



SUBMISSION VERSION

**COMMENTS ON THE RELEVANT REPRESENTATIONS
SUBMITTED TO THE EXAMINATION BY INTERESTED
PARTIES**

Document reference: AU/KCW/LZH/1724/01/RR
March 2022

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Introduction

This document provides the Applicant's comments on the Relevant Representations submitted to the Examination by Interested Parties.

Table 1

Response to the relevant representation from Addleshaw Goddard LLP on behalf of National Grid Gas Plc (RR-001)

Date received	Representation	Comments from Augean South Ltd
07 December 2021	<p>NGG is a statutory undertaker and owns, operates and maintains the national gas transmission network in England, Wales and Scotland. The Book of Reference identifies two plots of land (referenced on the land plan as plots 8 and 9) in respect of which compulsory acquisition powers are sought (Compulsory Powers) for the construction and filling of a landfill. NGG have a high pressure gas transmission pipeline (Gas Asset) located within plot 9 and running parallel to the southern limit of plot 8.</p>	<p>Although a Book of Reference was submitted as part of the Application, column 2 of Part 1 confirms that no compulsory acquisition powers are sought over any of the plots. The DCO also does not contain any powers of compulsory acquisition.</p>
	<p>The Gas Asset is an essential part of the gas transmission network in England, Wales and Scotland. The Applicant also seeks to realign an overhead electricity cable in close proximity to the Gas Asset (Works No. 5). As a responsible statutory undertaker, NGG's primary concern is to meet its statutory obligations to operate, maintain and develop its gas transmission networks and any third party development must not adversely impact NGG's ability to adhere to these statutory obligations. As such, NGG has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the Order limits of the proposed Project.</p> <p>To safeguard NGG's interests and the safety and integrity of the gas transmission network, including the Gas Asset and any other apparatus owned and</p>	<p>Augean has included standard Protective Provisions in the draft DCO. The Applicant has considered and returned comments on the bespoke protective provisions provided by National Grid Gas and the drafting is still under discussion.</p>

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	<p>operated by NGG located within or adjoining the Order boundary not already identified, NGG make this relevant representation objecting to the Order.</p> <p>In order for NGG to be able to withdraw its objection, NGG requires: a) the inclusion of appropriate protective provisions in the Order, as well as such additional protections to provide all necessary safeguards for NGG's retained apparatus during and after construction of the Project;</p>	
	<p>b) reassurance from the Applicant that NGG's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits shall be maintained at all times and access to inspect and maintain such apparatus will not be restricted</p>	<p>As stated above the DCO does not contain or seek any powers of compulsory acquisition therefore the existing rights of National Grid Gas will not be affected.</p> <p>The access available to National Grid Gas to the gas pipeline to the south of the existing ENRMF will not change as a result of the proposed development.</p>
	<p>c) reassurance that Works No. 5 will not interfere with the Gas Asset;</p>	<p>Work No 5 will not interfere with the gas asset. The diversion of the overhead electricity cable will be to the north of the water pipelines and will not interact with or affect the gas asset.</p>
	<p>d) agreement that the Compulsory Powers will not be exercised in respect of NGG's interests without NGG's express consent;</p>	<p>No Compulsory Powers are included in the dDCO, so the Applicant is unable to exercise any compulsory purchase powers in respect of the gas asset.</p>
	<p>and e) entry into any necessary crossing agreement(s) required in relation to equipment crossed by the cable routes.</p>	<p>Augean will enter into crossing agreements at the appropriate time to enable crossing of the gas pipeline by plant associated with the landfill site during the site operations.</p> <p>The crossing agreement will be addressed in a side agreement.</p>
	<p>NGG reserves the right to make further representations as part of the examination process but in the meantime NGG shall seek to cooperatively progress negotiations</p>	<p>Discussions are ongoing with National Grid Gas and the Applicant is working with them to agree the Statement of Common Ground and the protective provisions to provide the necessary protection for the National Grid Gas assets.</p>

Date received	Representation	Comments from Augean South Ltd
	with the Applicant on the suite of protections required to secure the removal of NGG's objection to the Project.	

Table 2

Response to the relevant representation from Berrys on behalf of N W Fiennes (RR-003)

Date received	Representation	Comments from Augean South Ltd
28 October 2021	<p>We act for Mr Fiennes who owns the adjoining farmland. The representation is that the designated authority in determining this application is satisfactory must ensure that there is no pathway onto our clients adjoining land either Under surface or over surface.</p> <p>The land adjoining this is due for quarrying and the restraint against the neighbouring boundaries and the barrier of protection by load or travel of pollutants under or over surface must take this in to account.</p>	<p>The adjoining farmland referred to is registered title NN313490 listed in Part 2, Table 2 of the Book of Reference (PINS document reference 3.4) (APP-020) as owned by the trustees of the A F Goddard-Jackson (Duddington 1983 Settlement). Discussions have been held between the Applicant and the agents acting for Mr Fiennes to provide details of how the containment and stability of the landfill and the excavations is assured through design, monitoring and regulation and how these aspects of the proposed development are regulated by the Environment Agency through the pollution control regime. Discussions are progressing with a view to agreeing a Statement of Common Ground between the parties on these matters. Augean are confident that the proposed development will not result in any pollution of the adjoining land or impede any future proposals for quarrying of the adjoining land.</p>

Table 3

Response to the relevant representation from Butterfly Conservation (RR-004)

Date received	Representation	Comments from Augean South Ltd
09 December 2021	Rockingham Forest area is of particular importance for the adder as it is one of the few areas where this formerly widespread species occurs in the East Midlands. Even within this area the species has contracted its range and is now confined to Fineshade Wood and some nearby road verges including those bordering Collyweston Great Wood.	Surveys for adder were undertaken as part of the ecological baseline surveys presented in Section 13 and Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087). Adders have been recorded to the north and west of the existing ENRMF in 2016 and on the western edge of the central hedgerow across the site in 2019. In 2021 a single immature adder was found on 2 consecutive visits in the scrubby woodland in the northern part of the western extension (PINS document reference 8.1. AS-004). The records and surveys show that adders are present in Fineshade Wood and Collyweston Great Wood but are not currently widespread across the proposed western extension or the existing ENRMF.
	Aside from the uncultivated margins, the fields between Collyweston Great Wood and Fineshade Wood are unfavourable habitat for adders, offering little potential for movement between the woods, creating a partial barrier, dividing the adders into small, separate populations. Small, isolated populations are prone to decline and extinction.	It is agreed that the arable fields which form the main central area of the proposed western extension are currently unfavourable for adders as they offer little potential for movement between the woods thereby creating a partial barrier and dividing the adders into small, separate populations. The potential benefits of the uncultivated margins are recognised and it is proposed that a wide margin will be retained along the borders with all adjacent land including woodland. These margins will be managed to maintain a good range of flowering (pollinator) species and a wide variety of structural habitats. The non-woodland margins will abut species-rich hedgerows, including larval foodplants for a number of butterflies and will also include a number of plants to attract pollinators. The margins around the proposed western extension will be enhanced as set out above in order to support strong populations of invertebrates

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		and their predators, that is reptiles, amphibians, birds and bats, on all boundaries.
	Over its lifetime, extension of the resource management facility over these fields could decrease whatever habitat connectivity there is already between the two woodlands, with harmful consequences for wildlife.	<p>The ecological surveys undertaken confirm that the arable fields currently provide limited connectivity for wildlife between Collyweston Great Wood and Fineshade Wood. No connectivity will be lost as a result of the proposals and in the long term connectivity between Fineshade Woods and Collyweston Great Wood will be enhanced.</p> <p>As stated in Paragraph 13.6.1 of the Environmental Statement (PINS document reference 5.2) (APP-049) a number of pre-development measures will be undertaken to protect, create and enhance habitats and connectivity including:</p> <ul style="list-style-type: none"> • The creation of a new species-rich hedgerow, running parallel to and 1-2m away from the existing grown-out tree-line and gappy hedgerow currently forming the western boundary of the western extension. It will run between the northeast end of The Assarts (Fineshade Woods) and the northwest corner of the western extension providing connectivity between the two woods. • Creating a bank and planting a new hedgerow/treeline along the southeast boundary of the southern field to the west of the farm track. This will in time provide wind-shelter and connectivity with the utility corridors which will cross the southern field. • Gapping-up the hedgerow on the southern boundary of the existing ENRMF, where work in this area is complete (and continuing as these phases are completed) to provide further connectivity, extending to the roadside hedgerow. • Delineating a wide buffer-strip, around the whole of the northern field of the proposed western extension. This strip, part arable, part rough grassland, will all be converted to grassland, with wildflowers for pollinators and other invertebrates and tussocky

