



**SUBMISSION VERSION**

**STATEMENT OF COMMONALITY**

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

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

**PINS document reference: 9.3**



Technical advisers on environmental issues

## Statement of Commonality

### Introduction

- 1.1 This Statement of Commonality has been prepared by to assist during the Examination of the DCO application for the proposed western extension to the East Northants Resource Management Facility (ENRMF) in Northamptonshire.
- 1.2 This document has been prepared to provide the Examining Authority with the evolving position on the Statements of Common Ground (SoCG) that were requested to be prepared between the Applicant and certain Interested Parties as set out at Annex E of the Rule 6 letter (PD-005). The table will be updated at each Deadline during the Examination to reflect the position of the SoCGs at the time of each Deadline.

Table 1

## Position of the Statements of Common Ground

Document Reference	Party (or Parties)	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
7.1	National Grid Gas	A first draft of the SoCG is provided at Appendix A.					
7.2	North Northamptonshire Council	A first draft of the SoCG is provided at Appendix B.					
7.3	Environment Agency	A first draft of the SoCG is provided at Appendix C.					
7.4	Natural England	A first draft of the SoCG is provided at Appendix D.					
7.5	Western Power Distribution (East Midlands) PLC	A first draft of the SoCG is provided at Appendix E.					
7.6	Cecil Estate Family Trust	Discussions are ongoing between the Applicant and the legal advisors for the Trust to establish the content of the SoCG. We have prepared a response to their Relevant Representation and we propose to discuss this with them to identify potential areas of common ground and areas of remaining disagreement before preparing the SoCG.					
7.7	Defence Infrastructure Organisation	A draft SoCG has been provided to the Defence Infrastructure Organisation. Discussions are ongoing between the Applicant and the DIO to seek to reach agreement on the BHMP and restoration planting restrictions as well as the SoCG.					
7.8	Northants Police and Northants Fire and Rescue	A signed agreed version of the SoCG is provided at Appendix F.					
7.9	Butterfly Conservation	A first draft of the SoCG is provided at Appendix G.					
7.10	Anglian Water Services Limited	A draft SoCG has been provided to Anglian Water. The applicant and Anglian Water are currently holding discussions with respect to the progression of the SoCG and protective provisions.					
7.11	NW Fiennes	A draft SoCG has been provided to NW Fiennes. No comments on the draft SoCG have yet been received.					

**APPENDICES**

**APPENDIX A**  
**SOCG BETWEEN AUGÉAN SOUTH LIMITED AND NATIONAL GRID GAS**



**FIRST DRAFT FOR SUBMISSION TO PINS**

**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND NATIONAL GRID  
GAS PLC**

Report reference: WS010005/SOCG/NGG/V2  
March 2022

**PINS document reference: 7.1**



Technical advisers on environmental issues

**The text which is agreed is shown in green**  
**The text which is under discussion is shown in amber**

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**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and the other matters raised in the Relevant Representation from National Grid Gas
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This report has been prepared by MJCA with all reasonable skill, care and diligence, and taking account of the Services and the Terms agreed between MJCA and the Client. This report is confidential to the client and MJCA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known, unless formally agreed by MJCA beforehand. Any such party relies upon the report at their own risk.

## 1. Summary

- 1.1 This document comprises a Statement of Common Ground agreed between Augean South Limited and National Grid Gas PLC. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority.



## 2. Introduction

2.1 This document comprises the Statement of Common Ground agreed between Augean South Limited and National Grid Gas PLC. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties. This Statement of Common Ground addresses the issues raised in the Rule 6 letter and the relevant representation from National Grid Gas PLC.

2.2 Liaison between Augean and National Grid Gas PLC has been ongoing since January 2020. Discussions were held in January 2020 regarding the standoffs necessary from the gas pipeline and the need for a Stability Risk Assessment which confirms that the design slopes for the closest landfill cells are stable. Appropriate designs of crossing points will also be needed where the pipeline would be crossed by site traffic. It is agreed that the National Grid guidance document '*Specification for safe working in the vicinity of National Grid high pressure gas pipelines and associated installations – requirements for third parties*' which is presented at Appendix ES 5.1 (PINS reference 5.4.5.1) (APP-083) is the basis on which these designs should be based. A further meeting with National Grid Gas was held on 19 January 2022. At this meeting it was confirmed that the key concerns for National Grid Gas are agreed standoff distances, the slope gradients of the extracted profile and the stability of the adjacent landfill phases.

### Environmental setting and description of the site

2.3 The details of the site location, description and environmental setting and other information are set out in section 3 and Figures ES1.1 (PINS document reference 5.3.1.1) (APP-050), ES1.2 (PINS document reference 5.3.1.2) (APP-051), ES3.2

(PINS document reference 5.3.3.2) (APP-055), ES3.3 (PINS document reference 5.3.3.3) (APP-053) and ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement (PINS document reference 5.2) (APP-049) including the locations of and distances to properties and sites of ecological interest in the vicinity of the site. There are no material areas of disagreement on these descriptions.

**2.4** There are a number of services which cross the proposed western extension and which are in the vicinity of the site. The services at and in the vicinity of the site are shown on Figure ES3.3. A mains gas pipeline runs parallel to the southern boundary of the existing ENRMF and crosses the southern section of the proposed western extension in an east to west direction. The location of the gas pipeline as shown on Figure ES3.3 is agreed.

**2.5** The description of the current site activities and infrastructure is set out in sections 5, 6, 7 and 8 of the Environmental Statement. It is agreed that the current landfill site, which is based on the same design principles as the proposed landfill in the western extension area, is operated to the north of the mains gas pipeline

### 3. The proposed development

3.1 The proposed development is described in sections 4 to 9 of the Environmental Statement.

3.2 The principles of the current and proposed design of the engineered containment of the landfill site are described in section 5 and in detail in section 5.5 of the Environmental Statement. The landfill will be constructed in phases and each phase will be subject to the preparation of a detailed engineering design which will be submitted to the Environment Agency for approval under the Environmental Permit prior to its construction. The specification for the low permeability basal and side wall engineered liner and capping layer for the existing ENRMF landfill is agreed with the Environment Agency in accordance with the Environmental Permit through Construction Quality Assurance (CQA) Plans prepared and agreed for each area of engineering and these principles will continue for the proposed western extension. The design of the containment engineering includes a Stability Risk Assessment for the designed slopes. The construction of the engineered containment is the subject of independent CQA including testing as specified in the agreed CQA Plan and a Verification Report is issued to the Environment Agency following the completion of construction of each stage. Waste cannot be placed into a newly engineered area until the Environment Agency have approved the Verification Report. The principles for the design of the landfill are presented in the Stability Risk Assessment which forms part of the Environmental Permit variation application. National Grid Gas acknowledge that the engineering design and stability of the proposed development including the excavated slopes is controlled under the Environmental Permit and regulated by the Environment Agency.

- 3.3** The restoration contours for the final restored landform are shown on Figure ES5.5 (PINS document reference 5.3.5.5) (APP-059). In accordance with good practice for landfill sites the final profile of the landfilled waste and the low permeability capping layer is designed to form a stable slope which will encourage shedding of rainfall to minimise infiltration and as a consequence to minimise the generation of leachate which is the contaminated liquid formed when water infiltrates into the waste and which is collected in the base of the site. The proposed afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees and hedgerows. Surface water will be managed during the operation of the site and following the completion of the restoration. National Grid Gas are satisfied that water can be managed appropriately at the site and that the surface water management plan forms part of the Environmental Permit which will be regulated by the Environment Agency.
- 3.4** National Grid Gas are satisfied that the proposed public access to the site following restoration is compatible with the safety, security and maintenance of the retained gas pipeline.

#### 4. Design of the site

- 4.1 As stated in Section 3 the design of the site is the subject of a Stability Risk Assessment which has been submitted to the Environment Agency as part of the Environmental Permit variation application for the landfill to incorporate the western extension. The design is consistent with that used for the current landfill site. The risk assessments submitted with the Environmental Permit application, including the Stability Risk Assessments will be reviewed and approved by the Environment Agency as part of the consideration of the environmental permit variation application to extend the boundary of the landfill facility. The Stability Risk Assessment has been reviewed by National Grid Gas and National Grid Gas are satisfied that the proposed slopes for the excavation of the phases will not affect National Grid Gas assets.
- 4.2 All excavated side slopes in the western extension area will be cut at a maximum gradient of 1v:2.5h. The basal lining system will comprise a minimum 1m thick compacted low permeability clay liner with a 2mm thick smooth high density polyethylene (HDPE) geomembrane. Once landfilling operations have been completed in each phase the phase will be capped with a low permeability capping layer. A 1m to 1.5m thickness of restoration materials will be placed over the capping layer.
- 4.3 As described in paragraph 7.3 of this document, a 6m standoff will be retained either side of the gas pipeline. Fencing will be erected on the 6m standoff line. The excavation limit will be at a minimum 2.5m from the fencing to provide access for operations. The restoration soils will not extend beyond the fencing.
- 4.4 It is agreed that National Grid Gas PLC have no concerns with respect to the design in relation to the protection of the gas pipeline.

**5. Specific issues raised in the Rule 6 letter**

**5.1** A number of issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground. These points are listed in Table 1 to this document together with the other matters raised in the Relevant Representation and agreed comments in response to each.

## 6. Requirements in the draft DCO

- 6.1 Protective Provisions are referred to in Article 15 of the draft DCO and presented in Schedule 6. Discussions regarding the Protective Provisions are underway, but agreement on the drafting has not yet been reached.
- 6.2 It is agreed that 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 National Grid Gas have.
- 6.3 In Schedule 2 of the draft DCO, 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 B of PINS document reference 6.5) (APP-110) and (d) the restored landform profile (PINS document reference 2.9) (APP-012). The works plan shows the offset from the National Grid Gas pipeline and shows that works will not be undertaken in the standoff from the pipeline. The standoff from the gas pipeline (K and L shown on Figure DEC B1 and in Table DEC B1 in PINS document reference 6.5) will be a 6m standoff either side of the gas pipeline. Fencing will be erected on the 6m stand off line. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the pipeline standoff fencing.
- 6.4 It is agreed that the Protective Provisions (subject to final agreement between the parties) together with the details set out in Paragraph 6.3 are sufficient to protect the interests and the assets of National Grid Gas PLC at the site.

**7. Agreement**

**7.1** This statement has been agreed between Augean South Limited and National Grid Gas PLC.

Signed:

On behalf of Augean South Limited

On behalf of National Grid Gas PLC

Date: 2022



Table 1

**Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and the other matters raised in the Relevant Representation**

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The high-pressure gas pipeline which crosses the site	As stated in paragraph 2.3 of this document the location of the high pressure gas pipeline as shown on Figure ES3.3 is agreed.
The protective provisions set out in the dDCO	Augean has included standard Protective Provisions in the draft DCO. The bespoke drafting provided by National Grid Gas is being considered by Augean.
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;	Augean has included standard Protective Provisions in the draft DCO, but is considering the bespoke drafting provided by National Grid Gas.
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	The DCO does not contain any powers of compulsory acquisition, so National Grid Gas' existing rights will not be affected. The access available to National Grid Gas to the gas pipeline to the south of the

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Order limits shall be maintained at all times and access to inspect and maintain such apparatus will not be restricted;	<p>existing ENRMF will not change as a result of the proposed development.</p> <p>As stated in paragraph 6.3 of this document no works will be undertaken by Augean within the agreed standoff. The standoff will be fenced prior to the commencement of any work in the vicinity of the pipeline. It is proposed that the route of the pipeline is marked out by National Grid Gas prior to the fencing being erected to provide for the correct placement of the fence. This standoff will be maintained for the duration of the operations in the area. The fencing will be removed following the completion of the restoration operations.</p>
c) reassurance that Works No. 5 will not interfere with the Gas Asset;	It is agreed that 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.
d) agreement that the Compulsory Powers will not be exercised in respect of NGG's interests without NGG's express consent; and	No Compulsory Powers are included in the dDCO and there is no intention of exercising Compulsory Powers in respect of the Gas Asset.
e) entry into any necessary crossing agreement(s) required in relation to equipment crossed by the cable routes.	Augean will enter into crossing agreements at the appropriate time to enable crossing of the gas pipeline. The crossing agreement will be addressed in a side agreement.

**APPENDIX B**  
**SOCG BETWEEN AUGEAN SOUTH LIMITED AND NORTH  
NORTHAMPTONSHIRE COUNCIL**



**FIRST DRAFT FOR SUBMISSION TO PINS**

**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND  
NORTH NORTHAMPTONSHIRE COUNCIL**

Report reference: WS010005/SOCG/NNC/V3  
March 2022

**PINS document reference: 7.2**



Technical advisers on environmental issues

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The text which is under discussion is shown in amber**

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**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022
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**1. Summary**

- 1.1** This document comprises a Statement of Common Ground agreed between Augean South Ltd and North Northamptonshire Council. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority.

## 2. Introduction

2.1 This document comprises the Statement of Common Ground agreed between Augean South Limited (Augean) and North Northamptonshire Council (NNC). The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

### **Environmental setting and description of the site**

2.2 The details of the site location, description and environmental setting and other information are set out in section 3 and Figures ES1.1 (PINS document reference 5.3.1.1) (APP-050) ES1.2 (PINS document reference 5.3.1.2) (APP-051), ES3.2 (PINS document reference 5.3.3.2) (APP-055), ES3.3 (PINS document reference 5.3.3.3) (APP-053) and ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement (PINS document reference 5.2) (APP-049) including the locations of and distances to properties and sites of ecological interest in the vicinity of the site. There are no material areas of disagreement on these descriptions.

2.3 The description of the current site activities and infrastructure set out in sections 5, 6, 7 and 8 of the Environmental Statement are agreed.

2.4 The operations at the existing ENRMF are the subject of Environmental Permits issued and regulated by the Environment Agency. Any extension to the waste management operations at the site will continue to be the subject of Environmental Permits. It is necessary to vary the Environmental Permits in respect of the existing hazardous waste and low level radioactive waste (LLW) landfill site to include the proposed western extension. The Environmental Permit for the treatment facility is being varied in order to increase the waste throughput rate and to include any changes to the processing activities.

2.5 The Environmental Permits issued by the Environment Agency for the landfill operations and waste treatment facility will continue to specify the types of wastes permitted for importation and deposition at the site. The Environmental Permit issued by the Environment Agency for the disposal of LLW will continue to specify the type and activity level of LLW permitted for importation and disposal at the site. The permit will specify a maximum radiological capacity for the site as well as procedures for

monitoring and reporting the overall radiological capacity that is used as wastes are received and deposited.

- 2.6** To ensure that only permitted wastes are imported to the site it is a requirement of the Environmental Permits that Augean operates a rigorous set of waste acceptance criteria.
- 2.7** The site will continue to be monitored as set out in the schemes approved by the Environment Agency as part of the Environmental Permits. The monitoring activities are described in section 8 of the Environmental Statement and the results are provided to and assessed by the Environment Agency. The results for key parameters will also continue to be presented on the Augean website to provide confidence to local residents. Responsibility for the monitoring and management of the landfilled wastes at the site will continue in accordance with the Environmental Permit well beyond the cessation of the planning aftercare period.
- 2.8** The effective implementation of the Environmental Permits will be regulated and enforced by the Environment Agency in accordance with the pollution control regime.
- 2.9** It is agreed that the Applicant has had in place for many years regular proactive and constructive communications with the community. This includes the Kings Cliffe Liaison Group which meets regularly and is chaired by NNC (and was chaired formerly by Northamptonshire County Council).



**3. The proposed development**

- 3.1** The proposed development is described in sections 4 to 9 of the Environmental Statement.
- 3.2** The principles of the current and proposed design of the engineered containment of the landfill site are described in section 5 and in detail in section 5.5 of the Environmental Statement. The landfill will be constructed, filled, completed and restored in phases with the phasing order shown on Figure ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement. Each phase will be subject to the preparation of a detailed engineering design which will be submitted to the Environment Agency for approval under the Environmental Permit prior to its construction. The specification for the low permeability basal and side wall engineered liner and capping layer for the existing ENRMF landfill is agreed with the Environment Agency in accordance with the Environmental Permit through Construction Quality Assurance (CQA) Plans prepared and agreed for each area of engineering and these principles will continue for the proposed western extension. The construction of the engineered containment is the subject of independent CQA including testing as specified in the agreed CQA Plan and a Verification Report is issued to the Environment Agency following the completion of construction of each stage. Waste cannot be placed into a newly engineered area until the Environment Agency has approved the Verification Report.
- 3.3** The controls and the operation of the waste recovery and treatment activity are described in sections 6, 7 and 8 of the Environmental Statement. The principles of the operations and associated control and mitigation measures for the current and proposed activities are agreed.
- 3.4** The restoration contours for the final restored landform are shown on Figure ES5.5. (PINS document reference 5.3.5.5) (APP-059). In accordance with good practice for landfill sites the final profile of the landfilled waste and the low permeability capping layer is designed to form an overall domed profile with stable slopes which will encourage shedding of rainfall to minimise infiltration and as a consequence to minimise the generation of leachate which is the contaminated liquid formed when water infiltrates into the waste and which is collected in the base of the site. The proposed restoration of site is to a mixture of woodland with shrubby edges, flower

meadow grassland, scattered trees, hedgerows and waterbodies. The waterbodies are not located on the landfilled areas. The planting of trees on capped landfill sites is accepted standard practice provided that there is at least 1.5m of restoration materials placed above the engineered capping layer.

