation.co.uk);

- The PEIR NTS;
- The Statement of Community Consultation (SoCC) in accordance with Section 47 of the Act;
- The legal notice advertising the consultation in accordance with Section 48 of the Act as the application is an EIA development under Schedule 1 of the EIA regulations 2017; and
- A public information leaflet.

6.24. A copy of all the documents were also made available on the ENRMF project page of the Applicant's website [www.augeanplc.com](http://www.augeanplc.com) and [www.augeanconsultation.co.uk](http://www.augeanconsultation.co.uk)

6.25. In addition to their availability on the Applicant's websites, the documents were provided on a memory stick to Oundle and Stamford Public Libraries where they could be viewed using publicly available digital technology only subject to any restrictions placed on the library being able to open due to Covid 19 restrictions. A hard copy was available to view on request. No requests to view a hard copy were received.

6.26. Any returned electronic mail was followed up and an alternative contact email address found. Five emails initially were returned but none from the subsequent alternative emails used.



6.27. An example of the cover letter, the PEIR, the NTS, the SoCC, the Section 48 Notice and the public information leaflet is included at Appendix CRQ. The information was circulated to a total of 85 statutory consultees on 26 October 2020 with a request for comments by 14 December 2020. Further information on the public information leaflets and advertising notices is given later in this report.

6.28. In total 16 responses from Section 42 statutory consultees were received within the formal consultation period and one response was received after the deadline. Copies of the responses, the reply from the Applicant and a table indicating how the Applicant has taken account of the response are produced at Appendix CRR. Technical consultation responses, and where these have influenced the development and assessment of the project, are presented in the technical reports appended to the ES.

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## 7. Section 46 Notification

- 7.1. Under Section 46 of the 2008 Act, an applicant is required to supply the SoS with information in relation to the proposed Application by providing Section 42 consultation information on or before commencement of Section 42 consultation:
- 7.2. The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with Section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application.
- 7.3. The applicant must comply with subsection (1) on or before commencing consultation under Section 42(6)
- 7.4. An email copy of all the Section 42 consultation documents was sent to the SoS on 26 October 2020, before Section 42 statutory consultation commenced. These documents were the same as those issued to section 42 consultees, comprising:
- A cover letter giving formal Section 46 Notice;
  - A copy of the PEIR;
  - The PEIR NTS;

- The SoCC in accordance with Section 47 of the Act;
- The legal notice advertising the consultation in accordance with Section 48 of the Act as the application is an EIA development under Schedule 1 of the Infrastructure EIA Regulations 2017; and
- A public information leaflet.

7.5. A copy of the section 46 notification letter and the documents sent can be found at Appendix CRS.

7.6. Acknowledgement that PINS had been notified of the proposed application for an order granting development consent for the purposes of section 46 of the Act and had been supplied with the information for consultation under section 42 was provided by PINS on 27 October 2020. In the same letter PINS also acknowledged notification in accordance with Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017 that the Applicant proposed to provide an Environmental Statement in respect of the Proposed Development. The acknowledgement of receipt was more than 28 days before the conclusion of the section 42 consultation period therefore fulfilling the requirements of Section 46 of the Act.

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## 8. Section 48 Publicity

- 8.1. This section details the activities undertaken by the Applicant to comply with the duty to publicise the Proposed Development under Section 48 of the Act. The Consultation Report must include details of Section 48 publicity as outlined in section 37(7)(a) of the Act.
- 8.2. Section 48(1) of the Act requires the applicant to publicise the proposed application in the manner prescribed by Regulation 4 of the APFP Regulations.
- 8.3. As stated in Regulation 4(2) of the APFP Regulations, the applicant must publish a notice
- (a) For at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated.*
  - (b) Once in a national newspaper*
  - (c) Once in the London Gazette.*
- 8.4. Regulation 4(3) states that this notice must include a statement that documents, plans and maps relating to the proposed development are available to view free of charge at places and times set out in the notice (with at least one address in the vicinity of the proposed development. It also states that the notice must give a deadline for the applicant receiving responses which is not less than 28 days from the date of the notice publication. The content of the Section 48 notice is discussed further below.

8.5. With regard to Regulation 4(3) text was included that stated that copies of the PEIR, together with plans maps and other documents showing the nature and location of the Proposed Development were available free of charge from 26 October to 14 December at the locations below:

- Stamford Public Library  
High Street  
Stamford  
PE9 2BB  
Monday – Friday 10am- 4pm and Saturday 10am – 3pm
  
- Oundle Public Library  
Glaphorn Road,  
Oundle.  
PE8 4JA  
Monday, Wednesday and Friday 10am- 4pm and Saturday 10am – 2pm

8.6. In anticipation of further restrictions in response to the Covid-19 pandemic the Government introduced the Business and Planning Bill in Parliament on 13 May 2020. The Bill responded to the Covid-19 emergency and brought forward temporary changes to the planning system ensure it continued to operate effectively.

8.7. The effects of Covid-19 meant that it was not possible for everyone to enter public buildings safely to access certain planning documents made available for inspection. The Government made it clear that online inspection of documents should be the default position and introduced secondary legislation (The Infrastructure Planning (Publication and Notification of Applications etc.)

(Coronavirus) (Amendment) Regulations 2020) providing temporary flexibility for consultation and publicity requirements for planning applications including DCOs.

8.8. It was the Government's view that the requirement could be met by making documents available for inspection online. It expected applicants to take reasonable steps to ensure that anyone wishing to view the documentation could find these documents online. Hard copies should be made available by the applicant on request.

8.9. The documents were made available on the Applicant's websites in accordance with the revised statutory requirements. In addition the PEIR and associated documents were provided on a memory stick to Oundle and Stamford Public Libraries where they could be viewed using publicly available digital technology only subject to Covid-19 restrictions. A hard copy was available to view on request. No requests to view a hard copy were received.

8.10. Regulation 13 of the EIA Regulations 2017 states that:

*“Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under Section 48 (1) send a copy of that notice to the consultation bodies and*

*to any person notified to the applicant in accordance with regulation 11 (1) (c)”*

8.11. In compliance with Regulation 13, email and hard copies of the Section 48 notice were sent to Section 42 consultees on 26 October 2020.

8.12. The Section 48 notice was developed in accordance with the above legislation.

As outlined by the APFP Regulations, the notice included:

- The name and address of the Applicant.
- A statement that the Applicant intends to make an application for development consent to the SoS.
- A statement that the application is EIA development.
- A summary of the main proposals, specifying the location of the Proposed Development.
- A statement that the documents plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice.
- The latest date on which those documents, plans and maps will be available for inspection.
- Whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge.

- Details of how to respond to the publicity.
- A deadline for receipt of those responses (14 December 2020) by the Applicant being not less than 28 days following the date when the notice is last published (30 October 2020).

8.13. As required by Section 48 of the Act and outlined in Regulation 4 of the APFP Regulations, the Section 48 notice was published for two consecutive weeks in a local paper circulating in the vicinity of the proposed application (The Stamford Mercury), once in a national newspaper (The Times) and once in the London Gazette as shown below.

23 October 2020	The Times
23 October 2020	The London Gazette
23 October 2020	The Stamford Mercury
30 October 2020	The Stamford Mercury

8.14. Copies of the notices are available in Appendix CRT.

8.15. A copy of the notice was sent to all statutory and community consultees as listed in Appendix CRP inviting further comments on the application.



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## 9. Consultation after completion of the October 2020 statutory and community consultation

### Consultation with technical specialists

- 9.1. Close liaison has been maintained between the technical specialists carrying out the technical assessments as part of the EIA and their regulatory counterparts throughout the whole scheme development process before, during and after the statutory consultation period. Consultation will continue up to and beyond submission of the application.
- 9.2. Correspondence between the technical specialists and their regulatory counterparts is presented in the relevant technical reports which are appended to the ES. Where appropriate, the scope of the environmental impact assessments have been agreed, baseline information has been shared and the results of the assessments and mitigation measures have been discussed and agreed between those parties. The comments made by all the technical consultees during the formal consultation process together with the way in which the issues have been addressed in the ES are presented in Table ES2.2 of the ES.
- 9.3. There has been ongoing dialogue and visits from local elected representatives which are included in the consultation diary at Appendix CRB.