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		<p>grassland providing cover for amphibians and reptiles. The buffer strip will provide a range of habitats for a range of species and connect the two woodlands.</p> <p>Standoffs have also been incorporated into the design on the western boundary of the southern part of the western extension and the eastern boundary of the southern extension (2.4 General Arrangement Plan 1A and 1B – APP-007).</p> <p>As stated in Paragraph 9.5.3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087), it is proposed that as part of the restoration, three wide, grassy corridors are planned to cross the Western Extension (along the watercourse between Phases 14 and 21, between Phases 18 and 19/20 and between Phases 17 and 18). All three will have a double hedgerow on each side with wildflower grassland, managed to give a range of heights. The most northerly of these will directly connect Fineshade Woods to the area on the eastern side where there was an adder record in 2016. The western half of the central hedgerow will remain in place and will be managed to provide good habitat for reptiles and invertebrates until the northern hedgerow of the northern corridor is established and the three cells to the north of it are completed and restored. Only then will the remainder of the central hedgerow be removed.</p> <p>The proposed western 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 completion and restoration of the northern area (Phases 12 to 14 as shown on Figure ES5.1) will allow the early development of habitats on the restored site which are designed to link and provide habitat</p>

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		<p>continuity between the woodlands either side of the northern part of the western extension. The current projection is that the first, northernmost, area (Phase 12) will be restored in around 5 to 7 years from the start of cell extraction work in the area.</p> <p>The restoration of the site will consist of a mosaic of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. This will complement and link existing habitats to give a greater area of woodland, with habitats also for amphibians, reptiles and invertebrates, including butterflies. The tree and shrub planting will provide future potential for roosting bats, nesting birds and saprophytic invertebrates and hopefully, in time, dormice</p>
	<p>Bat surveys carried out on the two hedgerows that currently link Collyweston Great Wood and Fineshade indicate significant bat activity along both of these hedgerows, including Section 41 species (Barbastelle, Brown Long-eared, Soprano Pipistrelle & Noctule), highlighting their importance as commuting routes for bats.</p> <p>Our concern over development of the fields between the two woodland blocks, particularly the northern field, lies in the impact of the operation, particularly on bats and adder, if there is any loss of these hedgerows that are vital linkages and commuting routes between the two neighbouring woodlands,</p>	<p>It is agreed that the bat surveys confirmed that the great majority of commuting and foraging activity currently takes place along the woodland edges and woodland rides. The hedgerows abutting and crossing the site are also used by a small number of bat species and some bats do also cross the open fields both north and south of the central hedgerow in the proposed western extension. Bats are considered resilient to the development.</p> <p>The only hedgerows being removed as a result of the Western Extension are H02 and H03 as shown on the Hedgerow Removal Plan (PINS document reference 2.10. APP-013).</p> <p>This will be mitigated by the inclusion of three wide, grassy corridors which are planned to cross the Western Extension as part of the development. All three will have a double hedgerow on each side with wildflower grassland. All bats are insectivores and the species-rich grassland and hedgerows will be designed to attract insects and therefore provide additional foraging. The tree and shrub planting</p>

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		included in the restoration of the site will provide future potential for roosting bats.
	the effect of dust produced during operation on these woodland edges and wildlife that use them,	Dust control measures are in place at the site with respect to the current operations and will be extended to include the proposed western extension. The dust control measures will be regulated by the Environment Agency as part of the Environmental Permits for the site. Regular dust monitoring will be carried out along the site boundary and emission limits are set in the Environmental Permit. Regular boundary monitoring for deposited dust is carried out at the site as specified in the Environmental Permit. The monitoring data for the last five years show that on the limited number of occasions in 2018 and in 2020 when the permit threshold of 200mg/m ² /day was exceeded this was as a result of agricultural activity on neighbouring fields.
	and the effect of lighting on bats using the woodland edges and hedgerows for commuting/foraging.	There will normally be no night-time working and the site will not be floodlit so bats will not be subject to disturbance by light, noise or dust when they emerge. If lighting is necessary for health and safety reasons, such as in the waste treatment and recovery facility, the operational area of the landfill or near the site offices, it will be directed downward as is already the case. At the time of year with the shortest daylight periods when lighting might be needed during working hours (i.e. winter), bats will be in hibernation therefore they will not be subject to light disturbance.
	If the extension gains approval we would want to ensure that connectivity between the two woodland blocks (Fineshade & Collyweston Great Wood) is maintained during operation.	See the previous comments on the current lack of connectivity across the arable fields and the measures proposed to create new connectivity along the field margins and hedgerows together with the proposals for the creation of connectivity as an integral part of the restoration design.
	Mitigation work after operation would provide an opportunity to improve connectivity between the two	See the comments above on connectivity. The woodland created during the restoration will be lowland deciduous mixed woodland. The

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	woodland blocks, with natural generation or carefully managed woodland restoration.	woodland will be advanced succession woodland to allow for natural regeneration.
	We would want to ensure that mitigation work provides the best outcome for some of our most threatened species and include a mosaic of habitats along with specific measures to create conditions for reptile dispersal between the woodlands.	The proposed restoration is to a mosaic of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies [Restoration Concept Scheme PINS document reference 2.8.1. APP-011]. It is agreed with all conservation bodies consulted that this will complement and link existing habitats to give a greater area of woodland, including habitats for amphibians, reptiles and invertebrates, including butterflies. Species rich grassland will be provided in rides and glades with clumps of rough grassland for basking and cover. The tree and shrub planting will provide future potential for roosting bats, nesting birds and saprophytic invertebrates and hopefully, in time, dormice. At least 40% of the total woodland area will be maintained as open rides and glades (Section 3.3 of Appendix DEC E of PINS document reference 6.5) (APP-110). The restoration proposals as set out in the Restoration Concept Scheme (PINs document reference 2.8) (APP-011) will provide significant benefits to species including butterflies and provide significant biodiversity gain.
	Alongside woodland/hedgerows connecting the two blocks, we would like to see the inclusion of open areas such as rides or short grassland/scrubby areas that would benefit species such as Adder, Dingy Skipper, Grizzled Skipper & Chequered Skipper as well as provide foraging areas for bats.	

Table 4

Response to the relevant representation from Defence Infrastructure Organisation (RR-005)

Date received	Representation	Comments from Augean South Ltd
<p>09 December 2021</p>	<p>The application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and is located within 1 km of the airfield boundary.</p>	<p>Discussions have been held with the Defence Infrastructure Organisation following their comments on the Scoping Report which are presented at Appendix 2 to the Scoping Opinion from the Planning Inspectorate (Appendix ES2.2 PINS document reference 5.4.2.2. APP-081). During those discussions it was agreed that the wastes deposited at the site do not present a food source and therefore will not attract birds which represent a potential hazard to aircraft (hazardous birds).</p> <p>The Defence Infrastructure Organisation (DIO) remained concerned that potentially hazardous birds could be attracted to the site during topsoil stripping in the proposed western extension and it was agreed that a Bird Hazard Management Plan (BHMP) should be prepared for implementation during topsoil stripping. A BHMP was prepared and submitted in the application (Annex I2 to the DCO Environmental Commitments document. APP-110).</p> <p>The Restoration Concept Scheme was discussed with the DIO who commented that <i>'The concept restoration is to grassland with patches of scrub, hedges and trees. Additional tree planting has the potential to attract and support hazardous arboreal species such as pigeons and corvids to breed and roost, however in the context of the large woodland immediately adjacent to the site and between the site and RAF Wittering the additional tree planting will not result in a substantial increase in this type of habitat locally. Existing agricultural margins are to remain around the edges as undisturbed features. This should not attract additional hazardous birds. A number of small ponds are proposed. These are located around the edges of the site, adjacent to</i></p>

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		<p><i>woodland and hedgerows and where possible will be surrounded with marshy vegetation. Open water, wetland and marsh habitats have the potential to attract and support hazardous wetland bird species. However, the small size and location adjacent to hedges and woodland will help to make these ponds more enclosed and less attractive to larger hazardous species. In order to ensure that they do not have the potential to attract or support hazardous species the open water should be kept to a minimum and surrounded by tall marginal and emergent vegetation or scrub in order to further reduce the attraction posed by open water’.</i></p> <p>The correspondence with the DIO during 2021 will be appended to the Statement of Common Ground with the DIO.</p>
	<p><u>Aerodrome height and technical safeguarding zones</u> The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre. On the basis of the information currently available, I can confirm that MOD has no objection with regards to the height and technical aspect of this application.</p>	<p>The Applicant notes that the DIO have no objection to the height and technical aspects of the proposed development.</p>