- 3.5** Once the site is filled and restored it will be subject to an aftercare and maintenance period to be agreed in the DCO. This aftercare period will extend for a period of 20 years following the cessation of landfilling at the site. During this period a leachate storage tank, the gas flare, surface water pumping station and associated fuel storage will be retained at the site. Responsibility for the management of the landfilled wastes at the site will continue well beyond this period in accordance with the Environmental Permit issued and regulated by the Environment Agency. It is a requirement of the legislation that appropriate management remains in place for the duration of the Environmental Permit. It is agreed that the principles of the design of the proposed development are appropriate and include suitable provisions for the protection of the environment and amenity.

#### 4. Non-radiological environmental impacts

4.1 Extensive technical studies have been undertaken to establish the environment of the application site and surrounding area to facilitate a robust assessment of the potential impacts of the development.

4.2 Extensive surveys and assessments have been carried out to establish the baseline conditions at and in the vicinity of the site. Where applicable the scope and methodology for the surveys and assessments have been agreed between Augean and NNC as detailed in the Environmental Statement. The results of the surveys and the assessments are presented in the Environmental Statement.

#### Alternatives

4.3 It is agreed that alternative options to the proposals have been properly considered including the need to operate the site beyond 2026, alternative waste management methods, the development of ENRMF rather than alternative sites and the nature of the wastes that it is proposed will be accepted. It is agreed that the consideration of the alternative options meets the need for this assessment as set out in section 4.4 of the National Policy Statement for Hazardous Waste and that the proposals meet the overall locational and design criteria in the Northamptonshire Minerals and Waste Local Plan (July 2017).

#### Population

4.4 The assessments of various aspects of the proposed development which have the potential for impacts on health are presented in a number of sections of the Environmental Statement including in particular section 12 on direct impacts on health, section 17 on water resources, section 19 on transport and traffic, section 21 on air quality and section 22 on amenity.

4.5 The proposals will be the subject of Environmental Permits issued by the Environment Agency. It is agreed that the Environment Agency will not issue Environmental Permits unless they consider that the proposed operations are fully compliant with official guidance and criteria and the risk assessments demonstrate to the satisfaction of all statutory consultees including the Environment Agency and the UK Health Security Agency that the proposals do not present unacceptable risks to

human health or the environment. No objections to the proposals have been raised by the Environment Agency or the UK Health Security Agency.

- 4.6** Further assessments have been carried out and are presented in section 25 of the Environmental Statement on the potential impact of the proposed development on the wider determinants of health and wellbeing. It is agreed that the impacts from the proposed development on the health of people and the community including impacts on the wider determinants of public health will not result in any significant negative impacts and will result in significant positive impacts.
- 4.7** It is agreed that the potential for emissions from the landfill and treatment activities can be controlled and regulated satisfactorily through the pollution control framework.

#### **Socio-economic impacts**

- 4.8** The existing ENRMF is already part of an integrated network of waste recovery and disposal installations. The landfill and the waste treatment and recovery facility provide an integrated solution to hazardous waste management in the south and east of the UK and provides a suitable disposal facility for LLW. It is agreed that the availability of safe, secure waste treatment and recovery facilities as well as hazardous waste and LLW disposal capacity for residues from treatment and recycling is essential to support the investment in the sustainable management of wastes generated by UK industry.
- 4.9** It is agreed that there is no evidence of a significant negative socio-economic impact in the locality as a result of the current use of the site for the recovery, treatment and disposal of hazardous waste or from the disposal of LLW which commenced in December 2011. The presence of the treatment and landfill operations at the site have not stopped other business or housing developments in the vicinity from applying for and being granted planning permission. It is agreed that there is no evidence of a negative impact on the rural economy of the area around the site.
- 4.10** It is agreed that the employment and use of local suppliers and services by Augean provides a positive contribution to the local economy and provides support to Kings Cliffe village as a rural service centre as well as to other nearby villages as is evident from the summary of recent use of local businesses and services presented in Table ES23.1 of the Environmental Statement. It is agreed that the facility provides a

significant national benefit to the management of wastes generated by regional and national businesses.

### **Air quality**

- 4.11** The combined effect of the individual elements of the proposed development has been considered. The management and monitoring of emissions to atmosphere would continue to be implemented in accordance with Environmental Permits issued and regulated by the Environment Agency. It is agreed that the emissions from the site will be adequately regulated through the pollution control framework. It is agreed that the potential effects of the extension to the waste facilities on air quality have been properly considered.
- 4.12** As set out in section 19 of the Environmental Statement the scope of the Transport Assessment was agreed with Northamptonshire Highways as the local Highways Authority as well as with National Highways (formerly Highways England). Under the IAQM/EPUK guidance<sup>1</sup> a traffic air quality assessment is necessary only if there is a change of HGV flows of more than 100 Annual Average Daily Traffic movements. As the change in HGV movements is well below this threshold it is agreed that there will be no significant impact on air quality as a result of the traffic associated with the proposed development.

### **Ecology**

- 4.13** The protected ecological sites closest to the site boundary are shown on Figure ES1.2 (PINS document reference 5.3.1.2) (APP-051) to the Environmental Statement. Rutland Water SPA/Ramsar site is approximately 8.8km to the north west of the application boundary and Barnack Hills and Holes Special Area of Conservation is 7.5km north east of the application boundary. Within 5km of the site there are seven statutory ecological sites with the closest being Collyweston Great Wood and Easton Hornstocks National Nature Reserve and Site of Special Scientific Interest located adjacent to the site to the north east. There are three non statutory sites within 2km of the site boundary the closest being Fineshade Woods Local

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<sup>1</sup> Institute of Air Quality Management (2017) Land-Use Planning & Development Control: Planning For Air Quality <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Wildlife Site located adjacent to the western boundary of the proposed western extension.

- 4.14** The results of the site surveys and assessments, the objectives and details of the design of the restored site and the need for and design of the proposed mitigation measures for the protection and enhancement of ecological biodiversity as summarised in section 13 of the Environmental Statement and provided in detail at Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087) were discussed at meetings attended by NNC as well as Natural England, Forest England and local conservation groups. It is agreed that surveys have been undertaken including a preliminary ecological appraisal, a Phase 1 habitat survey and a wide range of field surveys covering plant communities, invertebrates, amphibians, reptiles, birds, bats, badgers, dormice and other mammals. It is agreed that these surveys are appropriate.
- 4.15** It is agreed that there is no potential for the proposal to affect the ecology at the internationally designated sites or to have any significant adverse effect on the SSSIs or the non-statutory sites within 2km of the application site boundary.
- 4.16** The design principles for the protection of the boundary habitats and the root protection areas for adjacent woodlands are set out in Appendix DEC B of the DCO Environmental Commitments Document (PINS document reference 6.5) (APP-110). The summary of the residual effects based on the proposed mitigation and enhancement measures provided in Table ES13.1 of the Environmental Statement is agreed. The protection and mitigation measures are set out in the Ecological Management, Monitoring and Aftercare Plan (presented at Appendix DEC E to the Environmental Commitments Document) which is agreed. The management of the mitigation and the phased provision of the restoration scheme at the site would be the subject of a Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO (PINS document reference 3.1) (APP-017) which includes approval by NNC as the Local Planning Authority. Based on this it is agreed that there will be no significant negative residual effects associated with the proposed development and for many of the ecological features, species and habitats there will be a significant positive effect in the short and the long term. 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. It is agreed that there is biodiversity gain before the operations commence and throughout the phased operations.

- 4.17** The restoration is designed to benefit reptiles, invertebrates, amphibians and small mammals, including potentially dormice. All planting will include a high proportion of locally native species including berry-bearing bushes and scrub for birds and species-rich grassland for invertebrates which in turn will benefit bats and birds. It is agreed that the development can be undertaken without any significant unacceptable adverse impact on the ecological interest at and in the vicinity of the site. As summarised in paragraph 4.16 and 4.18 in the short and the long term the new and enhanced habitats will provide a great benefit to all of the species present at and in the vicinity of the site and to this part of the Rockingham Forest area.
- 4.18** It is agreed that the proposed development 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. It is agreed that the proposed site restoration scheme will provide a substantial biodiversity net gain. There will also be a net gain through the development of an open watercourse in place of the piped surface water drainage through the central area of the western extension area. The trend of loss and gain of biodiversity units (habitats, hedgerows and watercourses) is positive throughout the stages of the development as shown on the graph in section 13.5.12 of the Environmental Statement. It is agreed that the calculated net gain is substantially above the value of 10% which it is anticipated will be applied in later years to Nationally Significant Infrastructure Projects through regulations made under the Environment Act 2021.
- 4.19** No objections to the proposals have been raised by Natural England or The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire.
- 4.20** The restoration proposals include the provision of permissive footpaths around the site and the retention of an area at the site access for a small car park for visitors. It is agreed that these proposals will provide benefits to amenity and wellbeing for the local population as well as to visitors to the area.

### **Water resources**

- 4.21** The site geology, hydrogeology and surface water catchments for the current site and the proposed western extension are described in section 17.3 of the Environmental Statement.
- 4.22** The potential effects of each element of the proposed development have been considered individually and cumulatively for the purposes of the assessment of potential impacts on water resources. It is agreed that the assessment of the impacts on water resources presented in section 17 of the Environmental Statement demonstrates that based on the design principles and the regulatory role of the Environment Agency through the pollution prevention framework there will be no unacceptable impact on surface water or groundwater quality, people or the environment at the site boundary or at receptors down hydraulic gradient of the site as a consequence of the proposed development.
- 4.23** It is agreed that the emissions from the site to the aqueous environment will be adequately assessed and regulated through the pollution control framework such that the proposed operations would not have an unacceptable impact on surface water or surface water quality. NNC accepts the conclusions at paragraphs 17.7 and 26.8.1 of the Environmental Statement, namely that the proposed development can be undertaken without significant individual or cumulative adverse impacts on surface water or groundwater flow or quality.
- 4.24** The surface water management scheme for the site has been discussed with the Lead Local Flood Authority (LLFA) for the site which is the Surface Water Drainage Team at North Northamptonshire Council. The surface water management scheme is presented at Appendix ES18.2 to the Environmental Statement (PINS document reference 5.4.18.2) (APP-095) and is designed consistent with current guidance such that the points of surface water discharge from the proposed western extension will be consistent with pre-development discharge and at similar rates of discharge with minimal impacts on the hydrological regime including in the vicinity of the woodlands to the west and east of the western extension and north of the current ENRMF site. The principles of the surface water management scheme are agreed and it is agreed that the detailed design of the drainage scheme will be approved as part of the Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO which includes approval by NNC as the Local Planning Authority.



**Flood risk**

- 4.25** A flood risk assessment has been carried out based on current guidance and taking into account the anticipated effects of climate change and both mitigation and adaptation measures are included in the design of the surface water management scheme for the site. The flood risk assessment is presented in section 18 of the Environmental Statement and the surface water management plan is presented at Appendix ES18.2 to the Environmental Statement (PINS document reference 5.4.18.2) (APP-095). Consistent with guidance, the design rainfall event used in the surface water management plan comprises the 1 in 30 year rainfall event plus a 20% allowance for climate change. The extreme rainfall event assumed for the purpose of the calculations presented in the surface water management plan is the 1 in 100 year rainfall event plus a 40% allowance for climate change. The surface water management plan is based on the agreed principles that surface water shall be managed on site with discharge at the pre-development greenfield runoff rate or 2l/s/ha whichever is greater or at the permitted discharge rate without increased flood risk downstream of the site. It is agreed that the calculations show that there is adequate capacity in the design of the drainage system to accommodate the design rainfall events. The surface water management plan for the extended site will be the subject of review and agreement by the Environment Agency as part of the variation to the Environmental Permit for the extended landfill site.
- 4.26** As stated in paragraph 4.24 above the principles of the surface water management scheme are agreed and it is agreed that the detailed design of the drainage scheme will be approved as part of the Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO which includes approval by NNC as the Local Planning Authority.

**Landscape and visibility**

- 4.27** The site is currently an operational landfill and treatment plant together with agricultural fields forming the proposed western extension. The approach to and the conclusions of the assessment of the effects of the proposals on landscape and visual receptors is presented in section 14 of the Environmental Statement and the report at Appendix ES14.1 (PINS document reference 5.4.14.1) (APP-088). The viewpoints

included in the assessment and shown on Figure ES14.1 (PINS document reference 5.3.14.1) (APP-064) were agreed by the former Northamptonshire County Council.

- 4.28** It is agreed that the landscape and visual impact assessment takes into account appropriate ‘worst case’ parameters in particular the dimensions set out in ‘General Arrangement Plan. Work No 2’ (PINS document reference 2.5) (APP-008), ‘General Arrangement Plan. Work No 3’ (PINS document reference 2.6) (APP-009) and the ‘Restoration profile contour plan’ (PINS document reference 2.9) (APP-012). The approach to the uncertainties associated with the extent of final settlement of the landfilled waste taken into account in the assessment is considered acceptable. It is agreed that the assessment takes into account the proposals for temporary stockpiling set out at Appendix DEC J of the DCO Environmental Commitments document (PINS document reference 6.5) (APP-110).
- 4.29** The site does not lie within an area designated at a statutory/national or non statutory/local level for its landscape value or quality. It is agreed that the most significant effect of the proposed development would result during the operational life of the site. However when considered in the context of the approved restoration plan the long term effect is not considered to be significant. It is agreed that the proposed restoration landform would be characteristic of the currently approved landfill. The proposed slope gradients, while slightly steeper for the southern slopes of the current landfill than the approved restoration slopes, would not result in notable visual disturbance, especially once clothed in woodland and scrubby vegetation which would soften the profile of the landform. It is acknowledged that the long term character of the proposed western extension landfill area would not be typical of the surrounding agricultural land but that this has to be balanced against the benefits to be gained by the proposed restoration scheme, which would eventually be far closer in character to the adjacent woodland areas, whilst offering extensive benefits to biodiversity when compared to the baseline. It is concluded that the landscape has the capacity to absorb the changes brought by the operations in the proposed development without any unacceptable adverse effects on landscape features. The proposed restoration scheme would deliver positive long term benefits for landscape features in terms of vegetation cover, habitat creation and public access.
- 4.30** The site is located in an Area of Tranquillity (Policy 3 - North Northamptonshire Core Strategy). The Area of Tranquillity covers a wide area to the south of the A47 and

includes the existing ENRMF and Collyweston Quarry. The degree of tranquillity varies across the application area. In spite of the disturbed nature of and the operational activities at the existing ENRMF it has been included with the tranquillity designation. It is concluded that there would be temporary effects on the visual character and tranquillity within the proposed extension area during the operational phase of the development. It is agreed that after the site is restored there would be beneficial effects on the character of the western extension area and tranquillity would be increased compared with the operational period and the current baseline comprising the consented activities.

- 4.31** It is agreed that while there would be significant though temporary visual effects for a very limited number of visual receptors at specific times during the life of proposed development, the lack of any other notable visual effects reinforces the selection of the land to the immediate west as being appropriate for an extension to the existing ENRMF landfill. The proposed development would be restored in a manner in character with the surroundings and which would be visually appealing in the long term.

#### **Soil resources**

- 4.32** It is agreed that there are no undisturbed soils in the existing ENRMF. A desk based review and an investigation of the soils in the proposed western extension was undertaken in December 2018 to determine the agricultural land quality of the site and the findings are presented in section 15 of the Environmental Statement and Appendix ES15.1 (PINS document reference 5.4.15.1) (APP-089). The findings of this report are accepted.
- 4.33** As the phases of the proposed western extension are constructed it will be necessary to strip the soils. Topsoil and subsoil will be stripped and stored separately. The soils will be handled, moved and stored progressively and in accordance with the Soil Handling and Management Scheme (Appendix DEC I of PINS document reference 6.5, APP-110) which it is agreed has been prepared in accordance with good practice. As all soil handling, movement and storage will be undertaken in accordance with the Soil Handling and Management Scheme which is based on the MAFF Good Practice Guide for Handling Soils (Appendix DEC I1 to the DCO Environmental

Commitments Document, PINS document reference 6.5) (APP-110) it is agreed that the proposed development will result in a negligible impact on soil resources.