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### Further consultation with statutory consultees

- 9.4. Discussions continued with NNC on the progress of the development of the application and included an update presentation on 29 April 2021 and the provision of copies of the draft DCO and Explanatory Memorandum and of the draft Section 106 Agreement in order that comments from NNC could be taken into account in finalising these documents. The correspondence can be found at Appendix CRU.
- 9.5. For reasons described in detail in Section 6 Paragraph 6.17, in assessing whether there are any Category 3 persons under section 44(4) of the Act the Applicant decided as a precaution to consult the owners who had not already been consulted whose land is adjacent to the boundary of the Proposed Western Extension. Therefore five additional persons were identified who had not already been consulted under Category 1 or Category 2 and these additional persons were consulted in June 2021 under Section 44(4). They are listed in the Book of Reference (PINS document reference 3.4) and in Table 5 to Appendix CRP to this report. Copies of the consultation notifications are provided at Appendix CRV.
- 9.6. There is a small area of land which falls outside The Applicant's ownership which forms part of a naturally formed swallow hole drainage feature (shown as plot 11 on the Land Plan (PINS document reference 2.2). The majority of the swallow hole drainage feature, including the basal drainage point, is situated on
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land for which the Applicant has an Option. However, as a result of comments received during the formal statutory consultation period in relation to drainage, the application boundary was amended very slightly to incorporate the entirety of the fenced perimeter of the swallow hole drainage feature, associated with the Proposed Western Extension and to extend the boundary of the eastern edge of the Proposed Western Extension consistent with the Land Registry title plan boundary and incorporate the existing eastern boundary drainage ditch. The extension in the area around the swallow hole drainage feature resulted in the inclusion of small amount of additional land for which there is a Category 1 interest under section 44 of the Act. A notice was sent to the relevant parties (as listed in Table 6 at Appendix CRP) on 14 June 2021 accompanied by a plan showing the revised DCO boundary. The notice invited any comments on the revised boundary by 13 July 2021. Copies of the Notices are provided at Appendix CRV. This change was publicised via the website [www.augeanplc.com](http://www.augeanplc.com)

9.7. When the notice was circulated on 14 June 2021, the Applicant had not completed their investigations regarding the precise location of the swallow hole drainage feature relative to the land title boundaries. At this time the option of compulsory acquisition was being considered and accordingly the landowners were notified. Following the 14 June 2021 correspondence the Applicant carried out further work which has satisfied the Applicant and its advisors that they have the necessary rights to continue to drain surface water runoff to the swallow hole drainage feature and that no compulsory acquisition of land is

necessary. As a result, no works are proposed in this area and no additional rights, including no rights of compulsory acquisition, are sought as part of the application.

- 9.8. A response in respect of the June 2021 Section 44 Notice was received from agents on behalf of the landowners of title NN240859 (Strutt and Parker) dated 13 July 2021. In the response the proposal to rely on the discharge of surface water to the swallow hole drainage feature was noted but no formal objection was raised in the letter. Discussions are ongoing with the agents for the landowners.

### Ongoing informal engagement

- 9.9. The Applicant is committed to maintaining a meaningful dialogue with the local community, their elected representatives and others, to promote transparency and understanding of the site and of the company itself. The Applicant will continue to engage with them through established means, such as the periodic Company Newsletter, the KCLG and the Applicant's website, and by continuing to develop the list of stakeholders.

### *Kings Cliffe Liaison Group*

- 9.10. The KCLG was set up in 2003 to facilitate dialogue and give a forum to raise concerns between the local community and the previous owners of the site

(Atlantic Waste). The KCLG comprises representatives from Parish Councils and Parish Meetings in the vicinity of the site as well as elected representatives from NCC and ENDC and council officers from the Planning and Environmental Departments of NCC and ENDC. Following the Local Government reorganisation and the formation of the North Northamptonshire Council (NNC) the relationship will continue with elected representatives and council officers from this council.

9.11. The Applicant has been an active participant in the KCLG since January 2005, shortly after acquiring ENRMF. The purpose and remit of the group is very much in accord with the Applicant's corporate objective of open, transparent and constructive dialogue with the communities in which it operates, as reflected in the Applicant's Annual Corporate Social Responsibility Reports. The KCLG has been an important medium for discussing with community representatives plans for the development of ENRMF as well as reporting on operational matters. Further details can be found in the Communications Diary at Appendix CRB.

9.12. Since the end of the consultation period there have been 2 further meetings with the KCLG. The group are updated regularly on matters that have been the subject of discussion. Minutes of recent meetings can be found at Appendix CRW.

*Company newsletters*

9.13. The Applicant's newsletter is produced on a regular basis has provided the local community as a whole with regular updates about proposed developments at ENRMF amongst other issues. The circulation is to all homes and businesses in Zone A. Multiple copies are sent to Town and Parish Councils and Parish Meetings within Zone B.

9.14. Editions of the newsletter are published on the Applicant's website and an e-newsletter edition is sent to those on the register of stakeholders. Information about this application has been raised in the recent editions which are available at Appendix CRX.

*Electronic newsletters*

9.15. An electronic newsletter template was set up to enable efficient feedback, swift response to issues arising, to make public announcements and give regular planning updates with the register of stakeholders as well as elected representatives, all Parish Councils, Parish Meetings, and Town Councils, members of the KCLG, and Council Officers. Examples of the e-newsletters can be found at Appendix CRY.

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*Website and e-mail*

9.16. The Applicant's website: [www.augeanplc.com](http://www.augeanplc.com) not only gives company wide information about all operational sites and services but has also become an important hub for access to documentation relating to planning applications.

*Telephone helpline*

9.17. A dedicated helpline number was set up to allow members of the public particularly those without access to the internet to ask questions, request further information on the proposals or raise their concerns verbally. Calls have also related to arranging site visits, presentations, general and media inquiries. A telephone log of call received during the consultation can be found at Appendix CRX.

*News media*

9.18. The use of media relations has been important for the Applicant to provide a response to concerns in the vicinity of the site, and also nationally through the print and broadcast media thereby reaching a large audience. The Applicant's policy of openness and transparency and a willingness to respond to requests for interviews or statements as well as distribution of news releases has enabled the company to build good relationships with the media.

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### *Human resources*

9.19. The Applicant has actively promoted personal points of contact. The availability and visibility of the company's Directors and site staff is reassuring and important to the confidence of the local community. Members of the community should be reassured that their concerns are listened and responded to as part of the Applicant's commitment to constructive and on-going dialogue.

### *Open Day*

9.20. Unfortunately, it has not been possible to hold an Open Day as planned due to the Covid-19 pandemic. The Applicant is looking forward to once more welcoming members of the local community to view the site, including the laboratory, the landfill and the waste treatment and recovery facility in the Autumn of 2021. It will provide an opportunity to update the community on the application process and documentation and how the consultation has changed the final version that will have been submitted to PINS.

### *Engineering Days*

9.21. Through community engagement over the years it was apparent that many local people were unaware of the extent of design and engineering involved in the containment systems of a landfill site such as ENRMF. Accordingly, the Applicant has regularly invited members of the public to visit the site during engineering works as a valuable opportunity show the public the nature and extent of the engineering of a waste cell and the high degree of environmental



protection this provides. This opportunity will be available once more during the construction of a new cell in Autumn 2021.

### *Workshop*

9.22. The Applicant has offered to run a series of workshops for more in-depth discussion of technical topics relating to the application. Based on feedback from residents the only topic of particular concern was ecology. Three individuals have expressed an interest in an online workshop on ecology. Dates for the workshop have been offered but no replies received. It is proposed to make the offer again once the application has been submitted and people have had the opportunity to fully consider the finalised proposals.

### *Open door policy*

9.23. ENRMF has an open door policy under normal circumstances. This opportunity will resume once Covid -19 restrictions are fully lifted. The local community will be informed when this opportunity is available once more. The Applicant has and will continue to promote this at every available opportunity. Recent experience has shown that visitors to the site are reassured by the well conducted operations and professionalism of the site staff.

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*Presentations*

9.24. Presentations about the ENRMF and site operations and when applicable planning applications are regularly made to elected representatives, special interest groups, other interested parties and schools. This will be an on-going initiative on request.

*Publication of site monitoring data*

9.25. In response to requests from the local community, the Applicant has undertaken to publicly share monitoring results from the site to reassure the community that human health and the environment are not being harmed by the presence of the site. The first set of results were published in December 2011. This information is updated on a regular basis.