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	<p><u>Birdstrike safeguarding zone</u></p> <p>The principal safeguarding concern of the MOD in relation to this development, which is in the vicinity of RAF Wittering, relates to the potential for the development to provide an attractive environment for specific large and/or flocking bird species, and any resulting increase in birdstrike risk to aircraft operations.</p> <p>The development proposed can be broken into three phases, the construction of landfill void and the associated extraction and stockpiling of soil and clay, operation of the site as a hazardous waste facility, and the ultimate restoration of the site. The first and final phases of the development have the greatest potential to have a detrimental impact on aviation safety and therefore the operation of RAF Wittering.</p>	<p>In discussions with DIO during early 2022 it has been confirmed that the <i>'MOD acknowledge that the proposed development would be limited in what waste could be accommodated by the wording of Schedule 2, Requirement 7 of the draft Development Consent Order and note that organic waste would be strictly limited. As the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites, this would be sufficient to address MOD concerns for the operational phase of the development'</i>.</p> <p>The correspondence with the DIO during early 2022 will be appended to the Statement of Common Ground with the DIO.</p>
	<p>There are concerns that the creation of the landfill void through the stripping and handling of topsoils can result in an attractant to hazardous bird species as exposed spoil contains invertebrates and increases the potential for puddling and ponding in bare earth surfaces. It is acknowledged that the draft Development Consent Order addresses this potential through Schedule 2, Requirement 6 which requires the implementation of a bird hazard management plan (BHMP). The MOD, through DIO Safeguarding, will request recognition as a</p>	<p>In discussions with DIO during early 2022 comments have been provided on the BHMP presented at Annex I2 to the DCO Environmental Commitments document (AAP-110), in particular suggesting that controls are necessary also on the manner in which soil storage stockpiles and standing water are managed as well as the way in which food waste generated by site employees is stored. Additional information also is sought regarding the details of bird dispersal for the BHMP.</p> <p>The Applicant notes that the site has been operating as a landfill site since 2000 and is not aware that there have been any concerns or</p>

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	<p>consultee when this requirement is to be discharged.</p>	<p>difficulties as a result of hazardous birds attracted to the site for the duration of operations to date.</p> <p>Discussions are continuing with the DIO with the objective of agreeing the changes needed to the BHMP to address these points and to prepare a Statement of Common Ground confirming that agreement.</p>
	<p>The text of the draft Development Consent Order, Schedule 2, Requirement 7, indicates that the site will be used for the disposal of hazardous and low level waste only. At this time it is not clear whether any part of this waste would be an attractant to those large and/or flocking bird species hazardous to aviation safety or whether it would be packaged or otherwise contained in such a way as to ensure that it is not exposed. As such the MOD would appreciate additional detail in order that any potential impact can be identified and, if necessary, mitigated.</p>	<p>As stated above, the DIO has confirmed in a letter dated 8 February 2022 its earlier agreement that as the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites, this addresses the MOD (through DIO Safeguarding (DIO)) concerns for the operational phase of the development.</p> <p>The correspondence with the DIO during early 2022 will be appended to the Statement of Common Ground with the DIO.</p>
	<p>The restoration of the site is also an area of concern. There is potential that restoration that would introduce water bodies or substantial areas of planting that might form an attractant to avian species as a roosting or feeding opportunity. In particular, the provision of open water, wetland and marsh habitats have the potential to attract and support hazardous wetland bird species. In order to minimise this impact, open water should be kept to a minimum and should be surrounded by tall marginal and emergent vegetation or scrub. The planting of certain tree and shrub species may also contribute to the site becoming attractive as they may provide roosting or feeding opportunities. It is</p>	<p>There are no significant areas of standing water included in the Restoration Concept Scheme (PINS document reference 2.8. APP-011). The attenuation ponds shown on the Restoration Concept Scheme will not form bodies of open standing water as their function is to remain available to provide storage capacity during rainfall events. The water accumulating in these attenuation ponds will be temporary and will be discharged from the site in a short period after these events therefore these features will not comprise open water, wetland or marsh habitats.</p> <p>Discussions are continuing with the DIO with the objective of agreeing the principles for inclusion in the Restoration Concept Scheme (APP-011) to address these points of concern and to prepare a Statement of Common Ground confirming that agreement.</p>

Date received	Representation	Comments from Augean South Ltd
	<p>noted that Schedule 2, Requirement 4 obliges the submission and approval of a phasing, landscaping, and restoration scheme. The MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.</p>	

Table 5

Response to the relevant representation from Kings Cliffe Parish Council (RR-007)

Date received	Representation	Comments from Augean South Ltd
09 December 2021	<p>Further to our previous parish council meeting we can confirm that we strongly object to these plans.</p> <p>However, should you proceed with these we would strongly insist an alternative entrance is put into place to manage the additional vehicle movement, maintenance and cleanliness of the road given the recent near misses and road repairs recently carried out.</p>	<p>The current entrance to the site is approved under the original Order (PINS document reference 6.2.4.1 and 6.2.4.2. APP-105 and APP-106) and was assessed as part of that application as being suitable for the development. Notwithstanding this, approval was sought and gained for widening of the site entrance by increasing the radius on the northern kerb line to widen the junction. The scheme included removal of some vegetation to improve visibility and a new site entrance gate together with drainage improvements to prevent ponding in the site entrance. The improvements were not provided as mitigation in response to any significant adverse impact from the development but were planned by Augean to improve the junction for vehicles turning left onto Stamford Road. These works now have been carried out and photographs of the improved access are shown on PINS document reference 8.3 (AS-003).</p> <p>As part of consideration of the alternatives to the proposed development the potential for an alternative or a second access has been considered. As stated in Paragraph 10.6.5 of the Environmental Statement (PINS document reference 5.2) (APP-049) consideration was given to the development of a new access to the site running northwards along an existing track from the northern extent of the proposed western extension to join the A47. It was determined that there were potentially significant ecological impacts associated with the development and use of a route for HGV traffic through the woodland area towards the A47 and that given the ecological constraints at the boundaries of the site there is limited space available</p>

Date received	Representation	Comments from Augean South Ltd
		<p>at the northern end of the proposed western extension to develop new reception infrastructure. Furthermore it would result in greater distances for vehicles to travel over internal haul routes to reach much of the landfill area or the waste treatment and recovery facility compared with the more centrally located existing access.</p> <p>As stated in Paragraph 19.3.8 of the Environmental Statement (PINS document reference 5.2) (APP-049) the surface improvements in the vicinity of the site access were carried out by the local authority in late 2021. In addition further signage has been installed by the local authority in early 2022 using the annual funding for such improvements provided by Augean pursuant to the existing Section 106 Agreement. These funding obligations will be preserved and applied to the Proposed Western Extension in a new Section 106 Agreement (APP-109), so contributions will continue to be paid for the lifetime of the proposed development.</p> <p>As stated in Paragraph 19.4.6 of the Environmental Statement (PINS document reference 5.2) (APP-049) complaints have been received regarding the perception of mud on the road which, on inspection, is generally dirty water being carried onto the highway network. Augean minimises the potential for vehicles leaving the site to carry mud onto the highway by operating a three-stage wheel cleaning facility, pressure washers to clean the wheels and chassis of vehicles prior to leaving the site as well as operating a road sweeper which regularly cleans the on site tarmac surfaced road as well as Stamford Road. The improvement to the drainage at the site entrance as part of the access improvement works will minimise further the potential for tracking of silty water from the site road. Given the controls at the site, the risk of nuisance from the proposed development associated with mud and debris on the local road network is low.</p>

Date received	Representation	Comments from Augean South Ltd
		<p>The safety of the road surface on Stamford Road was the subject of detailed assessment in 2012 as explained in paragraph 2.36 <i>et seq</i> of the Transport Assessment (Appendix ES19.1, PINS document reference 5.4.19.1 APP-096). The assessment carried out in 2012 was reviewed as part of the Transport Assessment where it is confirmed that the 2012 report concluded that there was not a safety issue on Stamford Road and that based on the data available since 2012 there is no evidence to change this conclusion.</p>

Table 6

Response to the relevant representation from Maples Teesdale LLP on behalf of Cecil Estate Family Trust (RR-008)

Date received	Representation	Comments from Augean South Ltd
<p>09 December 2021</p>	<p>The Trust owns land adjacent to the existing Resource Management Facility and adjacent to the proposed western extension. The Trust is also the owner of part of the swallow hole that forms part of the application site. Water discharging into the swallow hole runs across the land owned by the Trust. The Trust opposes the application on a number of grounds as follows:</p>	<p>The water currently discharging from the Proposed Western Extension land runs from west to east and enters the swallow hole from the western edge. The plan included as Appendix RRA shows the ownership divide (prepared using the registered title boundaries) in relation to the fenced area within which the swallow hole depression is situated. This plan confirms that water arriving from the west does not travel across any land owned by the Trust before it reaches the swallow hole.</p>
	<p>1. The application is based upon the incorrect premise that the Applicant has the right to discharge a significant amount of the surface water from the facility as extended into the swallow hole and then under the Trust’s land. This is not the case. The Applicant does not have any express or prescriptive rights to do this and the proposed Development Consent Order seeks no powers to allow such discharges to happen. Notwithstanding this a significant portion of the surface water from the current waste site and the extension is proposed to run into the swallowhole and then under the Trust’s land. Accordingly, the application for the Development Consent Order is based upon a flawed premise, as are both the Environmental Statement and the proposed</p>	<p>The Applicant does not consider that any express legal rights are required because the swallow hole is situated predominantly on land to be acquired by the Applicant pursuant to the option referred to in the Book of Reference (PINS document reference 3.4. APP-020) as shown on the plan referred to above and surface water from the Proposed Western Extension land does not need to cross any land owned by the Trust. Even if rights were required, the Proposed Western Extension land has been draining into the swallow hole in the same way for at least 40 years and this has been confirmed by the current landowner. Therefore, prescriptive rights have in fact been acquired and no powers to acquire any rights are required. The scheme has been designed so that there will not be any change to the existing surface water runoff catchments which currently drain into the swallow hole, so the Proposed Development will cause no material change to and therefore have no impact on the existing drainage arrangements.</p>

