

# TRANSCRIPT\_ISH1\_SESSION1\_EASTNORT HANTS\_29032022

00:13

Good morning, everybody. And the time is now 10 o'clock. And this is the first issue specific hearing for the East North fence management facility of Western extension, which is now open. My name is Simon water, and I'm a chartered town planner and open and appointed by the Secretary of State to be the examining authority for this application. You may know that we have three colleagues from the planning Inspectorate here today, you've probably already spoken to Mrs. Williams, who's the case manager for the project. Also here are Stephen Parker and Alberto Santa Maria. If you have any questions regarding the process in general, good ask in the first instance that you direct these to the case team or we'll be happy to help. Turning now to some housekeeping matters before we get started. As normal with these things, could I ask that all notifications for electronic devices are switched off, and could also ask you to help reduce background noise when unless you're speaking you have your microphone turned off. The function the chat function in teams is not being used in this hearing. So please do not send any messages because they won't be monitored. If at any point you do wish to speak during the hearing, please turn on your camera and microphone and speak up or use the raised hand function. Thank you for that. You'll be aware that a digital recording is being made of the hearing. This will be available on the project page of the national infrastructure website. So if you take part in the hearing, it is important that you understand that your comments will be recorded, and that the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision. And what that means is that the planning inspectorate is subject to the date the general data protection regulations. Now it should be very like that, like unlikely that anyone would need to put sensitive information into the public domain with however, if for any reason, you do find it necessary to refer to personal information. Please speak to one of our case teams in the first instance. And we will then explore whether the information could be provided in a written format, which could then be appropriately be redacted for before being published. And also remind you that this is the only official recording of proceedings, and it will be placed on the National Infrastructure website. Any tweets blogs or similar communications arising from the meeting will not be accepted as evidence in the examination of the application. In terms of the mechanics in place, for the purposes of identification and ease of reference could ask that each time you before we speak, you give your name. And if you're representing an organisation who you represent. Now, the hearing this morning will take the form of a structured discussion led by me, the purpose is to hear matters relating to the draft development consent order DCO, which has been submitted by the applicant and a revised version of the TCO but submitted a deadline three. This hearing is an opportunity for all the parties to send out their views. And it will also provide me with the information that I need to make a recommendation to the Secretary of State. I assume that everyone has seen a copy of the agenda. If not, it's available on the National Infrastructure website. So if we could move on then to introductions, and I'll ask in due course, for those who wish to speak to introduce themselves, starting with the appellants, although I think first appropriate for me to offer my condolences to the appellants team for the loss of Van Gordon, who was the consumer ecologist consultant on the team. And can I say thank you for agreeing to carry on with the

hearing of what must be a difficult time for you. In terms of the parents team, I assumed as Brooke, you're going to lead on this. And I see from the attendance list that you have a fairly large team present this morning. And wonder if perhaps you could confine yourself to introducing those people are likely to speak this morning rather than all of the members who are present unless you feel that they're all going to speak Eclipse

05:03

So yes claybrook for the applicant, and I will be the main lead but for this session, Kate Ashworth from Womble bond, Dickinson, will be leading the majority of the questions on the draft development consent order. So I will pass in due course to Kate Ashworth for that. Would you like me to introduce other members of the team or for them to introduce themselves?

05:32

introduce themselves just so we can put faces to names.

05:37

I'll pass in the first instance sent to Kay. Tasha, sir. And thank you for the comments that you made about how much appreciated for the table. Thank you. Okay.

05:49

Morning, sir. Kay, Tasha, for the applicant, all of the legal advisors on the team, and I'll be answering most of your questions on the draft DCO this morning.

06:03

Let me necessary for anyone else from your team to where to speak? Yes, I'll

06:08

just pass over to my colleague Leslie.

06:12

Good morning, sir. Leslie, he's made from mjcca. I'll be addressing any of the technical, general technical queries that arise in this session. And I'm supported by a number of other specific technical experts if the matter requires additional detail.

06:44

Pulling sir, as Dr. Jean Wilson from RGN, I am the audion team leader for the projects. I will be talking to some of the technical queries and operational queries if they come up. I also have a extensive background in ecology. That was how I that's where my doctorate comes from. And so I will hope to pick up the biodiversity questions as and when they can we get to

07:18

that part in the second year? And yes, in the second year again, yeah, yeah. Is that actually opponents team in terms of people on

07:38

the applicant? Yes. So yes, I was just going to pause at that moment. We do have others on the call, who will predominantly be dealing with the subsequent sessions, but ahead largely to listen to this session. So

07:50

thank you for that. Right. Shall we move on then? To the Council? Mr. Watson, I believe.

08:03

Good morning, sir. I'm Phil Watson, the memory controller manager at North Northamptonshire council for minerals and waste. And if there's any requirement for me to be involved, and I'll be the one to speaking. I've got anybody else supporting me. Today, sir.

08:19

Okay, thank you, Mr. Watson. I'm doing water.

08:30

Mark, forget chief engineer. I'm doing water

08:36

and hellos. I've popped up on the screen to Merrick Lewis of counsel instructed by Steve lead the solicitor to Anglian Water

08:48

thank you I think government agency

09:03

Good morning, sir. Carrie Monga, planning advisor at the Environment Agency so I'm going to be representing the Environment Agency today. Just just me for this morning session.

09:15

Thank you, and Natural England. Good morning, sir. My name is Emily Butterwick. And I'll be representing naturally then this morning. Thank you. Gabriel's counsellor LC. Yes, good

09:41

morning. Obviously, I'm

09:42

a ward councillor, for the neighbouring areas and I don't believe that I have any reason to speak. If I do know all the raise my hand. Thank you.

09:55

Glen, I believe in things here. I've got no reason to speak. I'm just listening. Okay, thank you, Mr. Glenn. Right. Is there anyone else who I've missed who wishes to speak this morning? Okay, in that

case, thank you for those introductions. We'll move on to Item three on the agenda, which is the substantive discussion on the DCO. And I should just say that I put the discussion on protective provisions first in this item, in case any such a undertakers and I think it's only really angling more to her present this morning. Don't wish to stay for other matters relating to the TCO, although, of course, you're you're welcome to do so if you wish to. But perhaps you would let me know if you do wish to leave going on water have also raised the issue of the standoff distance for its pipelines, which across the site, and it seems sensible to deal with that matter, along with protected provisions. And they since they're both concerned statutory undertakers. I trust that and be that's a sensible way of proceeding.

11:13

Well, I'm very grateful for that. So it's America Lewis speaking for Anglian Water. Yes, we were slightly in two minds about whether you wanted to hear from us on standoffs at this stage, given that on the agenda, it's protective provisions, which are the principal agenda item? But yes, please, if in due time, we can come in in one hit, and then with the utmost of respect, then withdraw. We'd be grateful for that. But I'll leave you to continue. Continue with your opening remarks. And as a convenient moment for us to do that. Thank you, sir. Okay.

