



**WRITTEN SUMMARY OF THE APPLICANT'S
ORAL CASE AT ISSUE SPECIFIC HEARING 3**

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WRITTEN SUMMARY OF THE APPLICANT'S ORAL CASE AT ISSUE SPECIFIC HEARING 3**1. INTRODUCTION**

- 1.1 This document summarises the case put forward by Augean plc (the Applicant), at the Issue Specific Hearing 3 (ISH3) on general matters relating to the Application, which took place via MS Teams on 8 June 2022.
- 1.2 Claire Brook of Womble Bond Dickinson (UK) LLP (WBD) represented the Applicant and was assisted by experts at MJCA, Augean and WBD:
- 1.2.1 Dr Gene Wilson (Augean) represented the Applicant on specific questions relating to the operation of the development;
 - 1.2.2 Leslie Heasman (MJCA) represented the Applicant on technical points relating to the Application;
 - 1.2.3 Kate Ashworth (WBD) represented the Applicant on matters relating to the protective provisions and the draft Development Consent Order (dDCO); and
 - 1.2.4 Peter Oldfield (Augean) represented the Applicant on Augean specific questions;
- 1.3 The summary of the submissions below follows the Examining Authority's (ExA's) Agenda for those items that were covered at the Issue Specific Hearing. It also sets out any follow-up actions and clarifications the Applicant finds it necessary to make following discussions during the Issue Specific Hearing.

2. REPRESENTATIONS AT THE ISSUE SPECIFIC HEARING 3

Table - 1 - Written summaries of oral submissions made at Issue Specific Hearing 3

Item	ExA Question/Context for discussion	Applicant's Response	Follow-up
AGENDA ITEM 3 – Swallow hole			
a	Update on land survey on behalf of the Trust	<p>The Applicant heard from the Cecil Family Trust (the Trust) on the evening before the hearing with respect to the Statement of Common Ground (SoCG). The Trust also provided a copy of their survey at the same time. The Applicant has made its view clear on the boundary line with respect to the swallow hole.</p> <p>The Applicant previously instructed a surveyor to mark out the site boundary. The Trust has instructed their surveyors who have placed markers in the ground alongside the Applicant's markers (photos with the two boundaries marked were submitted at Deadline 5 (REP5-004)). There is a marginal difference (0.5-1m) between the boundaries, but the key point is that the discharge point for the swallow hole is at least 2 metres within the boundary of the option land. Therefore, the discharge point remains firmly within option land.</p> <p>This point can be covered in the SoCG between the Applicant and the Trust.</p>	Augean will respond to the comments of CEFT on the SOCG and is seeking to achieve a finalised position before D7.
b	Surface water flows and drainage ditch design potentially affecting the Trust land	<p>Requirement 3(4) requires drainage to be approved prior to commencement of Works pursuant to the DCO.</p> <p>Development of the new works must not commence until a detailed drainage design in accordance with the surface water management plan has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency.</p>	

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AGENDA ITEM 4 - General Update			
a	Environmental Permit applications	<p>The treatment facility permit application consultation period ended on 6 June 2022.</p> <p>The period for consultation on the landfill permit application is due to end on 16 June 2022.</p> <p>There has been one response to the treatment facility application consultation. The response related to queries on emission control details. This will be assessed by the Environment Agency (EA) and will be dealt with as part of the determination of the EP.</p> <p>This is a very active stage of the permit application process. Where questions have been raised by the EA, these are being discussed.</p>	
b	Great crested newt Letter of No Impediment	The Applicant received an email from Natural England on 6 June confirming that they have sufficient information to proceed with the application for a licence and that Natural England intend to issue a LONI by Deadline 6.	The Letter of No Impediment was issued by Natural England on 21 June 2022 and is provided as document reference 15.2.4.1.
c	Protective Provisions discussions	<p>With regard to protective provisions (PPs) with National Grid Gas (NGG), the parties closed out the final two points two days prior to the Hearing. The PPs are therefore now agreed and will be incorporated into next iteration of the dDCO.</p> <p>With regard to PPs with Western Power Distribution (WPD), these are now agreed and will be incorporated into the next iteration of the dDCO.</p> <p>With regards Anglian Water (AW) PPs, the Applicant provided comments to AW on 31 May and are awaiting a response.</p>	<p>The dDCO submitted at D6 includes the agreed bespoke PPs for both NGG and WPD.</p> <p>The Applicant has prepared a mark-up of the bespoke PPs provided to the Applicant by AW and associated commentary of the Applicant's proposed changes. This is provided at document reference 15.2.4.2 and has also been issued to AW for comment. These PPs have not yet been incorporated into the dDCO.</p>

