

Planning Act 2008 - section 91

Application by Augean South Limited for an Order granting Development Consent for the East Northants Resource Management Facility Western Extension

Agendas for Issue Specific Hearing 1 (ISH1) on the draft Development Consent Order and Issue Specific Hearing 2 (ISH2) on Environmental matters

The Examining Authority (ExA) notified Interested Parties (IPs) in his letter of Friday 4 March 2022 of the decision to hold the Issue Specific Hearings listed below:

Date	Hearing	Start time	Joining details
Tuesday 29 March 2022	Issue Specific Hearing 1 (ISH1): The draft Development Consent Order (dDCO)	Arrangements Conference starts 9.30am Hearing starts 10.00am	These hearings will be held virtually using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
Tuesday 29 March 2022	Issue Specific Hearing 2 (ISH2): Environmental matters (part 1)	Arrangements Conference starts 11.30am Hearing starts 12.00pm	
Wednesday 30 March 2022	Issue Specific Hearing 2 (ISH2): Environmental matters (part 2) – if required)	Arrangements Conference starts 9.30am Hearing starts 10.00am	

Agendas

In order to ensure that those attending the hearings can make the best use of the time, the ExA has prepared the agendas below. Please note that these are indicative and are subject to change. The ExA may wish to raise other matters arising from submissions and pursue lines of enquiry during the discussion which are not on the agenda.

Agenda for Issue Specific Hearing 1 (ISH1): draft Development Consent Order

Requested Attendees

The ExA would particularly like to hear from the following IPs during this Hearing;

1. Applicant
2. North Northamptonshire Council (NNC)
4. Environment Agency (EA)
5. Cecil Estate Family Trust (the Trust)
5. National Grid
6. Anglian Water

In addition, the Examining Authority (ExA) welcomes involvement from all parties at the Issue Specific Hearing.

Purpose of ISH 1

The main purpose of the ISH is to clarify and get views on significant matters related to the draft Development Consent Order and the Explanatory Memorandum. Some of these matters will have been considered in the ExA's written questions and responses. The Applicant submitted revised versions of both documents at deadline 3 of the Examination.

Documents

The ExA referred to several documents in the preparation of this agenda, and some of the documents that may be referred to during the Hearing are listed here. These documents can be located using the Examination Library reference number and link provided in the [] square brackets.

1. draft Development Consent Order (dDCO) [[REP3-004](#)];
2. Explanatory Memorandum (EM) [[REP3-007](#)];
3. Works Plan [[APP-006](#)] and General Arrangement Plans [[APP-007](#), [008](#) and [009](#)];
4. Applicant's Response to EXQ1 [[REP2-006](#)];
5. Applicant's Response to D2 submissions [[REP3-010](#)];
- 5 NNC Local Impact Report [[REP2-027](#)];
6. Cecil Estate Family Trust Written Representations [[REP2-033](#)].

AGENDA

The Hearing will start promptly at the indicated time of 10.00am. The ExA will close the meeting at 11.30am, or sooner if all relevant matters have been covered.

9:30 am Arrangements Conference

1. Registration by the Case Team

10.00am Issue Specific Hearing 1

1. Welcome by the ExA
2. Procedure for running the virtual hearing
3. **Draft Development Consent Order**



- a. Protective Provisions (Article 15 and Schedule 6)
 - i The need for the Explanatory Memorandum (EM) to provide more detail on the context and derivation of Schedule 6.
 - ii Update on discussions on the Protective Provisions.
 - b. Articles:
 - i Article 2. Use of the appropriate reference numbers used for plans and documents;
 - ii Article 4(2). Whether the updated dDCO properly controls the point at which the Requirements come into force;
 - iii Article 10. Could the flexibility provided by this Article lead to unassessed and potentially significant impacts?
 - c. Schedules:
 - i Schedule 1 and Requirement 8. Should these provisions control in more detail the amount of Low Level Waste (LLW) which could be deposited at the site? For example, is it necessary to provide control in order to prevent the concentration of LLW being deposited in a particular cell or location? In this regard, it is noted that the application for the LLW Environmental Permit (EP) (and the associated Environmental Safety case) will not be available until after the Examination has closed;
 - ii Schedule 1 and Schedule 4. Do these Schedules (together with DEC Appendix C (Relevant Parameters [[APP-110](#)]) provide sufficient control over Works 2 and 3?
 - d. Requirements:
 - i Having regard to the provisions of Regulation 6 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015, is there a sound reason for reducing the time limit for commencement of development from 5 years to 3 years?
 - ii Does the updated version of Requirement 4 provide adequate control over phasing and landscaping for interim phases of the development?
 - iii Requirement 4. Should the phasing, landscaping and restoration scheme be submitted for approval in less than 24 months from the date of the DCO?
 - e. Aftercare, including whether the application provides sufficient control to secure the long-term management and maintenance of the site following restoration (Applicant response to Q9.1.1 and NNC response to Q4.4.1).
 - f. Option agreement. Is there a version of the option agreement signed by both parties?
4. Any matters outstanding from the agenda above
 5. Closing remarks

