

## **Application by Augean South Limited for East Northants Resource Management Facility Western Extension**

### **The Examining Authority's Written Questions and Requests for Information (ExQ1)**

**Issued on 9 February 2022]**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 6 January 2022. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on General and Cross-topic issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [enrmfextension@planninginspectorate.gov.uk](mailto:enrmfextension@planninginspectorate.gov.uk) and include 'East Northants Resource Management FacilityWestern Extension' in the subject line of your email.

**Responses are due by Deadline 2: Friday 4 March 2022**

**Abbreviations used:**

<b>Art</b>	Article	<b>NE</b>	Natural England
<b>BNG</b>	Biodiversity Net Gain	<b>NNC</b>	North Northamptonshire Council
<b>BoR</b>	Book of Reference	<b>NNR</b>	National Nature Reserve
<b>dDCO</b>	Draft DCO	<b>NPS</b>	National Policy Statement
<b>DEC</b>	DCO Environmental Commitments	<b>NSER</b>	No Significant Effects Report
<b>Defra</b>	Department for Environment, Food and Rural Affairs	<b>NPSHW</b>	National Policy Statement for Hazardous Waste
<b>EA</b>	Environment Agency	<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>EM</b>	Explanatory Memorandum	<b>PA2008</b>	Planning Act 2008
<b>EMMAP</b>	Ecological Management, Monitoring and Aftercare Plan		
<b>ENRMFWE</b>	East Northants Resource Management Facility Western Extension	<b>PM</b>	Particulate Matter
<b>EP</b>	Environmental Permit	<b>R</b>	Requirement
<b>ES</b>	Environmental Statement	<b>RR</b>	Relevant Representation
<b>ExA</b>	Examining Authority	<b>SAC</b>	Special Area of Conservation
<b>HRA</b>	Habitats Regulations Assessment	<b>SI</b>	Statutory Instrument
<b>LIR</b>	Local Impact Report	<b>SoS</b>	Secretary of State
<b>LPA</b>	Local planning authority	<b>SSSI</b>	Site of Special Scientific Interest
<b>LSE</b>	Likely Significant Effects	<b>SWMP</b>	Surface Water Management Plan
<b>MP</b>	Model Provision (in the MP Order)	<b>UKHSA</b>	UK Health Security Agency
<b>MP Order</b>	The Infrastructure Planning (Model Provisions) Order 2009	<b>WFD</b>	Water Framework Directive



## **The Examination Library**

References in these questions set out in square brackets (e.g [APP-010]) are to documents catalogued in the Examination Library (EL). The Examination Library can be obtained from the following link: [Examination Library](#) and will be updated as the Examination progresses.

<b>Index</b>	
<b>1. General and Cross-topic Questions.....</b>	<b>5</b>
1.1 Environmental controls.....	5
1.2 ES Methodology.....	6
1.3 Proposed Development.....	6
1.4 General .....	7
<b>2. Air Quality and Emissions.....</b>	<b>7</b>
2.1 Methodology .....	7
2.2 Assessment .....	8
2.3 Mitigation and Monitoring .....	8
<b>3. Biodiversity (including Habitats Regulations Assessment (HRA)).....</b>	<b>9</b>
3.1 Methodology .....	9
3.2 Assessment .....	9
3.3 Mitigation and Monitoring .....	9
3.4 Protected species.....	11
3.5 Habitats Regulations Assessment (HRA) .....	11
<b>4. Draft Development Consent Order and Explanatory Memorandum.....</b>	<b>11</b>
4.1 General .....	11
4.2 Articles.....	12
4.3 Schedules.....	13
4.4 Requirements.....	14
4.5 Protective Provisions .....	16
<b>5. Ground conditions .....</b>	<b>16</b>
5.1 Assessment .....	16
<b>6. Historic environment.....</b>	<b>17</b>
6.1 Mitigation .....	17
<b>7. Human health.....</b>	<b>17</b>
7.1 Assessment .....	17
7.2 Mitigation and Monitoring .....	18
<b>8. Landscape and visual .....</b>	<b>18</b>
8.1 Methodology .....	18
8.2 Assessment .....	19
8.3 Mitigation .....	20
<b>9. Land use, soils and socio-economic effects .....</b>	<b>21</b>
9.1 Land use .....	21
9.2 Soils .....	21
9.3 Socio-economic .....	22
<b>10. Noise and vibration .....</b>	<b>23</b>
10.1 Assessment .....	23
10.2 Mitigation .....	24
<b>11. Safety and Security .....</b>	<b>24</b>
11.1 Safety .....	24
11.2 Security .....	25
<b>12. Transportation and traffic .....</b>	<b>25</b>
12.1 Assessment .....	25
<b>13. Waste Management.....</b>	<b>26</b>
13.1 Assessment .....	26
13.2 Mitigation .....	27
<b>14. Water Environment .....</b>	<b>27</b>
14.1 Baseline and Assessment.....	27
14.2 Mitigation and Monitoring .....	29

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
<b>1. General and Cross-topic Questions</b>		
<b>1.1 Environmental controls</b>		
Q1.1.1	The Applicant	Please provide copies of the: <ul style="list-style-type: none"> <li>• existing Environmental Permits (EPs) for the site;</li> <li>• applications for new EPs for the Proposed Development.</li> </ul>
Q1.1.2	The Applicant and the EA	Please provide an update on the applications for the new EPs including: <ul style="list-style-type: none"> <li>• the scope of the applications;</li> <li>• any outstanding issues and/or requirements for additional information;</li> <li>• anticipated control mechanisms, management plans, limitations, conditions and monitoring requirements;</li> <li>• the timetable for issuing decisions.</li> </ul>
Q1.1.3	The Applicant and the EA	Please provide information on any instances of non-compliance and/or difficulties with compliance with the existing EPs.
Q1.1.4	The Applicant	Where quantitative assessment information is indicated within the Environmental Statement (ES) text [APP-049] to be available in respect of the western extension/updated permits, it is generally not presented within the ES. Instead, the ES makes reference to other documents such as an updated Environmental Safety Case, updated Detailed Quantitative Groundwater (Hydrogeological) Risk Assessment and Existing Permits, which themselves have not been submitted to the examination at present. The ES states that these assessments have been submitted to the Environment Agency (EA). <p>(i) Please provide copies of all documentation relied upon to inform the assessment of effects in the ES.</p> <p>(ii) Please provide a commentary on the thresholds for compliance with the relevant standards used in these assessments compared with the 'significant effect' threshold used in the ES.</p>
Q1.1.5	NNC, EA, UKHSA	ES Section 8.3 sets out the proposals for site and environmental monitoring at the Proposed Development. Please comment on the scope and effectiveness of these proposals as they relate to your areas of responsibility.