Date received	Representation	Comments from Augean South Ltd
	<p>surface water management strategy which forms part of the Environmental Statement.</p>	
	<p>2. There is a lack of clarity about how the proposed surface water will be channelled from the site. There are several references to an west-east drainage channel, but the design of it is left to a later stage rather than forming part of the application, so it is not clear how water will discharge from the site.</p>	<p>The detailed proposals for the management of the surface water at the site are set out in the Surface Water Management Plan (SWMP) provided at Appendix ES18.2 (PINS document reference 5.4.18.2. APP-095) including the function and location of the west-east drainage channel and the routes by which water will discharge from the site.</p> <p>The aspects of the SWMP which remain subject to detailed designs are controlled through Requirement 3(4) of the draft DCO. The principles of the approach to the SWMP are agreed by North Northamptonshire Council who are the Lead Local Flood Authority for the area which includes the site and NNC have agreed that the approval of the detailed drainage designs will be subject to approval through Requirement 3(4) of the draft DCO. The detailed designs will not change the agreed principles.</p>
	<p>3. The Trust has concerns regarding the fitness of the Applicant to manage the Resource Management Facility. Following an incident in Spring 2020 the surface water catchment system at the existing facility flooded and contaminated water flowed on to the Trust’s adjoining land causing chloride pollution that resulted in the destruction of vegetation. Since that incident the Applicant has not sought to clean up or remediate the pollution and instead they have simply proposed leaving the area to recover over time. The concern is</p>	<p>Under Paragraph 13 of Schedule 5 to the Environmental Permitting (England and Wales) Regulations 2016 (as amended), the Environment Agency can only grant an Environmental Permit to an operator who is considered by them to be able to ‘<i>operate the facility in accordance with the environmental permit</i>’. The assessment of the competence of an operator is carried out in accordance with Government guidance and includes consideration of the management, financial and technical competence of the operator as well as any previous convictions for relevant offences. If the Environment Agency determines that the operator is not competent based on their assessment they can refuse to issue a permit or revoke an existing permit. The assessment and review of the competence of an operator</p>

Date received	Representation	Comments from Augean South Ltd
	<p>heightened by the presence of a SSSI on the Trust's land immediately to the east of the extension area, which could be susceptible to future pollution incidents..</p>	<p>is therefore an integral part of the pollution control regulatory framework.</p> <p>The incident in early 2020 is described in the Environmental Statement at paragraphs 17.4.9 and 18.3.9 where it is explained that the incident was fully investigated and that corrective and preventative actions were taken in consultation with the Environment Agency including implementing improved surface water containment measures taking into account long-term climate change.</p> <p>Concern is raised by the Trust that 'the Applicant has not sought to clean up or remediate the pollution and instead they have simply proposed leaving the area to recover over time.' Augean proposed a monitoring programme to investigate the extent of the impacts and to determine appropriate mitigation in an email to representatives of the Trust on 15 December 2020. In that email it is stated that:</p> <p><i>'It is proposed that a preliminary mitigation plan is formulated following the proposed ecological monitoring and soil sampling undertaken in the Spring. As appropriate the mitigation plan will be implemented and refined during the year informed and refined by the programme of monitoring attached to this e-mail. We anticipate that following the mitigation works there will be on-going monitoring for several years to confirm that the mitigation measures undertaken are effective. Proposals for future monitoring will be set out in the mitigation plan.'</i></p> <p><i>We have discussed the pace of implementation for mitigation measures and would like to assure you we are not against short term action; however our ecologists have maintained the view that the better option to simply replacing trees would be to see how the ecological reacts to the current situation and then make decisions. They also point</i></p>

Date received	Representation	Comments from Augean South Ltd
		<p><i>out that others such as Natural England would likely want to be consulted and would want to see how the ecology is coping. Beyond this point alone, we are also considering if measures could be taken to generally improve the ecology of the area, beyond that prior to the incident. I make the points not as an excuse for inaction, but more to clarify that we took the concerns you expressed on our last call and did discuss them with our ecologists who believe we are following the most appropriate action until we are better informed’.</i></p> <p>Since the email of 15 December 2020, Augean has requested in correspondence to be allowed to undertake ecological surveys to facilitate determination of the appropriate mitigation on 8/3/21, 19/3/21, 27/4/21, 29/4/21, 14/5/21, 24/6/21, 27/7/21, 13/10/21, 9/11/21. Explanation of the purpose of the surveys was given in several of the emails. To date the Trust has not issued a licence for Augean to undertake the surveys. The correspondence will be appended to the Statement of Common Ground to be agreed with the Trust.</p>
	<p>The Trust is also not clear from the contents of the application how contamination that might be present in the surface water will be monitored or dealt with prior to its discharge.</p>	<p>The surface water that is discharged from the site will only comprise clean surface water. All water that has been in contact with waste is managed as contaminated water and contained and reused on site or removed from the site for treatment elsewhere if necessary. Any water which is discharged from the site which has the potential to be contaminated can only be discharged under the conditions of an Environmental Permit. The consent to discharge water will include specifications for the quality of the discharged water as well as for appropriate monitoring to confirm the quality. The discharge of surface water from the existing ENRMF site is consented through the Environmental Permit for the landfill site and water quality and monitoring requirements are specified in the permit. A similar approach will be applied to the proposed western extension.</p>

Date received	Representation	Comments from Augean South Ltd
	<p>4. The Environmental Statement in support of the application suggests a high level of biodiversity net gain, however because of the nature of this development those gains will not be provided until each phase of the waste facility is completed and restored, which will be many years in the future. It is considered that more immediate biodiversity gains should be provided by the Applicant to compensate for the extended negative effects of the development whilst it is operational.</p>	<p>There is currently no policy requirement to provide biodiversity net gain for NSIPs.</p> <p>However, the Proposed Development will deliver biodiversity gain before the operations commence as well as throughout the phased operations and following the restoration of the site.</p> <p>The restoration scheme for the site has been designed to meet the objective of achieving Biodiversity Net Gain. The biodiversity net gain has been calculated using the recently issued DEFRA Biodiversity Metric 3.0. The proposed measures will provide a biodiversity net gain of over 110% for habitats and 550% for hedgerows. There will also be a net gain in watercourses through the creation of Swallow Brook. This is substantially above the target of 10% for NSIP projects in the Environment Act 2021. The graph shown in paragraph 13.5.12 of the Environmental Statement shows that significant biodiversity improvements to habitats at the site will be achieved from the very early stages of the works. In Table 4 and Table 5 of the Biodiversity Net Gain Assessment (Appendix 3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087)) the biodiversity net gain prior to the commencement of the operations in the proposed western extension and at each phase is presented. As is clearly shown, biodiversity gain will be achieved before the operations commence and throughout the phased operations.</p>
	<p>5. A section 106 agreement is proposed in support of the application that requires the payment of £5 per tonne of waste to a community fund that can applied towards a range of community projects. Whilst this appears to be in line with an existing section 106 agreement that relates to the current waste facility, the Supreme Court has since ruled that such contributions are not</p>	<p>The Applicant currently makes a contribution of £5 per tonne of LLW landfilled at the site to a Community Fund set up and controlled by North Northamptonshire Council (NNC). This is used to support local projects. It is acknowledged by Augean and agreed with NNC that, as the environmental assessments show, based on the controls that are and will continue to be in place there is no risk of harm associated with the landfill disposal of LLW at the site, therefore there is no need for further mitigation.</p>

Date received	Representation	Comments from Augean South Ltd
	<p>"proposed as a means of pursuing any proper planning purpose". In the light of the Supreme Court's decision in R (on the application of Wright) (Respondent) v Resilient Energy Severndale Ltd and Forest of Dean District Council the local planning authority is not entitled to treat such contributions as a 'material consideration' when granting planning permission. The same considerations must apply to a DCO.</p>	<p>Accordingly this fund is not required as mitigation but it provides local benefits which may help to offset perceptions of harm. Augean proposes to continue this payment as set out in the proposed Section 106 Agreement. It is agreed that these contributions are not a material consideration that should be considered by the ExA in the balance of issues when determining whether the DCO should be granted.</p>
	<p>6. Lastly, the Trust has concerns about the impact that additional traffic to and from the extended waste facility will have on the local area.</p>	<p>As explained in section 19 of the Environmental Statement and in the Transport Assessment (Appendix ES19.1, PINS document reference 5.4.19.1 APP-096), traffic numbers associated with the currently consented activities at the site have been reviewed to determine whether there will be any significant changes as a result of the proposed development. Heavy Goods Vehicles (HGVs) use the site for the delivery of wastes to the waste treatment and landfill facilities, to remove treated waste for recovery or disposal elsewhere and to remove excavated clay and overburden for use elsewhere. The proposed increase in waste input to the site as well as estimates of clay and overburden removal and removal of treated wastes, was used to estimate the maximum number of HGV vehicle movements associated with the proposed development. The calculations are presented at Appendix J to the Transport Assessment report at Appendix ES19.1 and show that there is an estimated increase of 36 HGV vehicle movements per day as a result of the proposed development.</p> <p>It is concluded and it was agreed with Northamptonshire Highways and Highways England (now National Highways) that there will be no 'severe impact' as defined in the guidance as a result of the proposed development.</p>