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d	Statements of Common Ground	<p>The SoCG will hopefully now be signed off with NGG for Deadline 6.</p> <p>The text for the SoCG with North Northamptonshire Council has been agreed and this has now been signed. This will be provided at Deadline 6. The Section 106 drafting has also now been agreed and is going through the signature process.</p> <p>With regards to Natural England, the Applicant is just waiting for a LONI so that the SoCG can be finalised.</p> <p>The WPD PPs are now agreed so this SoCG should be capable of being agreed and submitted for Deadline 6.</p> <p>With the Butterfly Conservation, the SoCG has been agreed and signed. The signed SoCG will be provided at Deadline 6.</p> <p>The Trust SoCG has now been returned and the Applicant will try and progress this now a first response has been received on the draft text.</p> <p>With regards the Defence Infrastructure Organisation, the latest activity is that an updated BHMP and a request for a meeting to finalise the details was sent to DIO on 20 May 2022. A few final requests for changes were received from MOD and these are being considered by the Applicant. It is hoped that these final points can be agreed shortly. Appendix I of the DEC will be updated and submitted at Deadline 6.</p>	<p>The NGG protective provisions have been provisionally agreed and incorporated into the latest version of the dDCO (V4). However, the Applicant notes that NGG has reserved its position in relation to the changes proposed as part of the NMC request, so further updates may be required. The Applicant hopes to be able to submit a signed SoCG at Deadline 7.</p> <p>The WPD protective provisions have been provisionally agreed and incorporated into the latest version of the dDCO (V4). The Applicant hopes to be able to submit a signed SoCG at Deadline 7.</p> <p>The Letter of No Impediment was issued by Natural England on 21 June 2022 and is provided as document reference 15.2.4.1. It is anticipated that the SoCG will be agreed and signed shortly and at the latest by D7.</p> <p>The signed SoCGs with NNC and Butterfly Conservation are submitted at D6.</p> <p>The agreed S106 Agreement with NNC has been submitted at D6. The Applicant is hopeful that the signed version can be submitted at D7.</p>

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			<p>Augean will respond to the comments of CEFT on the SOCG and is seeking to achieve a finalised position before D7</p> <p>The revised Bird Hazard Management Plan (Appendix DEC I2) has been agreed with the Defence Infrastructure Organisation and is submitted at D6 with an updated version of the DEC (V2). It is anticipated that the SoCG will be finalised shortly.</p>
AGENDA ITEM 5 - Update on Draft Development Consent Order			
A	Works 3 limits of deviation for a single tall building	The revised text will be included at Deadline 6 to address this change. The wording will amend the parameters table to make it clear that one building can be of a certain scale and anything else will be of a lesser scale.	The dDCO submitted at D6 includes these changes.
B	Stand-off distance limits of deviation	<p>Of three standoff distances, it is only the standoff for AW apparatus that is not agreed.</p> <p>Any changes to the AW standoff distances would not have implications for standoff distances agreed in relation to the other apparatus, but may have implications for the exact location of the WPD diversion to ensure that the standoffs work together.</p>	The dDCO submitted with the non material change request included the new Requirement 19. The range of standoff distances from 7m to 30m from the water pipes is included in Appendix DECB (V1) submitted with the non material change request on 16 June 2022.
AGENDA ITEM 6 - Anglian Water pipelines and other infrastructure crossing the site			
a	Update – including discussions and exchange of information between the Applicant and AW,	Prior to the submission of the application the Applicant and AW had agreed a 7m standoff from the AW pipelines with respect to the construction of the landfill and that was to be constructed accordingly. This standoff was included in the design principles presented at Appendix DEC B (APP-110). This was the position until during the Examination when concerns were first	Following the ISH the Applicant contacted Anglian Water to confirm that they had not received any email on or since 1 June 2022. Information was provided by Anglian Water on 16 June 2022 and an additional bundle of