11:50

Right, if we move on then to the first substantive item on the agenda, which is protective provisions. And this is article 15, and shedule. Six. And the first issue I had was the need for the explanatory memorandum to provide more detail on the context and derivation of sheduled. Six. And this is something that emerged from my first written questions where I sought updates to the the em on various schedules, most of which have been changed in the in the deadline three version of the explanatory memorandum, but not shedule. Six, albeit that I do I do realise that you did provide something of an explanation in your in your answers to the written questions, but I just feel that there should be something also in the explanatory memorandum. I wondered if there was anything behind the fact that that hasn't been been updated?

12:53

Yes, sir. So at the moment bespoke protective provisions are being have been requested by all three statutory undertakers. So we're in the process of negotiating those. And on that basis, the idea would be to, I guess, remove that the current schedule six and replace that with the three sets of bespoke drafting. Once those have been agreed with the statutory undertakers? I can certainly include some wording on the current drafting in the end, but it probably will be superseded in a few deadlines time.

13:28

Okay, well, if it's in hand, there's there's not a lot to be gained by revising it now on revising it again in the future, if it's in hand, and that's fine. And I think really, your your answer there has kind of preempted my second issue, which was an update on the discussions on the protective provisions into anything else you can can tell us at this stage.

13:55

Yes, sir. Kate Ashworth for the applicant. So in relation to Western Power, we've reviewed and commented on a first set of draft bespoke protective provisions. And the second draft has now been

issued to us for review. We are hopeful that we're close to reaching agreement on those protective provisions. And we'll keep you updated. We'll provide an updated deadline for as well.

14:24

And then in relation to National Grid gas, it's a very similar position. So we've received and reviewed a first draft set of bespoke provisions. We've commented a second draft been received. We're hoping to go back to liquid gas shortly. Again, we're hopeful to be close to reaching an agreement on those provisions. And then, finally, I'm sure you'll hear from Anglian Water said that we have been issued a first draft and for review that there are discussions ongoing in relation to standoffs which we feel need to be was Before we can agree, any bespoke protected permissions

15:11

second ask Mr. Lewis to come back into the meeting and know, the position of angling water. Yes, affecting protective provisions generally and if there is a specific issue in relation to the standoff distances,

15:31

indeed. Thank you. And I'm grateful for Miss Ashworth introduction. She's quite right. So the discussions are ongoing in perspective in respect to bespeaking, as it were, the protective provisions from Anglian waters point of view. But the critical issue in relation to that is standoffs. I'm not going to deal with this at length now, but I do know you've raised as one of your specific questions, what Anglia waters position is on standoffs and the long and short of that is that the question is under discussion, as between Anglian Water and the applicant, but neither I nor I anticipate Ms. Ashworth are in a position to advance matters much further than that today. And so what Anglian Water had in mind, so, was to give you an update by deadline for in relation to standoffs in particular. Again, without going into too much details, there is a specific aspect of concern, which it may surprise you to hear that, given that there are potentially radioactive materials which might affect supply or infrastructure, that is a matter which Anglian Water certainly and I'm sure that the same goes for all GM as well, a matter which has to be dealt with cautiously, carefully and ultimately, thoroughly. But the minute the approach of origin seems to be that just so long as they go for the way they've put it is seven litres standoff distance, that all ought to be fine. But to be frank, the position of Anglian Water is that more investigation that has been carried out to date does need to be carried out before Anglian Water will be in a position to assure or reassure us that they are satisfied with with state safety and infrastructure integrity. And so from that point of view, so it's something which we will be discussing with origin but that there may be more geotechnical investigations to be undertaken, but actually looking at how things are put in the environmental statement. And I don't wanna say the absence of investigation, but from Anglian waters point of view, the limited adequacy of the investigations are far if that may be something we should be looking to urgyen either to carry out themselves or if Anglian Water does have to carry out at the expense of aggregate water. But the long and short so I am afraid is that we're hoping to get back to certainly by deadline for on the 13th of April, for a memory already deadline five.

18:58

Yes. I'm just thinking if there is a requirement to undertake further investigation, obviously, I'm not sure what you have in mind and then to resolve that by deadline for sounds a little bit optimistic.

19:14

Yeah. But it may be that That's right, sir. Because as you appreciate I'm coming more from the lobbyists side. Yeah, exactly. The technical side, but again, both parties appreciate the role in this process is to assist you as best you're able and in as timely a way as we can manage subsets. So if it were to calm that it would be deadline five we were looking at rather than deadline for it may be that but again, this is a you'll be familiar with dealing with statutory undertake as part of this process generally. So long as matters can be resolved. And then very much as much as Ashworth was saying in relation to the other statutory undertakers, their protective provisions, the interests of the statutory undertakers will be satisfied. All being well, there'd be no need to trouble the examination further, but I'm afraid Anglian Water on tap that point yet. So we know again, that again, it's not wishing to make work unnecessarily, but we do understand that built into the timetabling. But the minute there is this further potential for an issue specific hearing on the eighth of June, if it really came to this, but then naturally, everyone would be hoping it doesn't come to that.

20:42

Yes. Well, we'll come to that in due course. And then let's see what else happens. I'm grateful in terms of the further investigation and the discussion. Perhaps I could ask you and it will serve as artwork to to comment and even the Environment Agency or the environment agency involved in that discussion. Given that there is a requirement for an environmental permit for the landfill and indeed, the low level radioactive waste?

21:15

Certainly, I think it's anticipated they will be. But yes, obviously, I'll give Mr. Ashworth the opportunity to to make any observations. And of course, I've got Mr. Froggatt, the chief engineer sitting with me, and if there's anything he wants to contribute in a moment or two, I'll invite him to do so. So thank you.

21:39

Okay, Tasha, three applicants. Thank you. I'm going to hand to my colleague, Leslie Huffman on this matter, and she'll come back on up to this point. Okay.

21:51

Thank you, Leslie. He's meant for the for the applicant. So, this matter, as you will imagine, the applicant indeed as as mentioned, does take it very seriously as, as we will the other environmental impacts has been assessed. It has been raised the the concerns of Anglian Water have been raised only very recently, at the beginning of March, despite discussions with angry and water since since 2020. Therefore, we are, as has been mentioned in ongoing discussion with them in order to provide them with the information that they require, in order to satisfy them that the relevant controls are in place and the relevant assessments have been carried out. The the few comments that have been made to date, I think it would be worth just quickly summarising, for you without going into detail if that would be helpful, as I'm aware that there may be people on the call that be concerned about about some of the issues that have been raised. But the main point being that we do agree absolutely, it is important to make sure that everybody is satisfied that the quality of the water in those pipelines is properly protected. And we are engaging in discussions with Anglian Water on that, and there's