*Section 56 publicising the acceptance of the application*

9.26. In accordance with Section 56 of the Act, the Applicant will give notice when the application is accepted for examination. The Applicant will make available the application and associated documents and identify to consultees the procedure and deadlines for making representations and registering as an Interested Party with PINS.

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## 10. Responses to the consultation

10.1. Under Section 49 of the Act an applicant must have regard to any relevant responses when deciding whether the application should be made in the same terms as the proposed application. An applicant must have regard to any responses received through consultation under Sections 42, 47 and 48 of the Act. A relevant response, of which Augean is obliged to take account, is defined as being:

- *From a person consulted under section 42 of the Act*
- *To consultation under section 47 that is received by the applicant*
- *To publicity under section 48*

10.2. All issues raised and responses received were considered and taken into account by the applicant where appropriate in finalising the application and the Environmental Statement.

10.3. The comments received to the Section 42 statutory consultation are summarised in the table at Appendix CRR. The issues raised in the comments, an analysis of those issues and the actions taken by the applicant following the analysis of each issue are presented in the table at Appendix CRR. Where ongoing discussions are taking place with statutory consultees in relation to specific technical issues these are explained in greater detail in the individual technical reports which are appended to the ES.

- 10.4. The comments received through the Section 47 community consultation can be found in the table at Appendix CRO together with the response from the Applicant to the comment that has been made.

### Statutory consultee responses

- 10.5. The issues raised in the Scoping Opinion, the responses to the PEIR and any other responses to the consultation have been taken into account where appropriate when undertaking the environmental impact assessments and finalising the proposals. The specialists who carried out the assessments liaised closely with the consultees and third parties where appropriate to adjust the development designs where possible and to determine that the scope, methodology and results of the assessments are acceptable to the authorities and address issues raised.

### Community consultee responses

- 10.6. A table of the key issues that were raised during the Section 47 community consultation and the response from the Applicant are summarised in Table 1 which is set out below with some analysis of how often each issue was raised. A complete table of each response received and the reply sent by the Applicant following consideration of the issues raised is presented in the table at Appendix CRO.

Table 1

Issue	Response	Number of times raised
<p><b>1. Reduction in wildlife connectivity resulting in detriment to wildlife and biodiversity loss</b></p>	<p>While detailed and intensive ecological surveys carried out over more than the last two years have identified that a number of species use the woodland margins, there is no evidence that the currently intensively farmed arable land that forms the proposed western extension area to the ENRMF acts as a wildlife corridor for ground dwelling species between the woodland areas and there is no evidence of interaction between ground dwelling populations in the two woods. Birds and bats regularly fly between the two woods, and the deer populations use the whole area as one; all of these will continue to do so.</p> <p>All wildlife, plants, animals and insects, have certain definite habitat requirements; these are mainly to find shelter, cover from predators and to obtain food. They rarely move far from the habitat that meets their requirements and that they are established or feel safe within. To function as a wildlife corridor, an area must provide all these attributes consistently. Due to the cyclical nature of</p>	67

	<p>arable farming, there is little opportunity for such a corridor to become established and as no species cross it as part of continuous or habitual use, loss of the fields will not sever any wildlife corridor or disconnect any population.</p> <p>Very great care has been taken to identify the species currently using the woods, hedges and their margins. No woodland will be lost or damaged and enhancement of existing habitat together with creation of new habitat from the period prior to development will provide increased and improved habitat for all the species currently using the area resulting in substantial biodiversity net gain for the area. Consultation with the ecologists currently involved in monitoring the rare and vulnerable species in the area has ensured that their current locations and requirements are known and understood so they will not be put at risk.</p> <p>The necessary mitigation is set out in the Ecological Mitigation Management Monitoring and Aftercare Plan (PINS document reference 6.5, Appendix E)</p>	
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<p><b>2. Land to the south of the site should be investigated for its suitability to extend the ENRMF.</b></p>	<p>The aspiration of developing fields to the south of the site has never been a viable alternative to the extension into the western fields, as the land has not been, and will not be for sale. This position has been reconfirmed by the landowner. The only viable extension to the site is the development of the land to the west for which Augean has an option agreement and which will only be implemented once a Development Consent Order (DCO) is in place. In the event the application is refused the land will continue to be used for commercial farming. The development and subsequent restoration of the site presents a realistic opportunity and the only way to create significant connectivity between the two existing woodlands relatively quickly, and with habitats designed specifically for this purpose, in the foreseeable future.</p>	<p>33</p>
<p><b>3. Threatened species will have disappeared before the landfill extension is restored in 2046.</b></p>	<p>The site operations and subsequent restoration have been planned to ensure that no species, flora or fauna, will be lost. The requirements of all species have been carefully considered in planning the sequence and method of working the site so that habitats can be enhanced or created at the</p>	<p>17</p>

	<p>earliest opportunity during the operational life of the site. These early improvements include the retention and improvement of the hedgerow to the north west and north of the proposed western extension, planting of two double hedgerows across the central part of the site and the establishment of wide field margins so that the important existing woodland margin habitats will be maintained, improved and managed throughout the operational life of the site.</p> <p>The extension to the site will be constructed and operated in a series of phases which will be progressively restored so that the site is returned to beneficial ecological use as soon as possible. The current projection is that the first, northernmost, cell in the proposed western extension will be filled, capped and restored in around 5 to 7 years from the start of cell excavation work in the area. There are active discussions with both Natural England and the Forestry Commission regarding planting as both organisations have an interest in the choice of trees and linking habitats. Details of planting will be</p>	
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	<p>submitted for approval pursuant to Requirement 4 of the draft DCO (PINS document reference. 3.1). Natural regeneration will also play a part. There are other opportunities for habitat creation which are being actively explored to realise the ambitions to create connectivity between the two areas of woodland as soon as possible and to maximise biodiversity gain.</p>	
<p><b>4. Mud on the road</b></p>	<p>Augean recognises the sensitivity of the road conditions around the site and accordingly has implemented rigorous wheel and chassis cleaning controls at the site; in addition, the road is regularly swept. During any particularly wet weather periods, a pressure washer is used as an additional measure by Augean staff to ensure no material is being deposited on to the road. However, as the vehicles leaving site are often still wet, water can drain on to the road on exiting, but this would be discoloured water which can be mistaken for mud or slime. It is rare that clods of mud are carried on to the road and these are removed rapidly by the sweeper. The same measures will be implemented as part of the proposed development and are</p>	<p>12</p>

	<p>secured by Requirement 13 of the draft DCO (PINS document reference 3.1).</p> <p>The road condition outside the site has been improved since re-surfacing in late 2020 and this will be complemented by the works being undertaken In July and August 2021 to widen the site entrance to minimise any queuing traffic, to improve visibility for departing lorries and to ensure no left turns into the carriageway of oncoming traffic. Additionally the drainage improvements that will result at the site access will reduce the potential for site run-off to accumulate at the site entrance and be tracked onto the road.</p> <p>Augean contributes £5,000 per year to the Highways Authority under the existing Section 106 Agreement for the existing ENRMF. This is specifically for maintenance of the section of road between the site and the A47 and the payment will be mirrored in the section 106 agreement for the proposed development (PINS document reference 6.4). Additionally, Augean has offered to fund further signage on the road.</p>	
<p><b>5. Consideration of alternative sites</b></p>	<p>Augean has for many years formed its business strategy around support of critical UK business and</p>	<p>7</p>

	<p>services. To maintain that support, Augean has evaluated a number of ways of maintaining the provision of a hazardous waste landfill situated in the southern part of the UK, which would continue to meet the identified national need for a facility to manage wastes for which disposal is the only option. A number of alternatives were explored, however, the preferred option is to extend the ENRMF to the west, which would maintain the current facility with all the additional advantages of continued use of the existing infrastructure as well as retaining an employment site and sustaining the local supply chain.</p> <p>There have been suggestions about developing fields to the south of the site, however, this has never been a viable alternative to the extension into the western fields, as the land has not been, and will not be, for sale. This position has been reconfirmed by the landowner. The only viable option is the development of the land to the west on which Augean has an option agreement which will only be implemented once a Development Consent Order (DCO) is in place. In the event the</p>	
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	application is refused the land will continue to be used for commercial farming.	
<b>6. Proximity to footpaths</b>	<p>The potential effects, including on tranquillity, on the amenity uses of adjacent land, particularly Fineshade Wood has been considered as part of the design of the site and in the assessment of the site impacts. Amenity uses have the potential to be affected by the visibility of the proposed development. Views of the current site have been available for many years from an approximately 50m stretch of Footpath MX15 to the west of the site, which passes from north to south through a gap within the woodland. The proposed development would bring the operations further towards users of this footpath and would mean that visual disturbance is evident for a longer duration and until operations in this part of the site are complete. However, due to the woodland blocks either side of the view, which extend right to the edge of the proposed western area, views of the rest of the extension area are not available so the vast majority of the proposed development would be out of view. Once footpath users are back within the woodland itself, there would be no or very</p>	6