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q1.1.6	The Applicant, EA, NE, NNC	Apart from the Planning Obligation, EPs and protected species licences, are any other consents, licenses or agreements required to implement the Proposed Development. If so, please set out their scope, status and any implications for the Development Consent Order DCO [APP-017].
<b>1.2 ES Methodology</b>		
Q1.2.1	The Applicant	The ES lacks clarity regarding the application of methodological approaches and the significance criteria used in the assessment of likely significant effects (LSE). To provide additional clarity, please supply: (i) a summary table of the potential significant effects of the Proposed Development and their residual significance following mitigation for all aspect chapters. ii) The significance criteria used to determine effects on Water Quality (Chapter 17) and Climate Change (Chapter 24). iii) An assessment of the greenhouse gas emissions during construction, explaining the method of assessment and the significance of effects. iv) Carbon calculations to support the greenhouse gas emissions assessment from operational activities and a specific conclusion regarding the potential for LSE.
Q1.2.2	NNC, EA and NE	Please comment on the methodological approaches used in the ES which are relevant to your areas of responsibility.
Q1.2.3	NNC, EA and NE	ES Chapters 12 to 25 include assessments of cumulative impacts with other developments or facilities. Are there any other existing or planned developments or facilities which should be included in these assessments?
<b>1.3 Proposed Development</b>		
Q1.3.1	The Applicant	Paragraph 5.2.1 of the ES sets out the principles of the design and phasing of the landfill, but states that ' <i>minor amendments which are not material in land use terms may be made to take into account details of the phase-specific</i> ' considerations. Who and how would it be determined whether any amendments are not material and how would this be controlled in the DCO?
Q1.3.2	The Applicant, National Grid, Western Power Distribution,	Appendix ES5.1 [APP-083] sets out the design principles for stand-off distances to be adopted in the Proposed Development for various features. Please comment on these principles for the features in which you have an interest.

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
	Anglian Water, NE, EA, Cecil Estate Family Trust	
Q1.3.3	The Applicant	ES paragraphs 10.4.6 and 10.4.7 deal with the consideration of an alternative location for the Proposed Development to the south of the existing site. It would appear that this option was not pursued primarily because the land was not available for purchase. What consideration was given to the use of compulsory acquisition of this land.
Q1.3.4	The Applicant	ES paragraph 10.5.7 describes a desk-based review of alternative locations and concludes that four sites ' <i>were identified as potentially worth further investigation to obtain additional detailed information.</i> ' What further investigations were carried out? Where are the results reported? Was this a separate exercise from the one described at ES paragraph 10.5.9?
Q1.3.5	The Applicant	Section 4.5 of the National Planning Policy for Hazardous Waste (NPSHW) sets out the criteria for 'Good Design'. Please explain how these criteria have been applied to each of the Works identified in Schedule 1 of the dDCO.
<b>1.4</b>	<b>General</b>	
Q1.4.1	NNC	Sections 7 to 9 of the Planning Statement [APP-103] include reviews of relevant development plan and other local policies. (i) Please comment on the extent to which the Proposed Development complies with the reviewed policies. (ii) Are any other development plan or other local policies relevant to the Proposed Development. If so, please provide copies and comment on the extent to which the Proposed Development complies with them.
Q1.4.2	The Applicant	Please provide a copy of the Option Agreement for the proposed western extension land (Works 1B).
Q1.4.3	The Applicant	The draft section 106 Agreement [APP-109] includes Howard Farms Limited as a party to the Agreement. However, there is no provision for that party to sign it. Please provide an explanation or, if appropriate, a revised draft Agreement.
<b>2.</b>	<b>Air Quality and Emissions</b>	
<b>2.1</b>	<b>Methodology</b>	

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q2.1.1	The Applicant	Please provide a justification for Collyweston Great Wood and Easton Hornstocks National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI) being a low sensitivity receptor in ES Table ES22.2. The Institute of Air Quality Management Guidance at Box 5 suggests that such designations should be categorised as medium sensitivity.
Q2.1.2	NE	Please comment on the matter raised in Q2.1.1.
Q2.1.3	The Applicant	Please provide a justification for the pathway effectiveness categories adopted in ES Table ES22.2.
<b>2.2</b>	<b>Assessment</b>	
Q2.2.1	The Applicant	What thresholds for gas emissions and particulates are/would be set in the existing and proposed EPs (ES paragraph 21.4.7)? Please comment on how these thresholds compare with the 'significant effect' measure normally established in the ES.
Q2.2.2	NE	Please comment on the finding at ES paragraph 21.4.6 that a PM <sub>10</sub> level of 10mcg/m <sup>3</sup> would not have an adverse effect on plants and animals.
<b>2.3</b>	<b>Mitigation and Monitoring</b>	
Q2.3.1	The Applicant	Please clarify whether the Proposed Development would be connected to the active gas collection system.
Q2.3.2	The Applicant	ES paragraph 21.4.4 advises that complaints would be investigated and responded to in accordance with the Augean externally certified Environmental Management System. Have details of that system been submitted with the DCO application? How would the complaints process be controlled in the DCO?
Q2.3.3	NNC	Has the existing site been the subject of complaints to the Council on air quality matters? If so, please summarise their relevance to the Proposed Development.
Q2.3.4	NNC, EA and NE	Please comment on the Applicant's contention (ES paragraph 21.5.2) that no controls over dust and particulate matter are necessary in the DCO.
Q2.3.5	NCC	Please comment on the scope and effectiveness of the Dust Management Scheme ([APP-110] Appendix DEC H).
Q2.3.6	The Applicant	Having regard to the characterisation at ES paragraph 21.4.2 of the hazardous waste which has been, and will be deposited at the site, please confirm why flaring is necessary



**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		to control the gas generation of the landfill and whether an assessment of other options, such as reuse, has been considered.
<b>3. Biodiversity (including Habitats Regulations Assessment (HRA))</b>		
<b>3.1 Methodology</b>		
Q3.1.1	The Applicant	Please confirm whether the assessment of non-human biota using the ERICA toolkit assessment 2019 version has been undertaken for the Proposed Development, as indicated by paragraph 13.2.6 of the ES [APP-049]. If so, please submit the findings to the Examination. If not, please provide an update on progress towards submission.
<b>3.2 Assessment</b>		
Q3.2.1	The Applicant, NE	ES paragraphs 9.3.7 and 9.3.8 advise that NE and others would like to see the restoration scheme planting linking the wooded areas around the site. The ES considers that planting grassland with pockets of trees would provide more bio-diversity over time than new woodland planting. Please comment on how this approach to planting would link with the adjoining woodland, particularly having regard to the mowing regime for the grassland (see ES paragraph 9.3.6) and the objective of providing public access to the restored site.
Q3.2.2	The Applicant	ES Appendix 13.1 [APP-087] paragraph 7.1.3 (fifth bullet) implies that dust emissions monitoring takes place at the site boundary. However, it also states that, whereas large dust particles are deposited fairly rapidly, <i>'smaller particles including PM<sub>10</sub> have the potential to travel greater distances from the point of arising'</i> . Please provide any information on the assessment of dust deposition beyond the site boundary, particularly in relation to the adjoining SSSI.
Q3.2.3	The Applicant and NE	It is proposed to remove two 'important' hedgerows (Hedgerow Removal Plan [APP-013]) and replace them as part of the restoration scheme. Please comment on the effectiveness and timescale for the replacement hedgerows to provide a comparable level of connectivity for reptiles (ES paragraph 13.5.3) to the existing hedgerows.
<b>3.3 Mitigation and Monitoring</b>		
Q3.3.1	The Applicant	The ExA notes reference to the need for a protected species licence from NE for great crested newts (paragraphs 5.3.5 and 13.6.2 of the ES and Appendix ES13.1) and that an initial application has been made to NE Wildlife Licensing. NE's RR [RR-010] also advises that should an application for an EPS licence be required, it encourages the submission of