information we need from them as well as I'm sure information they need from us in order to complete that exercise. In summary, on the contamination points, I think the main thing to make you aware of Sir if you're not already is that the water pipelines are there that near the ground surface. So, there are mutual two metres below the surface of the ground, the base of the landfill in the adjacent phases will be approximately 10 metres below the base of the ground. The leak Chait the contaminated liquor in the landfill, is collected at the base of that site and has to be retained at a level no more than a metre depth at the base of the site. And as you will know the site is surrounded by an engineered containment system all of which is specified and authorised and checked by the Environment Agency. And that authorization by the way includes the slope stability risk assessment for the boundary design of of that landfill. So, in overall terms in terms of the risk of contamination entering the pipeline, the pathway for that to occur, in our view does not exist. And we will we will go through and and explain that in discussions with with Anglian Water. As a separate issue. I know there is concern regarding the fact that low level radioactive waste is likely to be accepted at the facility. And again it is the same pathway that any radioactive waste might affect the the water in the pipeline which is water under pressure moving in the pipeline. That pathway similar deep does not exist equally. In addition for LW there All requirements or there will be requirements in the permit for the LL W disposal, where radioactive waste, for example, is not deposited within two metres of the boundary of the engineered boundary of the landfill cell. And also, the controls that are in place in terms of the nature of the activity, the radiological activity of the waste that's accepted at the site are such that there is no conceivable way whereby a gamma ray dose for example, rather than a particular migration issue, could impact on the quality of the water in in the pipeline. It's simply not a conceivable possible pathway that would result in an unacceptable exposure dose. So there's a lot more detail to that. So which I'm sure you don't want to hear at this in this hearing. And this juncture, I just wanted to make the point that we are confident in our assessments, and there's clearly further discussions that need to take place and are planned.

26:03

Right. Okay. But in terms of the the further investigation, which Mr. Lewis spoke about, from your point of view, is that simply a question of pre presenting or providing more detail of on information that you already have? Or is there a requirement to do any further on site investigation or anything that's likely to be time consuming and therefore have an impact on the on the on the timetabling for that examination and your ability to agree something within the examination period?

26:42

Understood, sir. So there's the reason for the applicant. My view and the view of the team is very much that it is a case of firstly understanding precisely what the concerns of Anglian Water are, we're not certainly exact, we understand those concerns in detail. So we need to make sure that we do and we consider that in response to that, we will be able to explain in more detail, the relevant assessments that have been carried out, I don't believe that any further investigation as in timely ground investigation or anything else of the sort is likely to be necessary, you will be aware that we have carried out an extensive ground investigation at the site, which was done many, many months ago, and that information is available in the application documents and water may not be aware that it is there. So these are these are some of the discussions that we need to have with them. So we have a lot of information about the nature of the ground. If that is the concern, we also have done a lot of work on

the slope stability, risk assessment for the excavated slope. And again, we have recently provided that information to Anglian Water they may not have had the time yet to review that information. So certainly in our view, there is no need for any additional timely site investigations that should delay the process. Thank you for that.

28:07

I just wonder whether the longer you have any you will, what you've heard so far, or indeed it is this an EU issue for you? Or is this something you've been involved with up until now?

28:25

Carry manga Environment Agency? I, I believe it's been this has been considered as part of the environmental permit. So I'm afraid I don't have any particular comments to make at this stage. But I Yeah, it's it's being considered as part of the environmental permit

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for the low level radioactive waste, because that's the permit that

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it hasn't yet, you know, said that sorry. There are there are three different permits here. So that yeah, that that one hasn't yet been submitted. So it will be considered as part of that permitting process. I do have some comments from my colleague here. Yeah, so it's, we haven't yet received the permit. So, but it's anticipated that it will be broadly similar to how it's monitored at the minute. So until we have the information, it's hard to say anything more on that. Sorry. Thank you.

29:30

Mr. Lewis, just very briefly as anything you want to add, from what you've heard so far, or do Mr. Froggatt

29:41

sorry, thank you, sir. For some reason, I've always got a time delay with my camera and my mic comes back on subject or anything. Mr. Froggatt has got to say, Sir, as you've heard, yes, there are discussions to be had, potentially a debate about the extent of work necessary, but it comes back to what I said earlier is I'm sure all of us will act in such a way as to facilitate rather than hinder the examination process to give you the necessary information. You need this manga for the Environment Agency. Again, it quite fairly, isn't a position where she she doesn't know what the environment agency's stance is. But from Anglian waters point of view, they take the view that an issue such as this isn't one which can simply as it will be hived off to the environmental permit process. User because of the environmental information, environmental impact regulations need to be satisfied what the environmental consequences will be for the integrity of water supply. As part of this process. Inevitably, I'd say that's why it's something which will be a matter of discussion of debate in the future. So as I've been talking a lot, I heard Mr. Froggatt to pipe up there for a minute if there's anything he wants to add, please to do come in.

31:17



Absolutely. Thank you, Mike. Mark Forrester, Angley, wall to Chief Engineer, there are a number of issues that we have on the table, as we've already raised. Principle is probably about finding more information. There is a stability assessment. And it's about the detail of that stability during various phases throughout the excavation, and duration of exposure, and fill phases that I need some more information on. One of the principal concerns of mine is the issue of the longevity, this pipeline is there for the duration, and we have to consider every implication of that position. One of the key concerns of mine would be in the event of a failure. Now, thankfully, our water mains don't fail, but they can fail. And the event of a high pressure main failing against a landfill of this nature, the question would be the implications of that, which is of great concern to myself of the impact of erosion in such an event and the impact to the relevant sell areas. So there are a number of concerns that we have and a number of things, including crossings, etc. But these are detail to be discussed in future discussions, which were entered into now.

32:42

Thank you for that.

32:44

Right. Miss Ashworth do is anything you want to say finally, before we move on from this point,

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I'm terribly sorry, sir. Merrick Lewis here again, just before Miss Ashworth does, just to relay a point, it's only by way of setting out the issues rather than sort of raising another issue one, necessarily, but I notified that if actually, there's an issue with the standoffs that may be something which affects the position of Western Power diversions of matters to that sort. But I don't want to complicate matters unduly but I'm just reminded that that's a point which may feed in to considerations of the implications of standoff distances. But but then I don't want to raise issues, as I say, so unnecessarily if they want what you're capable of resolution. And as I keep saying, we're hoping happily, such resolution could be reported to you if it can be.

33:55

Done, Is This Anything you'd like to to work before we move on from this point?

34:00

To touch with the applicant? No, certainly not. At this stage, we are in discussions with the Western Power as well, as ongoing.

34:08

Okay, thank you, everyone for that discussion. It's enlightening, as far as I'm concerned. We move on then to the next item on the agenda, which is the articles and article two in particular. And this really is a I hope it's a technical point. At my request, I think in one of the questions in one of my first questions, you have added reference numbers for various plans and documents in the DCO. However, their reference numbers to the examination Library, and at some stage following the Secretary of State's decision, the examination library will no longer become available. And those reference numbers will in fact, you know, effectively become redundant. So just just to give one devotee really to to the

references in the DCI, which obviously has a life beyond this examination. I think perhaps social references should be to the drawing numbers or document numbers themselves rather than to the examination library.