	<p>obscured views of the proposed works due to the mass of intervening woody and (in summer) leafy vegetation. Any temporary impacts on amenity users of this part of Fineshade Wood, including on the tranquillity of the setting would therefore be limited to a short part (approximately 50m) of a long footpath walk. Footpath MX15 leads to MX18 and other footpaths beyond. Footpath MX18 is not located in woodland and is close to the active mineral extractions at Collyweston Quarry therefore the current and proposed operations at ENRMF are not entirely out of keeping with the other activities in the vicinity. In addition, operations in the area closest to footpath MX15 will only take place while the nearby phases are being prepared, filled and capped; the area will not be operational for the whole lifetime of the proposed development. The overall restoration proposals as explained above will bring improved opportunities for the amenity use of the site.</p>	
<p><b>7. Acceptability of the extension to the landfill</b></p>	<p>It is the duty of society firstly to minimise the waste that it generates and secondly to manage the waste that is generated in a responsible manner</p>	<p>6</p>

	<p>that protects human health and the environment.</p> <p>Even after the application of the waste hierarchy principles, significant volumes of residual waste will continue to remain which have to be disposed of through the least preferred option of landfill. It is recognised and supported in a range of Government policies and strategies that only residues which remain after consideration and application of the alternatives are suitable for landfill disposal, but that the need for landfill capacity for the disposal of hazardous waste will remain.</p> <p>The primary objective of waste management is to control wastes in a way that adequately protects human health and the environment, both now, when the waste is disposed of, and in the future. The ENRMF currently provides a safe and appropriate facility with a highly skilled workforce specially trained to manage difficult types of waste and will continue to do so.</p> <p>Recently a local man was jailed for the illegal disposal of waste at Fineshade and Easton on the</p>	
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	<p>Hill having been prosecuted by the Environment Agency for burning and burying waste rather than disposing of it lawfully at authorised waste sites. These actions risked contaminating the nearby woods and farmland, caused odours and toxic smoke, and attracted large quantities of flies and vermin. Without properly authorised and regulated facilities like the ENRMF waste crime will increase further with concerning links to organised crime.</p>	
<p><b>8. Harm to human health and wellbeing</b></p>	<p>Great care is taken to design and operate all waste facilities, including the ENRMF, in a manner which makes sure that human health as well as the environment is protected. The detailed measures which are and will be in place to provide that protection are the subject of Environmental Permits which are regulated by the Environment Agency. All possible pathways by which contaminants might have the potential to expose people to contaminants which might affect their health have been identified and are assessed through risk assessments including for routine as well as unexpected events (accidents). The full and detailed risk assessments that are provided with the Environmental Permit applications are</p>	<p>5</p>

	<p>scrutinised robustly by the Environment Agency and other statutory consultees such as Public Health England and Environmental Permits will not be issued unless the Environment Agency is satisfied that the site can be operated safely and that the health of those living and working at or near the site is protected.</p> <p>The site will continue to be monitored and regulated through the Environmental Permits to confirm that it is operating in compliance with all appropriate International and national health and safety standards. Environmental monitoring during the operational and aftercare phases will include the levels of contaminants and radiation in a range of environmental media such as landfill gas, air emissions, leachate, surface water, groundwater and dust. Samples are taken to an agreed programme specified in the Environmental Permits and follow protocols set by the Environment Agency, with the resulting monitoring data reported to it. The results of the monitoring will continue to be made available on the Augean web site to provide confidence that the site is being managed effectively.</p>	
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<p><b>9. Road traffic accidents outside the site</b></p>	<p>The road north of the site bends to the right, has an adverse camber and due to the trees growing on either side of the road remains wet after rainfall for extended periods of time. These conditions combined with excessive speeds have resulted in a number of incidents. Augean staff have attended these incidents and assisted the drivers and their passengers acting as first responders. As the site has CCTV monitoring and recording the road condition and any incidents along the site boundary, each incident has been investigated to confirm that the road conditions were not adversely affected by the traffic from the site.</p>	<p>4</p>
<p><b>10. Visual impact on landscape</b></p>	<p>The ENRMF is located around two kilometres from Kings Cliffe and is not a particularly visible part of the landscape. The facility is well contained and only parts of it are visible from only a few properties. The presence of the site, to the vast majority, is only evident when passing the site entrance. While it is accepted that it may not be part of the idealised concept of the agricultural landscape, landfill is nevertheless, like mineral extraction, an activity that can only practically be undertaken in the countryside. While landfilling</p>	<p>4</p>

	<p>operations and the associated excavation and stockpiling of materials can be viewed as a disturbed landscape where these aspects are visible, these operations are temporary and the restored landform and landscaping scheme are carefully designed to not only integrate with but also to improve the biodiversity and ecological potential of the area.</p> <p>The proposed western extension would bring operations to within approximately 115m of Footpath MX15 to the west of the site, where a c. 50m long a stretch of the path passes north to south through a gap in the woodland. Views of the existing ENRMF to the east are possible and it is acknowledged that the proposed development would maintain this for a longer duration, while bringing works closer to the viewer. However, views from all other footpaths in the area are more limited and are, to various levels, restricted by distance, intervening vegetation, landform or all three elements.</p>	
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<b>11. Protection of groundwater</b>	<p>The protection of water is one of the most important issues for the development. As with many landfill sites in the UK, the ENRMF site is located over groundwater which must be protected.</p> <p>The potential impacts on geology, hydrology and hydrogeology have been subject to detailed assessment. A detailed site investigation has been carried out with the drilling of numerous site investigation and monitoring boreholes to establish the geology and hydrogeology of the western extension area. Consistent with the principles of the current site design, at least two metres of natural low permeability strata will be left in place below the base of the engineered landfill and above the limestone strata underlying the site.</p> <p>The quality of the groundwater will be monitored routinely to confirm that the landfill is functioning as predicted by the risk assessments which will be carried out as part of the Environmental Permit application.</p>	3
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	<p>The landfill at ENRMF is designed and operated as a containment landfill in accordance with modern standards. It is engineered in such a way that the waste deposited is contained within cells formed of low permeability materials. This barrier system provides the necessary protection of human health and the environment.</p> <p>Each cell is constructed with base and side wall lining systems formed of a combination of a low permeability engineered clay mineral liner and a geomembrane liner the specification for which is agreed with the Environment Agency. The cell construction is designed to prevent contamination of ground and surface water that may otherwise be harmed by the migration of landfill leachate. Each cell contains leachate and landfill gas collection and monitoring infrastructure.</p> <p>Once a landfill cell is completed it is sealed with a low permeability capping layer to minimise rainfall entry into the landfill and so control rates of leachate generation. The low permeability capping layer is keyed-in to the low permeability side wall</p>	
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	<p>lining system to provide a continuous low permeability protective barrier.</p> <p>The design and construction of the site containment system and the basal leachate collection layer is subject to approval by the Environment Agency in accordance with the Environmental Permit. The construction and engineering of landfill cells is carried out by specialist contractors overseen by a Construction Quality Assurance engineer. The cell lining and capping system is subject to testing at every phase of construction to confirm that the design specifications have been met, and that it will form the necessary protective barrier in an effective way. Once construction is completed a report detailing the construction method, testing and laboratory results is submitted to the Environment Agency for approval before waste can be placed in the cell.</p> <p>During the operation of the site the level of leachate in each cell is controlled by the extraction of leachate in order to maintain the level below a limit</p>	
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	<p>specified in the Environmental Permit. The management of leachate in this way makes sure that there will not be 'overspill' of leachate. As explained above, once the low permeability cap is placed the rate of rainfall infiltration and therefore the rate of leachate generation is very low. The final profile of the waste and capping layer is designed to form a stable slope which will encourage shedding of rainfall to minimise infiltration which will further minimise the generation of leachate.</p> <p>The management and monitoring of the site including the management of leachate will continue long after the site has ceased accepting waste. It is a requirement of the legislation that appropriate management remains in place for the duration of the Environmental Permits. The Environmental Permits do not cease on a specified date but continue in force until an application for its surrender is submitted to and accepted by the Environment Agency. The Environment Agency will not accept the surrender of an Environmental Permit until there is no longer any need for active management and monitoring and until the</p>	
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	<p>Environment Agency are satisfied that the site does not present a potentially significant risk to the environment.</p> <p>As a requirement of the current Environmental Permits for the landfill site Augean make a Financial Provision which is available to the Environment Agency for the management of the site should Augean default on their site management and aftercare obligations. The sum provided is agreed with the Environment Agency. This Financial Provision will be extended to apply also to the activities in the western landfill extension area as part of the variation of the Environmental Permit.</p>	
<p><b>12. Is there an emergency plan for the site?</b></p>	<p>Augean has high standards of health and safety, environmental and quality management which are certified by the British Standards Institution. The management systems include standard processes and procedures for routine operations as well as systems which are implemented in the event of any unplanned or emergency events.</p>	<p>3</p>