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		a full draft licence application as soon as possible. Please provide an update with regards to the initial licence application to NE Wildlife Licensing.
Q3.3.2	The Applicant	Paragraph 13.2.3 of the ES states that the existing operation has an Environmental Management and Aftercare Plan (EMAP) which will be replaced. Please clarify how the new Ecological Management, Monitoring and Aftercare Plan (EMMAP) [APP-110] Appendix DEC E would ensure that the current levels of management and care would be maintained and not reduced compared with the existing EMAP.
Q3.3.3	The Applicant	Paragraph 13.5.4 of the ES states that Japanese knotweed treatment is ongoing. Based on the known presence of knotweed, please confirm whether a site-specific Invasive Species Management Plan is being prepared. If so, please submit it to the Examination.
Q3.3.4	The Applicant	Please confirm whether the Bio-diversity Net Gain (BNG) figures set out in ES paragraph 13.5.12 refer to the final restored landform, or to the measures to be undertaken before and during the operation of the Proposed Development.
Q3.3.5	The Applicant	Paragraph 13.6.3 of the ES states that as phases are completed and restored, fencing will be removed to allow wildlife to enter the areas. It is noted within [RR-004] (Butterfly Conservation) that connectivity between corridors should be maintained at all times. Please confirm whether or how this objective has been taken into account in the phasing plan or secured within the Ecological Management, Monitoring and Aftercare Plan (EMMAP) (Appendix DEC E) [APP-110] as set out in Q3.3.2 and Q3.3.8?
Q3.3.6	The Applicant	It is noted that a tree group, including T03, near the swallow hole may be removed to facilitate access (as detailed in paragraph 3.3.4 of Appendix 2 (Arboricultural Impact Assessment) of Appendix ES13.1). Root Protection Areas (RPA) are identified in Figure 1-01 of the Arboriculture Impact Assessment for this tree group suggesting that they might be retained. Please confirm whether this tree group is to be removed and if so, where the effects of this have been assessed within the ES chapter.
Q3.3.7	The Applicant	ES section 13.6 sets out the three phases of measures proposed to avoid impacts, protect species and enhance habitats.  (i) How would the measures planned to take place before the consented DCO operations be controlled through the DCO [APP-017]?

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		(ii) Please provide further commentary of the graph on ES page 143, in particular how the variations in the bio-diversity would change over time.
Q3.3.8	NNC	Please comment on the scope and effectiveness of the EMMAP ([APP-110] Appendix DEC E)
<b>3.4</b>	<b>Protected species</b>	
Q3.4.1	The Applicant and NE	Noting Q3.3.1 with regard to GCN, are any other protected species licences required to implement the Proposed Development? If so, would NE please comment on any letters of no impediment.
Q3.4.2	The Applicant and NE	Please provide a copy of the standing advice for protected species as referenced in the hyperlink at paragraph 2.10.2 of [RR-010].
<b>3.5</b>	<b>Habitats Regulations Assessment (HRA)</b>	
Q3.5.1	The Applicant	Paragraph 5.6 of the HRA No Significant Effects Report (NSER) [APP-102] states that: <i>"The only potential pathways for likely significant effects on Barnack Hills and Holes SAC are as a result of dust and emissions of NOx to air (which may relate to deposition of nitrogen) and of emissions to water, which could affect water quality."</i> However, the ExA notes that only air quality effects are discussed for LSE on this Special Area for Conservation (SAC) (including in the screening matrix for the SAC) and there is no further reference to effects from emissions to water for this SAC. Please confirm whether there is any potential effect pathway due to emissions to water from the Proposed Development to the SAC and if so, whether there would be a LSE arising from any such effect.
Q3.5.2	NE	The Applicant has concluded in its NSER (paragraphs 9.1 and 9.2 and Appendix 4) that there are no LSE on the qualifying features of any European Sites. NE was satisfied that the then scheme would not have LSE.  (i) Are you still satisfied that the scheme as submitted would not have LSE and that an HRA / Appropriate Assessment is not required?  (ii) Are you content that the controls necessary to achieve this outcome would be provided by dDCO and the existing and anticipated EPs for the existing site and Proposed Development?
<b>4.</b>	<b>Draft Development Consent Order and Explanatory Memorandum</b>	
<b>4.1</b>	<b>General</b>	

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q4.1.1	The Applicant	Please review the dDCO [APP-017] to ensure that all cross- and shoulder references are present and correct. For example, Art 15 refers to Schedule 4, rather than Schedule 6 and the shoulder references for a number of the Schedules are missing.
<b>4.2 Articles</b>		
Q4.2.1	The Applicant	<b>Art 2</b> This Art does not define the 'relevant planning authority' by name. Please explain why the relevant authority is not named or amend the Art to specify the name (see guidance at PINs Advice Note 15 paragraph 19.1).
Q4.2.2	The Applicant, NNC	<b>Art 4</b> Clause 2 of this Art specifies the point at which the Proposed Development will be constructed, operated and maintained in accordance with the plans certified under Art 18. Please comment on the need for Art 4 to include a clause to specify the point at which the Rs under the new DCO would come into force.
Q4.2.3	The Applicant	<b>Art 5</b> The limits of deviation for Work No 1 is set out in this Art and in Relevant Parameters [APP-110] Appendix DEC C. The latter document also sets out height parameters for Works Nos 2 and 3. Why are these parameters not included in Art 5?
Q4.2.4	The Applicant	<b>Art 5</b> The limits of deviation for Work No 1 allows the works to deviate vertically downwards to any extent as may be found necessary to construct the authorised development, subject to approval by the EA. Please explain why no depth is specified for the downward limit. Please cross reference with your answer to Q5.1.1.
Q4.2.5	EA	<b>Art 5</b> Does the EA have any comments or concerns with regard to the Applicant's limits of deviation in the dDCO or depths referenced in the ES [APP-049]?
Q4.2.6	The Applicant	<b>Arts 6, 10, 12 and 13</b> The draft Explanatory Memorandum (EM) [APP-019] in relation to these Arts lacks sufficient explanation as to how they differ from those on which they are based. Please provide an explanation for each of these Arts. It would be helpful if the EM were updated accordingly (see guidance at PINS Advice Note 15 paragraph 1.4).
Q4.2.7	The Applicant	<b>Arts 7, 10, 11, 14, 16 and 19</b> The draft EM in relation to these Arts lacks sufficient explanation as to why they are appropriate for the Proposed Development. Please provide an explanation for each of these Arts. It would be helpful if the EM were updated accordingly (see guidance at PINS Advice Note 15 paragraph 1.5).
Q4.2.8	The Applicant	<b>Art 10</b> This Art would allow the undertaker, with the consent of the street authority, to construct accesses at such locations as it considered reasonably necessary for the

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

ExQ1	Question to:	Question:
		<p>purposes of the authorised development. Having regard to the reliance on the use of the existing access in, for example, the assessments of noise and air quality, and the requirements of the Traffic Management Plan ([APP-110] Appendix DEC K), it would be helpful to understand how and where it is intended to exercise this power.</p>
Q4.2.9	NNC	<p><b>Art 10</b> Please comment on the terms and potential implications of this Art.</p> <p><b>NNC Response:</b> The street authority (NNC Highways) has not raised any objections to the proposed access to the public highway which is already existing. It is not envisaged there would be any need for additional access points to be required. The traffic management plan can be effectively implemented using the existing access. If however such a need arose, the consent of the local highway authority would be required</p>
Q4.2.10	The Applicant	<p><b>Art 12</b> The EM makes reference to 'the 1965 Act', but does not explain which Act is being referred to. Please clarify this reference and update the EM accordingly.</p>
Q4.2.11	The Applicant	<p><b>Art 17</b> Please provide an explanation of the need for this Art, including justification of the list of nuisances listed (by reference to Section 79(1) of the Environmental Protection Act 1990) in clause (1). It would be helpful if the EM were updated accordingly (see guidance at PINS Advice Note 15 paragraph 1.6).</p>
Q4.2.12	The Applicant	<p><b>Art 17</b> This Art would provide the undertaker with defence of statutory authority against a range of potential nuisance impacts. The Statutory Nuisance Statement [APP-108] relies in significant part on the controls to be provided by the EP for mitigation of potential nuisances. Paragraph 4.11 of the NPSHW requires the ExA to consider how nuisances may be mitigated and to recommend appropriate requirements to be included in the dDCO. Given this policy guidance, and that the defence of statutory authority derives from the DCO, should the mitigation relied upon to justify this power be included in the DCO rather than the EPs.</p>
Q4.2.13	The Applicant	<p><b>Art 18</b> Please provide reference numbers for the documents to be certified under this Art and update the dDCO accordingly.</p>
Q4.2.14	The Applicant, the EA, NE and NNC	<p><b>Art 18</b> Please comment on the need for documents other than those listed in the submitted dDCO to be certified under Art 18.</p>
<p><b>4.3 Schedules</b></p>		