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	<p>the 'Scoping Table of Scenarios', new risk assessment, stand-off distance, revised site profiles, supplementary ES/LVIA</p>	<p>raised by Anglian Water in March 2022. Following the hearing on 29 March (ISH2), a proof of evidence from AW was provided on 13 April (REP4-013) and then a further witness statement was submitted on 11 May (Deadline 5) (REP5-011). The Applicant heralded the potential for a change to the DCO based on the submissions by AW. The Applicant prepared risk assessment tables to seek to agree further risk assessments a to be carried out and to obtain clarification on the concerns of AW as well as to obtain details of the pipeline construction. There has been some degree of contact with AW On 5 April following the accompanied site visit there was a meeting between Augean and AW. This was followed by a meeting on 9 May to discuss the risk assessment work submitted to Anglian by Augean. No specific feedback was received to date from AW as to the scope of risk assessments proposed. This has not prevented the Applicant from continuing and completing that work with a view to moving to make a non-material change (NMC) request based on the further assessments. The Applicant has largely completed this work and would intend to lodge its request at the latest by next Friday, 17 June.</p> <p>In terms of consequential changes, if we proceed on the basis of an updated Requirement 19, the information would be: a risk assessment, amended DEC (Appendix DEC B), supplemental statement to address the potential landscape and visual impacts, proposal for standoffs, any consequential amendments to the ES (ecology and BNG calculation). The Supplementary Environmental Statement has already been completed and it is concluded that there are no new or materially different environmental effects hence the proposal is non material in nature. The Applicant will also submit an amended restoration contour profile plan and the Works Plan will be updated with respect to Work No 5 for the electricity cable diversion. The Applicant is in ongoing discussions with WPD in respect of the cable diversion.</p>	<p>GIS information was provided on 21 June 2022. An updated bundle of correspondence with Anglian Water is provided at document reference 15.2.6.1.</p> <p>Information provided by Anglian Water was received on the afternoon of 16 June 2022 which is when the non material change request was submitted, accordingly any information in the email could not be taken into account in the submission.</p> <p>The Applicant's response to the information provided by Anglian Water on 16 June 2022 is provided at document reference 15.2.6.2. The response includes a review on whether the information provided affects any of the assessments provided with the non material change request including the Pipeline Risk Assessment [14.6.2.2] and the pipeline engineering assessment [14.6.2.3]. It is concluded that the information provided does not affect any of the risk assessments or conclusions.</p> <p>The Applicant's response to the plans and associated information provided by Anglian Water on 21 June 2022 is provided at document reference 15.2.6.2. Clarification is being sought from Anglian Water regarding the interpretation of the information which accompanies the plan.</p>

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		<p>In terms of other documentation to address concerns raised by Anglian to date, the Applicant has also prepared a pipeline risk assessment and specialist pipeline report to accompany information with respect to an EIA.</p> <p>The Applicant notes Mr Froggat's mention of correspondence (sent on 1st June) but does not appear to have received said correspondence. The Applicant requests this is resent.</p> <p>Before getting into the detail of each item (see Items b to g below), it might be helpful to articulate detail of the proposed change to set out what this constitutes and why.</p> <p>There have been calculations on crater size in the event of a catastrophic failure and whether this affects the structural integrity of the adjacent landfill site resulting in the potential for contamination to be released from the landfill. The calculation has been carried out based on worst case assumptions because the Applicant still doesn't have as built details for pipelines. The calculation is based on both pipes failing and shows a crater distance beyond the edge of each pipe by approximately 4m – giving a total crater size of around 12.6m. The Applicant's original proposals include a distance of 7m from the pipe to the fence line and a further 2.5m to the excavation boundary of the cell. This totals 9.5m of which a worst case scenario would only extend 4m. Therefore there would be no consequence in terms of impacts on the containment engineering as a result of that failure.</p> <p>The second point is whether the process of excavating the landfill could change the stresses in the soil to affect the integrity and stability of the pipes. Those assessments have been done and tell us that where there is excavation and release of stresses and strains on clay, the consequences and effects of that do not reach or affect the soil or other structures around that pipeline. We have full confidence there is no risk of instability to the water pipelines. The consequence of this is that the standoff distance</p>	