	<p>Incidents that might occur at sites which qualify for a greater focus in terms of disaster management plans (such as those classified under legislation for the Control of Major Accident Hazards (COMAH)) are unlikely to happen at ENRMF as it does not meet the criteria to be defined as a COMAH site. In addition, all landfill sites, including ENRMF, do not accept explosive, flammable, oxidising, corrosive or infectious wastes.</p> <p>Risk assessments have been carried out for a wide range of different situations that could occur, including accidents, which cover the operational lifetime of the landfill facilities and the waste treatment and recovery facility, the post operational period for the existing landfill facility, the proposed western extension and in particular the long term future of the landfill facilities when management of the site may no longer be in place.</p>	
<p><b>13. Opportunistic timing of planning application</b></p>	<p>Augean began to consult with elected representatives of the local community at an early stage of our plans before site investigations commenced over two years ago. The consultation was widely publicised and significantly extended to</p>	<p>3</p>



	take account of the Covid-19 pandemic as described in Section 4 of this report.	
<b>14. Loss of woodland</b>	No woodland will be lost, or damaged, and new habitat creation or enhancement will provide increased and improved habitat for all the species currently using the area resulting in biodiversity net gain for the area which will include additional woodland.	2
<b>15. Promised closure of the site in 2026</b>	No promises were made about any future expansion of the site. During the consultation for the previous DCO application it was made clear that no such undertaking could be made. However, it was acknowledged at the time that the site would probably close in 2026 as there was no available option to extend the site at that point in time.	2
<b>16. Increased traffic and pollution</b>	Detailed investigations and assessments have been carried out regarding the potential effects of the proposed development on people and the environment by technical specialists in several different disciplines including the impact on highways as a result of site traffic. The preliminary results of the assessments were reported in the Preliminary Environmental Information Report	2

	<p>(PEIR) which was the subject of the consultation.</p> <p>The cumulative impact of all the assessments of potential impacts on people and the environment demonstrated that there will be no unacceptable adverse effects on human health or the environment in the short, medium or long term.</p> <p>The final versions of these reports have been submitted as an Environmental Statement with the DCO application (PINS document reference 5.2)</p> <p>There will be further opportunities to comment on these documents as part of the DCO examination process.</p>	
<p><b>17. Is waste minimised in first instance?</b></p>	<p>It is the duty of society firstly to minimise the waste that it generates and secondly to manage the waste that is generated in a responsible manner that protects human health and the environment.</p> <p>Even after the application of the waste hierarchy principles, significant volumes of residual waste will continue to remain which have to be disposed of through the least preferred option of landfill. It is recognised and supported in a range of Government policies and strategies that only residues which remain after consideration and application of the alternatives are suitable for</p>	<p>1</p>

	<p>landfill disposal, but that the need for landfill capacity for the disposal of hazardous waste will remain.</p> <p>In recent years there have been significant changes in policy and legislation to limit the amount and types of waste that are sent to landfill and to encourage an increase in treatment recycling, reuse or recovery of waste. There is increased customer and public interest in more sustainable methods of waste management which encourage an innovative approach.</p> <p>The waste treatment and recovery facility which is operated within the existing ENRMF uses treatment technologies which can tackle a broad range of contaminants. Use of bioremediation techniques provides the potential for recovery and reuse of 100 per cent of the soil undergoing treatment. Soil is composted to remove organic contaminants and recover the soil. In a controlled environment, specific bacteria can be added to soils contaminated with organic compounds (hydrocarbons) to enhance the process. The degradation of petroleum type materials is</p>	
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	<p>promoted through the circulation of air and by controlling levels of moisture.</p> <p>Soil washing to remove contaminants and recover sand, gravel and soil forming materials provides the potential for recovery and reuse of 80 per cent of the input. The soil washing plant removes heavy metals from contaminated soils, silts and sludges through a physico-chemical treatment process. Bulk soils are separated into coarse aggregates, sand and silt size fractions and then washed to remove surface contamination. 80 per cent of the output is clean aggregate or sand suitable for reuse. The contaminants present are concentrated into a smaller volume of material which is landfilled directly or following further treatment.</p> <p>Treatment is also carried out of soils where treatment on the site at which they arise is not a viable option. All of these processes promote the remediation of contaminated land so that it can be reused.</p>	
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	<p>Waste stabilisation which includes immobilisation and neutralisation is used as a pre-treatment to reduce contamination to acceptable levels and reduce polluting potential so that the wastes can be recovered for reuse elsewhere or before landfilling. The purpose of stabilisation is to fix mobile contaminants within the structure of the waste to reduce their polluting potential. The purpose of immobilisation is primarily to change the physical characteristics of the waste, but the process can also encapsulate contaminants in the waste. The purpose of neutralisation is to moderate the pH of waste, usually to a near to neutral condition. Where the pH is a significant factor in the hazardousness of the waste it can be possible to generate a non-hazardous waste output. The outputs of all three processes commonly are managed by disposal in landfill but where the chemical nature of the material being treated and the treated outputs are suitable, the treated material can be recovered for a variety of uses. The planned increase in the throughput of the waste treatment and recovery facility is so that these treatment processes are maximised and the</p>	
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	<p>amount of waste that is disposed to landfill is further minimised.</p> <p>The use of clean water in the immobilisation processes is minimised by using landfill leachate from the site and collected site surface water runoff. This conserves fresh water resources and immobilises contaminants in the landfill leachate as they are fixed in a solid matrix.</p>	
<p><b>18. The DCO application should be delayed until North Northamptonshire Council is in place</b></p>	<p>North Northamptonshire Council (NNC) is now constituted and is an important consultee. NNC will prepare a Local Impact Report for the Examining Authority to consider. Prior to the formation of North Northamptonshire Council the Applicant consulted with the predecessor bodies Northamptonshire County Council and East Northamptonshire Council and has subsequently consulted North Northamptonshire Council who confirmed the response of Northamptonshire County Council should also be treated as its response.</p>	1
<p><b>19. Recording wastes deposited at the site</b></p>	<p>The whole of the existing landfill area is the subject of the Environmental Permit and an application to vary the Environmental Permit, so it applies to the</p>	1

	<p>proposed western extension area has been submitted to the Environment Agency. The management and engineering controls which are specified in the Environmental Permit will continue at the site following the cessation of waste acceptance and restoration. In accordance with the legislation the Environmental Permit will remain in place until in the opinion of the Environment Agency the site no longer represents a potential risk to the environment or harm to human health. There is no time limit set for this. In accordance with the Environmental Permit the site is the subject of Financial Provision which is a bond provided by the operator for use in the event that the company no longer exists.</p> <p>The Applicant is required to submit information about the waste deposited into the landfill facilities to the Environment Agency on a quarterly basis and will be obliged to do so for the western area. Accurate records are kept which include the GPS coordinates of each waste load.</p>	
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<b>20. Why not dig deeper on the existing site?</b>	The design for the presently operated part of the site includes excavation to the optimum depth in order to maximise the void available for waste in the currently consented area. Therefore, this is not a viable option.	1
<b>21. Extend site to the north</b>	The land immediately north of the site is not geologically suitable and is occupied by the Collyweston Great Wood National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI). The land known locally as the 'Bomb Dump' sits in the middle of the NNR and is in private landownership. In spite of the NSIP status of the ENRMF these issues would be major and likely insuperable objections to extension northwards.	1
<b>22. Impact on house values</b>	The opposition to the applications for the disposal of Low Level Radioactive Waste and the first extension to the west of ENRMF created many misrepresentations and misconceptions about the site which may have influenced perceptions about property in the area. At that time the Applicant was approached by Persimmon who were in the process of building and marketing the Sovereign Grange development in Kings Cliffe in order to	1