Table 7

Response to the relevant representation from Mike Henchy (RR-009)

Date received	Representation	Comments from Augean South Ltd
15 October 2021	The proposed development, situated in close proximity to a SSSI and other areas with extensive wildlife diversity, would seriously threaten the viability of local ecosystems and lead to loss of vital diversity of natural systems, including interrupting some local wildlife corridors.	<p>Extensive ecological surveys have been undertaken at the site prior to the submission of the application. The results of the ecological survey work and ecological impact assessment are presented at Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087). The surveys confirm that the arable fields currently provide limited connectivity for wildlife between Collyweston Great Wood and Fineshade Wood. The proposed development is designed to achieve, in both the short term as well as the long term, substantially enhanced connectivity both around the margins of the operational site as well as directly over the restored areas of the site. As stated in Paragraph 9.3.2 of the Environmental Statement (PINS document reference 5.2. APP-049):</p> <p><i>'The developing habitat is designed to complement and provide a substantive link between existing habitats, particularly the adjacent woodlands in the northern area of the proposed western extension by extending woodland across the site between Collyweston Great Wood and Fineshade Wood. Development of these habitats will directly benefit wildlife such as amphibians, reptiles, invertebrates, including butterflies, and mammals, and provide connectivity for these fauna.'</i></p> <p>Prior to the commencement of the operations in the western extension new planting will be established. A new species-rich hedgerow, running parallel to and 1-2m away from the existing grown-out tree-line and gappy hedgerow currently forming the western boundary of the proposed western extension will be planted and a 10m wide buffer-strip, measured from the top of the field-side ditch-top will be established around the whole of the northern field in the proposed</p>

Date received	Representation	Comments from Augean South Ltd
		<p>western extension. This buffer strip will remain in place throughout the operations in the northern field of the western extension and will be incorporated into the restored site once the operations are complete.</p> <p>The proposed development will not have any significant impacts on statutorily designated sites. This conclusion is confirmed by Natural England in their relevant representation (RR-010): <i>'Natural England has reviewed the Environmental Statement (ES), Habitats Regulations Assessment (HRA) and accompanying documents and is satisfied that impacts to statutorily designated sites, including air quality impacts, can be ruled out or proposed mitigation is sufficient to demonstrate no adverse effect'</i></p> <p>As stated in Paragraph 13.7.2 of the Environmental Statement: <i>'The scheme provides substantial habitat creation, restoration and connectivity opportunity, with the restoration plans seeking to revert the entire application boundary from primarily arable land to natural habitat. This is demonstrated by the 139.67% and 550.59% biodiversity net gain of habitats and hedgerows which is a 111.87% and 550.59% net change respectively. The proposals will provide a substantial biodiversity net gain of over 110% for habitats and 550% for hedgerows. There will also be a net gain in watercourses through the creation of Swallow Brook'.</i></p> <p>The graph shown in paragraph 13.5.12 of the Environmental Statement shows that significant biodiversity improvements to habitats at the site will be achieved from the very early stages of the works. In Table 4 and Table 5 of the Biodiversity Net Gain Assessment (Appendix 3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087)) the biodiversity net gain prior to the commencement of the</p>

Date received	Representation	Comments from Augean South Ltd
		operations in the western extension and at each phase is presented. As is clearly shown, biodiversity net gain is achieved before the operations commence and throughout the phased operations.

Table 8

Response to the relevant representation from Natural England (RR-010)

Date received	Representation	Comments from Augean South Ltd
08 December 2021	1.4. Natural England has worked successfully with Augean PLC and there are no substantive outstanding matters.	
	<p>2. The natural features potentially affected by this application</p> <p>2.1. Protected Landscapes: The project affects the countryside between Collyweston Great Wood and Finshades Woods, which is within the setting of Rockingham Forest landscape character area.</p>	The Landscape Character Area in which the site is located is described in Section 14 of the Environmental Statement and in the Landscape and Visual Impact Assessment at Appendix ES14.1 (PINS document reference 5.4.14.1. APP-088).
	<p>2.2. The designated sites relevant to this application are:</p> <p>2.2.1. The European / internationally designated sites relevant to this application are:</p> <ul style="list-style-type: none"> • Rutland Water Special Protected Area, (SPA) and Ramsar site • Barnack Hills and Holes Special Area of Conservation (SAC) • Upper Nene Valley Gravel Pits SPA and Ramsar site. 	The designated sites are shown on Figures ES1.1 and ES1.2 (PINS document references 5.3.1.1 and 5.3.1.2. APP-050 and APP-051)
	<p>2.2.2. The nationally designated sites relevant to this application are:</p> <ul style="list-style-type: none"> • Collyweston Great Wood and Easton Hornstocks SSSI and National Nature Reserve (Adjacent to the application site) • Bedford Purlieus SSSI and National Nature Reserve • Bonemills Hollow SSSI 	

Date received	Representation	Comments from Augean South Ltd
	2.3. The following European protected species may be affected by the proposed project: <ul style="list-style-type: none"> • Bats (various species) • Great Crested Newts (GCN) • Dormice 	The surveys which have been carried out and the species for which impacts have been assessed in Section 13 of the Environmental Statement and Appendix ES13.1 to the Environmental Statement (PINS document reference 5.4.13.1. APP-087) include bats, great crested newts and dormice.
	2.4. The following nationally protected species may be affected by the proposed project: <ul style="list-style-type: none"> • Badger • Wintering birds and breeding birds • Reptiles • Invertebrates 	The surveys which have been carried out and the species for which impacts have been assessed in Section 13 of the Environmental Statement and Appendix ES13.1 to the Environmental Statement (PINS document reference 5.4.13.1. APP-087) include badger, wintering birds and breeding birds, reptiles and invertebrates.
	2.5. The following areas of non-designated but valuable and sensitive habitat could be affected: <ul style="list-style-type: none"> • Fineshade woods, (Forestry Commission), part of which is a Local Wildlife Site. • Blocks of priority habitat – deciduous woodland and Ancient Woodland Other habitats affected include, hedgerows, arable land, ponds, ditches, semi-improved grassland, woodland margins.	The habitat surveys which have been carried out and the habitats for which impacts have been assessed in Section 13 of the Environmental Statement and Appendix ES13.1 to the Environmental Statement (PINS document reference 5.4.13.1. APP-087) include Fineshade Woods, deciduous woodland and Ancient Woodland, hedgerows, arable land, ponds, ditches, semi-improved grassland and woodland margins.
	2.6. There are no nationally designated landscapes that will be impacted upon by the proposed scheme. Embedded mitigation measures seek to avoid and minimise impacts on Local Landscape Character Areas (LLCAs) and visual receptors as far as possible.	
	2.7. The proposed scheme will not impact on access for walkers, cyclists and horse riders. Measures are incorporated into the design of the restoration concept scheme to create public access and link with existing rights of way.	

Date received	Representation	Comments from Augean South Ltd
	2.8. The project will result in physical damage, and or permanent loss of, 5.9ha of Best and Most Versatile (BMV) land, Agricultural Land Classification (ALC) grade 3a.	As stated in Paragraph 15.7.1 of the Environmental Statement (PINS document reference 5.2) (APP-049) 5.9 hectares of the proposed western extension is defined at Best and Most Versatile agricultural land. It is concluded that the loss of agricultural land in the proposed western extension, of which there is no shortage in Northamptonshire, is offset in the longer term by the biodiversity benefits which will result from the proposed restoration scheme at the site. All soils on the site will be managed according to an approved soils handling and management scheme which will result in a negligible impact on soils resources. The area of BMV soil in the north of the proposed western extension which is identified as having a high pH and calcium carbonate content will be husbanded for use in developing the areas of the site to be restored as calcareous grassland.
	2.9. Biodiversity Net Gain: it is calculated by using the DEFRA metric 3.0, that the project will deliver 110% biodiversity net gain and over 550% net gain in hedgerows.	
	2.10. The main issues raised by this application are: 2.10.1. Designated Sites: Natural England has reviewed the Environmental Statement (ES), Habitats Regulations Assessment (HRA) and accompanying documents and is satisfied that impacts to statutorily designated sites, including air quality impacts, can be ruled out or proposed mitigation is sufficient to demonstrate no adverse effect.	
	2.10.2. Protected Species: Based on the information provided Natural England advises that the proposal has the potential to impact protected species. Natural England's standing advice provides guidance on how protected species should be dealt	The Applicant has commenced the preparation of the draft great crested newt EPS licence. This will be submitted to Natural England as soon as possible to obtain feedback on the proposals.