35:16

Tasha was the applicant? Yes. So yes, I'm happy to be led by you I've adopted and approach taken for the orders. So in terms of the document offence, for example, the DCO itself is, I believe, document reference 3.1. In the application, is that the number you're referring to, to use

35:35

it? Well, I think it's a reference that's on the, on the document or on the face of the document, which is being referred to so that at some time in the future, when the examination library and all the references which pins uses and perhaps you use, no longer have any relevance, there's still something that someone in the future could refer to and say, Ah, this is drawing number X, Y, and Zed, I can see that I'm looking at the right drawing number.

36:05

Okay, yes, sir, we can make that update for you.

36:07

Thank you. Next one on the agenda, then is Article four, two. And this has been updated as part of the deadline three version of the DCO. And whether it properly controls the point in which the requirements come into force. It refers to authorised development being undertaken in accordance with the provisions of this order. I'm just wondering whether perhaps Mr. Watson from the council, who will have to the council will obviously have to enforce these requirements in due course, whether you're satisfied that that provides an appropriate means of triggering requirements. Mr. Watson, it would still

37:10

Yes, sir, I'm here. I didn't have any issue with the, with the wording when I when I reviewed it. So I think it's very similar to what we've got on the current DCO. So from that point of view, it wasn't an issue that I'd picked up. If there's any particular point you want me to go into, then obviously, we can look at it in more depth.

37:36

I think it was simply the fact that this is differs from the original DCO, obviously, because some states that this article triggers a change from working under the provisions of the original DCO to working under the provisions of the new TCO. And it's just about making sure that all of the you know, that transition is clear and unambiguous. And that everything that's going to be a requirement of the news, TCO happens at the time it should happen.

38:19

If your content that the article achieves that, and I you know, I don't have a you know, anything specific to say that it doesn't, but I wanted to where to where the the matter and give you an opportunity to, to express a view if you have one

38:41

for what's in NNC know, so I haven't got any issue with with the wording.

38:47

Okay. Thank you for that. Well, in that case, we've been I can move on to article 10. An article 10 provides some flexibility for the undertaker to construct a new access potentially in a location which is different from the existing access location. He will environmental assessments has assesses things like air quality and noise based on the existing location and other potential occasions haven't been subjected to an assessment. There has also been a suggestion, I think that should the AP test be moved to the Morph that there may be potential biodiversity effects. So what I wanted to do in this part of the discussion was just to understand firstly, why potentially it may be necessary to move the access as opposed to simply undertake improvements or alterations to the existing access. And if indeed there is a you know, the applicant does think that it requires the flexibility to move the access to a different location. How any assessment of its impact will be taken into account. Particularly, but I know that the the article is, all the changes that the article may occasioned are subject to consent from the local highway authority. But I think that the implication is that that is highway matters. And certainly in terms of the, the, the council's response to, to the question I asked, it was framed in terms of high weight implication matters, rather than other wider environmental matters. And it's those environmental, the potential for those environmental matters to be significant that I wanted to explore. Sasha, do you want to kick us off on this one? muted.

41:10

case, the applicant? Yes, sir. The article primarily refers to the creation of a new access for the prime purpose that this order will effectively come into force and the existing DCA will fall away. So the reference the new accesses is really in reference to the existing access that has currently been built, but to ensure that that power still remains in place for that access. That was the purpose of referring to a new access, specifically in the wording. And then the wedding does then go on to refer to improvements, which may then be required. And so at this stage, I'm not aware of an intention to relocate or create a new access, but in in terms of the parameters and environmental assessment, and the article does refer to the order limits solely. So the works may only occur within the order limits. So that is within the parameters of the assessment. And the authorised works in schedule one to include hardstanding, and works have those nature within the order limits. So these types of ancillary works have also been assessed and are already authorised in schedule one. And finally, it is, as you've mentioned, subject to street authority, consent, and it and it must be following consultation with the local planning authority or relevant counting authority as well in any matters relating to their function, so the applicant does not have absolute discretion and works would be subject to scrutiny by those relevant bodies, particularly in relation to environmental impact as well.

43:05

Is there any, just going back to what you started with and the reason for the wording of the article being because we are or you would be developing this under the new consent and therefore, the existing access will become, in that term, a new access? In order to give some some comfort and assurance here, would it be possible to look at rewording article 10 to make that clear, that the intention is not to

have a an access in a different location, but simply to reuse the access the door in the location that already exists.

44:01

So I'll need to take instructions on that point, but very happy to take that one away and have a think and then come back to you the deadline for

44:07

Yeah, okay. I think that would be helpful. Thank you. Miss Mr. Watson. Have you any views on this before we move on?

44:20

I feel Watson northern championship counsel. I think I agree with what you just suggested. So I that was going through my mind that we haven't got any problem with the existing access continuing there would be an issue and you say environmental implications of moving especially to the north. Because you'll be entering the site through an area that the Manfield notwithstanding getting near to woodland and SSSI is etc. So yeah, I think needs to be it needs to be nailed down that that's what we're talking about.

44:55

Let's see African to come back at at deadline for and secretly tighten up I think perhaps the wording of article 10. Mr. Lewis, you've put your hand up.

45:15

Sorry, say yes. Thank you very much just waiting for a convenient pause there. We've been consulting behind the scenes. And so if it's all right, so And thank you for the opportunity, Anglian Water has nothing more to add today. And we're grateful. Thank you. So we've raised with you the point about standoffs which was the other matter, which necessitated our presence today. So if we may, we'll bow out at this point. Thank you, because we've nothing we wish further to contribute further. Okay.

45:47

Thank you. Yes, that's, that's fine.

45:49

Thank Thank you very much.

45:51

Listen. Thank you, Mr. frolic, for your contributions,

45:54

will say thank Thank you. Thank you to you and everybody else, and say, well, we'll report back clearly, I'm obliged. Thank you.

46:05

Right, should we move on then to schedule one, requirement eight, which deal with the the amount of low level radioactive waste which could be deposited at the site? The concern that I had was that it that things provisions are raise descriptively rather than quantitatively. And I do understand that the level of overall level of radioactive waste to be deposited at the site is subject to the environmental permit. And that has controls over the total level of radioactivity which can be the site can receive my concern, I think, was that as, as the DCO is framed, that there's nothing to prevent all of that happening within one cell for being spread equally over one of the cells. And whether there are only applications for the the assessment if there was such a concentration in one particular cell or one particular location. And, again, that the concern I have, I guess, is heightened by the fact that the the environmental permit for the the LM W hasn't been submitted yet. And once I understand that it's anticipated to be a will be similar in terms to the existing permit. We haven't got that information in front of the examination at the moment. Perhaps before I ask Miss Ashworth to to kick off on this and then perhaps ask Miss Moringa from the Environment Agency, but she has a view as well.

48:15

Yes, I'm going to defer to my colleague Leslie Huisman, again, on this point.