	<p>address any concerns that might be raised by prospective purchasers. The Applicant produced a fact sheet and invited anyone with concerns the opportunity to visit the existing ENRMF prior to purchasing a property which people found helpful. Since that time there has been a settling period in local perceptions about site operations and their impacts on the locality. In normal circumstances we give people the opportunity to visit the site either on our annual Open Days or by appointment and are transparent in our relationship with the local community which has helped to overcome many concerns. The Applicant would be happy to help any purchasers in the area understand the site and its operations.</p> <p>An analysis of house prices in the area shows that there has been no recent drop in values.</p>	
<p><b>23. Advance woodland felling resulting in deer being killed on local roads.</b></p>	<p>No woodland clearance has been carried out by the Applicant or will be as the proposed western extension is on land adjacent to the wood and not within the woodland itself. Please request any further information about this from the Forestry Commission.</p>	<p>1</p>

<p><b>24. Increased health risks in Kings Cliffe</b></p>	<p>With regard to health risks, while Kings Cliffe is a high radon area, the proposed development site is not because of the protection given to it by the underlying clay. The exposure risks at the site boundary are negligible and the risks decrease exponentially with distance from the site therefore the risk at any centres of population including the surrounding villages is much less than those at the site boundary. The site does not present an unacceptable risk at the boundary therefore there is no need for the waste to be deposited in a site located away from centres of population in order to provide adequate protection to residents. No measurable dose has been detected on the personal dosimeters worn by the site workforce, who work in close proximity to the waste, in the nine years that Low Level Radioactive Waste (LLW) has been accepted at ENRMF.</p>	<p>1</p>
<p><b>25. Working within agreed limits for LLW</b></p>	<p>The Applicant must work within the limits of the development consent and permits that have been granted and is regularly inspected by the Environment Agency. There are strict waste</p>	<p>1</p>

	<p>acceptance procedures in place to ensure that there are no breaches of LLW waste activity levels</p> <p>Before any waste is accepted for consignment to the site, the Applicant's technical assessment team go through a series of pre-acceptance checks to confirm whether it is suitable for treatment or disposal and is included in the detailed list of permitted wastes that is in the Environmental Permit.</p> <p>Strict processes verify that each waste load received can be handled in a safe and suitable manner. Additionally, all waste producers wishing to consign LLW to the site need to demonstrate to the Environment Agency that disposal at ENRMF is the best available option for their specific waste stream by meeting the criteria for Best Available Technique (BAT), which includes consideration of whether the site is the nearest appropriate facility for the management of that waste. BAT is a requirement of the Environmental Permit of both the consignor (i.e. the producer) and the receiver (i.e. the Applicant) of the waste.</p>	
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10.7. The Applicant has responded to the issues raised during the consultation and has made the following changes to the design of the development and approach to the Environmental Impact Assessment:

- Enhancements to maximise connectivity;
- Holding a community ecology workshop
- Change in phasing order and restoration sequence;
- Exclusion of the northern area from future operational use;
- Maintenance of the central surface water channel;
- Provision of a car park for visitors to the restored site;
- Minimising the potential for 'hazardous birds';
- Additional noise monitoring; and
- Change in the application boundary.

10.8. These changes are detailed in the ES in Table ES2.3

10.9. A summary of on-going communications undertakings from Augean is presented below.

- Hold annual site open days to show how the Applicant operates the site
- Invite members of the local community to see how the landfill is engineered when construction is being undertaken.
- Maintain an open door policy so members of the public can see how the site is operated and monitored.

- Publish the results of monitoring data in an accessible form on the company website including results from the passive dosimeters worn by site staff.
- Continue to advise the community of long-term intentions as and when decisions are made.
- Continue to consult with the community on new proposals at its sites.
- Continue to participate in the KCLG.
- Notify KCLG and Town and Parish Councils of any matter of relevance or potential concern.
- Investigate any public concern about site operations.

## 11. Conclusions

- 11.1. This Consultation Report is prepared in accordance with Section 37(3)(c) of the 2008 Act as amended and has been prepared to accompany an application to the SoS for DCO for an extension in the area and life of the East Northants Resource Management Facility (ENRMF) including an extension to the west of the existing landfill site and increasing the throughput of the waste treatment facility at the East Northants Resource Management Facility, Stamford Road, Kings Cliffe. PE8 6XX.
- 11.2. The report demonstrates that the Applicant has complied with the relevant sections of the Act relating to pre-application consultation about the ENRMF and has taken account of government guidance document “Planning Act 2008: Guidance on the Pre-Application Process (March 2015), PINS advice notes and other best practice.
- 11.3. The following provisions of the Act are relevant to the statutory pre-application consultation about the ENRMF
- Section 42 – duty to consult prescribed categories of person.
  - Section 43 – Local Authorities for the purposes of Section 42 (1) (b).
  - Section 44 – categories of persons for the purposes of Section 42(1) (d).
  - Section 46 – duty to notify the Secretary of State.
  - Section 47 -duty to consult the local community.

- Section 48 – duty to publicise the proposed application.
- Section 49 – duty to take account of responses to consultation and publicity.
- Section 50 – follow guidance about pre-application procedures.

11.4. A SoCC was prepared in accordance with Section 47 and published for consultation on 23 October 2020.

11.5. This report explains the consultation that has been undertaken in a variety of forms and demonstrates how consultation responses have been taken into account by the Applicant where appropriate.

11.6. Consultation on the application has been undertaken under three categories as required by the Act:

- Consultation with those bodies with which there is a statutory duty to consult under Section 42.
- Consultation with the local community under Section 47.
- Consultation via a duty to publicise the application under section 48.

11.7. All responses have been collated, considered carefully and where appropriate have been used to inform the final application documents that form the proposals for the development. Details of how the Applicant has considered

and had regard to the responses received are documented in Section 7 of the report and the relevant appendices.

11.8. The Applicant hopes that the consultation process has reassured the local community about the issues raised and that it can have confidence that the Applicant is open to discussion on matters that are not fixed as a result of legislative requirements, regulator guidance and/or environmental and safety considerations that can pre-determine many aspects of a waste management facility.

11.9. The Applicant would like to thank those who have participated in the consultation process.

11.10. The Applicant is committed to an on-going consultation and engagement with Interested Parties after the application has been submitted to PINS. This will continue through to determination of the proposed development and throughout the lifetime of the site and its subsequent restoration and management until the surrender of the Environmental Permit.



## GLOSSARY FOR CONSULTATION REPORT AND APPENDICES

<b>ADR</b>	European Agreement concerning the International Carriage of Dangerous Goods by Road. The European Agreement governs the safety standards needed for the transport of hazardous materials by road. The Agreement was created following a United Nations Treaty.
<b>Aftercare</b>	The steps necessary to manage the land following restoration including sowing and planting so that the quality of the land is at a satisfactory standard for the planned after use and that vegetation is sustainably established.
<b>Agricultural Land Classification (ALC)</b>	Provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. The ALC system divides agricultural land into five grades (Grade 1 'Excellent' to Grade 5 'Very Poor').
<b>As Low as Reasonably Practicable (ALARP)</b>	A principle applied to ensure that all practicable steps are taken to minimise exposure to radioactivity or contaminants.
<b>Assemblage (ecology)</b>	The list of all species recorded in a specified habitat over a specified period or on a specified date.
<b>Baseline Scenario</b>	A description of the state of the environment without implementation of the project.
<b>Baseline Studies</b>	Work done to determine and describe the environmental conditions of the baseline scenario against which any future changes can be measured or predicted and assessed.
<b>Becquerels per gram (Bq/g)</b>	A Becquerel (abbreviated as Bq) is the unit for the specific activity of radioactive material. A Gram (abbreviated as g) is a unit of mass. A Becquerel per Gram (Bq/g) is therefore a measure of the concentration of radioactivity in a given mass of material.
<b>Best Available Technique (BAT)</b>	The available techniques which are the best for preventing or minimising emissions and impacts on the environment.
<b>Biodegradable</b>	Materials which will be broken down by bacteria or other biological means.
<b>Biodiversity</b>	Range of variation in living organisms including genetic variation and ecosystem variation.
<b>Biodiversity Net Gain (BNG)</b>	Calculated by assigning a value to all habitats which will be lost and new habitats to be created and expressing the latter as a percentage of the former. Scores are determined by a