Date received	Representation	Comments from Augean South Ltd
	<p>with in the planning system. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.</p>	
	<p>2.10.3. Great Crested Newts: Natural England's Wildlife Licensing Service (NEWLS), is unable to advise the applicant on whether a licence is needed, whether an applicant should apply for a standard or DLL licence. This decision must be made by the scheme alone. However, should an application for an EPS licence be required, we would encourage the submission of a full draft licence application as soon as possible. This will ensure NEWLS and the applicant can negotiate appropriate timeframes in order to obtain feedback from the team as necessary and a LONI from Natural England.</p>	
	<p>2.10.4. Air Quality: Natural England is satisfied the potential air quality impacts to the designated sites, Collyweston Great Wood & Easton Hornstocks SSSI and NNR; Bedford Purlieus SSSI and Bonemills Hollow SSSI have been assessed and can be ruled out or proposed mitigation is sufficient to demonstrate no impact.</p>	
	<p>2.10.5. Restoration Plan: Natural England welcomes the biodiversity enhancement and restoration proposals for nature conservation. Natural England</p>	

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	has provided advice through our Discretionary Advice Service.	
	2.10.6. Biodiversity Net Gain: we support the calculated delivery of 110% biodiversity net gain and the use of use of the Defra 3.0 metric	
	<p>3. Planning Inspectorate Reference: WS010005</p> <p>3.1. Natural England has no objection to the project for the following reasons:</p> <p>3.1.1. The applicant has submitted a thorough Environmental Statement which we are satisfied demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the European sites.</p>	
	<p>3.1.2. Natural England is satisfied that the project is unlikely to have a significant impact on the nearby Collyweston Great Wood and Easton Hornstocks SSSI and National Nature Reserve (Adjacent to the application site), Bedford Purlieus SSSI and National Nature Reserve and Bonemills Hollow SSSI.</p>	
	<p>3.1.3. The project site currently supports habitats of negligible ecological interest with the exception of an important hedgerow which qualifies under the Hedgerow Regulations, 1997 (HR). All protected species issues (including any licensing requirements under the Habitats Regulations or the 1981 Act) can be addressed by the proposed draft DCO requirements</p>	
	3.1.4. Natural England welcomes restoration of the site for nature conservation and biodiversity net gain	Requirement 4 of the draft DCO requires a phasing, landscaping and restoration scheme to be submitted within 24 months of the date the

Date received	Representation	Comments from Augean South Ltd
	<p>of 110% as set out in the Environmental Statement. The restoration plans and delivery of Biodiversity Net Gain will have a positive effect on the natural environment by creating new and enhance habitats connecting and providing stronger ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade woods. The restoration plan will complement and enhance local distinctiveness of the Rockingham Forest landscape character, which will help create a nature recovery network linkage across the north Rockingham Forest landscape. This is in accordance with the principles set out in paragraph 170 of the National Planning Policy Framework. Natural England therefore advises that this requirement should be secured by a suitably worded requirement in the DCO, if the project is approved.</p>	<p>DCO is granted. The scheme will be based on the principles set out in the ecological management, monitoring and aftercare scheme (PINS document reference 6.5 Appendix DEC E. APP-110) and the restoration concept scheme (PINS document reference 2.8. APP-011). The scheme will be reviewed and updated every 2 years from the date it is approved. The scheme will provide for the delivery of the habitats at the site and ensure that the biodiversity net gain is delivered.</p>
	<p>3.2. Natural England is satisfied Augean PLC has provided sufficient information to demonstrate that all natural features potentially impacted by the extension in the area and life of the East Northants Resource Management Facility (ENRMF) can be ruled out or proposed mitigation is sufficient to demonstrate no impact.</p>	
	<p>3.3. Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.</p>	<p>Requirement 3 (1) states that the authorised development must be carried out in accordance with the (b)works plan (PINS document reference 2.3) (APP-006), (c) the boundary design principles (Appendix DEC B of PINS document reference 6.5) (APP-110) and (d) the restored landform profile (PINS document reference 2.9) (APP-012). The standoffs from the site boundary will preserve and enhance the uncultivated margins of the agricultural fields in the proposed</p>

Date received	Representation	Comments from Augean South Ltd
		<p>western extension which provide the most favourable habitat for wildlife present currently in the proposed western extension area.</p> <p>Requirement 16 addresses floodlighting. Requirement 16 (1) states that All floodlighting including mobile units shall be directed towards the ground to minimise light spillage from the site and except for emergencies will only be operating within the hours of operation specified in Requirement 14. This will limit the potential for the impacts of lighting on sensitive fauna.</p>

Table 9

Response to the relevant representation from Northants Police and Northants Fire and Rescue (RR-011)

Date received	Representation	Comments from Augean South Ltd
15 October 2021	Neither Northants Police or Northants Fire and Rescue appear to have been consulted on this proposal prior to submission. Both are listed as prescribed consultees under s42 schedule 1. I note that NHS England and the CCG have been consulted as a s42 Consultee.	<p>Northamptonshire Police and Crime Commissioner and Northamptonshire Fire and Rescue Service were separately consulted at the scoping stage (Appendix ES2.2, PINS document reference 5.4.2.2. APP-081) and as S42 consultees at the PEIR stage (Table 1 of Appendix CRP of the Consultation Report PINS document reference 4.2.16) (APP-037) as well as being notified of the acceptance of the application.</p> <p>At the scoping stage a response was provided by Northamptonshire Fire and Rescue Service which is presented at Appendix 2 to the Scoping Opinion provided at Appendix ES2.2 (PINS document reference 5.4.2.2) (APP-081).</p>
	The implications of such major developments, are not only at onsite operation stage, but during any construction phase on site and during the transportation of waste materials to the site. If it is intended that contractors will be accommodated on or close to the site, during the course of works, this has implications on fire risk and antisocial behaviour, due to the transient nature of contractors and their accommodation.	<p>The landfill construction operations are undertaken on a phased basis throughout the life of the development. The number of contractors associated with the construction of the new landfill cells is small.</p> <p>During the construction operations no construction staff will be accommodated on site. No personnel are allowed on site after operational hours. Following discussions in early 2022, it has now been agreed with Northants Police and Northants Fire (as confirmed in the Statement of Common Ground (PINS document reference 7.8) that the risk of anti-social behaviour or fire risk associated with the construction operations is negligible.</p>

Table 10

Response to the relevant representation from Osborne Clarke on behalf of Western Power Distribution (East Midlands) Plc (Western Power Distribution (East Midlands) Plc) (RR-012)

Date received	Representation	Comments from Augean South Ltd
08 December 2021	2. We act for Western Power Distribution (East Midlands) plc ("WPD") whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB. WPD is the licensed distribution network operator under Section 6 Electricity Act 1989 (the "EA1989") for the area in which the Order is proposed to have effect. Section 9 of the EA1989 places a duty on WPD as the electricity distributor to develop and maintain an efficient, co-ordinated and economical system of electricity distribution	
	3. The application includes land in or upon which WPD has assets which consists of high voltage electricity cables. Schedule 1 of the draft DCO sets out the Authorised Development. This includes a diversion of WPD's overhead high voltage electricity cables as referenced at Work No. 5 of the draft DCO. In addition to this identified diversion, the Book of Reference (document reference 3.4) records that WPD has interests within plot numbers 9 and 10. WPD is reviewing these plots to establish the extent to which their apparatus and interests are affected.	
	4. Whilst WPD has had positive engagement with the Applicant in relation to diversion works connected with the project, WPD needs to ensure that the wider powers being sought in the Order will not have a detrimental impact on WPD's electricity network and its duties under the EA1989, including ensuring that the terms of the proposed protective provisions are acceptable.	The DCO does not contain any powers of compulsory acquisition, therefore Augean will not have the power to override, extinguish or interfere with the existing rights that are held by Western Power. The inclusion of protective provisions in the dDCO ensures that there will be no detrimental impact on the WPDs electricity network.

Date received	Representation	Comments from Augean South Ltd
	5. WPD is therefore making this representation as a holding objection to the application until asset protection arrangements have been agreed between the parties. No formal agreement has yet been concluded and accordingly we are lodging this representation to protect WPD's position pending conclusion of an appropriate agreement. Once WPD is satisfied that its network is protected we will notify the Planning Inspectorate promptly and withdraw the objection.	The Applicant and Western Power are continuing to liaise in relation to an asset protection agreement, the inclusion of bespoke protective provisions and the preparation of a Statement of Common Ground and will provide the ExA with regular updates.