- 4.34** The area of best and most versatile (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. It is agreed that this reuse of the BMV soil is appropriate.
- 4.35** It is agreed 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.

### **Cultural heritage**

- 4.36** An archaeological evaluation comprising geophysical survey, the study of aerial photographs, desk based assessment and evaluation by trenching has been carried out to determine the archaeological potential of the site. The cultural heritage assessment is presented in section 16 of the Environmental Statement and in the report at Appendix ES16.1 (PINS document reference 5.4.16.1) (APP-090). It is agreed that there are no statutorily designated archaeological sites in the site or within 1km of the site boundary and there are no Listed Buildings or Scheduled Ancient Monuments which might be affected by the proposed development.
- 4.37** It is agreed that the whole of the existing site has been disturbed to below levels at which archaeology of interest is likely to be present. The investigations at the proposed western extension including the archaeological trenching investigation confirmed the results of the desk based research and the geophysical survey. Two areas of the proposed western extension were identified as containing archaeological interest of only local value and an Archaeological Mitigation Strategy (AMS) has been prepared and agreed with the former Northamptonshire County Archaeological Service.
- 4.38** The AMS defines the scope of the remaining work required to mitigate the effects of the proposed development on archaeology and is provided as Appendix DEC A to the DCO Environmental Commitments Document (PINS document reference 6.5) (APP-110). Prior to soil stripping in these areas a Written Scheme of Investigation

will be prepared and agreed with the Local Planning Authority in accordance with Requirement 9 in the draft DCO.

- 4.39** It is agreed that there is no visual or contextual connection between the site and designated assets hence no mitigation is required. It is agreed that taking into consideration the baseline conditions and the nature of the proposed development together with the proposed mitigation measures that there will be no residual effects on cultural heritage and archaeology.

#### **Noise and vibration**

- 4.40** It is agreed that the noise assessment presented in section 20 of the Environmental Statement shows that there will be no significant or unacceptable adverse noise impacts at noise sensitive locations resulting from the proposed development including the current ENRMF site.
- 4.41** It is agreed that the overall potential impact of noise and vibration resulting from the proposed development is in compliance with national and local planning policy which seeks to prevent and avoid any significant or unacceptable adverse impacts and, where necessary, mitigate and reduce to a minimum other adverse impacts. Overall it is agreed that the noise associated with the proposed western extension is unlikely to have a significant impact on the tranquillity of the area. It is agreed that there is no history of noise complaints regarding the current site activities.

#### **Transport**

- 4.42** A Transport Assessment for the proposed development is presented in section 19 of the Environmental Statement and in the detailed report at Appendix ES19.1 (PINS document reference 5.4.19.1) (APP-096). As set out in the Transport Assessment the scope of the Transport Assessment was agreed with Northamptonshire Highways as the local highways authority and Highways England (now National Highways) through extensive consultation and pre-application discussions and based on the estimated limited increase in HGV trips associated with the proposed development.
- 4.43** An assessment of the safety of the highway condition at Stamford Road was carried out on behalf of Augean in October 2009 and was subject to consideration as part of the Examination in 2012 for the current DCO. The safety of Stamford Road, including

any impacts on safety as a result of the perceptions from local residents that mud is being carried onto the road has been considered again in the current Transport Assessment. It is agreed that the Highway Authority have no objection to the proposed development as a result of concerns regarding adverse effects on the safety of Stamford Road.

- 4.44** A Traffic Management Plan is included at Appendix APP DEC K to the DCO Environmental Commitments Document (PINS document reference 6.5) (APP-110). The Traffic Management Plan includes a requirement that all HGVs leaving the site will use the wheel cleaning facilities provided prior to departure. It is agreed that the Traffic Management Plan is appropriate.
- 4.45** Augean has had a commitment and has paid an agreed annual contribution to the Local Authority for highways maintenance since 2013 as part of the current Section 106 Agreement for the site operations. Prior to late 2020 no substantial maintenance works had been carried out to the highway by the former Northamptonshire County Council for some years. Over recent years Augean has regularly notified Northamptonshire County Council that the road surfacing on Stamford Road in the vicinity of the site and the nearby haulage yard needed to be improved. These surface improvement works were carried out by the Local Authority in late 2020. It is agreed that it is appropriate for the obligation relating to the provision of an annual contribution to highways maintenance to be continued throughout the life of the proposed development.
- 4.46** The current entrance to the site is approved under the original Order and was assessed as part of that application as being suitable for the development. Notwithstanding this, approval was granted by the former Northamptonshire County Council for widening of the site entrance. It is agreed that the improvement works were not required 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 have now been completed.
- 4.47** It is agreed that as a result of the proposed development the estimated HGV movements could increase by approximately 36 movements per day. It is agreed with Northamptonshire Highways and the former Highways England that it is considered that the threshold of severe impact will not be reached as a result of the proposed

development. In accordance with the guidance no further assessment of impact is necessary. Subject to the mitigation measures proposed in the application documents and the requirements in the DCO it is agreed that there would be no significant impact on traffic safety or capacity as a result of the extension of the site and the operating period for the landfill and treatment facilities to 2046.

### **Amenity**

- 4.48** Based on the current and proposed controls and the nature of the current and proposed wastes it is agreed that the risk of nuisance created by litter, odour or vermin is low. It is agreed that based on the current and proposed continued controls under the Environmental Permits it is unlikely that there will be significant dust emissions from operations at the site.
- 4.49** The complaints records for the previous five years show that there were no complaints from 2015 to 2019, seven complaints in 2020 and two in the first six months of 2021 regarding mud on Stamford Road and the condition of the road surface. On each occasion the condition of the road was examined by Augean and it was established that colouration which may be perceived as mud on the road can occasionally be present as a result of a puddle forming at the site entrance and dirty water being pulled on to the highway by vehicle wheels. It is agreed that the recent improvement of the drainage at the site entrance will minimise further the potential for runoff of silty water from the site road. It is agreed that complaints regarding mud on the road are addressed swiftly by Augean and that the Highway Authority do not consider that the concerns raised constitute a highway safety issue. It is agreed that with the continuation of the current appropriate controls that are in place the risk of nuisance from mud and debris on the road is negligible.
- 4.50** It is agreed that there will not be an unacceptable impact on amenity or on the tranquillity of the area as a result of the continued use of lighting as part of the proposed development.

**5. Radiological impact assessments**

- 5.1** The assessment of the environmental impact of the disposal of LLW set out in sections 11 and 12 of the Environmental Statement is based on the principles applied in the risk assessments submitted for the current Environmental Permit for the landfill disposal of LLW that the estimated emissions will be managed to meet the dose criteria which are set by the Environment Agency and the UK Health Security Agency at a level which ensures that there is no significant impact on people or the environment. As part of the application to vary the Environmental Permit for the landfill disposal of LLW at the extended landfill site, detailed quantitative radiological impact assessments will be carried out by specialists in the field to demonstrate that waste accepted at the site will not result in the exceedance of the dose criteria. It is agreed that the radiological risk assessment forms a fundamental part of the Environmental Permit application review process carried out by the Environment Agency and will be assessed and regulated through the pollution control framework.
- 5.2** The quantitative radiological risk assessments will be carried out for a number of expected and unlikely (accident) scenarios for the operational and post closure periods of the landfill. The risk assessment scenarios together with the appropriate dose criteria which will be used are as set out in Tables ES11.2 and ES11.3 of the Environmental Statement. It is agreed that the appropriate scenarios for assessment are identified for use in the assessments. The dose criteria against which the results of risk assessments are compared take into account the risks to site workers and to local residents and are based on national and accepted international standards for the safe use and management of radiological materials.
- 5.3** It is agreed that the Environment Agency will not grant a variation to the current Environmental Permit for the landfill disposal of LLW in the western landfill extension unless they and their statutory consultees including the UK Health Security Agency are satisfied that there are no unacceptable risks to human health and the environment. Accordingly, it is agreed that the assumption made in the assessment of environmental impacts in the Environmental Statement that exposures will be controlled so that they do not exceed the dose criteria is reasonable.



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**6. Policy issues**

- 6.1** NNC has reviewed the Planning Statement submitted with the application (PINS document reference 6.1) (APP-103) including the summary of the review of environmental aspects and waste planning policies presented in Table PS6.1.
- 6.2** The contribution that would be made by the proposed development towards the achievement of strategic national, regional and local planning policy objectives has been thoroughly assessed.
- 6.3** It is agreed that the general policies against which applications relating to hazardous waste infrastructure shall be decided are set out in section 4 of the National Policy Statement (NPS) for Hazardous Waste and that assessment of the proposals against the NPS is a matter for the Examining Authority to assess.
- 6.4** An assessment has been made and is presented in sections 7 and 8 of the Planning Statement of the contribution of the proposed development to the principles of sustainable development with particular reference to sustainable waste management as set out in numerous national policies and strategies including in the NPS for Hazardous Waste, the National Planning Policy Framework (NPPF) and government policy for the management of LLW carried through to the National Planning Policy for Waste, the Waste Management Plan for England, the Strategy for Hazardous Waste Management, UK Government Policy for the Long Term Management of LLW and the Nuclear Decommissioning Authority (NDA) Radioactive Waste Strategy 2019. NNC is not aware of any material inconsistencies with these policies.
- 6.5** In terms of the principle of the development, the assessment of the application against the Local Development Plan does not identify any policies which the proposal is in direct conflict with, although in waste capacity terms the local needs for self-sufficiency for the management of hazardous and LLW do not require a large-scale extension to the existing facility. This has to be balanced against the national need for such a facility and this is a matter for Examining Authority to assess and consider.
- 6.6** The proposed development comprises sustainable development and sustainable waste management. The presumption in favour of developments is a material consideration with respect to the development. The site is already established as part of an integral national network of waste treatment and disposal installations and the

consent to extend the landfill and increase the throughput at the waste treatment and recovery plant will allow the continued provision of services to the industry locally, regionally and in some cases nationally. It is agreed that it has been demonstrated that the proposed development meets the three overarching objectives of sustainable development.

- 6.7** It is agreed that the proposed development would provide a significant strategic contribution to the management of wastes treated at the waste treatment plant, residual hazardous wastes for which the best overall environmental option is landfill disposal and residual LLW with an activity typically up to 200Bq/g for which the best available technique is landfill disposal. The construction of new landfill void will facilitate the continued provision of landfill disposal for hazardous waste which is otherwise not currently available in the east and south of the country. It is agreed that the proposed development supports a national, regional and local need for such facilities..
- 6.8** The total proportion of LLW deposited at the landfill will be subject to an overall limit in order to ensure that sufficient void is reserved for hazardous waste. It is agreed that the overall LLW disposal limit presented in the draft DCO is appropriate for the preservation of adequate void for the disposal of hazardous waste and is in accordance with Policy 17 of the Northamptonshire Minerals and Waste Local Plan.
- 6.9** It is agreed that the design of the facility appropriately takes into account the relevant design principles set out in the Northamptonshire Minerals and Waste Local Plan. The proposed development comprises the extension of an existing facility as well as the co-location of complementary waste treatment and disposal operations as supported by policy.
- 6.10** There is no mineral permission for clay extraction existing at the proposed western extension. The application site benefits from having clay on site that is of a specification suitable for engineering landfill cells and would avoid the need to import such material. The export of clay to the nearby Thornhaugh landfill site (also operated by Augean South Ltd) would fulfil a requirement at that site which would otherwise have to obtain suitable clay for engineering purposes from elsewhere. It is agreed that the proposals for the extraction of clay at the proposed western extension to the

site are not materially inconsistent with the relevant policies with respect to the sustainable extraction of minerals.

**7. Specific issues raised in the Rule 6 letter**

- 7.1** A number of issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground. These points are listed in Table 1 to this document together with agreed comments in response to each.

**8. Requirements in the draft DCO**

- 8.1** In the event that consent is granted and in order to provide confidence that the site facilities would be managed appropriately a number of Requirements have been agreed between NNC and Augean and are presented in the draft Development Consent Order submitted with the application documents. It is understood that some changes are being made to the draft DCO. These will be reviewed when provided. The wording of the draft DCO including the details on the listed plans and the aspects which are identified for approval and/or agreement with the Local Planning Authority is agreed.

**9. Legal Agreements**

- 9.1** The draft Section 106 Agreement submitted with the application documents including the value of the contributions and purposes of the LLW fund together with the ongoing highways contribution (PINS document reference 6.4) (APP-109) is agreed subject to agreement of any proposed subsequent changes.
- 9.2** Augean currently makes a contribution of £5 per tonne of LLW landfilled at the site to a Community Fund set up and controlled by NNC. This is used to support local projects. It is agreed that as the assessments show that 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, there is no need for further mitigation. 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. It is agreed that these contributions are not a material consideration in the balance of issues when determining whether the DCO should be granted.

**10. Agreement**

**10.1** This statement has been agreed between Augean South Limited and North Northamptonshire Council.

Signed:

On behalf of Augean South Limited

On behalf of North Northamptonshire  
Council

Table 1

## Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use	Consideration of compliance with the development plans is set out in section 6 of this document. As stated in paragraph 4.35 of this document it is agreed 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.
The need for the Proposed Development and assessment of alternatives to it	As discussed in section 6 of this document it is agreed that there is a clear national, regional and local need for the proposed development at ENRMF. The review of the need for the proposed development set out in section 11 of the Planning Statement (PINS document reference 6.1) (APP-103) is accepted
Compliance with relevant legal requirements and policy, including Environmental Impact Assessment (EIA) and flood risk	See sections 4, 5 and 6 of this document.  The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.



Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Impacts on local transport networks, including lorry routeing and road cleaning	See paragraphs 4.42 to 4.47 and paragraph 4.49 of this document.
Air quality, including compliance with any local air quality plans	See paragraphs 4.11 to 4.12 of this document.
Dust, odour, artificial light, smoke and steam impacts and nuisance	See section 4 of this document.  The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.
Noise and vibration and impacts on local residents and others, construction noise and working hours limits, noise barriers or other mitigation	See paragraphs 4.40 to 4.41 of this document.  The proposed working hours in the draft DCO are considered acceptable.
Biodiversity and impacts on sites, habitats and species and mitigation during the operational phase and following restoration	See paragraphs 4.13 to 4.21 of this document.
Landscape and visual impact assessment, including lighting and planting during the operational phase and following restoration. Arrangements for aftercare following completion	See paragraphs 4.27 to 4.31 of this document.  The arrangements for restoration and aftercare in particular the proposals in the draft DCO (Requirement 4) for the development, agreement and regular review of a Phasing, Landscaping and Restoration Scheme are considered appropriate and include the