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q4.3.1	The Applicant	<b>Schedule 1</b> Please update this schedule to cross reference the listed Works to the Works Plan [APP-006] (see guidance at PINS Advice Note 13 paragraphs 2.9 and 2.10).
Q4.3.2	The Applicant and the EA	<b>Schedule 1</b> Please comment on the need or otherwise for the terms 'predominantly' (hazardous waste) and 'small quantities' (of low level waste) as used in the descriptions of Work No 1 and Work No 2 to be defined by reference to specific quantities.
Q4.3.3	The Applicant	<b>Schedule 1, General Arrangement Plan Work No 2 [APP-008] and General Arrangement Plan Work No 3 [APP-009] , Relevant Parameters [APP-110] DEC C</b> Together, these items control the proposed works at the treatment facility and the reception area. However, they offer very little indication of the extent of the works proposed. Please clarify the layout, scale and massing of the structures proposed, perhaps by reference to illustrative material (see also Q4.2.3 and Q8.2.1).
Q4.3.4	The Applicant and the EA	<b>Schedule 2</b> Please comment on the need or otherwise for the EA to have a specified role in the discharge of certain Requirements, particularly having regard to the interaction between the DCO and the EPs intended to control the operation of the site.
Q4.3.5	The Applicant	<b>Schedule 3</b> Please explain why this schedule differs from the standard wording set out in Annex 1 of PINs Advice Note 15 and update the EM accordingly.
Q4.3.6	NNC	<b>Schedule 3</b> Please comment on the terms of Schedule 3 of the Applicant's submitted DCO.  NNC Response: In respect of the terms of Schedule 3; The Decision Period (8 weeks) as set out in Section 3 (1) and (2) of the Schedule is consistent with non-DCO applications and is considered to be acceptable and reasonable. The further Information procedure as set out in Section 4 is also considered to be acceptable and reasonable. It is understood that the Environment Agency has asked that the time period in 4(2)(b) for consultees to comment be increased to 21 business days and this is supported by NNC as being a more realistic period to allow the consultee to provide a response.
<b>4.4</b>	<b>Requirements</b>	

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q4.4.1	NNC, EA NE	<p><b>Requirements (R) 1 to 18</b> Please identify where it would be helpful, for example to bring certainty or to avoid misunderstandings, for further specific provisions to be included in any of the Requirements. Please explain why any such changes are necessary.</p> <p><b>NNC Response:</b></p> <p>Requirement 2 allows for 5 years to commence the development, when it is normally 3 years, unless there is justification for a longer period. The examining authority needs to consider this.</p> <p>Requirement 7. Low level waste should be defined in the Interpretation (if not defined elsewhere in the DCO).</p> <p>Aftercare. There is no specific requirement relating to aftercare of the restored site to ensure it is managed to achieve the restoration objectives and this should be added. The applicant has indicated in discussions that the intention is for a 20 year aftercare period and this should be included in the DCO requirements or in the Section 106 Agreement if it can't be legally included as a requirement.</p> <p>-</p> <p>In addition, a twenty year after-care requirement should also be covered in the Section 106 if this cannot legally be covered in the DCO requirements</p>
Q4.4.2	The Applicant and NNC	<p><b>R3</b> Please comment on the need or otherwise for the detailed design of Works Nos 2 and 3 to be subject to further approval.</p> <p><b>NNC Response:</b> The Works Plan identifies the areas for works Nos 2 and 3 which correlates with the part of the site where these works are currently located. The environmental and amenity impacts (other than height of buildings/structures) of these works are therefore not going to be materially significantly if there are any future changes. The detailed design of the works within these areas can therefore be awarded some flexibility however there should be a high limitation on any plant, structures, and buildings to ensure that there is no significant unacceptable visual amenity impact.</p>

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		<b>Works No 1 refers to small quantities of low level waste but does not quantify this so this is ambiguous. Can it be quantified?</b>
Q4.4.3	The Applicant	<b>R4</b> Please explain why the phasing, landscaping and restoration scheme could not be submitted for approval in less than 24 months for the date of the DCO. How would phasing and landscaping be controlled pending approval of the submitted scheme?
Q4.4.4	The Applicant, NNC and NE	<b>R4</b> Clause 4 requires the restoration of the site to be carried out in accordance with the latest phasing, landscaping and restoration scheme. Please comment on the need or otherwise for this R to include a provision requiring interim phases to be constructed in accordance with the latest phasing, landscaping and restoration scheme approved at the time.
Q4.4.5	NNC and EA	<b>R15</b> Please comment on the height limits in this R for the gas flare structure.
Q4.4.6	The Applicant	<b>R15</b> In the absence of a constraint on the minimum height of the gas flare flue, please explain how the dDCO as worded ensures that emissions from flue gas dispersion represent a realistic worst case
<b>4.5 Protective Provisions</b>		
Q4.5.1	The Applicant	<b>Art 15 and Schedule 6</b> Please amend Art 15 of the dDCO and the EM to refer to Schedule 6 rather than Schedule 4
Q4.5.2	The Applicant	<b>Art 15 and Schedule 6</b> Please provide the source for the wording of Schedule 6, and explain whether it has been amended to be specific to this project.
Q4.5.3	The Applicant, Western Power Distribution, Anglian Water and National Grid.	Please provide an update on any discussions on the Protective Provisions following the submission of the application and in the light of [RR-001] (National Grid and [RR-012] (Western Power Distribution).
Q4.5.4	The Applicant	Please confirm whether or not the Proposed Development affects statutory undertakers who have not been included in <b>Schedule 6</b> .
Q4.5.5	The Applicant and the EA	Please comment on the need or otherwise for Protective Provisions for the benefit of the EA.
<b>5. Ground conditions</b>		
<b>5.1 Assessment</b>		



**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q5.1.1	The Applicant	Paragraph 5.4.1 of the ES [APP-049] states that the excavations within the remaining existing site will be to a depth of around 13m below ground level / 74.5m Above Ordnance Datum (AOD), whereas paragraph 5.4.3 states the Proposed Development will utilise excavations to around 16m / 72m AOD depth. No specific reason is given for the additional depths within the Proposed Development. Please explain the variation in the anticipated excavation depths.
<b>6. Historic environment</b>		
<b>6.1 Mitigation</b>		
Q6.1.1	NNC	Please comment on the scope and effectiveness of the Archaeological Mitigation Strategy ([APP-110] Appendix DEC A).
<b>7. Human health</b>		
<b>7.1 Assessment</b>		
Q7.1.1	The Applicant and UKHSA	ES [APP-049] paragraph 12.3.3 advises that site visitors and workers are excluded from the assessment on the basis that they are protected by occupational health legislation. Please clarify the level of protection offered by that legislation and comment on the appropriateness of excluding these groups from the assessment, particularly having regard to the requirements of Schedule 4(5) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
Q7.1.2	The Applicant	ES section 12.4 and tables ES11.1 and ES11.2 assess potential exposure pathways for hazardous waste and Low Level Radioactive Waste (LLW) and refer to the measures in place to limit the likelihood of exposure occurring. What assessment has been made of events with a low likelihood of occurrence which nevertheless happen, for example accidents or incidents where the procedures were not followed or failed?
Q7.1.3	The Applicant	ES table 11.2 deals with a number of scenarios with the comment that ' <i>A risk assessment will be carried out to demonstrate that the risks from [the scenario] would not be unacceptable</i> '. This implies the risk assessment would be carried out after the event. Is that the intention? Should a risk assessment be carried out beforehand and its results used to implement appropriate procedures?