Table 11

Response to the relevant representation from Stephen Glen (RR-014)

Date received	Representation	Comments from Augean South Ltd
08 December 2021	<p>I can't see how expanding the site is going to</p> <p>a) improve the situation regarding mud on the roads,</p>	<p>As stated in Paragraph 19.4.6 of the Environmental Statement (PINS document reference 5.2) (APP-049) complaints have been received regarding the perception of mud on the road which, on inspection, is generally dirty water being carried onto the highway network. Augean minimises the potential for vehicles leaving the site to carry mud onto the highway by operating a three-stage wheel cleaning facility, pressure washers to clean the wheels and chassis of vehicles prior to leaving the site as well as operating a road sweeper which regularly cleans the on site tarmac surfaced road as well as Stamford Road.</p> <p>The improvement to the drainage at the site entrance as part of the access improvement works will minimise further the potential for runoff of silty water from the site road. Given the controls at the site the risk of nuisance from the proposed development associated with mud and debris on the local road network is low.</p>
	<p>b) enhance the beauty of the area,</p>	<p>The proposed development is a Nationally Significant Infrastructure Project which will provide a continued facility for the sustainable management of waste. The National Policy Statement for Hazardous Waste (NPSHW) confirms that there is national need for facilities of this type. Enhancement of the 'beauty' of the area is not a requirement of the NPSHW for sites which are not located in designated protected landscapes. Compliance of the proposed development with the definition of 'Good Design' in the NPSHW is described in response to Q1.3.5 in ExQ1.</p>

Date received	Representation	Comments from Augean South Ltd
		<p>The Applicant has sought to minimise the impacts of the Proposed Development and deliver enhancements wherever possible as described in the responses below.</p>
	<p>c) nurture diversity of wildlife and</p>	<p>As stated in Paragraph 13.7.2 of the Environmental Statement (PINS document reference 5.2) (APP-049) the restoration scheme provides substantial habitat creation, restoration and connectivity opportunity, with the restoration plans seeking to revert the entire application boundary from primarily arable land to natural habitat. The proposals will provide a substantial biodiversity net gain of over 110% for habitats and 550% for hedgerows. There will also be a net gain in watercourses through the creation of Swallow Brook. Natural England support the delivery of biodiversity through the project (See RR-010).</p> <p>The graph shown in paragraph 13.5.12 of the Environmental Statement shows that significant biodiversity improvements to habitats at the site will be achieved from the very early stages of the works. In Table 4 and Table 5 of the Biodiversity Net Gain Assessment (Appendix 3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087)) the biodiversity net gain prior to the commencement of the operations in the western extension and at each phase is presented. As is clearly shown, there is biodiversity gain before the operations commence and throughout the phased operations.</p>
	<p>d) enhance peace and tranquillity for the wellbeing of local residence and visitors.</p>	<p>As stated in Paragraph 14.9.2 of the Environmental Statement (PINS document reference 5.2) (APP-049) it is concluded that there would be temporary effects on the character and tranquillity within the proposed extension area during the operational phase of the development. After the site is restored it is concluded that there would be beneficial effects on the character of the western extension area and tranquillity would be returned to current levels.</p>

Date received	Representation	Comments from Augean South Ltd
		<p>As stated in Paragraph 9.3.9 of the Environmental Statement (PINS document reference 5.2) (APP-049) public access to the restored site is included in the restoration scheme. The approved afteruse for the existing ENRMF includes the creation of a new footpath from east to west. As shown on the Restoration Concept Scheme (PINS document reference 5.3.9.1) (Figure ES9.1) (APP-062) a maintenance track will be incorporated into the restored site and a number of new footpaths will be created including a route along the maintenance track. Footpath routes will include circular walks and a crossing over the central watercourse. The paths provide potential for future links with public rights of way to the west of the site which would provide connectivity with the wider rights of way network.</p> <p>As stated in Paragraph 25.1.3 (page 313) of the Environmental Statement (PINS document reference 5.2) (APP-049) it is increasingly recognised that green space such as parks, woodlands and fields are an important asset for supporting health and wellbeing. As stated in Paragraph 25.1.5 (page 314) it is considered that the restored site will bring significant positive health and wellbeing impact to the public through the provision of green infrastructure and areas of open water into a new area which is developed to maximise diversity and to be open and accessible.</p>

Table 12

Response to the relevant representation from Strutt & Parker on behalf of Cecil Estate Family Trust (RR-015)

Date received	Representation	Comments from Augean South Ltd
20 October 2021	<p>The principal submissions we intend to make in relation to the application are as follows:</p> <ul style="list-style-type: none"> The negative impact of the proposals on neighbouring land and local area (including the SSSI), for example the odour, noise and traffic impacts. 	Representations have also been made on behalf of the Cecil Estate Family Trust by Maples Teesdale LLP (RR-008). The Applicant has therefore included more detailed comments on the points raised by the Cecil Estate Family Trust in Table 6 above.
	The possible negative impact of the proposals and drainage scheme on neighbouring land, in particular linked to the contamination incident caused by the existing site.	

Table 13

Response to the relevant representation from The Environment Agency (RR-016)

Date received	Representation	Comments from Augean South Ltd
03 December 2021	<p>1.0 Introduction</p> <p>1.1 The Environment Agency is an executive non-departmental public body, established under the Environment Act 1995. It is an adviser to Government with principal aims to protect and improve the environment, and to promote sustainable development. It plays a central role in delivering the environmental priorities of central government through its functions and roles. It is also an adviser to local decision makers in its role as a statutory consultee in respect of particular types of development, as listed in Schedule 4 of the Development Management Procedure Order 2015. For the purposes of this Development Consent Order (DCO), we are a statutory interested party.</p>	
	<p>1.2 We take action to conserve and secure proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through pollution control powers and regulating discharge consents. We have a duty to implement the Water Framework Directive.</p>	
	<p>1.3 We have regulatory powers in respect of waste management and remediation of contaminated land designated as special sites. We also encourage remediation of land contamination through the planning process.</p>	

Date received	Representation	Comments from Augean South Ltd
	<p>1.4 The Environment Agency is the principal flood risk management operating authority. It has the power (but not the legal obligation) to manage flood risk from designated main rivers and the sea. The Environment Agency is also responsible for increasing public awareness of flood risk, flood forecasting and warning and has a general supervisory duty for flood risk management. We also have a strategic overview role for all flood and coastal erosion risk management.</p>	
	<p>1.5 We have three main roles:</p> <ul style="list-style-type: none"> • We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on businesses. We issue a range of permits and consents. • We are an environmental operator – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability. • We are an environmental adviser – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making. 	
	<p>2.0 Scope of these representations</p> <p>2.1 These relevant representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future</p>	

Date received	Representation	Comments from Augean South Ltd
	detailed representations that we may make throughout the examination process. We may also have further representations to make if supplementary information becomes available in relation to the project.	
	2.2 We have reviewed the DCO, Environmental Statement (ES) and supporting documents submitted as part of the above mentioned application, which we received on 14 October 2021. Our comments are presented below:	
	3.0 Environmental permit 3.1 Under The Environmental Permitting (England and Wales) Regulations 2016 a permit is required for installations, medium combustion plant, specified generator, waste or mining waste operations, water discharge or groundwater activities, or work on or near a main river or sea defence.	
	3.2 The current operations at the ENRMF are subject to 3 environmental permits which will need to be varied under Schedule 5, Part 1, Paragraph 19 of The Environmental Permitting (England and Wales) Regulations 2016	
	3.3 We can confirm that applications have been submitted to the Environment Agency to vary the environmental permits in respect of the existing waste treatment and recovery facility, as well as the extension to the hazardous waste and low level radioactive waste (LLW) landfill site.	As explained below, an application to vary the Environmental Permit for the extension to the LLW landfill site has not yet been submitted but will be submitted in due course.
	3.4 The environmental permit variation to operate a waste treatment and recovery facility (ref: EPR/YP3138XB/007) has been allocated to a	

Date received	Representation	Comments from Augean South Ltd
	<p>permitting officer, and discussions between the operator and our National Permitting Service are taking place.</p>	
	<p>3.5 The environmental permit variation to extend the boundary of the landfill facility (ref: EPR/TP3430GW/V005) has been received by our National Permitting Service and is awaiting allocation to a permitting officer.</p>	<p>The Environmental Permit variation application to extend the boundary of the landfill facility has now been allocated to a permitting officer and discussions are taking place.</p>
	<p>3.6 We note that the applicant will submit a variation of the environmental permit for the disposal of LLW quantities (radioactive waste comprising solid low level radioactive waste typically with a specific activity of up to 200Bq/g) during the DCO examination.</p>	<p>An application to vary the Environmental Permit for the extension to the LLW landfill site will be submitted in due course.</p>
	<p>4.0 Protection of groundwater and land contamination 4.1 We have no objections to the proposal in relation to the protection of groundwater.</p>	
	<p>4.2 We have been in discussion with the operator's consultants regarding this extension since 2018, which is clearly presented in the application documents. This has been with particular emphasis on adherence to requirements of our landfill location policy and protection of the swallow hole.</p>	
	<p>4.3 It should be noted that our landfill location policy, previously contained in our Groundwater Protection: principles and practice (GP3) document, was brought into question prior to the previous extension application. This was in connection to the minimum</p>	

Date received	Representation	Comments from Augean South Ltd
	<p>thickness of natural low permeability geological barrier that should be present above a principal aquifer before a landfill, such as this, could be considered acceptable. This resulted in a clarification, which is now contained in Section E of our document 'The Environment Agency's approach to groundwater protection' (v. 1.2) dated February 2018, which is as follows: A barrier will not be considered 'substantial' for a landfill development if there is unpredictable variability in its layers, or if there are natural or artificial by-pass routes that could compromise its overall protective integrity. There should be a minimum of several metres of natural material in a substantial barrier, such that:</p> <ul style="list-style-type: none"> • any variations in its thickness over a site are insignificant in terms of the performance of the barrier • any construction/excavation activity at the site poses no risk of breaching the integrity of the barrier • it is clear that the geological barrier is substantial from a basic assessment of the site, which may include confirmatory site investigation data but without the necessity of very detailed site investigation or detailed quantitative risk assessment. 	
	<p>4.4 This clarification along with a full detailed groundwater risk assessment allowed us to agree the current site design and the environmental permit. This</p>	<p>The retention of at least 2m of the natural low permeability strata above the top of the limestone is included in the design of the landfill site which will be subject to approval by the Environment Agency as</p>