	DEFRA metric, with a minimum percentage positive value to be made statutory for all future development.
<b>Bioremediation</b>	The use of biological methods, similar to composting, to remediate contaminated material, especially the addition of bacteria and other organisms that consume or neutralise contaminants in the soil.
<b>British Geological Survey (BGS)</b>	An independent research organisation providing expert geoscientific data, information and knowledge.
<b>Bund</b>	A low bank or wall of material used to store soils or to provide a visual or acoustic screen.
<b>Chartered Institute of Highways and Transportation (CIHT)</b>	The professional body for highways engineers. CIHT represents and qualifies professionals who plan, design, build, manage, maintain and operate transport and infrastructure.
<b>Collyweston Great Wood and Easton Hornstocks</b>	Collyweston Great Wood is located to the north of the existing ENRMF and to the east of the proposed western extension. Easton Hornstocks is located to the east of Stamford Road. Parts of these areas are designated as a Site of Special Scientific Interest and National Nature Reserve.
<b>Conservation Area</b>	An area (usually <a href="#">urban</a> or the core of a village) considered worthy of preservation or enhancement because of its special architectural or historic interest, "the character or appearance of which it is desirable to preserve or enhance," as required by the <a href="#">Planning (Listed Buildings and Conservation Areas) Act 1990</a> .
<b>Construction Quality Assurance (CQA)</b>	A system of managing construction to ensure specified standards are met.
<b>Consultant</b>	An expert providing objective and independent advice on the basis of professional standards.
<b>Control of Major Accident Hazards (COMAH)</b>	A regulatory system used to ensure the safe storage of certain hazardous chemicals.
<b>Cumulative impact</b>	Also referred to as cumulative environmental effects and cumulative effects. Can be defined as changes to the environment caused by the combined impact of past, present and future human activities and natural processes.
<b>Department for Business, Energy and Industrial Strategy (BEIS)</b>	A government department. In respect of the development the Department is responsible for nuclear wastes strategy.

<b>Department for Environment, Food and Rural Affairs (DEFRA)</b>	Government department in particular responsible for environmental standards.
<b>Department of Communities and Local Government (DCLG)</b>	A government department. In particular responsible for planning and decision making in respect of the application.
<b>Designated landscape</b>	Areas of landscape identified as being of importance at international, national or local levels, either defined by statute or identified in development plans or other documents.
<b>Designation</b>	The various pieces of legislation used for legally protecting particular assets from damage and destruction (e.g. heritage, ecological, environmental) are grouped under the term 'designation'
<b>Development Consent Order (DCO)</b>	The process for obtaining permission for developments categorised as Nationally Significant Infrastructure Projects legislated under the 2008 Planning Act.
<b>Disposal</b>	Emplacement of waste in an appropriate facility without the intention of retrieval.
<b>Doline</b>	Formed where the underlying limestone has dissolved and the overlying soil subsides into the cavity and leaves a depression in the landscape.
<b>Dose</b>	General term for a measure of the energy deposited by radiation in a receptor as a result of exposure to ionising radiation.
<b>Environment Agency (EA)</b>	The national environmental regulator.
<b>Environmental Impact Assessment. (EIA)</b>	A process to assess the environmental implications of proposals.
<b>Environmental Management System (EMS)</b>	A documented system of procedures and processes by which businesses can ensure environmental standards are implemented effectively and seek continuing improvement. The system can be certified to the international standard ISO14001.
<b>Environmental Permit (EP)</b>	The authorisation issued by the Environment Agency when it is satisfied that a specified operation can be carried out without pollution of the environment or harm to human health.
<b>Environmental Safety Case (ESC)</b>	The document in which are reported the full risk assessments for the management of radioactive material at a facility.

<b>Environmental Statement (ES)</b>	The document that reports the findings of an Environmental Impact Assessment.
<b>Existing ENRMF</b>	This is the boundary of the East Northamptonshire Resource Management Facility Order 2013 as amended by the East Northamptonshire Resource Management Facility (Amendment) Order 2018 (the Original Order). The existing ENRMF comprises the existing landfill facility and the existing waste treatment and recovery facility.
<b>Exposure</b>	The experience of coming into contact with an environmental condition that has a harmful or beneficial effect. Exposure can be either external exposure to sources outside the body or internal exposure due to sources inside the body.
<b>Forestry England (FE)</b>	An executive agency of the Forestry Commission, responsible for managing England's forests.
<b>Geophysical Survey</b>	A method of seeing beneath the ground surface using a number of methodologies, including Ground Penetrating Radar (GPR), Resistivity and Magnetometry. It takes a specialist to both use the field equipment and interpret the data. When used with topographic survey data the results can be very effective, though it is very dependent on soil and geological conditions within the search area.
<b>Groundwater</b>	Refers to all subsurface water as distinct from surface water. It is considered generally that groundwater is water which is in the zone of saturation and contained in porous soil or rock stratum (aquifer).
<b>Habitats Regulations Assessment (HRA)</b>	An assessment to test if a plan or project proposal could significantly harm the designated features of a European site.
<b>Hazardous waste</b>	Waste which has properties which may make it harmful to human health or the environment as defined in legislation.
<b>Hectare (ha)</b>	A unit of area of 10,000m <sup>2</sup> equivalent to 2.47 acres.
<b>HGV</b>	Heavy Goods Vehicle.
<b>High Density Polyethylene. (HDPE)</b>	A highly robust, chemically resistant material use in the construction of landfill sites as well as in other containment structures.
<b>Highway</b>	Road forming part of the publicly maintained network.
<b>Highways England (HE)</b>	Formerly the Highways Agency, Highways England is the Government agency charged with operating, maintaining and improving England's motorways and major A roads.
<b>Historic England (HE)</b>	The government agency charged with the protection and care of the monuments and heritage resources of England.

<b>Hydrogeological Risk Assessment (HRA)</b>	Undertaken to ensure that the landfill will not compromise groundwater quality.
<b>Hydrogeology</b>	The quality, quantity, storage and movement of water in rock and the interaction with geology.
<b>Hydrology</b>	The surface water system and its operation.
<b>In situ</b>	In its original place.
<b>Inert</b>	Materials that will not dissolve, burn or react physically or chemically or undergo biodegradation.
<b>Ionising Radiation Regulations 2017 (IRR17)</b>	The legislation which defines the standards of safety for working with radiation.
<b>Landfill gas</b>	An end product of the degradation of biodegradable wastes in a landfill site comprising largely methane and carbon dioxide.
<b>Landscape</b>	An area, as perceived by people, the character of which is the result of the action and interaction of natural and/or human factors.
<b>Landscape and Visual Impact Assessment (LVIA)</b>	A tool used to identify and assess the likely significance of the effects of change resulting from development both on the landscape as an environmental resource in its own right and on people's views and visual amenity.
<b>Landscape character</b>	A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different to another, rather than better or worse.
<b>Landscape character areas (LCAs)</b>	These are single unique areas which are the discrete geographical areas of a particular landscape type.
<b>Landscape Character Assessment</b>	The process of identifying and describing variation in the character of the landscape and using this information to assist in managing change in the landscape. It seeks to identify and explain the unique combination of elements and features that make landscapes distinctive. The process results in the production of a Landscape Character Assessment.
<b>Landscape effects</b>	Effects on the landscape as a resource in its own right.
<b>Landscape receptors</b>	Defined aspects of the landscape resource that have the potential to be affected by a proposal.
<b>Landscape values</b>	The relative value that is attached to different landscapes by society. A landscape may be valued by different stakeholders for a whole variety of reasons.