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	degree of flexibility needed for the management of controls and mitigation associated with the phased restoration of a landfill site.
Flood risk, including the adequacy of the Flood Risk Assessment, use of appropriate UK Climate Change Projections, compliance with the National Planning Policy Framework, the selection and design of mitigation measures	See paragraphs 4.25 to 4.26 of this document.  The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate. It is considered that the proposals and associated mitigation measures are compliant with the flood risk management aspects of the NPPF.
Surface water drainage including the use of Sustainable Urban Drainage Systems (SuDS), compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS	See paragraph 4.25 of this document.  The principles of the surface water management scheme are agreed and it is agreed that the detailed design of the drainage scheme will be approved as part of the Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO which includes approval by NNC as the Local Planning Authority.
Impacts on Public Rights of Way and opportunities to improve, public access following restoration	The western extension to the site is located adjacent to Fineshade Wood and The Assarts. The area includes public rights of way and is used currently for recreation and leisure activities. It is agreed that the impacts of the proposed development on users of the nearest area of existing natural environment (a short section of footpath MX15 in Fineshade Wood) will be minimal and will not result in a significant change in the character or the tranquillity in the area.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	The proposals for public access to and within the restored site are supported.
Temporary and permanent impacts on recreation facilities and opportunities	As above. The assessment in paragraphs 25.4.44 to 25.4.51 of the Environmental Statement is agreed.
Socio-economic impacts	See paragraphs 4.8 to 4.10 of this document.
Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO	As described in section 4 of this document the assessments set out in the Environmental Statement, including with respect to impacts on amenity are considered appropriate. The provisions in the draft DCO regarding nuisance (Part 4, section 17) are considered appropriate.
Whether the requirements for restoration have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated	The detailed arrangements for restoration and aftercare in particular the proposals in the draft DCO (Requirement 4) for the development, agreement and regular review of a Phasing, Landscaping and Restoration Scheme in accordance with the principles set out in the Restoration Concept Scheme (PINS document reference 2.8) (APP-011) are considered appropriate and include the degree of flexibility needed for the management of controls and mitigation associated with the phased restoration of a landfill site.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Human health impacts and measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health	The assessments presented in Sections 11, 12 and 25 of the Environmental Statement are considered thorough and appropriate taking into account the controls that will be imposed through the Environmental Permits.
Safety impact assessment	The site security arrangements described in paragraphs 7.1.10 to 7.1.13 of the Environmental Statement are considered appropriate. It is agreed that safety matters are addressed at the site through the environmental permitting regime and Health and Safety legislation.
The assessment of military aviation and defence matters in accordance with the National Networks National Policy Statement, having regard to the proximity of RAF Wittering	<p>In their Relevant Representation the Defence Infrastructure Organisation Safeguarding Team confirm that they have no objections to the height and technical aspect of the proposed development.</p> <p>It is agreed that the existing ENRMF does not accept household waste so does not attract large numbers of birds such as corvids or gulls. No new waste types will be accepted at the proposed western extension as a result of the proposed development. The Bird Hazard Management Plan (Annex DEC I2 to the DCO Environmental Commitments document. PINS document reference 6.5. APP-110) prepared for handling of topsoil to control the risks from hazardous birds during topsoil stripping is considered appropriate.</p> <p>There are minimal areas of open water or wetlands or marsh habitats in the proposed restoration scheme therefore limited habitats that may attract large numbers of hazardous birds.</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The Planning Obligation including status, scope, effect and timescale for completion	See section 9 of this document.
The applicable legislation and policy considered by the Applicant	<p>The consideration of applicable legislation in the assessments presented in the Environmental Statement is considered thorough and appropriate.</p> <p>The review presented in the Planning Statement (PINS document reference 6.1) (APP-103), including of applicable legislation, is considered thorough and appropriate.</p>
The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included	<p>The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.</p> <p>No further plans or projects that should have been included in the assessments of cumulative effects have been identified.</p>
The application of expert judgements and assumptions	The application of expert judgements and assumptions in the assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.
Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies	These aspects of the assessments set out in the scoping report (Appendix ES2.1 to the Environmental Statement, PINS document reference 5.4.2.1. APP-080), the scoping opinion (Appendix ES2.2 to the Environmental Statement, PINS document reference 5.4.2.2.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	APP-081) and the Environmental Statement including the determination of their methodology and scope are considered appropriate.
The extent of the areas of potential impact considered	The extent of the areas of potential impact considered in the assessments set out in the Environmental Statement including for the determination of their methodology and scope are considered appropriate.
Identification and sensitivity of receptors with the potential to be affected, the magnitude and quantification of potential impacts	See sections 4 and 5 of this document.  These aspects of the assessments set out in the Environmental Statement including the determination of the sensitivity of the receptors and the methodology for the assessment of the magnitude of the potential impacts are considered appropriate.
The assessment of likely effects (direct and indirect) on identified receptors	The conclusions of the assessments set out in the Environmental Statement with respect to the likely effects (direct and indirect) on identified receptors are agreed.  Further detailed assessment of the measures to be implemented under the Environmental Permits for the protection of the environment and human health will be carried out by the Environment Agency through the pollution control regime as part of the permit application process.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
"Reasonable worst case" Rochdale Envelope parameters	<p>It is considered that any additional control measures which may be necessary subject to the reviews carried out as part of the permit application process can be accommodated within the reasonable worst case parameters assessed in the Environmental Impact assessment and reported in the Environmental Statement.</p> <p>The landscape and visual impact assessment takes into account appropriate 'worst case' parameters in particular the dimensions set out in 'General Arrangement Plan. Work No 2' (PINS document reference 2.5) (APP-008), 'General Arrangement Plan. Work No 3' (PINS document reference 2.6) (APP-009) and the 'Restoration profile contour plan' (PINS document reference 2.9) (APP-012) including the uncertainties associated with final settlement of the waste.</p>
The mitigation measures required and whether they are likely to result in the identified residual impacts	It is considered that the proposed mitigation measures as summarised in Table ES5.2 to the Environmental Statement will result in the residual impacts identified in the assessments.
The significance of each residual impact	The conclusions of the assessments set out in the Environmental Statement with respect to the significance of residual impacts are agreed.
Whether the identified mitigation measures adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses	It is agreed that the mitigation measures identified in Table ES 5.2 of the Environmental Statement are adequately secured as proposed in

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	the draft DCO and/or will be through the Environmental Permits for the measures that are controlled through the pollution control regime.
The scope and adequacy of the submitted DCO Environmental Commitments	These are considered adequate and appropriate.
Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other statutory and regulatory authorities	See below.
The identification of other consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted	<p>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. These permits need to be issued before the authorised activities can commence but they do not need to be issued prior to a decision being taken on the issue of the DCO.</p> <p>NNC are not aware of the need for any other consents, permits or licences that are necessary for the development other than the licences needed for ecological clearance and mitigation works.</p> <p>It is agreed that there is no suggestion in the submissions made to date by Natural England or the Environment Agency that there are any insurmountable impediments to securing the consents that would be issued by these organisations.</p>



Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Whether the effectiveness of other consents, permits or licenses as mitigation has been accurately identified in the impact assessment	It is agreed that the controls for the mitigation measures which will be controlled through other consents and permits as identified in Table ES5.2 of the Environmental Statement will be effective for the controls and mitigation which are necessary for the proposed development.

**APPENDIX C**  
**SOCG BETWEEN AUGEAN SOUTH LIMITED AND THE ENVIRONMENT  
AGENCY**



**FIRST DRAFT FOR SUBMISSION TO PINS**

**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND THE  
ENVIRONMENT AGENCY**

Report reference: WS010005/SOCG/EA/V3  
March 2022

**PINS document reference: 7.3**

**The text which is agreed is shown in green  
The text which is under discussion is shown in amber**



Technical advisers on environmental issues

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**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022
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This report has been prepared by MJCA with all reasonable skill, care and diligence, and taking account of the Services and the Terms agreed between MJCA and the Client. This report is confidential to the client and MJCA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known, unless formally agreed by MJCA beforehand. Any such party relies upon the report at their own risk.

**1. Summary**

- 1.1** This document comprises a Statement of Common Ground agreed between Augean South Limited and the Environment Agency. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority.

## 2. Introduction

2.1 This document comprises the Statement of Common Ground agreed between Augean South Limited and the Environment Agency. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

### **Environmental setting and description of the site**

2.2 The details of the site location, description and environmental setting and other information are set out in section 3 and Figures ES1.1 (PINS document reference 5.3.1.1) (APP-050), ES1.2 (PINS document reference 5.3.1.2) (APP-051), ES3.2 (PINS document reference 5.3.3.2) (APP-055), ES3.3 (PINS document reference 5.3.3.3) (APP-053) and ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement (PINS document reference 5.2) (APP-049) including the locations of and distances to properties and sites of ecological interest in the vicinity of the site. There are no material areas of disagreement on these descriptions.

2.3 The description of the current site activities and infrastructure set out in sections 5, 6, 7 and 8 of the Environmental Statement are agreed.

### **Environmental Permits**

2.4 The operations at the existing ENRMF are the subject of Environmental Permits issued and regulated by the Environment Agency. Any extension to the waste management operations at the site will continue to be the subject of Environmental Permits. It is necessary to vary the Environmental Permits in respect of the existing hazardous waste and LLW landfill site to include the proposed western extension and to vary the Environmental Permit for the treatment facility in order to increase the waste throughput rate and to include any changes to the processing activities.

2.5 Environmental Permit variation applications were submitted to the Environment Agency in May 2021 in respect of the changes to the existing waste treatment and recovery facility, as well as the extension to the hazardous waste landfill site. The Environmental Permit variation to increase the throughput of the waste treatment and recovery facility (ref: EPR/YP3138XB/007) and the Environmental Permit variation to extend the boundary of the landfill facility (ref: EPR/TP3430GW/V005) have been

allocated to permitting officers and discussions between Augean South Limited and the National Permitting Service are taking place. An application for the variation of the Environmental Permit for the disposal of LLW (radioactive waste comprising solid low level radioactive waste typically with a specific activity of up to 200Bq/g) is currently being prepared. There are no other Environmental Permits or consents relevant to the pollution control framework that are required to implement the proposed development.

- 2.6** The site is monitored as set out in the schemes approved by the Environment Agency as part of the Environmental Permits. The monitoring activities are as described in section 8 of the Environmental Statement. The Environment Agency carries out its own supplementary monitoring from time to time. The Environment Agency will undertake its own independent monitoring and will assess the accuracy and validity of monitoring undertaken by Augean South Limited.

### 3. The proposed development

3.1 The proposed development is described in sections 4 to 9 of the Environmental Statement.

3.2 The principles of the current and proposed design of the engineered containment of the landfill site are described in section 5 and in detail in section 5.5 of the Environmental Statement. The landfill will be constructed in phases and each phase will be subject to the preparation of a detailed engineering design which will be submitted to the Environment Agency for approval under the Environmental Permit prior to its construction. The specification for the low permeability basal and side wall engineered liner and capping layer for the existing ENRMF landfill was agreed with the Environment Agency as part of permit EPR/TP3430GW. These principles are proposed to remain the same for the western extension and will be reviewed by the Environment Agency as part of their determination of the permit variation for the proposed extension. The principles of the containment engineering are unlikely to change significantly. The construction of the engineered containment is the subject of independent Construction Quality Assurance (CQA) including testing as specified in the agreed CQA Plan and a Verification Report which will be issued to the Environment Agency following the completion of each construction stage. Waste cannot be placed into a newly engineered area until the Environment Agency has approved the Verification Report. The engineering specification proposed for the landfill in the western extension area is agreed in principle.

3.3 As described in section 17 of the Environmental Statement and discussed further in section 4.1 of this document, a site investigation was carried out in the proposed western extension to establish the geological and hydrogeological conditions. The scope of the site investigation was reviewed by the Environment Agency before it commenced and considered appropriate for assessing the thickness of the deposits over the Lincolnshire Limestone. Particular attention was paid to examining the geology in the vicinity of the swallow hole that is located close to the north western corner of the existing ENRMF and to the possible presence of further limestone solution features (known as dolines) in the vicinity of the swallow hole. The swallow hole is one of a series of depressions in the ground surface which are interpreted as dolines that run in a line from west to east approximately 40m north of the existing ENRMF site boundary and which extend through the proposed western extension. It



has been proposed and discussed with the Environment Agency that the final design of the proposed western extension landfill in the vicinity of the swallow hole and potential other limestone solution features will be developed in detail under the control of the Environmental Permit following the issue of the Development Consent Order (DCO) and the variation to the Environmental Permit for the landfill site. Further targeted site investigations will be carried out in this central area of the site prior to finalising the design in this area. The detailed approach for the final design of the landfill in this area of the proposed western extension will be agreed with the Environment Agency and will allow the incorporation of the appropriate engineering measures needed for the protection of the environment.

- 3.4** The restoration contours for the final restored landform are shown on Figure ES5.5 (PINS document reference 5.3.5.5) (APP-059). In accordance with good practice for landfill sites the final profile of the landfilled waste and the low permeability capping layer is designed to form a stable slope which will encourage shedding of rainfall to minimise infiltration and as a consequence to minimise the generation of leachate which is the contaminated liquid formed when water infiltrates into the waste and which is collected in the base of the site. The proposed afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. The waterbodies are not located on the landfilled areas. The planting of trees on capped landfill sites is accepted standard practice provided that there is at least 1.5m of restoration materials placed above the engineered capping layer. It is agreed that the restored landfill site would be suitable for the proposed restoration including public access.
- 3.5** The controls and the operation of the waste treatment and recovery facility are described in sections 6, 7 and 8 of the Environmental Statement. It is agreed that the operations and associated control and mitigation measures for the proposed activities will be controlled through the varied Environmental Permit.
- 3.6** Any variations to the Environmental Permits will continue to specify the types of hazardous waste permitted for importation and deposition at the site and the types of wastes permitted for treatment at the treatment facility.
- 3.7** The Environmental Permit issued by the Environment Agency for the disposal of LLW will continue to specify the type and activity level of LLW permitted for importation

and disposal at the site. The permit will specify a maximum radiological capacity for the site as well as procedures for monitoring and reporting the overall radiological capacity that is used as wastes are received and deposited.

- 3.8** Appropriate systems and procedures will continue to be required by the Environment Agency as part of the Environmental Permits to provide confidence that only wastes that meet the acceptance criteria for management at the site are accepted. These systems and procedures also will be required to provide confidence that incompatible wastes which could lead to adverse reactions will not be treated or landfilled at the site. The Environment Agency will examine and regulate these systems and procedures as part of the pollution control regime.
- 3.9** As part of its Environmental Management System Augean South Limited has formal procedures to provide assurance that only permitted wastes are imported, treated and deposited. Procedures for pre-acceptance assessment, waste acceptance criteria and the reception, inspection and verification of waste are also formalised and rigorously enforced.
- 3.10** Once the site is filled and restored it will be subject to an aftercare and maintenance period for the management of the landscaping and vegetation to be agreed in the DCO. It is proposed in the application that this aftercare period in the DCO will extend for a period of 20 years following the cessation of landfilling at the site. However, the Environmental Permit itself does not have a specific end date and will continue to be valid until it has been surrendered and accepted by the Environment Agency.
- 3.11** During this period a leachate storage tank, the gas flare, surface water pumping station and associated fuel storage will be retained at the site. Responsibility for the management of the landfilled wastes at the site will continue well beyond this period in accordance with the Environmental Permit issued and regulated by the Environment Agency. It is a requirement of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) that appropriate management remains in place for the duration of the Environmental Permit.
- 3.12** 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 in the opinion of the Environment Agency the site presents no significant risk to the environment or human health without management and monitoring. It is a condition

of the issue of an Environmental Permit for landfill sites that the operator makes Financial Provision in a form that is available to the Environment Agency to cover their obligations under the permit in the event that the operator company is no longer viable.

#### 4. Non-radiological environmental impacts

4.1 Extensive technical studies have been undertaken to establish the environment of the application area and surrounding area to facilitate a robust assessment of the potential impacts of the development. Discussions have taken place between Augean and the Environment Agency regarding the proposed western extension since 2018. An extensive site investigation has been undertaken in the proposed western extension, the scope of which was agreed with the Environment Agency. Between 18 November 2019 and 17 March 2020 twenty seven boreholes were drilled in the proposed western extension to investigate the ground conditions in accordance with the scope of the site investigation agreed with the Environment Agency. The site investigation report is presented at Appendix ES17.1 (PINS document reference 5.4.17.1) (APP-092a) to the Environmental Statement.

##### Population

4.2 The Environment Agency will not issue an Environmental Permit unless they consider that the proposed operations are fully compliant with official guidance and criteria and the risk assessments demonstrate to the satisfaction of all statutory consultees that the proposals do not present unacceptable risks to human health or the environment.

##### Air quality

4.3 The combined effect of the individual elements of the proposed development has been considered. It is agreed that the emissions from the site must be controlled to levels which are below the relevant exposure criteria which are protective of human health and the environment. The management and monitoring of emissions to atmosphere must be implemented in accordance with the Environmental Permits and regulated by the Environment Agency.

##### Ecology

4.4 The protected ecological sites closest to the site boundary are shown on Figure ES1.2 to the Environmental Statement. Rutland Water SPA/Ramsar site is approximately 8.8km to the north west of the application boundary and Barnack Hills and Holes Special Area of Conservation is 7.5km north east of the application boundary. Within 5km of the site there are seven statutory ecological sites with the

closest being Collyweston Great Wood and Easton Hornstocks National Nature Reserve and Site of Special Scientific Interest located adjacent to the site to the north east. There are three non statutory sites within 2km of the site boundary the closest being Fineshade Woods Local Wildlife Site located adjacent to the western boundary of the proposed western extension. Based on the controls that will be implemented through the Environmental Permits there is limited potential for the proposal to affect the ecology at the internationally designated sites or the SSSIs or the non-statutory sites within 2km of the application site boundary. It is agreed that there will be no significant negative residual effects associated with the proposed development and for many of the ecological features, species and habitats there will be a significant positive effect in the long term.