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		<p>included in the design is more than adequate to address the risk aspects discussed.</p> <p>What is driving the required standoff is the access space required to carry out any repairs in the event of leaks and failures. The Applicant has prepared their own estimates for the distance needed for access and the distance for access ranges from 8.5m up to Mr Frogatt's ideal 20m. There is discussion to be had somewhere in that range to allow access for repair. It is acknowledged that because there are two pipes, AW do need access from each side. The Applicant's NMC proposal is to incorporate a standoff range from water pipes from 7m to 30m. This is not because the Applicant considers 30m is necessary, this 10m cushion allows for a 3-4m strip outside for the electricity cable as well as an allowance for uncertainty or agreement. This gives a total space of 65m in the corridor. This has been included in all assessments that will accompany the NMC request. The LVIA confirms no overall change. BNG shows no change to this calculation because of the nature of the way those areas will be managed.</p>	
b	<p>Risk of failure of pipelines with and without the Proposed Development, method of assessment, ground conditions, implications of twin pipelines. Monitoring or condition assessment of the pipelines to the south of the existing site.</p>	<p>The risks mentioned by AW will be gone though in detail in the risk assessments but the overarching point with regards risk of failure is that you have small leaks before big leaks; this is recognised. The Applicant has suggested that the proposed development could provide an opportunity to install monitoring for leaks on this section of pipeline. This could give AW some additional comfort. This is not necessary as mitigation but the Applicant does understand that additional comfort might be appropriate in these circumstances. Any leaks detected can then be repaired in advance of progressing to larger scale failures. It should also be noted that the pipeline is made of steel and not brittle materials and so is unlikely to be subject to catastrophic failure. This is the case regardless of whether landfill development takes place or not.</p> <p>All points listed by the ExA have been covered by the Pipeline Risk Assessment and the Applicant looks forward to receiving comments from</p>	

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		<p>AW on this. Physically digging the slope and the stability of this has been looked at and this is different from changes in stresses in the soil due to relaxation of the soil from excavation, which could transfer to the area where the pipe is located and this is understood as a concern identified by AW. This is separate, again, from concerns regarding the potential for surface water drainage to enter the bedding in the pipe and an increased volume of that water to then erode the bedding or destabilise the bedding in some way. A Surface Water Management Plan is designed to mimic the existing surface water drainage systems. Each of the scenarios have been separated and addressed individually in the risk assessments.</p> <p>The assessment is based on site investigation information already gathered from the site. Augean have been operating the site since the early 2000s and landfill has been there since 2000. The nature of the clay is very well known. Augean has data for the clay for each phase constructed in the existing landfill in the Construction Quality Assurance (CQA) reports and the site investigation information from the existing site and proposed western extension. No further investigations have been done because the Applicant already has results of extensive investigations. We know how the clay material behaves. It is a very strong clay and it supports the pipelines currently.</p> <p>We would be interested to understand what Mark Froggatt means by corrosive. The clay is currently there and the Applicant is not introducing new clay as a result of the development.</p> <p>The pipes are well above the groundwater in this area. There is no contact between groundwater and the pipeline. The corrosiveness of the clay is a general maintenance issue and will not be any different whether the proposed development is there or not.</p> <p>With regard to duration, the slopes are designed and approved though the permit application in terms of stability. The details of design, construction and stability are approved and imposed though the Construction Quality</p>	