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q7.1.4	The Applicant	ES table 11.2 page 3 deals with an aircraft crash scenario. The comments do not appear to relate to this scenario. Please clarify.
Q7.1.5	The Applicant	ES paragraph 25.4.59 states that ' <i>There is no evidence based on the extensive ongoing engagement and communications with people and their representatives in the area around the site that the day to day activities at the site currently give rise to consistent significant concerns or anxiety regarding health or environmental impacts.</i> ' Please provide the evidence to support this statement.
Q7.1.6	The Applicant	How have equality, diversity and inclusion considerations been taken into account in the assessment of the effects of the Proposed Development on human health (ES Chapter 12)?
<b>7.2 Mitigation and Monitoring</b>		
Q7.2.1	The Applicant	ES paragraph 12.7.1 states that " <i>it is assumed that the waste is covered by a 1.6m thick layer of non-LLW material and a further layer of cover material at 1m depth.</i> " Please clarify: i) How this control measure would be secured and monitored within the DCO; ii) The details of the assessment that explains why 2.6m coverage is sufficient to avoid risks to future users of the restored landfill, controlled waters or biodiversity receptors (eg due to root penetration) when the restore site becomes open space.
<b>8. Landscape and visual</b>		
<b>8.1 Methodology</b>		
Q8.1.1	The Applicant	Please confirm the dates on which the photographs in Appendix A of the Landscape and Visual Impact Assessment (LVIA) [APP-088] were taken. In each case, the date given is '17/07/2020'. However LVIA paragraph 4.61 indicates that they were taken in January/February 2020 and in a number of the photographs the trees appear not to be in leaf (for example, Viewpoints 2, 3, 5, 6 and 7).
Q8.1.2	The Applicant	The methodology for the LVIA is said to be based on the Guidelines for Landscape and Visual Impact Assessment 3. Paragraph 6.28 of that document says that winter and summer seasons should be considered and discussed. However, the LVIA makes limited reference to the potentially differing landscape and visual effects during summer and winter months. Please clarify the LVIA's approach to this aspect of the assessment.

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

ExQ1	Question to:	Question:
Q8.1.3	The Applicant	The height parameters for Works Nos 2 and 3 defined in [APP-110] DEC C would potentially allow structures up to 15m high (Work No 2) and 8m (Work No 3) across the whole of the areas defined by the Works Plan [APP-006]. This amounts to the 'worst-case scenario' for the purposes of the Rochdale envelope assessment, notwithstanding that it is intended to provide flexibility for structures to be positioned anywhere within the area (LVIA assessment of landscape and visual effects tables). Please comment on this (possibly unintended) outcome and whether a more closely defined set of parameters for these works would be appropriate.
Q8.1.4	The Applicant and NNC	ES Section 9 and the Restoration Concept Scheme [APP-11] set out the landscape proposals for the restoration scheme. They include the planting of trees in relatively small groups informally located within predominantly grassland space. Please comment on this approach to the landscape design, particularly having regard to the findings of the landscape and visual impact and assessment (LVIA paragraphs 4.14 and 4.15) including a prevailing landscape characterised by large-scale agricultural fields and large woodland blocks and fields enclosed by linear hedge and tree planting.
<b>8.2 Assessment</b>		
Q8.2.1	The Applicant and NNC	<p>The ES finds that the extension of the length of time that operations would take place would not lead to significant effects on the landscape (ES paragraphs 14.5.2 and 14.5.6) or visual receptors (ES paragraph 14.6.1). Please comment further on this finding, particularly having regard to:</p> <ul style="list-style-type: none"> <li>the length of time that parts of the site would remain visually uncharacteristic features in the landscape;</li> </ul> <p><b>NNC Response:</b> It is acknowledged that the distance of the site from public viewpoints (particularly public rights of way) and intervening vegetation mitigate the landscape and visual impact of the landfill extension. The most significant views are from viewpoints 3 and 4 (public footpaths MX15 and MX13) although the existing landfill site and treatment plant are already visible from these viewpoints. The western extension will lengthen the time period that the operations at the site are visible to rights of way users, thereby having a negative impact on visual receptors. This needs to be considered in the planning balance.</p> <ul style="list-style-type: none"> <li>The extension to the site (along with the current site) will have significant impacts on the landscape character of the area. The ES acknowledges this during operational</li> </ul>

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

ExQ1	Question to:	Question:
		<p>works for the northern part of the western extension (paragraphs 14.5.3 and 14.5.6). This is a negative impact which has to be considered in the planning balance.</p> <ul style="list-style-type: none"> <li>the length of time that activities would take place;  <b>NNC Response: See above comment.</b></li> <li>the proximity of recreational routes; and the  <b>NNC Response: The nearest recreational routes are MX15 and MX13. See comments above.</b></li> <li>Area of Tranquillity designation (Policy 3 of the North Northamptonshire Core Strategy).  <b>NNC Response: The ES (paragraph 26.5.2) acknowledges that there that there would be temporary effects on the character and tranquillity within the proposed western extension during the operational phase of the development. This is a negative impact and should be considered in the planning balance.</b></li> </ul>
	NNC	<p>Please comment on the Zone of Theoretical Visibility (ES Figure ES14.1 [APP-064]) and no view findings.</p> <p><b>NNC Response: The ZTV as shown on ES Figure14.1 is accepted as being reasonable and therefore realistic.</b></p>
<p><b>8.3 Mitigation</b></p>		
Q8.3.1	The Applicant	<p>ES section 9.2 sets out the considerations leading to the proposed restoration landform. These include integration with the existing landfill and pipelines and best practice to maximise rainfall runoff and minimise rainfall infiltration. Please clarify how, or if, the landscape character of the surrounding area was taken into account in designing the proposed restoration landform.</p>
Q8.3.2	NNC	<p>Please comment on the proposed restoration landform having regard to the considerations identified in Q8.3.1.</p> <p><b>NNC Response: It is standard best practice for landfill sites to be raised to ensure that water drainage and infiltration is addressed. It is therefore accepted that this is an inevitable consequence of the proposed development.</b></p> <p><b>The creation of raised domed areas is not typical of the local landscape and as such will not be consistent with local landscape character. The presence of gas and water pipelines, and the creation of an open drainage ditch rather than a culvert, results in three separate</b></p>