48:23

Leslie, he isn't for the applicant. So you're absolutely right that the DCO as drafted has an overall mass limitation on the quantity of LW that can be accepted at the site and that's in requirement eight. So that's an overall volume of W that can be accepted. And the volume and mass is very different to the radiological capacity. It's a physical measure, whereas the radiological capacity of that material is what affects its potential environmental or health effects. And the assessments that are submitted as part of the environmental permit application for the disposal of II W. Consider in a great amount of detail the appropriate controls that are necessary in order to restrict that radiological capacity both in individual isotope terms as well as in locational terms. So for example, in the current permit, and we would anticipate in the future permit, there are restrictions on particular types of isotopes, that can cannot be deposited within a certain depth of the ground surface. There's an overriding requirement that II w is not deposited within two metres of the edge of the site, for example, as I mentioned before, and there are various other requirements that are incorporated within the permit. And if there was a requirement that the total capacity within an individual phase or cell or indeed a particular area of the site needed to be restricted. then that would be included as part of the environmental permit. And in very general terms, so just to put this in context, we can talk about in a lot more detail here or I know it will probably come up in Agenda Item three be in the in the next issue specific hearing. But in very general terms, there are exposure criteria, which are set to protect both human health and the environment, that are set by national and international bodies in adopted including by our bodies. So the Environment Agency, for example. And those those criteria, which are set out in in the environmental statement, are the effectively that is the outcome, the maximum outcome that must be demonstrated would result from all of the potential exposure pathways that are considered in the risk assessments. And those exposure pathways include things that will happen, and also accidents and other events, which would not be expected to happen, but they're still assessed as part of that. Therefore, the safe exposure criteria will be maintained at those boundaries. And this is relevant not just to neighbours, to to the environment, but also to water quality and the issue that came up earlier in the hearing. So that's why we can be confident that the quality of water, the the the ecology, people's health, all will be protected on the issue

of the environmental permit, because the environmental permit will itself include those restrictions that are necessary. So if that means only a very limited amount of radioactive capacity can be accepted at the site in order to meet those dose criteria, or it can only be placed in certain locations, or only a maximum can be placed in one set or another, then that would very definitely be part of the permit. An overall restriction per cell has not been necessary to date. That doesn't mean it might not be for future areas. But we at the moment, we can't see any probable necessity for it to be limited, because one of the assessments that will be carried out is let's assume it's all LL W. What is the consequence of that in terms of the overall exposure. So hopefully, that provides you with the assurance so that these issues will be considered and are being considered as part of the LL W permit. Risk assessment process.

52:32

It gives me some assurance, obviously, the fact that we haven't had the application and then this is something we'll come on to in the next hearing. But clearly the fact that the LL W, an application hasn't been made yet. makes all of this a little bit more tenuous than perhaps it could or should have been. But

52:54

I don't think now is the appropriate time to point out so that the previous DCO application for the current site was went forward on exactly the same process. And there's the same timetabling in that the the examination was in late 2012. The DCO was issued in 2013. The application and the permit for the LL W. Landfill weren't issued until 2015. So there was a delay. And another reason again, perhaps we're jumping ahead in the agenda. But another reason for delaying the submission of the LL W application relative to the permit application for the hazardous waste landfill is that they're very asked various aspects of the hazardous waste landfill, particularly the hydrogeological risk assessment, where the parameters that are used in the assumptions that are used in assessing the impact on groundwater need to be agreed with the Environment Agency. And then once that model is agreed with the Environment Agency, that very same model then can be used to carry out the the groundwater impact aspects of the impact of the LW that would be deposited at the site. So it is that there is a logical sequence to to the approach to those different applications. And the hazardous waste landfill application, as you may recall, was routed back in May 21. And we're still going through those discussions with the agency. So there is a progress but that progress which may seem on the face of it to be quite drawn out there is there is a logic to that.

54:32

Environment Agency have you anything to contribute on this question of the way in which low level waste will be controlled? Either through the permit or as I'm more interested through the DCO

54:57

Environment Agency or I don't think I have anything to add at this time. I think Leslie's covered that quite well, I think without consulting with my colleagues, who are experts in that LL W. aspect, I, I wouldn't want to comment further at this point. So that's okay. So, okay,

55:17

thank you. Okay, so we'll, we'll move on to the next item, which is schedule one and four. And these are the schedules, which control the parameters for books two, and three. And the concern I have here is ensuring that the full extent of the potential development which could be consented under the DCO has been assessed.

55:52

Taking what number two, for example, the D C, which has been submitted development environmental a couple of the year before may have been commitments, that's it.

56:12

Set says that the landscape of visual assessment assumes a 15 metre high envelope of the entire footprint of works number two, and I didn't whether we can turn that up, actually and have a look at it. My understanding or reading of it is to be very specific. It's the last bullet point in paragraph 6.3. Now, I didn't want Steven from the case team, is it possible to to share that document? It's an examination library, it's a PP. 110. And we're looking at Appendix C.

57:00

Still just get that view? Paragraph 6.3 Did you say

57:34

of Appendix C, appendix? Yeah, a long list of appendices attached to the document? I'll try and locate it and come back to you. Just I'll put you back on screen, sir. Okay. Thank you. Okay. Sir, the question I had, and was that there is a reference to 15 metres, but it's not clear whether that assumes 15 metres over the entire footprint of the area covered by works work number two. And similar similar principle I think applies in terms of work three, where the height is given as eight metres for the entire footprints of work three. The DCO refers to a figure DC seat to which I couldn't find, nor I have to say, could I find the assumption that that the whole of that footprint was assessed to be 1 metres for the purpose of that landscape and visual assessment. So I what I'm looking for, and maybe this is something you can come back to me at the subsequent deadline rather than have a detailed discussion here because I'm not sure that we're going to be able to resolve it, but some assurance that as well. The two ways of doing it, some assurance that, you know, that is in fact what the Landscaping visual assessment says all from my phone to view potentially preferably some further limitation on the on the parameters. So that the 15 metres applied to a realistic if you like, portion of the footprint rather than than the entire footprint. Does that make sense? Miss?

1:00:30

Yes, okay Tatra for the applicant. And I believe we did receive provide a written response to one of your written questions, Question Eight point 1.3 which attempted to deal with this, but I do have the author of the landscape chapter here today. So I could hand to Dave Britton, who would be able to respond to you on the details of the assessment was carried out if that'll be helpful. So, yes, thank you. Okay.

1:01:04

Good morning, sir. Can you hear me? Yes. Okay. Yes. David. David button here on behalf of the applicant. Yes, the landscaping visually impact assessments. Obviously looked at the site as a whole. In terms of the proposed development. It's didn't specifically look at developments 15 metres high in area two, at the time, it was written the information on that was provided later in response to the question that was provided recently to yourself. We did do some visualisation work to show or to indicate what the physical feasibility of a 50 metre high building would be in works area two, and it's indicated that you wouldn't be able to see the building that actually anywhere in works area two from the nearest residential properties, which were at viewpoint number nine viewpoint number 13. The barn viewpoint number nine and West Hay House, West hay lodge viewpoint 13. The only place that you will be able to see a 15 metre high building anywhere in works over two was from a few points. Three, from footpath MX 15, approximately 120 metres to the west of the sites. And this indicated that it would be visible from approximately a 52 metre length of the football. In terms of work area three, the maintenance building as it is, is very well hidden. Behind the hedge row, large hedge fund a well established hedge Well, it's been in place for many, many years adjacent to Stanford road, that the only place that you can really see this building is as you approach the site from the South for a short distance along the road, looking towards the sight to the north. So, the possibility of seeing any other building in there which is eight metres high is limited in terms of the visual impact that that would actually cause.