11.30am Close of Issue Specific Hearing 1

Agenda for Issue Specific Hearing 2 (Part 1): Environmental Matters

Requested Attendees

The ExA would particularly like to hear from the following IPs during this Hearing;

1. Applicant
2. North Northamptonshire Council (NNC)
3. Environment Agency (EA)
4. Natural England (NE)
5. Cecil Estate Family Trust (the Trust)

In addition, the Examining Authority (ExA) welcomes involvement from all parties at the Issue Specific Hearing.

Purpose of ISH 2

The main purpose of the ISH is to clarify and get views on significant issues related to the environmental matters arising from the submissions of the Applicant, the Council and Interested Parties. Some of the matters raised will have been considered in the ExA's written questions.

Documents

The ExA referred to several documents in the preparation of this agenda, and some of the documents that may be referred to during the Hearing are listed here. Most of these documents can be located using the Examination Library reference number and link in the [] square brackets. Those not in the library can be found on the gov.uk website:

1. draft Development Consent Order (dDCO) [[REP3-004](#)];
2. Environmental Statement (ES) [[APP-049](#)];
3. Development Environmental Commitments (DEC) [[APP-110](#)];
4. Works Plan [[APP-006](#)] and General Arrangement Plans [[APP-007](#), [008](#) and [009](#)];
5. Applicant's Comments on Relevant Representations [[REP2-005](#)];
6. Applicant's Response to ExQ1 [[REP2-006](#)];
7. Applicant's Response to D2 submissions [[REP3-010](#)];
8. EA Response to ExQ1 [[REP2-028](#)];
9. NE Response to ExQ1 [[REP2-030](#)];
10. NNC Local Impact Report [[REP2-027](#)];
11. Cecil Estate Family Trust Written Representations [[REP2-033](#)];
12. National Policy Statement for Hazardous Waste (NPSHW).

AGENDA

The Hearing will start promptly at the indicated time of 12.00pm. All other times in the Agenda are indicative. The ExA will close the meeting at 5.30pm, or sooner if all relevant matters have been covered.

11:30 am Arrangements Conference

1. Registration by the Case Team

12.00pm Issue Specific Hearing 2

1. Welcome by the ExA
2. Procedure for running the virtual hearing

3. Environmental Controls

- a. Update on submitted Environmental Permit (EP) variation applications (Applicant and EA responses to Q1.1.2).
- b. Low Level Waste (LLW) Environmental Permit (EP) (Applicant's responses to Q.1.1.1 and Q1.1.4):
 - i Why won't the application be made until after the examination closes. Paragraph 4.7.7 of the NPSHW advises that applicants should start work on EP applications at least 6 months prior to the submission of the DCO application;
 - ii Implications of the absence of the LLW application/consent and associated Environmental Safety Case including the management of monitoring of LLW and the use of the ERICA toolkit;
 - iii Clarification of how monitoring for radioactivity would be undertaken and controlled in the variations to the EPs.
- c. EP breaches (Applicant and EA responses to Q1.1.3, Applicant response to D2 submission, Trust Written Representations (WR):
 - i There appears to be a consistent pattern of elevated leachate levels at the existing site. Does this have any implications for the design or controls used in the Proposed Development?
 - ii Spring 2020 incident including, an update on monitoring and mitigation measures for Trust land, the adequacy of the measures put in place to prevent re-occurrence and the implications for the fitness of the Applicant to operate the facility.
- d. Greenhouse Gas (GHG) Emissions. Whether the Applicant's approach to the assessment of GHG emissions is appropriate having regard to both the NPSHW and the Government's subsequent adoption of the Net Zero 2050 target and the UK Sixth Carbon Budget.
- e. How will gas management be controlled as part of the landfill EP variation?