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		domed profile areas (one in the north of the western extension and two in the south) separate from the main extended site. This adds to the degree of change in local landscape character. The permitted restoration profile for the existing landfill site already allows the creation of a raised domed landscape profile and as such the extension has to be considered in this context. Overall, there is a negative impact on landscape character and this needs to be taken into account in the planning balance.
Q8.3.3	NNC	Please comment on the scope and effectiveness of the Tree Management Scheme ([APP-110] Appendix DEC G).
<b>9. Land use, soils and socio-economic effects</b>		
<b>9.1 Land use</b>		
Q9.1.1	The Applicant and NNC	How would public access to the site following restoration be secured? What consultation has taken place regarding the responsibilities for managing and maintaining the space following restoration? What arrangements are in place to fund the on-going management and maintenance of the site following restoration. How would this be secured through the DCO or other mechanism?
Q9.1.2	NNC	Please comment on the restoration concept scheme, including with regard to the suitability and useability of the open space, access routes and accessibility.
Q9.1.3	EA	Are you satisfied that the submitted landfill engineering and containment design (ES Section 5.5 [APP-049]) and restoration proposals [APP-063] for the site would render it suitable for use as open space following restoration?
Q9.1.4	National Grid	Are you satisfied that the proposed public access to the site following restoration [APP-063] is compatible with the safety, security and maintenance of the retained gas pipeline?
<b>9.2 Soils</b>		
Q9.2.1	The Applicant	Paragraph 15.4.5 of the ES states that the grade 3A (Best and Most Versatile (BMV) soil will be protected (husbanded) and used only for restoration and creation of calcareous grassland. No evidence is provided that the high pH and calcium carbonate content (referenced as the reason for the use in calcareous grassland) can be preserved using this method (with the exception of outline information in Appendix ES15.1 [APP-089]), especially given the potential for a considerable length of time between excavation and

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		reuse. Please clarify how it would be ensured that the retained soil would remain suitable for its future reuse.
Q9.2.2	The Applicant	Please confirm whether the use of material for restoration described in the ES refers to the ongoing, and therefore likely shorter-term restoration of the existing facility, or to the Proposed Development which would be any time over the next 25 years.
Q9.2.3	The Applicant	Paragraph 15.5.1 of the ES states that all stripped topsoil and subsoil would be used for restoration of the site. Please confirm whether this is for the current or proposed landfill, and whether there is capacity for all of the soils excavated to be reused and therefore not requiring additional material to be imported, or in the event of a surplus of material, the destination for this material.
Q9.2.4	The Applicant	Paragraph 15.3.4 of the ES states that there is insufficient data to determine whether the duration and frequency of flooding is a limiting factor for the quality of the agricultural land. Please explain why you consider there is insufficient data, as other ES chapters, such as water resources and the flood risk assessment, refer to published data on the flood regime on the existing site that would appear to be suitable to underpin such an assessment.
Q9.2.5	NNC	Please comment on the scope and effectiveness of the Soil Handling and Management Scheme [APP-110] Appendix DEC I and the Stockpile Management Scheme [APP-110] Appendix DEC J.
<b>9.3</b>	<b>Socio-economic</b>	
Q9.3.1	NNC	ES paragraph 23.4.12 finds that the continued operation of site since the earlier DCO was granted ' <i>has had no significant adverse effect on these nearby developments [in Kings Cliffe] and the associated local economy.</i> ' Paragraph 23.4.29 finds that there has been no evidence of negative impacts on village infrastructure. Please comment on these findings.
Q9.3.2	The Applicant	ES paragraph 23.4.13 states that ' <i>There has been no evidence that indicates that there would be or has been any adverse effect on plant growth or the quality of crops or stigma associated with the nature of the site operations which could subsequently harm agricultural or forestry businesses.</i> ' Please provide the evidence to support this finding.
Q9.3.3	The Applicant	How would the community funding, preference for use of local services and employment and community engagement proposals in ES paragraph 23.5.3 be secured?

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q9.3.4	The Applicant	How have equality, diversity and inclusion considerations been taken into account in the assessment of the socio-economic effects of the Proposed Development (see advice at NPSHW paragraph 4.2.8)?
Q9.3.5	The Applicant	How have equality, diversity and inclusion considerations been taken into account in the design of the restoration concept scheme [APP-063]? How would these considerations be taken into account in the preparation of detailed proposals (DCO R4 [APP-017])?
Q9.3.6	The Applicant, NNC	<p>[RR-008] asserts that a Supreme Court decision (R (on the application of Wright) (Respondent) v Resilient Energy Severndale Ltd and Forest of Dean District Council) prevents a proposed contribution to a Community Fund in a Planning Obligation from being taken into account as a material consideration in decisions on planning applications and, by extension, in this DCO application. Please respond to this claim and its implications for the draft Planning Obligation in this case [APP-009].</p> <p><b>NCC Response: It is accepted by NNC that the proposed contribution of £5 per tonne of LLW to the community is not a material consideration to be taken into account in the planning balance. This was originally established as a voluntary contribution by Augean to offset the perception of harm in the local community. The applicant has proposed a continuation of the LLW community fund contributions through a Section 106 obligation and this is welcomed notwithstanding that it is not a material consideration.</b></p>
<b>10. Noise and vibration</b>		
<b>10.1 Assessment</b>		
Q10.1.1	The Applicant	ES [APP-049] paragraph 20.4.10 suggests that potential noise at the most affected noise-sensitive premises 'is likely to be occasionally present', but at or below the Lowest Observed Adverse Effect Level (LOAEL). Please clarify how this finding was reached.
Q10.1.2	The Applicant	ES paragraph 20.4.11 indicates that a 1dB change in road traffic noise equates to a 25% increase in traffic volume. Footnote 25 of ES Appendix ES20.1 [APP-097] indicates that this assumption is derived from DMRB HD213/11. That document has now been superseded by LA111. Is the assumption still valid? What does LA111 say on this point?
Q10.1.3	The Applicant	ES paragraph 20.4.14 refers to noise threshold levels of 65 or 70 dB(A) for construction activities. What is the source for these thresholds? Paragraph 2.2.3.32 of the Noise and Vibration Assessment refers to 'BS 5228-1:2009+A1:2014 Code of practice for noise and

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		vibration control on construction and open sites.' Do the references to 'construction' activities and sites imply a relatively short duration effect, which may in turn imply a lesser impact than the noise effects over the 20 year plus lifespan of the Proposed Development?
Q10.1.4	The Applicant	ES Appendix ES20.1 paragraph 4.6.2 advises that " <i>sources of vibration [for the site] are fairly low in intensity and tend to be localised with vibration levels dissipating readily over short distances. As a result vibration from these sources is rarely perceptible beyond the site boundary.</i> " Please clarify the evidence for this finding.
Q10.1.5	NNC	Please comment on the finding identified in Q10.1.4.
Q10.1.6	The Applicant	ES Appendix ES20.1 Section 4.7 is headed 'Construction Noise and Vibration'. However the following paragraphs do not refer to vibration. Please clarify the assessment of the vibration impacts of construction activity.
Q10.1.7	NE	Please comment on the findings of the noise and vibration assessments (ES Chapter 20 and Appendix ES20.1) with regard to effects on the adjoining SSSI.
<b>10.2 Mitigation</b>		
Q10.2.1	The Applicant	Paragraph 6.2 of the Noise and Vibration Management Plan (NVMP) ([APP-110] Appendix DEC L) advises that complaints will be dealt with in accordance with the Complaints Procedure in the Environmental Management System and that further information is provided in the DCO Environmental Commitments (DEC). Please clarify where in the DEC that information can be found.
Q10.2.2	NNC	Please comment on the scope and effectiveness of the NVMP.
Q10.2.3	NCC	Has the existing site been the subject of complaints to the Council with regard to noise. If so, please summarise their relevance for the Proposed Development. <b>NNC Response: There have not ben any noise complaints that I can recall.</b>
<b>11. Safety and Security</b>		
<b>11.1 Safety</b>		
Q11.1.1	The Applicant and the Health and Safety Executive	Please provide details of any hazardous substances consents necessary for the existing site and any additional / amended consents required for the Proposed Development.