### **Water resources**

- 4.5** The site geology, hydrogeology and surface water catchments for the current site and the proposed western extension are described in section 17.3 of the Environmental Statement and are agreed.
- 4.6** It is agreed that the site investigation confirms the presence of a substantial natural geological barrier above the groundwater in the limestone aquifer underlying the site. It is agreed in principle that the location of the proposed western extension to the landfill site complies with the Environment Agency landfill location policy set out at Appendix E to the Environment Agency document 'The Environment Agency's approach to groundwater protection' (v. 1.2) dated February 2018. A design for the proposed landfill 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 has been agreed in principle.
- 4.7** 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 and agreed with the Environment Agency following the grant of the Environmental Permit variation for the hazardous waste landfill in the proposed western extension area. 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

- 4.8 The potential effects of each element of the proposed development have been considered individually and cumulatively for the purposes of the assessment of potential impacts on water resources. The assessment of the impacts on water resources presented in section 17 of the Environmental Statement concludes that based on the design principles there will be no unacceptable impact on surface water or groundwater quality, people or the environment at the site boundary or at receptors down hydraulic gradient of the site as a consequence of the proposed development. The permit variation will be issued by the Environment Agency when they are satisfied that the design and controls are sufficient such that there would be no unacceptable discharge to groundwater.
- 4.9 A detailed quantitative hydrogeological risk assessment (HRA) based on the principles set out in section 17 of the Environmental Statement and in the risk assessments for the current Environmental Permits has been submitted to the Environment Agency as part of the application for the variation to the Environmental Permit for the extended hazardous waste landfill site. The quantitative HRA is based on well-established models used nationwide and approved by the Environment Agency. The assessments are based on highly conservative assumptions and consider the potential impacts of the site in the short and the very long term (thousands of years). This detailed HRA will be assessed by the Environment Agency as part of their review of the permit application.
- 4.10 The conservative findings from the quantitative HRA demonstrate that there will be no adverse effect on groundwater quality status in the vicinity of the site as designated under the Water Framework Directive. It is agreed that controls will be a requirement of the Environmental Permits and the permits will only be issued when the Environment Agency is satisfied that the proposed development and restoration of the site will have no significant adverse impact on groundwater quality or flow beneath the site or at receptors down hydraulic gradient of the site. On that basis, it is agreed that there will be no adverse effect on the groundwater quality status in the vicinity of the site as designated under the Water Framework Directive.
- 4.11 It is agreed that controls will be a requirement of the Environmental Permits and the permits will only be issued when the Environment Agency is satisfied that the proposed development and restoration of the site will not have a significant impact on water quality or flow in the Willow Brook, Wittering Brook or River Nene or on the

surface water quality status as designated under the Water Framework Directive in the River Basin Management Plan. The surface water management plan for the site which is presented at Appendix ES18.2 (PINS document reference 5.4.18.2) (APP-095) is designed consistent with current guidance such that the points of surface water discharge from the proposed western extension will be consistent with pre-development discharge and at similar rates of discharge with minimal impacts on the hydrological regime including in the vicinity of the woodlands to the west and east of the western extension and north of the current ENRMF site.

### **Flood risk**

- 4.12** A flood risk assessment has been carried out based on current guidance and taking into account the anticipated effects of climate change and both mitigation and adaption measures are included in the design of the surface water management scheme for the restored site. The flood risk assessment is presented in section 18 of the Environmental Statement and the surface water management plan is presented at Appendix ES18.2 to the Environmental Statement. Consistent with guidance as described in the Environmental Statement, the design rainfall event used in the surface water management plan comprises the 1 in 30 year rainfall event plus a 20% allowance for climate change. The extreme rainfall event assumed for the purpose of the calculations presented in the surface water management plan is the 1 in 100 year rainfall event plus a 40% allowance for climate change. The surface water management plan is based on the agreed principles that surface water shall be managed on site with discharge at the pre-development greenfield runoff rate or 2l/s/ha whichever is greater or at the permitted discharge rate without increased flood risk downstream of the site. The calculations show that there is adequate capacity in the design of the drainage system to accommodate the design rainfall events. The surface water management plan for the restored landform for the current site has been approved by the Environment Agency as part of the Environmental Permit and the surface water management plan for the restored landform for the extended site will be the subject of a review and will need to be agreed by the Environment Agency as part of the variation to the Environmental Permit for the extended landfill site.

### **Amenity**

- 4.13** Based on the current and proposed controls and the nature of the current and proposed wastes the risk of nuisance created by litter, odour or vermin is considered low. It is agreed that with the continuation of the current appropriate controls that are in place the risk of nuisance from mud and debris on the road is negligible. The hard surfaced site road and Stamford Road are swept regularly to clear any accumulated mud or debris. It is agreed that appropriate controls on dust emissions will be a requirement of the Environmental Permits, and the permits will only be issued once the Environment Agency is satisfied that the proposed development can be operated such that it is unlikely that there will be significant dust emissions from operations at the site.
- 4.14** As Environmental Permits will not be issued by the Environment Agency unless it is demonstrated to their satisfaction as part of the permit application process that the specified wastes can be treated and/or deposited without exceeding the appropriate threshold criteria which are protective of human health and the environment, it is agreed that the assumption made in the assessment of environmental impacts in the Environmental Statement that emissions will be controlled so that they do not exceed the threshold criteria is reasonable.



## 5. Radiological impact assessments

- 5.1** The assessment of the environmental impact of the disposal of LLW set out in section 11 of the Environmental Statement is based on the principles applied in the risk assessments submitted for the current Environmental Permit for the landfill disposal of LLW that the estimated emissions will be managed to meet the dose criteria which are set by the Environment Agency and the UK Health Security Agency at a level which ensures that there is no significant impact on people or the environment. As part of the application to vary the Environmental Permit for the landfill disposal of LLW at the extended landfill site, detailed quantitative radiological impact assessments will be carried out by specialists to demonstrate that waste accepted at the site will not result in the exceedance of the dose criteria. The quantitative radiological impact assessments will follow the principles prepared initially as part of the application to the Environment Agency for the current Environmental Permit. The radiological risk assessment forms a fundamental part of the Environmental Permit application review process carried out by the Environment Agency.
- 5.2** The quantitative radiological risk assessments will be carried out for a number of expected and **unlikely** (accident) scenarios for the operational and post closure periods of the landfill. The risk assessment scenarios together with the appropriate dose criteria which will be used are as set out in Tables ES11.2 and ES11.3 of the Environmental Statement. It is agreed that the appropriate scenarios for assessment are identified and that the correct dose criteria have been identified for use in the assessments. The dose criteria against which the results of risk assessments are compared take into account the risks to site workers and to local residents.
- 5.3** The Environment Agency will not grant a variation to the current Environmental Permit for the landfill disposal of LLW in the western landfill extension unless they and their statutory consultees including the UK Health Security Agency are satisfied that there are no unacceptable risks to human health and the environment.
- 5.4** As an Environmental Permit will not be issued by the Environment Agency unless it is demonstrated to their satisfaction as part of the permit application process that LLW can be deposited without exceeding the appropriate dose criteria, it is agreed that the assumption made in the assessment of environmental impacts in the

Environmental Statement that exposures will be controlled so that they do not exceed the dose criteria is reasonable.

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**6. The issue and regulation of Environmental Permits for the proposed development**

- 6.1** It is agreed that further detailed assessments have been and/or will be submitted to and assessed by the Environment Agency as part of the applications for variations to the existing Environmental Permits for the activities the subject of the DCO application. As part of the assessments of the submitted applications the risk assessments will be scrutinised by the Environment Agency prior to the issue of each Permit. The Environment Agency will carry out further consultations with bodies including the UK Health Security Agency and the Health and Safety Executive. The Environmental Permits will not be issued unless the Environment Agency is satisfied that the operations will be carried out in a manner which will not result in an unacceptable risk to the environment and human health.
- 6.2** Potential emissions will be regulated under the pollution control framework. Monitoring schemes will be implemented under the Environmental Permits and will be adequate to identify potentially harmful emissions.
- 6.3** The aspects of the development design and operational controls which are relied upon to provide the necessary mitigation identified in the Environmental Statement are summarised for each environmental aspect in Table ES5.2 of the Environmental Statement. The mitigation measures that are controlled and regulated by the Environment Agency through the pollution control regime and the Environmental Permits are correctly identified in Table ES5.2.
- 6.4** Subject to the granting of the varied Environmental Permits, it is agreed that the proposed development will provide additional capacity for the safe management of wastes treated at the waste treatment and recovery facility, the disposal of residual hazardous wastes for which the best overall environmental option is landfill disposal and the disposal of residual LLW with an activity typically up to 200Bq/g for which the best available technique is landfill disposal.

**7. Specific issues raised in the Rule 6 letter**

- 7.1** A number of issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground. These points are listed in Table 1 to this document together with agreed comments in response to each.

**8. Requirements in the draft DCO**

**8.1** 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) in the draft DCO (PINS document reference 3.1) (APP-017). The Environment Agency has requested that the words “*following consultation with the Environment Agency*” are inserted after “*relevant planning authority*”. Augean does not have any objection to this request.

**8.2 Any other points regarding the draft DCO?**

**9. Agreement**

**9.1** This statement has been agreed between Augean South Limited and the Environment Agency.

Signed:

On behalf of Augean South Limited

On behalf of The Environment Agency

Date: 2022

Table 1

## Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Existing and new Environmental Permits, including their status, scope, controls, mitigation measures and timescales.	See paragraphs 2.4 and 2.5 of this document.
Dust, odour, artificial light, smoke and steam scope and methodology of assessment	The assessments set out in section 22 of the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application. Further detailed assessment will be carried out with respect to dust and odour as part of the permit application process.
The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO, compliance with the Water Framework Directive	<p>See paragraphs 4.6 to 4.12 of this document.</p> <p>The assessments set out in sections 17 and 18 of the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application.</p> <p>As set out in paragraphs 4.11 and 4.12 of this document it is agreed that Environmental Permits will only be issued where the Environment Agency has determined that based on the proposed controls there will be no adverse effect on the groundwater quality status in the vicinity of the site as designated under the Water Framework Directive or on the surface water quality status as designated under the Water Framework Directive in the River Basin Management Plan</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	Further detailed assessment on the measures for the protection of groundwater and surface water quality will be carried out as part of the permit application process.
Flood risk, including the adequacy of the Flood Risk Assessment, use of appropriate UK Climate Change Projections, compliance with the National Planning Policy Framework, the selection and design of mitigation measures	<p>See paragraph 4.12 of this document.</p> <p>The assessments set out in section 18 of the Environmental Statement including their methodology and scope are considered appropriate and compliant with the approach to development and flood risk in the NPPF.</p> <p>The principles of the surface water management plan are the subject of Requirement 3(e) of the draft DCO (which is presented at Appendix DEC F to the DCO Environmental Commitments, PINS document reference 6.5. APP-110) and the approach to the detailed design of the surface water management plan are agreed.</p>
Surface water drainage including the use of SuDS, compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS	<p>See paragraph 4.12 of this document and the comments above.</p> <p>The assessments set out in section 18 of the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application.</p> <p>Further detailed assessment of the surface water management plan will be carried out as part of the permit application process.</p>



Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Water abstraction, discharges, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework	<p>No water abstraction is proposed as part of the development.</p> <p>It is considered that subject to controls which will be included in the variations to the Environmental Permits, potential releases and emissions to the environment can be adequately regulated through the pollution control framework.</p>
Ground conditions, including the stability and contamination assessments, controls and mitigation measures	<p>The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application.</p> <p>Further detailed assessment of the stability of the engineered containment design and the control and mitigation measures will be carried out as part of the permit application process.</p>
Climate change, including the UK's obligations under the Climate Change Act 2008 (as amended) and the United Nations Framework Convention on Climate Change having regard to the latest UK Climate Change projections. The resilience of the Proposed Development to the effects of climate change	<p>It is agreed that the proposed development is resilient to the effects of climate change as set out in section 24 of the Environmental Statement.</p>
The need for Protective Provisions in the dDCO	<p>No protective provisions for the Environment Agency are considered necessary.</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The applicable legislation and policy considered by the Applicant	<p>The review presented in the Planning Statement (PINS document reference 6.1) (APP-103) of regulations and policies of relevance to the Environment Agency is considered thorough and appropriate.</p> <p>The principles of the proposals for meeting in particular the requirements of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) and the obligations under the Water Framework Directive are agreed as acceptable.</p>
The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included	The assessments, including the assessment of cumulative effects set out in the Environmental Statement which are relevant to the Environment Agency including their methodology and scope are considered appropriate for the purposes of the DCO application.
The application of expert judgements and assumptions	The application of expert judgements and assumptions in the assessments set out in the Environmental Statement which are relevant to the Environment Agency including their methodology and scope are considered appropriate for the purposes of the DCO application.
Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies	These aspects of the assessments set out in the Environmental Statement which are relevant to the Environment Agency including the determination of their methodology and scope are considered appropriate for the purposes of the DCO application.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The extent of the areas of potential impact considered	The extent of the areas of potential impact considered in the assessments set out in the Environmental Statement which are relevant to the Environment Agency including for the determination of their methodology and scope are considered appropriate for the purposes of the DCO application.
Identification and sensitivity of receptors with the potential to be affected, the magnitude and quantification of potential impacts	These aspects of the assessments set out in the Environmental Statement which are relevant to the Environment Agency including the determination of their methodology and scope are considered appropriate for the purposes of the DCO application.
The assessment of likely effects (direct and indirect) on identified receptors	<p>The conclusions of the assessments set out in the Environmental Statement which are relevant to the Environment Agency with respect to the likely effects (direct and indirect) on identified receptors are agreed.</p> <p>Further detailed assessment of the measures to be implemented under the Environmental Permits for the protection of the environment and human health will be carried out as part of the permit application process.</p>
"Reasonable worst case" Rochdale Envelope parameters	It is considered that any additional control measures which may be necessary subject to the reviews carried out as part of the permit application process can be accommodated within the reasonable worst case parameters assessed in the Environmental Impact assessment and reported in the Environmental Statement.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The mitigation measures required and whether they are likely to result in the identified residual impacts	It is considered that the proposed mitigation measures will result in the identified residual impacts.
The significance of each residual impact	The conclusions of the assessments set out in the Environmental Statement with respect to the significance of residual impacts which are relevant to the Environment Agency are agreed.
Whether the identified mitigation measures adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses	It is considered that the mitigation measures controlled through the draft DCO and the pollution control regime as identified in Table ES5.2 of the Environmental Statement, can be adequately secured through the Environmental Permits.
The scope and adequacy of the submitted DCO Environmental Commitments	These are considered adequate subject to the comment in paragraph 8.1 of this document.
Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other statutory and regulatory authorities	See below.
The identification of other consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted	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. These permits need to be issued before the

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	<p>authorised activities can commence but they do not need to be issued prior to a decision being taken on the issue of the DCO.</p> <p>Subject to the review of the detailed assessments in the permit variation applications and the agreement of appropriate control measures the Environment Agency are not aware of any impediments that might result in a decision not to grant any of the variations.</p>
Whether the effectiveness of other consents, permits or licenses as mitigation has been accurately identified in the impact assessment	It is agreed that the controls for the mitigation measures as identified in Table ES5.2 of the Environmental Statement will be effective for the controls and mitigation which is necessary for the proposed development.

**APPENDIX D**  
**SOCG BETWEEN AUGEAN SOUTH LIMITED AND NATURAL ENGLAND**



**FIRST DRAFT FOR SUBMISSION TO PINS**

**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND  
NATURAL ENGLAND**

Report reference: WS010005/SOCG/NE/V3  
March 2022

**PINS document reference: 7.4**



Technical advisers on environmental issues

**The text which is agreed is shown in green**  
**The text which is under discussion is shown in amber**

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**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022
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This report has been prepared by MJCA with all reasonable skill, care and diligence, and taking account of the Services and the Terms agreed between MJCA and the Client. This report is confidential to the client and MJCA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known, unless formally agreed by MJCA beforehand. Any such party relies upon the report at their own risk.



**1. Summary**

- 1.1** This document comprises a Statement of Common Ground agreed between Augean South Ltd and Natural England. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority. Where Natural England expresses agreement, it does so only in so far as it has considered the issue with regards to its statutory remit and on the basis of the information that it is aware of. Agreement is offered without prejudice to the submissions of other interested parties who may have greater knowledge of technical methodologies or site specific issues.

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**2. Introduction**

**2.1** This document comprises the Statement of Common Ground agreed between Augean South Limited (Augean) and Natural England. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

**2.2** Augean and Natural England have been liaising on this project since January 2020. Natural England have provided advice and guidance on the project through the Discretionary Advice Service. A number of meetings have been held in particular the meetings on 10 February 2020 to discuss the history of the site, the extension proposals and the surveys undertaken of the proposed western extension to date, the meeting on 21 January 2021 to discuss connectivity, phasing and aftercare and the meeting on 18 May 2021 with the Butterfly Conservation, North Northamptonshire Council, Wildlife Trust and Forestry England to discuss the draft restoration plan and mitigation proposals. Correspondence is presented in section 1-11 'Meetings and correspondence with consultees' in Appendix ES13.1 to the Environmental Statement (PINS document reference 5.4.13.1) (APP-087).