1:04:05

I can understand in terms of the existing buildings and potential building which may be of a similar scale, if it was placed somewhere within that area. And whenever I'm being asked to grant a consent for something which potentially and you know, at Felix, except that it's probably unlikely, but potentially could be eight metres high over every square inch of work area to and I that my concern is that that hasn't been properly assessed.

1:04:42

I would say this David button here for the applicants, I would respond to that to request further time to go away to take a look further at the implications of an eight metre high building within area works three We can provide the visualisations which have already been produced to you for the implications of a 15 metre high building works area to I don't think you've been sent the actual visualisation information. Yes, I think it's only the text which you've been sent in terms of the response to your question. So that's information we could provide. And I

1:05:30

to use, I think that will be helpful. Yeah. So perhaps if I could ask it. Is it realistic to produce that information by deadline? For which is on the

1:05:44

absolutely, yes, absolutely. Yes, that's fine.

1:05:48

Yeah, one of reasons assessment, which says either, we've assessed the full implications of what the parameters actually say, or that we've had another look at the parameters. And we feel we can tighten



them up such that it's not part necessary to assess eight metres high overall of works three or 15 metres overall, it works to, which is obviously for you to decide which, which route you want to go down on that. Does that that seem reasonable?

1:06:32

Yes, that's perfectly fine. Yes. I understand the position here. And the information that you're asking for, so I will consult with the team here. And we'll provide the information before deadline forward.

1:06:45

Thank you. asked Mr. Watson from the council, whether he has any views on this before we use us Rob has a final saying.

1:07:02

Thank you, enough Northamptonshire Council, I take your point that we wouldn't want a 15 metre high structure across the whole of the area of works two or eight, eight metres picture all over the area of works site three, not that that's likely to occur. But I can see that we may as well get that close down on narrowed in order to just avoid any any, you know, risk that that could curb IQ scores, something of that nature wouldn't have been properly assessed. So I think to be taking a cautious approach is just to get this clarified is probably the best way subjects obviously what the applicants, you know, consider and obviously, Mr. Brittain said he's happy to go away and do some assessment work.

1:07:52

Just fine as Ashworth is anything you want to add on that before we move on?

1:07:57

Yes, I was just going to catch with the applicant point you towards the table in Appendix D. C. C, which is document a PP. 110. On page two, that table does expressly confirm the envelopes that have been assessed, which is a 15 metre high envelope for the entire footprint of where number two and just so that is where it's referred to

1:08:26

in the text. That's where it's referred to in in the D C. I think my concern is that it's less clear when you come to to investigate the landscape and visual assessment. I think that that's probably perhaps a little bit more Peyton's guidance.

1:08:46

Yes, sir. I mean, finally, I would say that the schedule one does also include an element of control here, because that lists out the I guess, the plant and machinery that can be provided as what two works two and three. And in addition to that, there are other parameters, as you said in schedule four. So we will come back with some more detail that deadline for but at the moment, we are confident that the DCA provides sufficient control over works number two and three.

1:09:23

Okay, thank you for that. But to see what comes of a deadline. Moving on to the next item on the agenda, which is the time limit for commencement of development. And this really arises from a comment that was made in the council's response to my question 4.4 point one are suggested that the time limit should be three years rather than five. Five years is time that is normally used under the regulations. So I just wanted Mr. Watson's. Is there anything specific behind? Why you raise the the potential for the time limit to be three years?

1:10:22

Sorry, yes. Go up to North Northamptonshire Council? No, not really, other than on the standard. Understand that application, it will be three years. Obviously, we're we're working on the different regulations and legislation. So it was more just a pointer, pointing to the fact that it was different, rather than taking any particular issue with it. Yeah.

1:10:47

Yeah. So I think it's the difference between the Planning Act that we're working under here in the Town and Country Planning Act, which been more useful, useful. Applications as it were.

1:11:03

Just to come back on on that thoughts, and the we have we have granted longer time periods anyway, you do have some discretion? And yes, planning that, yes. For developments where we felt that along the leading time was justified, and those are sort of more significant major projects. So we have done that in the past. Yeah.

1:11:23

But in terms of this particular scheme, if you have no concern that the time limit should be five years older than three.

1:11:35

No, sir. Another problem with that, I can see that this sort of the requirements for going through the environmental permitting process could be time, time consuming. And yeah, I think that to be fair to the developer, that a longer timeframe is justified.

1:11:53

Mr. Watson, right. I take it with us right from your point of view. That's acceptable.

1:12:05

Yes. Okay. Touch with the applicant. And we've drafted in line with with the regulations. And so if everyone's happy ducks we proposed keeping the timescale to five years

1:12:15

Okay, thank you seitan is a requirement for and whether this provides adequate control over the phasing the the interim, basic landscaping and phasing for the interim phases of the development. I think it will probably be worth one research worth if you are able to just to run through article four as it

appears in the in the deadline three version of the DCO and just said that I and everyone can else can understand exactly the mechanics of what would happen and when

1:13:00

Seth and Kate Ashworth for the applicant. So, just to run through requirement for in the draft DCO there have been some changes made at deadline three. So, the first provision now requires that the authorised development is carried out in accordance with the ecological management monitoring and aftercare plan or the eMAP which has been submitted as part of the application and in particular, the first stage of the phasing table within that document, until the more detailed phasing or landscaping and restoration scheme is then approved. Then moving on to part two. This this part requires the submission and approval of that detailed plan, which will set out the details of more detail on the phasing landscaping and restoration. And it must accord with the principles in the eMAP and also the restoration concept ski, both of which have been submitted as part of the application. That plan must be submitted within 24 months of the order being granted. And I can pass to my colleague Leslie Huisman to give you a bit more detail on that timing and the reasons behind that once I've I've mentioned the requirement if

1:14:24

that will respond to my The next item on the agenda but if we stick with the mechanics and logical thought for the moment, yeah.

1:14:34

The the detailed scheme would go to the relevant planning authority for approval, but following consultation with the Environment Agency, which was text added in at the request of the Environment Agency at deadline three. The next provision sets out the details which the phasing landscaping and restoration scheme must include. So it needs to set out the phasing times scales are proposed Hard and Soft landscaping works, and ecological mitigation and enhancement measures. And then it has a much more detailed list of the principles that must make their way into that detailed scheme. The next provision is has been included to allow for an element of flexibility and to allow the restoration scheme to adapt to changing conditions because of the time periods over which this plan will apply. So every 24 months, the applicant is able to also a nurse submit an updated plan to the relevant planning authority and arrange a meeting with them to discuss any changes. So that's particularly in relation to ecology. And any changes that say, for example, if planting isn't doing particularly well, it might be that things need to be adapted, enlightened phase of monitoring and ongoing management. So that's the purpose of that provision. There is then a provision which requires a replanting of any trees or plants within a period of 10 years, if for any reason they are removed or die. Paragraph six requires restoration of the site by the 31st of December 2046, at the very latest. And then we've included that reference to a minimum period of 20 years into that drafting. Now, it was in the map that we felt it was it was an important point. So we put that on the face of the DCO. Now, that must be all works must be carried out in accordance with the detailed scheme that's been approved, we've added in the wording X, the extant scheme. So that then ensures that it's the latest version that's being complied with at any point in time.