**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q11.1.2	The Applicant and the Defence Infrastructure Organisation	Please provide an update on any discussions following the submission of relevant representation [RR-005]. Please comment on the appropriateness of the Bird Hazard Management Plan submitted as part of the DEC ([APP-110] Annex DEC I2).
Q11.1.3	The Applicant	<p>ES paragraph 5.2.6 [APP-049] advises that a redundant Ministry of Defence (MoD) pipeline is potentially present within the boundary of the Proposed Development, and this length of pipeline will be removed with appropriate precautions in place when the northern area of the site is developed. No further information is provided in relation to this aspect of the works.</p> <p>i) Please clarify the position on this in relation to DCO requirements and health and safety control measures. For example, what would happen if residual contents of the pipeline were inadvertently released.</p> <p>ii) It is also stated in ES paragraph 5.2.6 that the Defence Infrastructure Organisation has confirmed that the MoD has declared the pipeline redundant and “necessary legal charges” have been removed. Please provide evidence of this and that the necessary agreement from the MoD for the removal of this pipeline is in place.</p>
<b>11.2 Security</b>		
Q11.2.1	The Applicant	Please provide details of any consultation with Defra and/or the Centre for the Protection of National Infrastructure regarding any national security implications of the Proposed Development
<b>12. Transportation and traffic</b>		
<b>12.1 Assessment</b>		
Q12.1.1	The Applicant	The existing vehicle logs in the Transport Assessment (TA) [APP-096] record daily totals of vehicle movements. Is any evidence available to indicate the distribution of Heavy Goods Vehicles (HGV) over times of the day?
Q12.1.2	The Applicant	Please provide clarification of the table at TA Appendix J. For example why, in the first line of the table is the HGV generation figure for the Proposed Development lower than the 2012 assessment figure when the overall waste input would be higher? Please explain why the figures for phases 6 to 11 are given separately.

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q12.1.3	The Applicant	The trip generation figures in the TA are based on total annual waste import or export rates which are then divided into daily rates. Are there any controls on daily import and export rates? Has any sensitivity analysis been carried out to assess the effects in the event that these daily rates vary widely?
Q12.1.4	NNC	Please comment on the terms of the draft Planning Obligation [APP-109], including the highway contribution.
Q12.1.5	NNC	Please comment on the scope and effectiveness of the Traffic Management Plan ([APP-110] Appendix DEC K). In doing so, please have regard to the considerations in Q4.2.8
<b>13. Waste Management</b>		
<b>13.1 Assessment</b>		
Q13.1.1	The Applicant	Please set out the approach to ensuring that the Proposed Development accords with the Government's waste hierarchy, including any design and control mechanisms proposed to ensure compliance.
Q13.1.2	The Applicant	Planning Statement section 8 [APP-103] reviews the policies for the sustainable management of waste. To assist in understanding the performance of the existing and proposed facilities in meeting the Government's waste hierarchy, please provide any information available on benchmarking against comparable facilities and historic trends and future targets for the re-use and recovery of waste.
Q13.1.3	The Applicant	Planning Statement Table PS11.2 sets out the historic hazardous waste input into the existing landfill by region. Please clarify the meaning of the last two rows of this table.
Q13.1.4	The Applicant	ES paragraph 5.4.4 sets out the options for use of the excavated landfill construction material. However, the ES does not provide the total material volume / tonnage of the differing material types (referred to within the ES as topsoil, clay / overburden etc) anticipated to be used for the various identified purposes other than an overall total of 2.5 million cubic metres. i) Please provide the anticipated excavation, reuse, and disposal volumes for each of the material types identified. ii) Please clarify what sensitivity testing has been applied to assessments such as traffic and transport, noise and air quality where differences in material import / export assumptions have the potential to give rise to different assessment outcomes.

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		iii) No information is provided as to how the potential movement of material will be managed. Please explain the control measures that will be applied to material movements for the estimated 2.5 million cubic metres.
<b>13.2</b>	<b>Mitigation</b>	
Q13.2.1	NNC and EA	Please comment on the scope and effectiveness of the Soil Handling and Management Scheme [APP-110] Annex DEC I1 and Stockpile Management Scheme Appendix DEC J1.
<b>14.</b>	<b>Water Environment</b>	
<b>14.1</b>	<b>Baseline and Assessment</b>	
Q14.1.1	The Applicant, the EA and the Cecil Estate Family Trust	[RR-008] and [RR-015] refer to a pollution incident at the existing site in February 2020. Please describe the location and nature of the incident and any steps taken to prevent similar incidents occurring.
Q14.1.2	The Applicant, the EA and the Cecil Estate Family Trust	Please clarify what legal rights and regulatory permits exist to discharge surface water (SW) into the swallow hole. Does the Applicant need to acquire additional rights or permits for the proposed SW discharge (noting that DCO Art 11 [APP-017] allows the undertaker to use any watercourse for the discharge of drainage, subject to considerations)? If so, are there any impediments to achieving those rights and permits?
Q14.1.3	EA	A standalone Water Framework Directive (WFD) assessment has not been provided with the DCO application but the ES includes consideration of WFD waterbodies in ES Chapter 17 (Water Resources) [APP-049] and concludes that there will be no adverse effect on the groundwater or surface water quality status in the vicinity of the site as designated under WFD. Would the EA please confirm whether it has been consulted on and agrees with the findings of the Applicant's WFD assessment?
Q14.1.4	The Applicant	Paragraph 17.2.2 of the ES (also referenced in paragraph 12.4.3) states that the engineered clay component of the liner does not degrade and " <i>provides continued protection over geological time</i> ". It is not clear how this conclusion has been reached. For example what would be the impacts, if during construction work adjacent to an existing cell, vibration/excavation activity damages the liner, or if groundwater flow paths are disrupted and change the ground water regime? While it is noted there are likely to be engineering/quality control measures, there does not appear to be any evidence of the safeguarding used in the construction method. Please clarify how the newly constructed

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		landfill liner is to be protected during the ongoing construction, operation, and decommissioning phases.
Q14.1.5	The Applicant	Paragraph 17.2.3 of the ES states that " <i>The groundwater pathways for the migration of radioactive contaminants will be assessed</i> ". Please submit this assessment to the examination.
Q14.1.6	EA	Has the EA been consulted on the assessment of groundwater pathways for the migration of radioactive contaminants? If so, please comment on it. If not please comment on the document submitted in response to question Q14.1.5 as soon as possible.
Q14.1.7	The Applicant	Paragraph 17.3.1 of the ES refers to ES Figure ES17.2 [APP-068], which shows the proposed cut level of the Western Extension on a geological cross section. It appears to show some areas where no cut is proposed. Please provide commentary on the reasons for the chosen excavation levels and/or locations adopted.
Q14.1.8	EA	ES paragraphs 17.3.14 and 17.3.15 refer to the future River Basin Management Plan classifications, highlighting that the 2027 target for the relevant catchment is 'moderate' for ecological status and 'good' for chemical status. Would the EA confirm whether or not these are the agreed targets for ecological and chemical quality in relation to the requirements of the WFD?
Q14.1.9	The Applicant	<p>Paragraph 17.3.21 of the ES refers to the fact that Limestone dissolution features were noted in the 2019-2020 Ground Investigation (GI) for the Proposed Development. No other reference is made to these in terms of ground stability or potential risk pathways.</p> <p>i) Please confirm whether the Proposed Development and associated excavation, construction and restoration works pose any risks to remaining dissolution features, for example increasing in scale, abundance, dissolution rate, and whether this would have any ongoing impact on ground water flow paths, the Detailed Quantitative Risk Assessment (DQRA), land stability or the design of the Proposed Development.</p> <p>ii) ES paragraph 17.2.2 notes that targeted ground investigation around the swallow hole and limestone dissolution features was not possible due to vegetation and topography but is proposed at a later date. Please would the Applicant explain the uncertainty that the absence of this information introduces for the findings of the ground investigation, the design and operation of the Proposed Development, and when the further targeted GI proposed will be available for examination.</p>