1.00pm – 2.00pm Lunch Break

4. Air Quality, Emissions and Noise

- a. Wind blown dust (EA response to Q2.3.4). The efficacy of the Dust Management Plan with particular regard to wind-blown dust.
- b. Odour and noise effect on the Trust land to the north of the existing site, including the planning status of the proposed commercial/storage use, evidence of impacts beyond the site boundary and the sensitivity of likely receptors (Trust WR and Applicant response to D2 submission).

5. Bio-diversity

- a. The effect of the proposal on Colleyweston Great Wood SSSI, including linkages to Fineshade Wood and the Trust's concern regarding a proposed bund on the woodland edge (Applicant and NE responses to Q3.2.1 and Q3.3.5 and Trust WR).
- b. Protected species licencing, including update on the Great Crested Newt license application (Applicant and NE responses to Q3.4.1).
- c. Invasive Species including whether there is a need for an Invasive Species Management Plan (Applicant response to Q3.3.3).
- d. Potential Wildlife Site (ES paragraph 3.1.11). Update on the designation of parts of the existing site, the western extension land together with adjoining land as a Potential Wildlife Site.
- e. Bio-diversity Net Gain. Including the timeframe for realising the proposed net gains in bio-diversity. (Applicant responses to Q3.3.4 and Q3.3.7 and response to D2 submission, Trust WR).

6. Waste Management

- a. The waste hierarchy. Performance indicators for the waste treatment and recovery facility (Applicant's response to Q13.1.1).
- b. Destination of the excess clay to be exported from the site

3.30pm - 4.00pm Afternoon Break

7. Water Environment

- a. Swallow hole (Applicant and EA responses to Q14.1.2, Applicant response to Q14.2.7 and D2 submissions, Trust WR):
 - i. Update on any discussion between the Applicant and the Trust regarding land ownership at the swallow hole;
 - ii. Existing and proposed catchment areas and discharge rates to the swallow hole;
 - iii. Implications for the surface water drainage strategy if proposed discharge to the swallow hole was prevented or reduced;
 - iv. How has the existing volume of discharges to the swallow hole been assessed so as to provide a meaningful comparison with the proposed discharge?
 - v. Potential implications of the proposed further investigation of the two culverts to the west of the swallow hole, including whether they drain land to the west of the site and the ownership of that land (Applicant response to Q14.2.7 and RR by the Trust including the plan at Appendix RRA).

- b. Further ground investigation of the existing ditch running west from the swallow hole. Likelihood of the need for permanent de-watering feature and potential implications for the design of the adjoining cells (Applicant response to Q14.1.9).
 - c. Proposed drainage channel to replace culvert, including potential for contamination during the operational phase and the need for more detailed design (EA response to Q1.3.2, Applicant response to D2 submissions, Trust WR).
 - d. Contaminated surface water. Does the dDCO provide sufficient control over the treatment of contaminated surface water prior to re-use? What effect would the use of untested contaminated water have on the processes undertaken at the treatment facility? (Applicant response to Q14.2.1).
 - e. Surface water receptors. Whether it is necessary to review the conclusions reached in the ES having regard to any change in the interpretation of the chemical/biological quality of surface water receptors as highlighted by the EA in its response to Q14.1.8.
8. Any matters outstanding from the agenda above
9. Closing remarks

5:30 pm Adjournment / Close of ISH2 (Part1)

Issue Specific Hearing 2 (Part 2): Environmental Matters (if required)

Please note that part 2 of ISH 2 on Environmental matters will not take place if all matters are concluded in part 1.

If part 2 is cancelled this will be notified in the banner on the National Infrastructure Planning website and no other notice will be given.

Requested Attendees

The ExA would particularly like to hear from the following IPs during this Hearing;

1. Applicant
2. North Northamptonshire Council (NNC)
3. Environment Agency (EA)
4. Natural England (NE)
5. Cecil Estate Family Trust

In addition, the ExA welcomes involvement from all parties at the Issue Specific Hearing.

AGENDA

Time is reserved for Part 2 of the ISH2 in the event that it was not possible to cover all of the matters in Part 1.

9:30 am Arrangements Conference

1. Registration by the Case Team

10.00pm Issue Specific Hearing 1

1. Welcome by the ExA
2. Procedure for running the virtual hearing
3. Resumption of matters not covered in ISH 2 Part 1
4. Any other matters
5. Closing remarks

Close of ISH2