1:17:02

That's a reference back to the clause, or it is correct. Yeah.

1:17:06

Yes, yes. And then those works must be carried out to a reasonable standard, and in accordance with the recommendations of British Standards or other recognised codes of practice. And finally, we added in paragraph seven, again, it's in the email, but I think it was raised as a query, and we thought it was important enough to expressly commit on the face of the order to providing public access to the authorised development once it's been restored. And the details of that public access, including the locations of any pathways will be set out in the phasing, landscaping and restoration scheme.

1:17:49

Do you feel that the manga or the Raman agency had a concern initially, that it needed to be included within provisionally to be included within our requirement for to ensure that it was consulted? And I think that that now appears in at the end of clause two? i You tent that that satisfies satisfied, you're concerned.

1:18:24

Carry my Environment Agency yet that that satisfied our concerns with

1:18:30

Mr. Watson from the council. You're the person who's going to have to deal with all of this in due course, assume that DCO is is made you content that, as you understand it, and be that that it's a workable way of controlling, facing and landscaping through the lifetime of the scheme?

1:18:56

Fair what's not in the fantasy Council? Yeah, I think the condition does obviously go in quite a lot of detail now. And in relation to what its integrity into control? I must admit I did. I did question whether, at the beginning whether or not everything can be dealt with in the DCR or needed to be in legal agreement. But I think I'm assured by Augean that. Africa for 20 years can be achieved through through the DCO rather than into the Town and Country Planning Act, you would have to include that in a in a legal agreement.

1:19:27

Yeah, so that's an issue which I do touch on in the agenda for the the second issue specific hearing can return to that. But

1:19:39

it is same with the public access issue as to how that can be safeguarded. But in terms of the the wording, I think that I'm happy that there's plenty of checks and balances in there in order to to monitor and, and upgrade and, and adapt if if things change, so I don't have a problem with that. approach.

1:20:00

Okay. Thank you for that. Right. Okay. Was that worth you mentioned that he's moving talk about the 24 months which appears in the, in this requirement?

1:20:18

Yes, sir. I'll just hand over to Leslie. He's meant to take this question.

1:20:25

Thank you. So Leslie easement for the applicant and the DCO, we've been talking about should it be three years or five years or implementation, the reality is that the DCO is likely to be implemented within a very short time of grant, because the applicant is very keen to move into the extension area. So if the DCO is granted, that's likely to take place within a matter of weeks or days, but regardless from the date of which the the DCO is, is then acted upon, there are a number of actions that the applicant needs to carry out before cell construction can commence. So for example, those would include all of the pre operational measures that are set out in the E map, which have to be required with complied with straightaway. And as Miss Ashworth has already mentioned, as defined within requirement for and also within the within the map, the phasing scheme, and those associated documents, it is clear and it is controlled, that the first phase of operation in the western extension would be phase 12, which is at the north of the of the Western extension area, and that's where it needs to to start first and before works can take place there we need to do the pre operational planting, we need to obtain the species protection licences, the electricity cable needs to be to be diverted so that the access from the current landfill into the Western extension can be put in place. Fencing needs to be erected once the appropriate licences have been put in place, and only then can soil stripping comments, for example, for the whole road. And for the for the first phase. And as part of the source stripping for the whole road, for example, there is also archaeological investigation that needs to be carried out as a watching brief and that's in the scheme. There's also controlled through the DCO. Additional pre operational measures include the detailed design of the surface water management system, which is in also in a recording requirement three of the DCO. And then the detailed design of phase 12 needs to be provided to the Environment Agency, environment, agency approval needs to be obtained for the not just the design, but also the construction quality assurance aspects of that construction. So all that needs to be done before cell excavation works can even commence. So all of those works will certainly take more than than 12 months following implementation of the DCO. And then it typically takes at least a year to fill a cell. The cell then has to be kept with the low permeability materials. So there's another approval process and procedure. So in summary said there's a lot of work that needs to be done. Therefore, the 24 months will be in very good time and well before any restoration works are likely to be carried out. And it's an approach that's very common in these types of mineral and landfill developments where it is there is a delay to the development of the scheme.

1:23:46

I can well understand that there's an awful lot that will need to be done. Following the grant the TCO what I'm still struggling with slightly is why that should impact on when you can and it's certainly submit it's not even get approval to it and to submit phasing landscape and restoration scheme. Is there anything in that long list of activities which, you know, will affect your ability to produce this scheme in the first place?

1:24:28

There isn't so No, one of the reasons for that the 24 months is not only that it's a typical timescale that's in these types of permissions. Otherwise, but we would want to develop that scheme. You're right. We

don't need approval by that timescale. But we would hope to develop a scheme in discussion with the bodies that are invested in making sure that we have the best scheme that suits everybody and therefore discussions and approvals with bodies such as Natural England and with with local Interested organisations as well, we would hope to spend that time involving them. So it's not just a case of us producing a scheme and submitting it, but to involve those bodies as well. So that 24 months would be what we would hope is a virtually complete, ready to be approved scheme that would be our ambition.

1:25:22

Okay. I understand that it probably won't affect the overall timescale I, I'm still and you say that that is general practice in schemes of this, this type. But one of this is starting from a standing start is in the rudiments of the scheme are already in the DC, DC. And people like the Natural England and consultation bodies have been engaged with and are reasonably up to speed on the requirements. So I'm still struggling to see blacks up 24 months, but maybe we'll ask Mr. Watson and I believe Mr. Melville Is it from Natural England is is in the meeting. But they have interviews on this point. Mr. Watson, Dr.

1:26:36

Phil Watson, north north Hampshire counsel, just remind me exactly what what you're asking me. So I can be clear. But

1:26:43

the requirement for allows the applicant 24 months from the date of the DCO to submit a phasing, landscaping and restoration scheme. My thought was, that seemed like a long time to wait for a document which in its principles has already been established and that you and other consultation bodies already had some thoughts about before the DCO is is even crawled in. So whether 24 months is too long a period. Alternatively, whether you're young, whether you're comfortable with 24 months and

1:27:38

feel what's normal, then she cancelled? I don't I don't actually have a problem with that. I think. So bearing in mind, Nick, there's going to be a lot of time initially when things are just the site is not really going to take off as Mrs. When I said straight away. The timeline doesn't cause me a problem. I think it's fairly, fairly standard, as well, and a lot of landscaping and the actual ecological work. Well, I guess some of it will need to be undertaken early on, I suppose. Yeah. But there has been quite a lot of information already submitted. So it wasn't giving me a big problem anyway, whether or not Natural England have a view on that. But certainly landscaping in the light. It's, it's a lot of it will will take a while to get started. Not sure if that helps, but I don't have a big problem with

1:28:32

it. Thank you, Mr. Watson. Mr. Melvin from the Natural England. We've had from you up until up to now.