<b>Leachate</b>	Liquid which results from seepage of incident rainfall through waste in a landfill and becomes contaminated. The leachate is collected in a drainage layer constructed below the waste so that it can be controlled and removed as necessary.
<b>Listed building</b>	A building that has been placed on the Statutory List of Buildings of Special Architectural or Historic Interest. In England and Wales the authority for listing is granted to the Secretary of State by the <a href="#">Planning (Listed Buildings and Conservation Areas) Act 1990</a> .
<b>Local Road Network (LRN)</b>	Local roads are largely the neighbourhood street system mostly handling local traffic to access to neighbourhood services and facilities.
<b>Local Wildlife Site (LWS)</b>	Wildlife-rich sites selected for their local nature conservation value.
<b>Low Level Radioactive Waste (LLW)</b>	With certain specific exceptions LLW is defined as waste which has an activity concentration in the range 0.4 – 4,000 Bq/g for alpha emitters and up to 12,000 Bq/g for beta-gamma emitters.
<b>Low Level Waste Repository (LLWR)</b>	The limited company that manages the national low level radioactive waste repository in Cumbria and promotes the Low Level Waste Strategy on behalf of the Nuclear Decommissioning Authority.
<b>Magnitude (of effect)</b>	A term that combines judgements about the size and scale of the effect, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration.
<b>Materials Recovery Facility (MRF)</b>	An industrial plant that receives, separates and prepares waste materials recovery and recycling for marketing to end-user manufacturers.
<b>Microsieverts (µSv)</b>	One millionth of a Sievert. Dose measurement for people.
<b>Millisievert (mSv)</b>	One thousandth of a Sievert. Dose measurement for people.
<b>National Planning Policy Framework (NPPF)</b>	Document which provides the primary Government policy basis for planning decisions.
<b>National Sites Network</b>	Special Protection Areas (SPAs) together with Special Areas of Conservation (SACs) form the UK's national site network.
<b>Natural England (NE)</b>	The government agency for the natural environment in England. An executive non-departmental body sponsored by the Department for Environment, Food & Rural Affairs (DEFRA).
<b>Naturally Occurring</b>	Geological material that is inherently radioactive.

<b>Radioactive Material (NORM)</b>	
<b>No observed effect level (NOEL)</b>	The highest dose level that does not produce a significant increase in adverse effects in comparison to the control group.
<b>Ordnance Survey (OS)</b>	An organisation that creates, maintains and distributes detailed location information for Great Britain.
<b>Particulates</b>	Extremely small particles of a substance or substances.
<b>Peak Hour</b>	The time period or part of the day, where traffic volumes and/or congestion is at its highest.
<b>Permeability</b>	A measure of the rate at which a fluid will pass through a solid medium.
<b>Personal Injury Accident Data (PIA)</b>	Records of accidents involving a casualty.
<b>Photomontage</b>	A visualisation which superimposes an image of a proposed development upon a photograph or series of photographs. The image can vary depending on the stage at which the development is illustrated.
<b>Planning Practice Guidance (PPG)</b>	Planning Practice Guidance adds further context to the National Planning Policy and guidance on its interpretation.
<b>PM<sub>10</sub></b>	Particulates of less than 10 micron in diameter (1 micron = one millionth of a metre or 0.001 mm).
<b>Potential (bat) Roost Features (PRF)</b>	Physical features such as cracks and holes in trees, cliffs or other structures that have the potential as roosts for bats.
<b>Potential Wildlife Site (PWS)</b>	Sites that are either known or thought to be of higher biodiversity value than the average countryside but have not been confirmed to be of Local Wildlife Site (LWS) standard.
<b>Preliminary Ecological Appraisal (PEA)</b>	The first stage in any ecological site assessment.
<b>Proposed western extension</b>	This is the proposed additional landfill area to the west of the existing ENRMF.
<b>Radiation</b>	Energy in the form of waves or particles propagated through space.
<b>Radiation Protection Advisor (RPA)</b>	Trained and experienced advisor on the application of IRR 2017. Augean engages the national organisation Public Health England in this role.



<b>Radiation Protection Supervisor (RPS)</b>	Personnel trained to supervise work with radioactive material.
<b>Radiation Risk Assessment (RRA)</b>	A risk assessment to determine the potential for exposure to radiation.
<b>Radioactive Waste Adviser (RWA)</b>	An RPA who gives specific advice in respect of radioactive waste.
<b>Radioactivity</b>	The phenomenon whereby atoms undergo spontaneous random disintegration, usually accompanied by the emission of radiation.
<b>Radionuclide</b>	A nucleus (of an atom) that possesses properties of spontaneous disintegration (radioactivity).
<b>Root Protection Area (RPA)</b>	The ground area around the base of a tree in which works are constrained or excluded to ensure protection of the roots of the tree.
<b>Sensitivity</b>	A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor.
<b>Sievert</b>	Symbol Sv. The unit of effective dose and equivalent dose for people.
<b>Significance</b>	A measure of the importance or gravity of the environmental effect, defined by significance criteria specific to the environmental topic.
<b>Site of Special Scientific Interest (SSSI)</b>	Sites of national importance designated under the Wildlife and Countryside Act 1981. Sites may be designated to protect wildlife, geology or land forms.
<b>SNIFFER</b>	Scotland and Northern Ireland Forum for Environmental Research particularly relevant for developing a radioactive risk assessment model.
<b>Special Area of Conservation (SAC)</b>	Conservation designation under EU Directive to protect natural habitats and wild flora and fauna
<b>Special Protection Area (SPA)</b>	Site of international importance for nature conservation of birds.
<b>Stamford Road</b>	This is the road which runs adjacent to the eastern boundary of the existing ENRMF and the road from which the site is accessed. The road links to the A47 to the north.
<b>Strategic Road Network (SRN)</b>	Parts of the highway network managed by Highway England comprising the motorways and major A roads.
<b>Surface water</b>	Whole or part of any river, stream, other watercourse natural or artificial, lake, pond, creek, estuary or arm of the sea



	except for certain sewers and water mains. In effect generally all waters that are not groundwater.
<b>Sustainable Development</b>	Development which meets the needs of the present without compromising the ability of future generations to meet their own needs.
<b>Swallow hole</b>	Formed by local chemical weathering of the limestone where water accumulates around a fissure or joint in the rock. This may be underneath the soil or on the ground surface. The hollow that is formed is drained of water through the fissure or joint, but not before it has dissolved some of the limestone.
<b>The Assarts and Fineshade Wood</b>	This is a Local Wildlife Site to the west of the proposed western extension.
<b>The Environmental Permitting (England and Wales) Regulations 2016. (EPR2016)</b>	The principal regulations controlling waste management, water protection, the management of radioactive waste and industrial activities with the potential for significant emissions.
<b>The Near-surface disposal facilities on land for solid radioactive wastes (NS-GRA)</b>	Environment Agency (EA) guidance on Requirements for Authorisation.
<b>The site</b>	The site comprises the area within the DCO application boundary and includes the existing ENRMF and the proposed western extension.
<b>Topographic survey</b>	A detailed analysis of the ground surface of the site, a contour plan (from a flat 2D plan to a 3D computer model) is produced and can help to recognise buried landscape features or features that are too slight or too large to see with the naked eye.
<b>Tranquillity</b>	A state of calm and quietude associated with peace, considered to be a significant asset of landscape.
<b>Trips</b>	These are new trips on the road network where 1 trip is equal to 1 vehicle movement either to or from the site.
<b>Very Low Level Waste (VLLW)</b>	Radioactive waste considered suitable by the regulatory body for authorised disposal (<100Bq/g), subject to specified conditions, with ordinary waste in facilities not specifically designed or authorised for radioactive waste disposal.
<b>Visual amenity</b>	The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or

	backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area.
<b>Visual effects</b>	Effects on specific views and on the general visual amenity experienced by people.
<b>Visual receptors</b>	Individuals and/or defined groups of people who have the potential to be affected by a proposal.
<b>Westhay Cottages and Westhay Lodge</b>	These are the closest residential properties to the site. They are located to the east and south east of the site.
<b>Westhay Farm</b>	This is a haulage business located to the east of the site.
<b>Zone of Theoretical Visibility (ZTV)</b>	A map, usually digitally produced, showing areas of land within which a development is theoretically visible. The map can be produced using either DTM (digital terrain model or 'bare ground') 3d data or DSM (digital surface model, which includes built development, woodland canopies etc. to varying levels of accuracy) 3d data, often with a 3d representation of the proposed development inserted into the model.