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

ExQ1	Question to:	Question:
Q14.1.10	The Applicant	ES Paragraph 17.3.21 refers to an electromagnetic induction (EMI) geophysical survey which identified areas that are interpreted within the ES as: 1) trapped water within the shallow clay deposits overlying the limestone, which may be acting as sinks, or 2) an area of high conductivity relating to drainage. It is not clear whether the 2019-2020 GI proved either of these interpretations or whether these areas have any bearing on the design of the Proposed Development, the requirements for de-watering or the suitability of soils for reuse in restoration or as the clay liner. Please clarify the position on these matters.
Q14.1.11	The Applicant	<p>ES Paragraph 17.4.2 states that there is currently no anticipated requirement for de-watering during construction as the facility and maximum excavation depths will be above the water table.</p> <p>i) ES paragraph 17.3.21 and Appendix ES18.2 SWMP [APP-095] (Section 2.3) both state that de-watering is anticipated during cell construction. Please explain the apparent discrepancy.</p> <p>ii) Please explain how changes in water related conditions, including those associated with climate change, would be managed during construction, for example heavy rainfall or SW flows during excavation, unexpected high groundwater or the increased presence of shallow perched water.</p> <p>iii) Please explain whether the current site surface water/contaminated water drainage system could be utilised if de-watering is required or whether a separate discharge and relevant permissions would be required.</p>
Q14.1.12	The Applicant	ES paragraph 17.3.20 explains the aquifer characteristics including groundwater levels. The levels are presented as a line graph in Figures ES17.5 [APP-071] and ES17.6 [APP-072] with no geographic reference. Please provide either groundwater contour/flow direction figures overlain on the current and Proposed Development, or groundwater levels presented on the submitted geological cross sections.
<b>14.2 Mitigation and Monitoring</b>		
Q14.2.1	Th Applicant	ES paragraph 17.3.6 states that " <i>The operational surface water management system for the existing ENRMF is designed to retain all potentially contaminated surface water on site where it is stored in ponds and used for dust suppression, in the wheel wash and in place of mains water in the treatment facility</i> ". ES Paragraph 5.5.7 indicates that recovered leachate is also used in the soil treatment plant; however, it is subject to testing prior to use to ensure suitability. There does not appear to be a reference to the current or

**ExQ1: 9 February 2022**

**Responses due by Deadline 2: Friday 4 March 2022**

ExQ1	Question to:	Question:
		<p>proposed testing of the potentially contaminated surface water for reuse. Please would the Applicant confirm whether this is a typographic error and should read 'uncontaminated' or whether there is a testing regime in place for this water to ensure it does not inadvertently lead to the spread of contamination on and off site, particularly into the 'clean' SW ditches.</p>
Q14.2.2	The Applicant	<p>ES paragraph 17.4.2 states that the excavations to form the new landfill will leave at least 2m thickness of the impermeable material (Till or Rutland formation) above the Lincolnshire Limestone. Please explain how the contractor would ensure that this thickness of cover would be maintained and what measures would be adopted in the event that a 2m thickness could not be maintained, for example, if the geology becomes unexpectedly shallow or excavations inadvertently progress beyond the 2m thickness.</p>
Q14.2.3	The Applicant	<p>ES Paragraph 17.5.1 states that mitigation measures for the surface water comprise the design and implementation of surface water management systems, as described in Appendix ES18.2. Reference is also made to "<i>Additional procedures prepared and implemented by Augean</i>". Please explain explain the 'Additional procedures' and how they have been factored into the ES assessment and proposed mitigation.</p>
Q14.2.4	The Applicant	<p>The SWMP lacks clarity as to whether the measures listed relate to the construction and operation of the existing site and the Proposed Development, or to the restoration phase only. Please confirm the status of this plan and, in the event that it does not relate to the construction and operational phases, how mitigation measures for them would be managed, monitored, and secured. For example:</p> <ul style="list-style-type: none"> <li>• Paragraph 1.4 states that schematic plans of the proposed surface water drainage ditches are presented in figure 4 and 5. These seem to refer to post restoration only. No indicative figures are provided of the existing site or the construction of the Proposed Development, operational clean and dirty ditch layout, and their interaction;</li> <li>• The catchments listed in paragraph 5.1 refer to the restored site only and not to the existing site or the Proposed Development.</li> </ul>
Q14.2.5	The Applicant	<p>Paragraph 2.3 of the SWMP refers to SW ingress into uncapped or uncovered cells. Please clarify the proposed control measures to reduce SW run off into operational cells, and whether the planned leachate capture system would be able to cope with anticipated run off into cells.</p>

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q14.2.6	The Applicant	Paragraph 3.5 of the SWMP [APP-095] states that the catchment areas are presented within the 2007 SWMP. Please clarify whether it is appropriate to rely on these areas, given that the sub catchment mapping in Figure 3 of the SWMP and on-site observations of surface water flow referred to in ES Paragraph 17.3.10 are contrary to the EA mapping?
Q14.2.7	The Applicant	<p>The proposed SWMP refers to the current drainage layout on site and ongoing maintenance related issues.</p> <p>i) Paragraph 3.8 refers to the southern culvert being partially blocked. Please confirm whether it is proposed to maintain / repair the culvert in order to facilitate surface water discharges from the Proposed Development and, if so, whether this work is part of the DCO application.</p> <p>ii) Paragraph 3.8 states that the perimeter ditch outfall could not be located. It is not clear why this could not be located and whether this has had any influence on the findings of the ES and the SWMP. Please provide clarification.</p> <p>iii) Paragraph 5.5 refers to the 'permitted discharge' of the site being an outfall from the south-east pond which leads to a road culvert. The SWMP also refers to other discharge points including the perimeter ditch and the swallow hole. Please clarify whether the swallow hole and/or perimeter ditch discharges currently take any water from the existing site, whether or not these are 'permitted discharges' and whether they have any implications for future discharge volumes or water quality, or are likely to be the subject of a permit application to allow them to be used as official discharge points?</p>
Q14.2.8	The Applicant	SWMP paragraph 4.5 refers to the creation of outlet points for the discharge of SW, but does not specify their number or location, at least for the operational stage. Please clarify the proposals for additional discharge points and routes, including any legal agreements that are required for their adoption.
Q14.2.9	The Applicant	SWMP Paragraph 8.1 states that the SW management system will be maintained following restoration. Paragraph 8.3 explains that an aftercare scheme will be put in place. Please clarify the duration, frequency, responsibilities and funding arrangements for the aftercare scheme and how it would change before and after the surrender of the EP.
Q14.2.10	The Applicant	Would the surface water drainage system be designed to comply with the National Standards under Paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010 (see NPSHW paragraph 5.7.9)

**ExQ1: 9 February 2022****Responses due by Deadline 2: Friday 4 March 2022**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
Q14.2.11	The Applicant	Please confirm who would be responsible for the maintaining the surface water drainage system during the operation of the Proposed Development and following restoration. What consultation has taken place in connection with this matter?