1:28:43

Hi, Jimmy Melvin, Natural England. I mean, obviously, we'd prefer it as soon as possible. We'd welcome it. You have it sort of now but I think from from our perspective, so long as we have relative

reassurance of what the principles are and what's going to be enclosed in that that that we accept that we will accept that a longer period will may be required will be utilised.

1:29:12

Okay. Right. Okay. Both. Thank you everyone for that. Is Ashworth. Is there anything you want to add? Finally, before we move on from this point?

1:29:25

There's nothing for me.

1:29:30

Next item on the agenda, and I think we'll press on and hopefully get there's only two more items to go through. I know it's 1130. But if we could finish off here, I think it would make life easier in the long term. And I did say I thought this item came under the second issue specific cannon but it's actually is here and that's whether the application provides Christian control over the long term management of maintenance Following restoration, Mr. Watson has already given his his view that as it's a DCO application, that's this is an acceptable approach. But I think from my point of view, Miss Ashworth, it may just be worth going through what the the funding and control measures are? Because as I understand it, the funding is is again controlled through the the environmental permit. Route. Yes, sir.

1:30:38

So, in coming back in relation to the question that you put in the agenda in terms of does the application provide sufficient control. To secure that long term management and maintenance, you'll see we have updated requirement for six in the latest DCO to confirm that 20 year period, but in relation to a query on funding, and I'll probably pass across to my colleague, Leslie, who's been or on that matter.

1:31:11

Thank you, Leslie, he's not the applicant. The site is in effect subject to two different types of of aftercare. The aftercare that's referenced in the DCO is the aftercare relating to the top of the site if you like. So above the landfill area. So it's about the landscaping, the restoration, the maintenance of the planting, and the pathways, and so on. And not 20 year after care period is, is now a clearly added into the wording of the DCO. And it's worth bearing in mind, I think also that many areas of the site that will be restored much earlier than the end of the of the DCO. So for example, phase 12, if that's restored within approximately five years, and that has more than more than 35 years of aftercare that's already that's applied to that not not just the the 20. So the 20 year period, as I say, relates to the to the landscaping, the environmental permit control extends for a much longer period. So that continues, generally as a minimum of 60 years, probably a lot more than that. And that's not a fixed date in time. That's a point at which the Environment Agency agree to accept the surrender of the permit. And they will not do that, until it's been demonstrated to them that the condition of the site is such that it can be it no longer needs to be managed. And if it is no longer managed, it does not represent an unacceptable risk to the environment or to human health. And the permit, as you look with aware controls, not just only the the sort of the active management of the the leachate in the site, for example, but also the site drainage, the engineering and those types of things. The permit does not cover the landscaping on the

top, it's only about the things that affect the waste in the site. And your rights are that there is a financial provision that goes with the permit that is calculated in a standard way with the Environment Agency, in order to make provision that if the operator defaults on their obligations in the environmental permit, that fund is then an accessible to carry out the works that need to be that the operator ordinarily would carried out so it's not a fund that is drawn down to to be used for the works. It's a fund that is drawn down this one that is available in the event that the operator defaults, and that I beg your pardon, like a bond. That's exactly exactly and that's usually indeed indeed what is that

1:33:41

fund that bond with that provide for the aftercare of attic as you call it that the surface the restaurant, the landscaping and everything associated with that or is it simply what goes on underneath and subject to the environmental permit

1:34:02

and this will certainly the surface of the site needs to be maintained under the permit. So the management of the cap and the soils which the soils depending on your point of view, the soils are there for the plants or the soils are there to protect the cap. So the management of the planting and the Management site to that context is included within the permit control and the funding. But any for example, tree replacement or vegetation replacement, those would those aspects would not be included within the financial provision, but the operator retains responsibility for the site therefore they are the funding body that would be obliged to carry out that maintenance work with the DCO so they can't if they are in place, obliged to carry out the responsibilities under the permit which includes the bond. They are also in place for a shorter period of time, just the 20 years just to 20 years, in order to also fulfil the obligations under the DCO. In other words, the broader landscaping obligations as well. But

1:35:15

in terms of the landscape, that just the maintenance, that mowing regime maintains and pathways, whatever other features, there may be their planting. That doesn't seem to be anything from from what you've described, that doesn't seem to have anything in place to fund that work. After the the the operator is finished on the site.

1:35:45

Well, they won't be finished on the site. I think that's perhaps the point I'm making, so they won't be finished on the site at 20 years.

1:35:52

After the DCO is completed. DCM works are completed.

1:35:59

There is no specific bond, but they remain responsible for the site under the environment for permit for a much longer period. Beyond that.

1:36:09



I understand that what I think what my concern is that there's there's nothing to require the restore site to be kept in a maintained in a reasonable condition.

1:36:29

But the DCO does that. So

1:36:33

what happens if there's no funding in place to ensure that that happens?

1:36:39

Can you touch with the applicant, if I could just add in here, so the DCO, it does mean Augean a defines them as the undertaker. So as I'm sure you'll be aware, under the Planning Act 2008. The enforcement sanctions are very different to the Town and Country Planning regime. This is a statutory instrument, and it therefore requires Augean by law to comply with the requirements and it is a criminal offence to not comply with those requirements. So on that basis, I would say it is adequately secured in the DCO.

1:37:23

I'll reflect on all that. Anything else on after care before we move on to the final point, which I hope it's it's a fairly brief one. Which is the final point is the the option agreement and the version that was submitted deadlines really isn't signed by Howard farms. This is a reversion which has been signed by homophones.

1:37:51

Yes, sir. And not altogether. So the document was executed in counterpart so that means there are two separate documents entirely identical, just one with different signatures. And and obviously, the data on the front of the document shows you that it's been correctly completed. And I'm very happy to provide the identical document with the Howard signatures redacted, of course, if that's what you're asking for.

1:38:14

If that could be submitted at the next deadline, then that just closes that points off. Again, that will be helpful. Thank you. Good, thank you for all of that. Are there any other matters that people wish to raise in relation to the TCO the stage

1:38:36

in which case, thank you participation has been very helpful. Digital recording will be made and and it will be available on the National Infrastructure website as soon as possible. as set out in the letter, if these people could put the points that they've made today in writing for publication on the website, and again that the deadline for that is deadline for which is the 13th of April. The next hearing this examination will be on environmental matters starting at midday, and the arrangements conference for that. While looking to Mrs. Williams I guess it's It's ready now to to participate in that. If you could make your attendance clear to Mrs. Williams and the case team that will be useful. So with that the time is now 1140 and this issue specific hearing is closed. Thank you