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		<p>Assurance Plan. The factors of safety are demonstrated. Each phase is filled and capped in a short period so there is no expectation that slopes will be open for a long period. As soon as a cell is opened up, it will be quickly filled due to commercial drivers amongst other things. Once the engineered slope is backfilled to ground level, those slopes are supported fully by the waste placed against those slopes. The stability of the slopes is separate from another matter raised by AW which is about ground pressure changes as a result of excavation. Where a new pipeline is constructed it is necessary to take into account the ground conditions. The Applicant's understanding from the specialist pipeline engineer is that there is a standard approach to this assessment, where a new pipeline design is undertaken, which is presented in a British Standard. In new pipeline design if the trench width or supporting soil is greater than 4.3 times the width of the pipe from the pipe, any changes or stresses in the soil near the pipe are deemed not to have an effect on a structure or behaviour of that pipe. The pipeline diameter is 0.8m. 0.8×5 (to make the maths easier) takes us to 4m. If the pipeline was within 4m of the cell edge, there would be potential for an effect and you would need to do more investigation. As we are well outside that distance, the consequence of the excavation is that it will not extend anywhere close to the pipeline so as to have an effect. The multiplier does not vary dependent on soil type. Assumptions have been made on the matters such as the depth of the pipe so that this can be factored into the assessment. It would be very helpful to receive critical information like this and as much of the as built information as possible.</p>	
c	Physical impact on the pipelines from excavation, filling and capping, surface water, vehicle movements and crossings	<p>The Applicant has included vehicular loading in the risk assessment. It is accepted that these pipes were not designed to accommodate significant loading. The pipelines do however comfortably pass all the assessments that have been carried out with a factor of safety against buckling, which is significantly greater than the required value, which is a factor of safety of two in all loading cases. The assessment also assumes that the original pipeline thickness might have been reduced as a result of corrosion.</p>	

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		<p>Notwithstanding those conclusions, it is good practice that designated crossing points would be identified and would be constructed to allow vehicles to move across pipelines. The crossing points would make sure the ground surface does not deteriorate because of rutting and maintains the depth of material above the pipeline.</p> <p>AW confirmed that a GIS model exists and the Applicant requests a copy of the model. The Applicant also requests that AW confirm the depth of the pipeline. The risk assessment has been based on worst case assumptions but having actual data would be immensely helpful.</p> <p>The Applicant also requests information on the original wall thickness of the pipelines. The Applicant would recognise the confidential nature of such information and would revert to AW as to how and if this is shared with the Examination.</p>	<p>AW were requested to provide GIS information and as built data as soon as possible. A GIS plan and information were provided on 21 June 2022. Comments on the information provided by Anglian Water on 21 June 2022 is provided at document reference 15.2.6.2. Clarification is being sought from Anglian Water regarding the interpretation of the information which accompanies the plan.</p>
d	Impact of the failure of the pipeline including flooding, mobilisation of contamination, restriction of access, effect on other infrastructure	<p>The concern about inundation of adjacent cells was touched on in an earlier response by the Applicant [REP5-005] but, to go over this again, inundation will only be possible when cells are open. Once filled, they are restored and capped in short order. There is a short window in which the water could ingress the void. The calculations have assumed 1m³ per second of water is released from a pipe. The volume of water calculation assumes all water goes into one cell (in reality it would go in different directions, drainage ditches etc) those calculations give a leachate depth in the cell of 1.4-1.5metres. If both pipes burst, that doubles this to 2.8m. However, the base of the site is at least 7m below ground level and so well below the overflow/filling point. This level is above the 1m leachate level in the permit. Elevated leachate levels were discussed at the last Hearing and it was acknowledged that this does occur from time to time at landfill sites and that it is managed and does not result in an unacceptable impact on the environment. The Applicant is comfortable that those circumstances would not result in an environmental impact.</p>	