**Environmental setting and description of the site**

**2.3** The details of the site location, description and environmental setting and other information are set out in section 3 of the Environmental Statement (PINS document reference 5.2) (APP-049). Figure ES1.2 (PINS document reference 5.3.1.2) (APP-051) of the Environmental Statement shows the designated sites in the vicinity of the existing ENRMF. Appendix ES3.1 (PINS reference 5.4.3.1) (APP-082) presents the details on the sites of ecological interest in the vicinity of the site. The closest ecological sites are Fineshade Wood part of which is known as The Assarts and

which is a Local Wildlife Site to the west of the proposed western extension and Collyweston Great Wood which is adjacent to the eastern boundary of the northern section of the western extension area. To the east and north east of the application area beyond Collyweston Great Wood and east of Stamford Road is an area of woodland known as Easton Hornstocks. Parts of the Collyweston Great Wood and Easton Hornstocks comprise a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR). There are no material areas of disagreement on these descriptions.

- 2.4** The operations at the existing ENRMF are the subject of Environmental Permits issued and regulated by the Environment Agency. Any extension to the waste management operations at the site will continue to be the subject of Environmental Permits. It is necessary to vary the Environmental Permits in respect of the existing hazardous waste and LLW landfill site to include the proposed western extension. The Environmental Permit for the treatment facility is being varied in order to increase the waste throughput rate and to include any changes to the processing activities. It is agreed that the Environmental Permits for the site are protective of the environment, including all ecological receptors, and human health and will be regulated by the Environment Agency through the pollution control regime.

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### 3. The proposed development

3.1 The proposed development is described in sections 4 to 9 of the Environmental Statement. The proposed development comprises the construction of new landfill void to the west of the currently consented hazardous waste and LLW landfill area (the proposed western extension) and amendment of the restoration profile and the timescale for completion of the existing ENRMF landfill in order to integrate the final landscape of the existing ENRMF with the proposed western extension.

3.2 The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. The phasing order for the proposed western landfill area has been finalised following responses to the pre-application consultation and is designed to achieve the completion of the northern area of the western extension at the earliest opportunity. It is agreed that the completion and restoration of the northern area (Phases 12 to 14 as shown on Figure ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement) will allow the early development of habitats on the restored site which are designed to link and provide habitat continuity between the woodlands either side of the northern section of the site. It is acknowledged that the current projection is that the first, northernmost, area (Phase 12) will be restored in around 5 years from the start of the commencement of cell excavation work in that phase. The additional site investigations in the central area of the extension will take place while Phases 12 and 13 are being developed and filled and before the design of Phase 14 is finalised enabling completion of all of Phases 12 to 14 in as short a timescale as possible. It is agreed that the proposals ensure that once these phases are completed and restored, they will not be disturbed as part of ongoing site operations to the south and they will not be used for stockpiling

(Appendix DEC D to the DCO Environmental Commitments Document. PINS document reference 6.5. APP-110).

**3.3** The proposed afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. The restoration scheme for the site has been designed to meet the objective of achieving Biodiversity Net Gain. Natural England were involved in the process of developing the Restoration Concept Scheme (PINS document reference 2.8) (APP-011) and support the principles embedded in the design.

**3.4** 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 further net gain in watercourses through the creation of Swallow Brook. It is agreed that this is substantially above the proposed target of at least 10% for NSIP projects in the Environment Act 2021. It is agreed that the graph shown in paragraph 13.5.12 of the Environmental Statement demonstrates 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. It is agreed that there is biodiversity gain before the operations commence and throughout the phased operations.

#### 4. Environmental impacts

4.1 Extensive technical studies have been undertaken to establish the environment of the application site and surrounding area to facilitate a robust assessment of the potential impacts of the development.

##### **Air quality**

4.2 The combined effect of the individual elements of the proposed development including the different phases of activity associated with the landfill site and the operation of the treatment facility have been considered. The management and monitoring of emissions to atmosphere will continue to be implemented in accordance with Environmental Permits issued and regulated by the Environment Agency. It is agreed that the emissions from the site will be adequately regulated through the pollution control framework. It is agreed that the potential effects of the extension to the waste facilities on air quality have been properly considered.

4.3 As set out in section 19 of the Environmental Statement the scope of the Transport Assessment was been agreed with Northamptonshire Highways as the local Highways Authority as well as with Highways England. It is agreed that the potential effects of the new development and associated traffic levels on air quality at nationally and internationally designated sites have been properly considered. Natural England has no concerns regarding the impact of the additional traffic at nationally and internationally designated sites.

##### **Ecology**

4.4 The protected ecological sites closest to the site boundary are shown on Figure ES1.2 (PINS document reference 5.3.1.2) (APP-051) to the Environmental

Statement. Rutland Water SPA/Ramsar site is approximately 8.8km to the north west of the application boundary and Barnack Hills and Holes Special Area of Conservation is 7.5km north east of the application boundary. Within 5km of the site there are seven statutory ecological sites with the closest being Collyweston Great Wood and Easton Hornstocks National Nature Reserve and Site of Special Scientific Interest located adjacent to the site to the north east. There are three non-statutory sites within 2km of the site boundary the closest being Fineshade Woods Local Wildlife Site located adjacent to the western boundary of the proposed western extension. The locations and details of these sites are agreed. It is agreed that there is no potential for the proposal to affect the ecology at the internationally designated sites or the SSSIs and National Nature Reserves within 2km of the application site boundary. Comments on the Habitat Regulations Screening Assessment are presented at Table 1.

**4.5** Extensive ecological surveys and assessments have been carried out to establish the baseline conditions at and in the vicinity of the site. Where applicable the scope and methodology for the ecological surveys and assessments have been agreed between Augean and Natural England as detailed in the Environmental Statement. The results of the surveys and the assessments are presented in section 13 of the Environmental Statement and in the Ecological Impact Assessment at Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087). It is agreed that the ecological survey and other information gathered is sufficient for the purpose of understanding the ecological impacts of the development and the means selected for enhancement of the current site. It is agreed that the site currently supports habitats of negligible ecological interest with the exception of an important hedgerow which qualifies under the Hedgerow Regulations 1997. It is agreed that the restoration of the site will have a positive effect on the natural environment by creating new and

enhanced habitats connecting and providing stronger ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade Woods.

**4.6** The results of the site ecological surveys and assessments, the objectives and details of the design of the restored site and the need for and design of the proposed mitigation measures for the protection and enhancement of ecological biodiversity as summarised in section 13 of the Environmental Statement and provided in detail at Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087) were discussed at regular meetings attended by Natural England as well as North Northamptonshire Council, Forest England and local conservation groups. **The ecological surveys that have been undertaken at the site are appropriate to enable an assessment of the ecological effects of the proposals.**

**4.7** The design principles for the protection of the boundary habitats and the root protection areas for adjacent woodlands are set out in Appendix DEC B of the DCO Environmental Commitments Document (PINS document reference 6.5) (APP-110).

**4.8** The summary of the residual effects based on the proposed mitigation and enhancement measures provided in Table ES13.1 of the Environmental Statement is agreed.

**4.9** The protection and mitigation measures are set out in the Ecological Management, Monitoring and Aftercare Plan (presented at Appendix DEC E to the Environmental Commitments Document) which is agreed. The management of the mitigation and the phased provision of the restoration scheme at the site would be the subject of a Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO which includes approval by North Northamptonshire Council as the Local Planning Authority. Based on this it is agreed



that there will be no significant negative residual ecological effects associated with the proposed development and for many of the ecological features, species and habitats there will be a significant positive effect in the short term as well as in the long term.

**4.10** It is agreed that the restoration is designed to benefit reptiles, invertebrates including butterflies, amphibians and small mammals, including potentially dormice. All planting will include a high proportion of locally native species including berry-bearing bushes and scrub for birds and species-rich grassland for invertebrates which in turn will benefit bats and birds. It is agreed that the development can be undertaken with minimal impact on the ecological interest at and in the vicinity of the site. **In the short and the long term the new and enhanced habitats will provide a significant benefit to species present at and in the vicinity of the site and contributes to landscape scale recovery.**

**4.11** The restoration proposals include the provision of permissive footpaths around the site and the retention of an area at the site access for a small car park for visitors. It is agreed that these proposals will provide benefits to amenity and wellbeing for the local population as well as to visitors to the area.

### **Water resources**

**4.12** The site geology, hydrogeology and surface water catchments for the current site and the proposed western extension are described in section 17.3 of the Environmental Statement.

**4.13** It is agreed that the emissions from the site to the aqueous environment will be adequately assessed and regulated through the pollution control framework such that the proposed operations would not have an unacceptable impact on surface water or

surface water quality. Natural England accepts the conclusions that the proposed development can be undertaken without significant individual or cumulative adverse impacts on surface water or groundwater flow or quality at internationally and nationally designated ecological sites in the vicinity of the ENRMF.

- 4.14** The surface water management scheme is presented at Appendix ES18.2 to the Environmental Statement (PINS document reference 5.4.18.2) (APP-095) and is designed consistent with current guidance such that the points of surface water discharge from the proposed western extension will be consistent with pre-development discharge and at similar rates of discharge with minimal impacts on the hydrological regime including in the vicinity of the woodlands to the west and east of the western extension and north of the current ENRMF site. Natural England consider that the principle that the surface water scheme design to maintain the flow of surface water and groundwater is an appropriate approach to protect ecological habitats, in particular the woodlands adjacent to the proposed western extension area. It is agreed that it is appropriate that the detailed design of the drainage scheme is approved as part of the Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO.

### **Landscape**

- 4.15** The site is currently an operational landfill and treatment plant together with agricultural fields forming the proposed western extension. The approach to and the conclusions of the assessment of the effects of the proposals on landscape receptors is presented in section 14 of the Environmental Statement and the report at Appendix ES14.1 (PINS document reference 5.4.14.1) (APP-088).

**4.16** The site does not lie within an area designated at a statutory/national or non-statutory/local level for its landscape value or quality. It is agreed that the most significant effect of the proposed development would result during the operational life of the site. However when considered in the context of the approved restoration plan the long term effect is not considered to be significant. The proposed restoration scheme would deliver positive long term benefits for landscape features in terms of vegetation cover, habitat creation and public access and contributes to landscape scale recovery. It is acknowledged that there is a 20 year aftercare period secured in the draft DCO.

### **Soil resources**

**4.17** It is agreed that there are no undisturbed soils in the existing ENRMF. A desk based review and an investigation of the soils in the proposed western extension was undertaken in December 2018 to determine the agricultural land quality of the site and the findings are presented in section 15 of the Environmental Statement. The findings of this report are accepted.

**4.18** As the phases of the proposed western extension are constructed it will be necessary to strip the soils. Topsoil and subsoil will be stripped and stored separately. The soils will be handled, moved and stored progressively and in accordance with the Soil Handling and Management Scheme which it is agreed has been prepared in accordance with good practice. As all soil handling, movement and storage will be undertaken in accordance with the Soil Handling and Management Scheme which is based on the MAFF Good Practice Guide for Handling Soils (Appendix DEC I1 to the DCO Environmental Commitments Document, PINS document reference 6.5) (APP-110) it is agreed that the proposed development will result in a negligible impact on soil resources.

- 4.19 The area of best and most versatile (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. It is agreed that this reuse of the BMV soil is appropriate. The use of the BMV soil for this purpose will be reviewed under the phasing, landscaping and restoration scheme that will be submitted on a biannual basis under Requirement 4 of the draft DCO.
- 4.20 It is agreed 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.

#### **Noise and vibration**

- 4.21 It is agreed that the noise assessment presented in section 20 of the Environmental Statement shows that there will be no significant or unacceptable adverse noise impacts at noise sensitive locations resulting from the proposed development including the existing ENRMF site. Since the level of noise and disturbance expected to result from the development will be similar to that produced by the existing agricultural working, the protected species present on the site are expected to ignore or habituate to the level of noise and disturbance.

#### **Other potential impacts**

- 4.22 Based on the current and proposed controls and the nature of the current and proposed wastes it is agreed that the risk of disturbance to flora and fauna created by litter, odour or vermin is low. It is agreed that based on the current and proposed

continued controls presented in Table ES22.3 and under the Environmental Permits it is unlikely that there will be significant dust emissions from operations at the site.

- 4.23** It is agreed that there will not be an unacceptable impact on flora and fauna of the area as a result of the continued use of lighting as part of the proposed development. 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 when they emerge. It is agreed that at the time of year when lighting might be needed during working hours (i.e. winter), bats will be in hibernation.

**5. Specific issues raised in the Rule 6 letter**

- 5.1** A number of issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground. These points are listed in Table 1 to this document together with agreed comments in response to each.

**6. Areas on which there is disagreement**

**6.1** *If there are any areas of material disagreement they should be identified here.*

## 7. Requirements in the draft DCO

- 7.1** In Schedule 2 of the draft DCO, 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 B of PINS document reference 6.5) (APP-110) and (d) the restored landform profile (PINS document reference 2.9) (APP-012). The details of the standoffs from the site boundary are presented at Appendix B of the DCO Environmental Commitments document. It is agreed that the standoffs from the site boundary will preserve and enhance the uncultivated margins of the agricultural fields in the proposed western extension which provide the most favourable habitat for wildlife present currently in the proposed western extension area. These areas will be continually available for use by fauna throughout the operations.
- 7.2** Requirement 4 addresses phasing, landscaping and restoration. A phasing, landscaping and restoration scheme must be submitted within 24 months of the date of the Order. The phasing, landscaping and restoration scheme will be reviewed every 2 years and updated where necessary based on the progress of the operations and restoration on site. It is agreed that the review and updating where necessary of the scheme every 2 years will provide the necessary control over the progress of landscaping and restoration at the site.
- 7.3** 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. It is agreed that this will limit the potential for the impacts of lighting on sensitive fauna.



- 7.4** Natural England have no material disagreement with these Requirements in the draft DCO. There are no further requirements that Natural England wish to be included in the draft DCO.

**8. Agreement**

**8.1** This statement has been agreed between Augean South Limited and Natural England.

Signed:

On behalf of Augean South Limited

On behalf of Natural England

Table 1

## Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects	<p>Prior to the submission of the DCO application the Habitat Regulations Screening Assessment and screening matrices (PINS document reference 5.5) (APP-102) was reviewed by Natural England. In the letter from Natural England presented at Appendix 4 of the Habitat Regulations Screening Assessment it is stated that <i>'Natural England has reviewed the document titled "No Significant Effect Report and Screening Stage of Habitat Regulations Assessment for East Northants Resource Management Facility and Western Extension" and agrees with the conclusion of no likely significant effects to Rutland Water Special Protected Area, (SPA) and Ramsar site, Barnack Hills and Holes Special Area of Conservation (SAC) and Upper Nene Valley Gravel Pits SPA and Ramsar site.'</i></p> <p>It is agreed that the Environmental Statement which was submitted with the application demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the European sites.</p>
Appropriateness and effectiveness of the reliance on controls in the existing and new Environmental Permits	As stated in paragraph 2.4 of this document it is agreed that the Environmental Permits for the site are protective of both the environment including all ecological receptors and human health. It is agreed that the

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
	effective implementation of the Environmental Permits will be regulated and enforced by the Environment Agency in accordance with the pollution control regime. It is agreed that these controls can be relied on in the absence of any specific concerns and there is no need for further controls in the draft DCO.
Impacts on habitats and species, habitat replacement and opportunities for enhancement	<p>As stated in paragraph 4.5 it is agreed that the site currently supports habitats of negligible ecological interest with the exception of an important hedgerow which qualifies under the Hedgerow Regulations 1997. All protected species issues (including any licensing requirements under the Habitats Regulations or the 1981 Act) are addressed by the proposed draft DCO requirements.</p> <p>The summary of the residual effects based on the proposed mitigation and enhancement measures provided in Table ES13.1 of the Environmental Statement is agreed.</p> <p><i>It is agreed that there will be no significant negative residual ecological effects associated with the proposed development and for many of the ecological features, protected species and habitats there will be a significant positive effect in the short term as well as in the long term.</i></p>
Restoration proposals and bio-diversity net gain	As stated in Section 3 it is agreed that the restoration proposals are beneficial for nature conservation and will deliver a biodiversity net gain of 110%. It is agreed that the restoration plans and delivery of Biodiversity Net Gain will have a positive effect on the natural environment by creating new and enhanced habitats connecting and providing strong ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade Woods. It is agreed that the restoration of the site will be secured under the Requirements