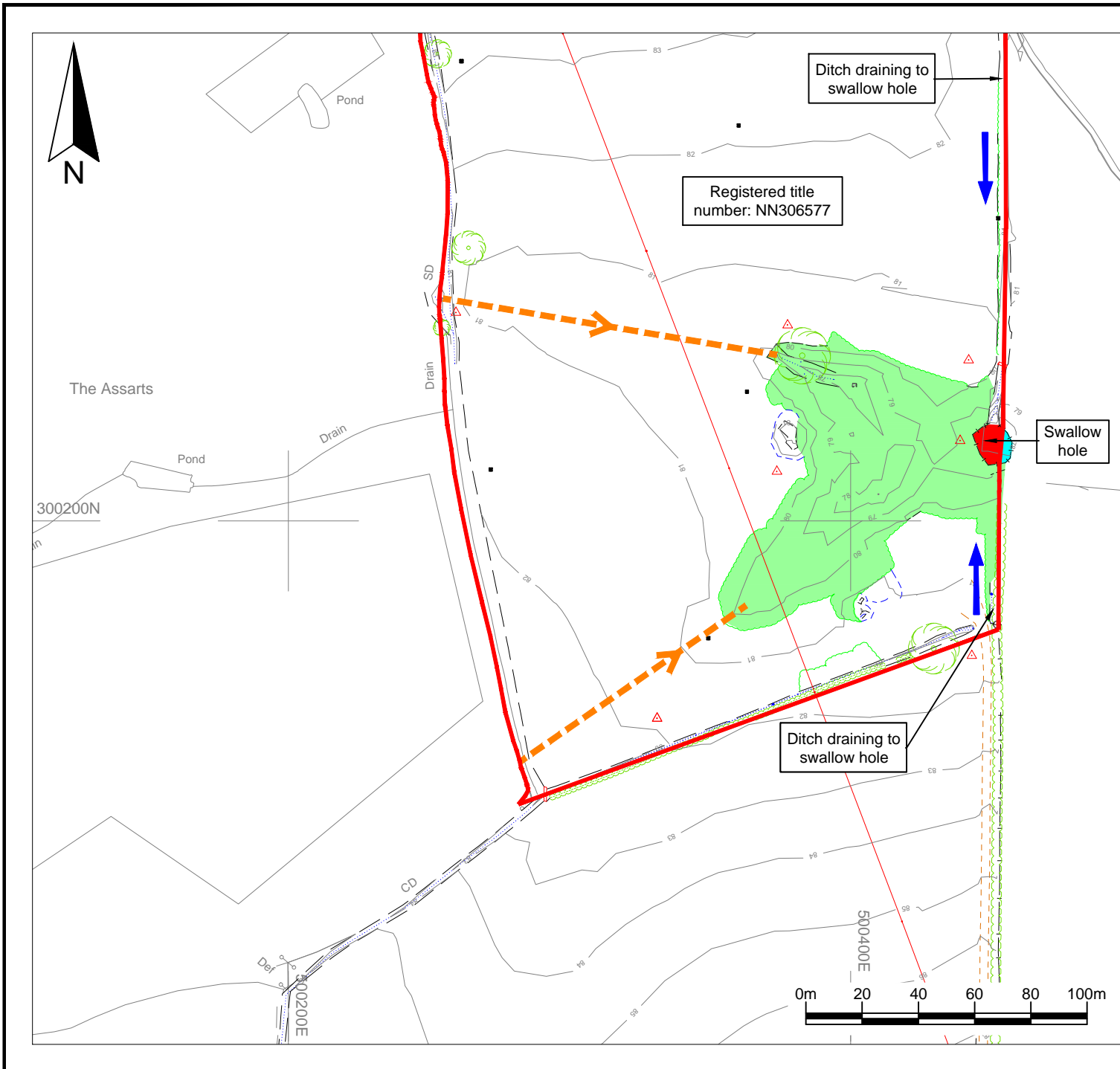
Date received	Representation	Comments from Augean South Ltd
	requires that at least 2 metres of natural low permeability strata will be left in place below the base of the engineered landfill and above the limestone strata underlying the site.	explained in Section 5.5 of the Environmental Statement (PINS document reference 5.2. APP-049).
	4.5 The applicant's consultants have assessed the potential impacts associated with the site geology, hydrogeology and hydrology in the proposed western extension area. This included a detailed site investigation with the drilling of numerous boreholes to establish the geology and hydrogeology of the extension area. As previously mentioned a swallow hole is present to the north west of the existing ENRMF landfill site and there is evidence of other solution features in the limestone geology (dolines).	
	4.6 The findings of this investigation work and proposed landfill design was discussed in a pre-permit application meeting with the Environment Agency and the applicant's consultants on 17 July 2020	
	4.7 A design consistent with the principles of the current site design and the environmental permit, at least 2 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 was agreed in principle	
	4.8 A full detailed risk assessment demonstrating that there will be no significant impact on groundwater quality or flow beneath the site or at receptors nearby as a consequence of the extraction and construction of the proposed western extension should be included in the environmental permit application.	A full detailed, quantitative hydrogeological risk assessment demonstrating that there will be no significant impact on groundwater quality or flow beneath the site or at receptors nearby as a consequence of the extraction and construction of the proposed western extension has been submitted with the application to vary the

Date received	Representation	Comments from Augean South Ltd
		Environmental Permit for the hazardous waste landfill site (PINS document reference 9.2.1.1.1 EPL HRA).
	4.9 It was also agreed that the final design of the proposed landfill extension in the vicinity of the swallow hole and potential other limestone solution features will be developed in detail following the grant of the DCO and the environmental permit variation for the hazardous waste landfill. This will need further targeted site investigations to be carried out in this central area of the proposed western extension prior to finalising the design in this area.	These principles are included in the application to vary the Environmental Permit for the hazardous waste landfill site (PINS document reference 9.2.1.1.1D).
	<p>5.0 Development Consent Order</p> <p>5.1 The Environment Agency wishes to be a specific named consultee in respect of Schedule 2, Requirement 3 (4) (detailed design for the surface water management plan) and Requirement 4 (1)(Phasing, landscaping and restoration scheme), and requests that the words “following consultation with the Environment Agency” are inserted after “relevant planning authority”. This is to ensure that the proposed plan/scheme does not pose a risk to controlled waters.</p>	The Applicant is content for the Environment Agency to be included as a Consultee for the approvals under Requirements 3 and 4 in the draft DCO. An updated version of the draft DCO will be provided at Deadline 3.
	5.2 Schedule 3 (Procedure for approvals under requirements) – we have concerns that the procedure outlined under part 4(2) will not allow sufficient time for us to comment on relevant consultations. For example, if the relevant planning authority does not send the consultation to us until day 5 following receipt of the application that will only leave 13 business day in which we need to respond. This falls short of the usual 15 business days (or 21 calendar days) for statutory	The Applicant is content for these changes to be made to the timetable for approvals under Schedule 3 Paragraph 4(2) in the draft DCO. An updated version of the draft DCO will be provided at Deadline 3.

Date received	Representation	Comments from Augean South Ltd
	<p>consultation responses prescribed in the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Environment Agency requests that appropriate amendments are made to part 4 to ensure 21 calendar days (or 15 business days) are available for consultation responses to be made.</p>	
	<p>6.0 Further representations 6.1 In summary, we can confirm that we have no objection to the proposed development. However, we reserve the right to add or amend these representations, including requests for DCO Requirements and protective provisions should further information be forthcoming during the course of the examination on issues within our remit.</p>	

APPENDIX RRA

**PLAN SHOWING THE APPROXIMATE ROUTE OF DRAINAGE CULVERTS BENEATH
THE CENTRAL AREA OF THE PROPOSED WESTERN EXTENSION**



Key / Notes

- Registered title boundary
- Swallow hole drainage area on the Howards land
- Swallow hole drainage area on the Cecil Family Trust land
- Approximate route of culverts
- Area of wooded scrub
- Contours (mAOD)
- Bottom of Bank
- Bottom of Ditch
- Fence
- Hedge
- Top of Bank
- Top of Ditch
- Track
- Overhead power line
- Direction of flow of ditch

	Final	KR	JRC	LH	17/02/22
Rev	Status	Drn	App	Chk	Date

Site
EAST NORTHANTS RESOURCE MANAGEMENT FACILITY

Client


Title
 Approximate route of drainage culverts beneath the central area of the proposed western extension

Figure 1 Scale
1:2,000@A4

Drawing Ref
 AU/KCW/02-22/22999

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