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected species and other biodiversity interest and landscapes during the operational phase and following restoration	As stated in Section 4 of this document it is agreed that there will be no unacceptable impacts on designated nature conservation sites, protected species and other biodiversity interest and landscapes during the operational phase as a result of noise or vibration or impacts on air quality or water quality. It is agreed that following restoration there will be a positive effect on the natural environment by creating new and enhanced habitats connecting and providing strong ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade Woods.
Agreement or otherwise on biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales	<p>The mitigation measures necessary for the protection of ecology and enhancement of biodiversity are identified in Table ES5.2 of the Environmental Statement. It is agreed that the mitigation measures can be adequately secured as proposed in the draft DCO.</p> <p>The draft licence application for Great Crested Newts is currently in preparation and has been discussed between the Applicant and Natural England. It is intended that the draft licence application is submitted to Natural England during the examination process. <i>It is considered likely that the proposals can be licensed.</i></p>
The applicable legislation and policy considered by the Applicant	<p>Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation of Habitats and Species Regulations 2017 (as amended)</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
	<p>Hedgerow Regulations 1997</p> <p>Protection of Badgers Act 1992</p> <p>The Natural Environment and Rural Communities Act 2006</p> <p>It is agreed that this legislation is that which is relevant to the protection of ecological features and assets and has been considered and addressed appropriately by Augean within the application.</p>
The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included	<p>The assessments relevant to Natural England set out in the Environmental Statement including their methodology and scope are considered appropriate.</p> <p>No further plans or projects that should have been included in the assessments of cumulative effects have been identified.</p>
The application of expert judgements and assumptions	The application of expert judgements and assumptions in the assessments relevant to Natural England set out in the Environmental Statement including their methodology and scope are considered appropriate.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies	These aspects of the assessments relevant to Natural England set out in Section 13 of the Environmental Statement including the determination of their methodology and scope are considered appropriate.
The extent of the areas of potential impact considered	The extent of the areas of potential impact considered in the assessments relevant to Natural England set out in Section 13.2 of the Environmental Statement including for the determination of their methodology and scope are considered appropriate.
Identification and sensitivity of receptors with the potential to be affected, the magnitude and quantification of potential impacts	These aspects of the assessments relevant to Natural England are set out in Section 13.2 of the Environmental Statement including the determination of their methodology and scope are considered appropriate.
The assessment of likely effects (direct and indirect) on identified receptors	It is agreed that sufficient information is included in the Environmental Statement to demonstrate that all protected ecological features potentially affected by the extension in the area and life of ENRMF can be ruled out or that proposed mitigation is sufficient to demonstrate no significant adverse impact.
"Reasonable worst case" Rochdale Envelope parameters	The Rochdale Envelope parameters included in the application for the proposed development relating to the extents of the development in Work No 2 and Work No 3 are not applicable to ecology. The worst case scenario for the development in terms of concurrent operations have

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
	been assessed in the Environmental Statement and in Section 13 for ecology and biodiversity.
The mitigation measures required and whether they are likely to result in the identified residual impacts	It is agreed that the proposed mitigation measures as summarised in Table ES5.2 to the Environmental Statement will result in the residual impacts identified in the assessments. The summary of the residual effects based on the proposed mitigation and enhancement measures provided in Table ES13.1 of the Environmental Statement is agreed.
The significance of each residual impact	It is agreed that there will be no significant negative residual ecological effects associated with the proposed development and for many of the ecological features, species and habitats there will be a significant positive effect in the short term as well as in the long term.
Whether the identified mitigation measures adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses	It is considered that the mitigation measures identified in Table ES5.2 of the Environmental Statement can be adequately secured as proposed in the draft DCO and through the Environmental Permits for the measures that are controlled through the pollution control regime together with any protected species licences that are necessary. The method of securing the mitigation is also identified in Table ES5.2.
The scope and adequacy of the submitted DCO Environmental Commitments	The schemes which are relevant to Natural England are considered adequate and appropriate. The schemes which are relevant to Natural England are identified in Table ES5.2.



Issue raised at Annex E to the Rule 6 letter	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other statutory and regulatory authorities	See below under identification of other consents, permits or licenses.
The identification of other consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted	<p>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. These permits need to be issued before the authorised activities can commence but they do not need to be issued prior to a decision being taken on the issue of the DCO.</p> <p>Natural England are not aware of the need for any other consents, permits or licences that are necessary for the development other than the protected species licences needed for ecological clearance and mitigation works. Details of the licences necessary are presented in paragraph 2.1.2 of Appendix DEC E Ecological Management, Monitoring and Aftercare Plan (PINS document reference 6.5) (APP-110).</p>
Whether the effectiveness of other consents, permits or licenses as mitigation has been accurately identified in the impact assessment	It is agreed that the controls for the mitigation measures as identified in Table ES5.2 of the Environmental Statement will be effective for the controls and mitigation which are necessary for the proposed development. The method of securing the mitigation is also identified in Table ES5.2.

**APPENDIX E**

**SOCG BETWEEN AUGEAN SOUTH LIMITED AND WESTERN POWER  
DISTRIBUTION (EAST MIDLANDS) PLC**



**FIRST DRAFT FOR SUBMISSION TO PINS**

**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND WESTERN POWER  
DISTRIBUTION (EAST MIDLANDS) PLC**

Report reference: WS010005/SOCG/WP/V2  
March 2022

**PINS document reference: 7.5**



**The text which is agreed is shown in green  
The text which is under discussion is shown in amber**

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**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022, matters raised in the Relevant Representation from Western Power and other matters
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This report has been prepared by MJCA with all reasonable skill, care and diligence, and taking account of the Services and the Terms agreed between MJCA and the Client. This report is confidential to the client and MJCA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known, unless formally agreed by MJCA beforehand. Any such party relies upon the report at their own risk.

**1. Summary**

- 1.1** This document comprises a Statement of Common Ground agreed between Augean South Limited and Western Power Distribution (East Midlands) plc. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority.

## 2. Introduction

2.1 This document comprises the Statement of Common Ground agreed between Augean South Limited and Western Power Distribution (East Midlands) plc (Western Power). The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

2.2 Liaison between Augean and Western Power has been ongoing since December 2019. A meeting was held on 15 January 2021 to discuss the standoff to the water main, easement and crossing agreements for the diverted electricity cable together with the potential route for the diverted cable. The design drawings were provided to Western Power on 3 February 2021. The initial principal concerns for Western Power are the standoff distances, the design of the adjacent landfill areas and the location of the diverted electricity cable.

### Environmental setting and description of the site

2.3 The details of the site location, description and environmental setting and other information are set out in section 3 and Figures ES1.1 (PINS document reference 5.3.1.1) (APP-050), ES1.2 (PINS document reference 5.3.1.2) (APP-051), ES3.2 (PINS document reference 5.3.3.2) (APP-055), ES3.3 (PINS document reference 5.3.3.3) (APP-053) and ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement (PINS document reference 5.2) (APP-049) including the locations of and distances to properties and sites of ecological interest in the vicinity of the site.

2.4 There are a number of services which cross the proposed western extension and which are in the vicinity of the site. The services at and in the vicinity of the site are shown on Figure ES3.3. Overhead electricity cables owned by Western Power run along the western boundary of the existing ENRMF before turning in a north westerly direction

across the northern section of the proposed western extension. Two water mains cross the northern part of the southern section of the proposed western extension.

### 3. The proposed development

- 3.1 The proposed development is described in sections 4 to 9 of the Environmental Statement.
- 3.2 Work No 5 in the draft DCO (PINS document reference 3.1) (APP-017) and shown on the Works Plan (PINS document reference 2.3) (APP-006) comprises the diversion of the overhead electricity cable that crosses the proposed western extension to a trench which follows the route of the water pipelines across the proposed western extension and then follows the western margin of the site to the northern corner.
- 3.3 The principles of the current and proposed design of the engineered containment of the landfill site are described in section 5 and in detail in section 5.5 of the Environmental Statement. The landfill will be constructed in phases and each phase will be subject to the preparation of a detailed engineering design which will be submitted to the Environment Agency for approval under the Environmental Permit prior to its construction. The specification for the low permeability basal and side wall engineered liner and capping layer for the existing ENRMF landfill is agreed with the Environment Agency in accordance with the Environmental Permit through Construction Quality Assurance (CQA) Plans prepared and agreed for each area of engineering and these principles will continue for the proposed western extension. The design of the containment engineering includes a Stability Risk Assessment for the designed slopes. The construction of the engineered containment is the subject of independent CQA including testing as specified in the agreed CQA Plan and a Verification Report is issued to the Environment Agency following the completion of construction of each stage. Waste cannot be placed into a newly engineered area until the Environment Agency have approved the Verification Report.



**3.4** The restoration contours for the final restored landform are shown on Figure ES5.5 (PINS document reference 5.3.5.5) (APP-059). In accordance with good practice for landfill sites the final profile of the landfilled waste and the low permeability capping layer is designed to form a stable slope which will encourage shedding of rainfall to minimise infiltration and as a consequence to minimise the generation of leachate which is the contaminated liquid formed when water infiltrates into the waste and which is collected in the base of the site. The proposed afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees and hedgerows. Surface water will be managed during the operation of the site and following the completion of the restoration.

#### 4. Design of the site

- 4.1** As stated in Section 3 the design of the site is the subject of a Stability Risk Assessment which has been submitted to the Environment Agency as part of the Environmental Permit variation application for the landfill to incorporate the western extension. The design is consistent with that used for the current landfill site. The risk assessments submitted with the Environmental Permit application, including the Stability Risk Assessments will be reviewed and approved by the Environment Agency as part of the consideration of the Environmental Permit variation application to extend the boundary of the landfill facility.
- 4.2** All excavated side slopes in the western extension area will be cut at a maximum gradient of 1v:2.5h. The basal lining system will comprise a minimum 1m thick compacted low permeability clay liner with a 2mm thick smooth high density polyethylene (HDPE) geomembrane. Once landfilling operations have been completed in each phase the phase will be capped. A 1m to 1.5m thickness of restoration materials will be placed over the cap.
- 4.3** As described in paragraph 7.3 of this document, a 7m standoff will be retained either side of the water pipeline. Fencing will be erected on the 7m standoff line. The electricity cable will be located within the 7m standoff from the water pipeline and will be 3.5m from the water pipeline. The landfill excavation limit will be at a minimum of 2.5m from the fencing to provide access for operations. The restoration soils will not extend beyond the fencing. The Applicant and Western Power are in discussions in relation to these standoff distances.

**5. Specific issues raised in the Rule 6 letter**

**5.1** A number of issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground. These points are listed in Table 1 to this document together with the other matters raised in the Relevant Representation and agreed comments in response to each.

**6. Areas on which there is disagreement**

- 6.1** The parties are in discussions with respect to the standoff distances along with a commercial agreement to govern the diversion works and to protect Western Power's apparatus. The parties are confident that there will be an agreed position on this matter prior to the end of the Examination.

## 7. Requirements in the draft DCO

**7.1** Protective Provisions are referred to in Article 15 of the draft DCO and are presented in Schedule 6. Discussions between Augean and Western Power regarding the protective provisions are underway in relation to protections and safeguards for Western Power's assets.

**7.2** In Schedule 2 of the draft DCO, 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 B of PINS document reference 6.5) (APP-110) and (d) the restored landform profile (PINS document reference 2.9) (APP-012). The works plan shows the existing overhead electricity cable route together with the proposed diversion route for the electricity cable.

**7.3** The standoffs from the diverted electricity cable are presented at Appendix B of the DCO Environmental Commitments document (boundaries H, G, F and C shown on Figure DEC B1 and in Table DEC B1 in PINS document reference 6.5) (APP-110).

- **Boundary H** – Fencing will be erected at a 7m standoff from the water pipeline. There will be a 3.5m standoff from the water pipeline to the diverted electricity cable and a 3.5m distance to the fencing from the diverted electricity cable. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the pipeline or diverted cable standoff.
- **Boundary G** – The electricity cable will be outside the root protection area but within the 10m ecological standoff area. The fencing will be erected on the boundary of the 10m ecological standoff area. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the line of the fencing.

- **Boundary F** - The electricity cable will be outside the root protection area but within the 10m ecological standoff area. The fencing will be erected on the boundary of the 10m ecological standoff area. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the line of the fencing.
- **Boundary C** - The electricity cable will be outside the root protection area but within the 10m ecological standoff area. The fencing will be erected on the boundary of the 10m ecological standoff area. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the line of the fencing.

**7.4** Subject to the successful conclusion of commercial discussions between the parties in relation to the safeguarding of Western Power's assets and the appropriate standoff distances, it is expected that the protective provisions to be agreed by the parties together with the details set out in Paragraphs 7.2 and 7.3 will be sufficient to protect the Western Power interests.

**7.5** It will be necessary for Augean to cross the diverted electricity cable during the operation of the western extension. Augean will enter into crossing agreements at the appropriate time once the exact location of the diversion route is known to enable crossing of the electricity cable.

**7.6** It is agreed that 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 Western Power have.

**8. Agreement [To be signed in the final version]**

**8.1** This statement has been agreed between Augean South Limited and Western Power

Signed:

On behalf of Augean South Limited

On behalf of Western Power Distribution  
(East Midlands) plc

Date: 2022

Table 1

Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and matters raised in the Relevant Representation from Western Power

Issues raised at Annex E to the Rule 6 letter	
Issues raised	Position of the parties <i>All paragraph references to be double checked on finalisation</i>
The overhead line which crosses the site and the proposal for its diversion	<p>The parties agree that, as stated in paragraph 2.4 of this document, the route for the proposed electricity cable diversion is shown on the Works Plan (PINS document reference 2.3) (APP-006).</p> <p>The parties agree that the exact route will be within the limits shown on the Work Plan but will be determined based on the ground conditions when the works are undertaken.</p>
The protective provisions set out in the dDCO and other matters raised in Relevant Representation (RR-012)	<p><b><i>Augean's position</i></b></p> <p>Augean has included standard Protective Provisions in the draft DCO.</p> <p>The inclusion of protective provisions to be agreed between Augean and Western Power will allow there to be no detrimental impact on Western Power's electricity network.</p> <p>The draft 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 Western Power have.</p>



Issues raised at Annex E to the Rule 6 letter	
Issues raised	Position of the parties <i>All paragraph references to be double checked on finalisation</i>
	<p><b>Western Power's position</b></p> <p>Western Power needs to ensure that the wider powers being sought in the dDCO will not have a detrimental impact on Western Power's electricity network and its duties under the EA1989, including ensuring that the terms of the proposed protective provisions are acceptable.</p> <p>Commercial discussions are underway in relation to protections and safeguards for Western Power's assets.</p> <p>No formal agreement has yet been concluded and accordingly Western Power submitted a relevant representation to protect its position pending conclusion of an appropriate agreement. The parties are in discussions in relation to these commercial agreements and the standoff distances between Western Power's apparatus and other infrastructure.</p> <p>Once Western Power are satisfied that its network is protected, Western Power will notify the Planning Inspectorate promptly and withdraw the objection.</p>

Other matters	
Other matters	Position of the parties <i>All paragraph references to be double checked on finalisation</i>
Following the diversion of the electricity cable rights of access to inspect, maintain, renew and repair the apparatus will be retained	The parties are in the process of agreeing the form of easement that will be granted by the landowner for the diverted cable route.
The electricity cable will be diverted within the 7m stand off for the water pipeline	The parties are in discussions on standoff distances.
The diverted electricity will be 3.5m from the water pipeline	The parties are in discussions on the standoff distances.
Crossing agreements	Augean will enter into crossing agreements at the appropriate time to enable crossing of the diverted electricity cable.

**APPENDIX F**

**SOCG BETWEEN AUGEAN SOUTH LIMITED AND NORTHANTS POLICE AND  
NORTHANTS FIRE AND RESCUE**



**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND  
NORTHAMPTONSHIRE POLICE AND  
NORTHAMPTONSHIRE FIRE AND RESCUE  
SERVICE**

Report reference: WS010005/SOCG/PFS/FIN  
March 2022

**PINS document reference: 7.8**



Technical advisers on environmental issues

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**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022
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## 1. Summary

- 1.1 This document comprises a Statement of Common Ground agreed between Augean South Limited and Northamptonshire Police and Northamptonshire Fire and Rescue Service. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority.

## 2. Introduction

2.1 This document comprises the Statement of Common Ground agreed between Augean South Limited (the Applicant) and Northamptonshire Police and Northamptonshire Fire and Rescue Service. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

2.2 A meeting was held between the Applicant and the Infrastructure Planning Manager from the Estates and Facilities Department for Northamptonshire Police, Northamptonshire Fire and Rescue Service and Northamptonshire OPFCC on 20 January 2022 to discuss their Relevant Representation. The Infrastructure Planning Manager is authorised to respond on behalf of Northamptonshire Police and Northamptonshire Fire and Rescue Service. The purpose of the meeting was to clarify the issues on which the Police and Fire and Rescue Service had raised concerns.

### **The proposed development**

2.3 The proposed development is described in sections 4 to 9 of the Environmental Statement. The proposed development comprises the construction of new landfill void to the west of the currently consented hazardous waste and LLW landfill area (the proposed western extension) and amendment of the restoration profile and the timescale for completion of the existing ENRMF landfill in order to integrate the final landscape of the existing ENRMF with the western extension. The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. There is no separate construction phase, the series of activities are continuous and are implemented in parallel at different phases and

areas of the site. No staff or contractors are permitted to stay on the site overnight. It is agreed that there is no separate construction period for the proposed development.

- 2.4** The existing ENRMF has either a 1.8m high fence or a thorny hedge around the entire site boundary. There are gates at the site entrance which are locked outside operating hours. Site fencing or alternative barriers will be extended around the operational areas of the proposed western extension to prevent the entry of animals and it will be designed to serve also as appropriate security fencing. ENRMF is the subject of Environmental Permits. Site security is the subject of the Environmental Permit and has been agreed with the Environment Agency on the basis of risk. The entire operational landfill, reception area and site entrance will continue to be covered by 24 hour CCTV. The CCTV cameras in the site reception area are shown on the General Arrangement Plan Work No 3 (PINS document reference 2.6) (APP-009). The CCTV system includes night vision and motion sensing. The CCTV feeds will continue to be manned remotely. In the event of intrusion the police and site management will be called. It is agreed that there are no remaining concerns regarding site security.
- 2.5** The restored site will be developed as a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. The restoration proposals include the provision of permissive footpaths around the site and the retention of an area at the site access for a small car park for visitors.
- 2.6** As part of the management system in place as a condition of the Environmental Permit the site has an Emergency Plan which is reviewed regularly and updated accordingly. The need for specific decontamination facilities is not identified in risk assessments taking into account the nature of materials managed and the activities



at the site. However hand sprays are available for use if necessary. The Emergency Plan is available for inspection and was provided to Northamptonshire Police for their information during their last visit to the site which was on 11 November 2021.

- 2.7** The nature of the wastes that are accepted at the site are controlled by the Environmental Permits. The wastes that are accepted at the site have limited flammability or combustibility and do not comprise biodegradable materials. The materials will not change as a result of the proposed development.

**3. Specific issues raised in the Rule 6 letter**

- 3.1** Two issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground. These points are listed in Table 1 to this document together with agreed comments in response to each.

#### **4. Requirements in the draft DCO**

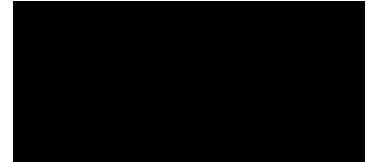
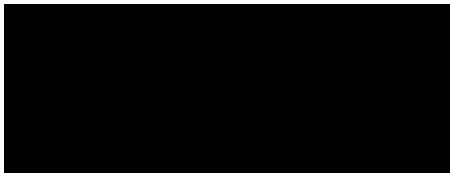
**4.1** In Schedule 2 of the draft DCO, Requirement 12 states that the site security measures including the 1.8m palisade fence around the landfill gas management compound shall be maintained throughout the life of the operations at the site and beyond until the relevant planning authority, in consultation with the Environment Agency, determines and confirms in writing that the site security measures are no longer required and thereafter, any fences shall be removed within a period of 3 months. These provisions are agreed as appropriate.

**4.2** No further Requirements are considered necessary in the DCO by Northamptonshire Police or Northamptonshire Fire and Rescue Service.

**5. Agreement**

5.1 This statement has been agreed between Augean South Limited and the Northamptonshire Police and Northamptonshire Fire and Rescue Service.

Signed:



On behalf of Augean South Limited

Infrastructure Planning Manager on behalf of Northamptonshire Police and Northamptonshire Fire and Rescue Service

Date: 3 March 2022

Table 1

## Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and other matters

Issue	Comments and conclusions
<b>Annex E to the Rule 6 letter</b>	
<p>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>	<p>Northamptonshire Police and Crime Commissioner and Northamptonshire Fire and Rescue Service were separately consulted at the scoping stage 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. 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>
<p>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>	<p>See paragraph 2.3 in this document. 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. It is agreed that the risk of anti-social behaviour or fire risk associated with the construction operations is negligible.</p>

**APPENDIX G**

**SOCG BETWEEN AUGEAN SOUTH LIMITED AND BUTTERLY CONSERVATION**



**FIRST DRAFT FOR SUBMISSION TO PINS**

**EAST NORTHANTS RESOURCE MANAGEMENT  
FACILITY, STAMFORD ROAD,  
NORTHAMPTONSHIRE**

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND BUTTERFLY  
CONSERVATION**

Report reference: WS010005/SOCG/BC/V3  
March 2022

**PINS document reference: 7.9**



Technical advisers on environmental issues

**The text which is agreed is shown in green  
The text which is under discussion is shown in amber**

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**TABLES**

Table 1	Responses to the specific issues raised in the Relevant Representation
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## 1. Summary

- 1.1 This document comprises a Statement of Common Ground agreed between Augean South Limited and Butterfly Conservation. It sets out the areas and issues on which the parties are agreed and identifies any material differences between the parties in order to assist the Examining Authority.

## 2. Introduction

2.1 This document comprises the Statement of Common Ground agreed between Augean South Limited and Butterfly Conservation. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties. A number of issues have been identified by the Examining Authority in Annex E to the Rule 6 letter dated 6 January 2022 which should be considered in this Statement of Common Ground and these are included in the text below. The specific points raised by Butterfly Conservation in their Relevant Representation are listed in Table 1 to this document together with agreed comments in response to each.

2.2 Correspondence with Back from the Brink 'Roots of Rockingham' project regarding the proposals for the extension at ENRMF was undertaken in January 2021. This project was led by Butterfly Conservation. A meeting was held with a number of parties including Back from the Brink/Butterfly Conservation on 18 May 2021 to discuss the ENRMF Western Extension restoration proposals and the mitigation considerations. It is agreed that where possible the proposals put forward at that meeting were incorporated into the final restoration design.

### **Environmental setting and description of the site**

2.3 The details of the site location, description and environmental setting and other information are set out in section 3 and Figures ES1.1 (PINS document reference 5.3.1.1) (APP-050), ES1.2 (PINS document reference 5.3.1.2) (APP-051), ES3.2 (PINS document reference 5.3.3.2) (APP-055), ES3.3 (PINS document reference 5.3.3.3) (APP-053) and ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement (PINS document reference 5.2) (APP-049) including the

locations of and distances to properties and sites of ecological interest in the vicinity of the site. There are no material areas of disagreement on these descriptions.

- 2.4** The operations at the existing ENRMF are the subject of Environmental Permits issued and regulated by the Environment Agency. Any extension to the waste management operations at the site will continue to be the subject of Environmental Permits.

### **The proposed development**

- 2.5** The proposed development is described in sections 4 to 9 of the Environmental Statement. The proposed development comprises the construction of new landfill void to the west of the currently consented hazardous waste and LLW landfill area (the proposed western extension) and amendment of the restoration profile and the timescale for completion of the existing ENRMF landfill in order to integrate the final landscape of the existing ENRMF with the western extension.
- 2.6** The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. The phasing order for the proposed western landfill area has been finalised following responses to the pre-application consultation and is designed to achieve the completion of the northern area of the western extension at the earliest opportunity. It is agreed that 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 continuity between the woodlands either side of the northern section of the site. It is acknowledged that the current projection is that the first, northernmost, area (Phase 12) will be restored in around 5 years from the start of the commencement of cell excavation work in that phase. The additional site investigations in the central

area of the extension will take place while Phases 12 and 13 are being developed and filled and before the design of Phase 14 is finalised enabling completion of all of Phases 12 to 14 in as short a timescale as possible. It is acknowledged that the proposals specify that once these phases are completed and restored, they will not be disturbed as part of ongoing site operations to the south and they will not be used for stockpiling (Appendix DEC D to the DCO Environmental Commitments Document. PINS document reference 6.5) (APP-110).

- 2.7** The proposed afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. The waterbodies are not located on the landfilled areas. The planting of trees on capped landfill sites is accepted standard practice provided that there is at least 1.5m of restoration materials placed above the engineered capping layer.
- 2.8** 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 proposed target of 10% for NSIP projects in the Environment Act 2021. It is agreed that 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. As stated in their relevant representation Natural England (RR-10) support the delivery of 110% biodiversity net gain and the use of the Defra 3.0 metric. Butterfly Conservation are satisfied with the Natural England conclusions.

## Ecological assessment

- 2.9** As stated in Section 13 of the Environmental Statement the ecology and biodiversity of the site and the surrounding area have been examined extensively to facilitate an assessment of the potential impacts on flora and fauna as a result of the proposed development. It is agreed that surveys have been undertaken including a preliminary ecological appraisal, a Phase 1 habitat survey and a wide range of field surveys covering plant communities, invertebrates, amphibians, reptiles, birds, bats, badgers, dormice and other mammals. **It is agreed that these surveys are sufficient to assess the potential ecological impacts of the proposed development.**
- 2.10** The ecological requirements of the species already present and the information and recommendations of many consultees has been carefully considered and taken into account during the design of the proposed development, enhancement and mitigation measures and restoration scheme. It is agreed that the habitats and plant communities which are ecologically important features of the proposed western extension are the wood margin ditches and grassland and hedgerows that provide habitat for important species including amphibians, reptiles and invertebrates (Paragraph 13.3.13 of the Environmental Statement) (APP-049).
- 2.11** It is acknowledged that the mitigation proposals include standoffs for the protection and enhancement of these field margins as set out in the Boundary Design Principles for the Proposed Western Extension (Appendix DEC B to the DCO Environmental Commitments Document. PINS document reference 6.5) (APP-110).
- 2.12** It is acknowledged that the pre- construction enhancement and protection measures set out in the Ecological Management Monitoring and Aftercare Plan (Appendix DEC E to the DCO Environmental Commitments Document. PINS document reference

6.5) (APP-110) include the planting of a new species-rich native hedgerow parallel to the existing patchy hedgerow/largely dead treeline along the northwest and northern boundary of the north field of the proposed Western Extension to improve connectivity for larval habitat for butterflies and food sources for invertebrates. It is agreed that these proposals will enhance the habitats and improve connectivity for a range of mammals and adders.

**2.13** Based on the proposed site design and mitigation measures together with the progressive restoration of the site it is concluded that the development can be undertaken with minimal impact on the ecological interest at and in the vicinity of the site. It is agreed that in the long term the new and enhanced habitats will provide a great benefit to species present at and in the vicinity of the site and to the whole of the Rockingham Forest area.

**2.14** Detailed mitigation and enhancement measures have been embedded into the site design to minimise the short term negative effects and maximise long term biodiversity gain. It is agreed that the Restoration Concept Scheme (PINS document reference 2.8) (APP-011) provides substantial habitat creation, restoration and connectivity opportunity, with the restoration plans designed to revert the entire application boundary from primarily arable land to natural habitat.

**3. Areas on which there is disagreement**

**3.1** *If there are any areas of material disagreement they should be identified as specifically as possible here.*

#### 4. Requirements in the draft DCO

- 4.1** In Schedule 2 of the draft DCO, 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 B of PINS document reference 6.5) (APP-110) and (d) the restored landform profile (PINS document reference 2.9) (APP-012). The details of the standoffs from the site boundary are presented at Appendix B of the DCO Environmental Commitments document. It is agreed that the standoffs from the site boundary will preserve and enhance the uncultivated margins of the agricultural fields in the proposed western extension which provide the most favourable habitat for wildlife present currently in the proposed western extension area. These areas will be continually available for use by fauna throughout the operations.
- 4.2** Requirement 4 addresses phasing, landscaping and restoration. A phasing, landscaping and restoration scheme must be submitted within 24 months of the date of the Order. The phasing, landscaping and restoration scheme will be reviewed every 2 years and updated where necessary based on the progress of the operations and restoration on site. It is agreed that the review and updating where necessary of the scheme every 2 years will provide control over the progress of landscaping and restoration at the site.
- 4.3** 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. 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. It is agreed that at the time of year when lighting might be needed during working hours (i.e. winter), bats will be in hibernation.

- 4.4 There are no further requirements that Butterfly Conservation wish to be included in the draft DCO.

**5. Agreement**

**5.1** This statement has been agreed between Augean South Limited and Butterfly Conservation.

Signed:

On behalf of Augean South Limited

On behalf of Butterfly Conservation

Date: 2022

Table 1

## Responses to the specific issues raised in the Relevant Representation

Issue raised in the Relevant Representation	Comments and conclusions
<p>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.</p>	<p>It is agreed that surveys for adder were undertaken as part of the baseline surveys described in paragraph 2.9 of this document. 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. It is agreed 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.</p>
<p>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.</p>	<p>It is agreed that the arable fields are currently unfavourable for adders.</p> <p>As stated in paragraphs 2.11 and 4.1 of this document a wide margin will be retained around the borders of all woodland, including the root protection area for the adjoining woods. 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. It is acknowledged that it is proposed that all of the margins around the proposed western extension will be enhanced as set out above and that this will support strong populations of invertebrates</p>

Issue raised in the Relevant Representation	Comments and conclusions
	and their predators, that is reptiles, amphibians, birds and bats, on all boundaries.
<p>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>	<p>It is stated in Section 8.1 of Appendix ES 13.1 (PINS document reference 5.4.13.1) (APP-087) that a number of pre-development measures will be undertaken including:</p> <ul style="list-style-type: none"> <li>• 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. This double hedgerow will provide egg laying sites and larval food plants for some of the important woodland butterflies (including white-letter and black hairstreaks) and strengthen connectivity for a range of other invertebrates and mammals, including dormice.</li> <li>• Creating a bank and planting a new hedgerow/treeline along the southeast boundary of the southern field to the west of the farm track.</li> <li>• 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.</li> <li>• Delineating a wide buffer-strip, around the whole of the northern field of the proposed western extension.</li> <li>• Low scrub, including bramble, will be encouraged to spread over the tussocky areas and any available deadwood, bricks or rubble will be used to create hibernacula and basking areas.</li> </ul>

Issue raised in the Relevant Representation	Comments and conclusions
	<p>As stated in Paragraph 9.5.3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087) 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>It is agreed that in the long term connectivity between Fineshade Woods and Collyweston Great Wood will be enhanced.</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 Bat, Soprano Pipistrelle Bat &amp; Noctule), highlighting their importance as commuting routes for bats.</p>	<p>It is agreed 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 species and some bats do also cross the open fields both north and south of the central hedgerow in the Western Extension.</p> <p>Three wide, grassy corridors 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; it is agreed that all British bats are insectivores and the species-rich grassland and hedgerows will be designed to attract insects and therefore provide additional foraging.</p>

Issue raised in the Relevant Representation	Comments and conclusions
<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, the effect of dust produced during operation on these woodland edges and wildlife that use them, and the effect of lighting on bats using the woodland edges and hedgerows for commuting/foraging.</p>	<p>See comments above on hedgerows.</p> <p>Dust control measures are in place at the site with respect to the current operations. It is acknowledged that these dust control measures will be extended to include the western extension. The dust control measures will be regulated by the Environment Agency as part of the Environmental Permits for the site.</p> <p>See paragraph 4.3 of this report with respect to the lighting.</p> <p>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, it will be directed downward. It is agreed that at the time of year when lighting might be needed during working hours (i.e. winter), bats will be in hibernation.</p>
<p>If the extension gains approval we would want to ensure that connectivity between the two woodland blocks (Fineshade &amp; Collyweston Great Wood) is maintained during operation.</p>	<p>See comments above on connectivity.</p>
<p>Mitigation work after operation would provide an opportunity to improve connectivity between the two woodland blocks, with natural generation or carefully managed woodland restoration.</p>	<p>See comments above on connectivity. The woodland created during the restoration will be lowland deciduous mixed woodland. The woodland will be advanced succession woodland to allow for some natural regeneration. It is agreed that these proposals are beneficial and will encourage natural generation.</p>

Issue raised in the Relevant Representation	Comments and conclusions
<p>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.</p>	<p>As stated in paragraph 2.7 of this document the proposed restoration is to a mosaic of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. It is agreed that this will complement and link existing habitats to give a greater area of woodland, with habitats also 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 restore 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). It is agreed that the restoration proposals as set out in the Restoration Concept Plan will provide significant benefits to species including butterflies and provide significant biodiversity gain.</p>
<p>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 &amp; Chequered Skipper as well as provide foraging areas for bats.</p>	