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		<p>The leachate pumps have the capacity to deal with the volume of water from a pipe failure. Landfill sites have built in redundancy and there are other leachate monitoring points that can be used as extraction points to remove elevated leachate levels. There would be spare pumps available to pump the additional leachate. Pumping of water and leachate on the site happens regularly. This is a straightforward activity to be carried out. The potential for catastrophic failure of the pipes would be lower with monitoring implemented.</p> <p>In terms of the effect on access due to catastrophic failure, in identifying the space required to access the repair, you need to look at the size of the crater formed, the plant necessary to repair the failure (sufficient space for an excavator) and the soil storage. This has been calculated and will be presented in the NMC request document to show that this access is achievable. A haul road next to the repair area is not needed in every circumstance. As mentioned earlier the crater could extend 4m from the pipeline. An excavator is 3.6-4m wide. Taking the crater into account, the Applicant is confident that with a distance of 8.5m as minimum there is space to access and repair. There is 9.5m up to the excavation boundary in the existing design. A distance of 20m gives more than ample space for all equipment to be next to each other. A total width of 40m width is proposed in the Strategic Pipeline Alliance pipeline construction proposals. And that is for construction of a pipeline, not repair. The range considered by the Applicant is between 8.5m and a maximum of 20m with a reasonable range between 10-12m. Other water companies' standoff standards fall within that range (minimum of 4.5m and maximum of 10m). The AW guidance is for a 12m easement for a single pipeline. Therefore 10-12m for either pipeline is more than ample and well within the 30m which will be proposed in the NMC application.</p> <p>The Applicant has checked the topography of the area to confirm where water from a pipeline failure would go. The topography shows a fall in two directions. two thirds of the area falls to the north west and the remaining</p>	

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		<p>one third falls to the south east. These routes are not obstructed. Water would not accumulate in the pipeline corridor or prevent access for repairs.</p> <p>Once outside the pipeline corridor the water would flow onto agricultural land or woodland. To the south east the water will flow to agricultural fields, to the north west it would flow to the woodland area. If the water did pond it would eventually drain to ground as normal. This would be the same without the development in place. There has been reference to channelling. As designed, at the point when the raised profile is present, there is more than 20m width, which is a big space. Whilst it is a channel, it is not a narrow canal constrained at exits that would fill up in any way.</p>	
e	<p>Other implications of a failure of the pipeline—for example, any likely significant effects on the environment and/or risks to human health which may fall under the heading of 'major accidents and/or disasters' within the ES</p>	<p>There is a range of options for the placement of the cable as to whether there is any or no overlap between the diverted cable and an agreed standoff distance for the water pipelines. This would need to be well outside the crater distance calculated as a minimum. The assumption in the NMC request is that the 20m standoff is for access for the water pipelines only and it may not overlap with the electricity cable. This would add a 3.5-4m easement of its own for the electricity cable to the north of the northern water pipeline. This would be separate and protected in the same way. The gas pipeline doesn't share the same corridor. It sits within 4m of the water pipes to the south of the existing landfill (at its closest point) but we are not discussing this area at this stage.</p> <p>Schematic cross-sections will be provided with the NMC submission.</p> <p>There is no direct effect on socio-economic effects as a result of the failure of a pipe as the risk of failure as a result of the development has been demonstrated in the risk assessments to be very low. In terms of the perception it is very important that it is understood correctly that the pipe runs between two discrete areas which will receive Hazardous waste and LLW, as opposed to "through" the landfill site. The Applicant also notes the pipeline already runs adjacent to a landfill site with the same types of waste in it (LLW and hazardous waste). So far no issues relating to public concern</p>	<p>Schematic cross sections are provided in the Pipeline Risk Assessment submitted with the non material change request [14.6.2.2].</p>

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		<p>about quality of water have been raised in the consultation or on any other occasion. The Applicant has been active in its communications for many years to ensure a high level of understanding and to overcome misperceptions, In order to achieve that it is important that information disseminated is as clear and consistent as possible. Perception is only material where supported by evidence in terms of planning consequences.</p> <p>The Applicant intends to circulate the NMC widely which will include the risk assessment in the interests of fairness.</p>	
f	Diversion options – route, implications for the DCO application	<p>The Applicant considers that there is no need from a practical or risk point of view for the pipeline to be diverted. It is not contemplated in the Application at all.</p> <p>If it was diverted along the route suggested by AW, it would still be adjacent to landfill. Therefore, the benefits are unclear. The length of pipeline in the corridor is approximately 350m and the diversion would be around 900m. All of that route is adjacent to a landfill area and the whole of the western route is adjacent to a local wildlife site. Access is limited by the trees in the local wildlife site and the grassland margin for which lots of protection measures are incorporated in the application. For all those reasons, the Applicant does not understand the purpose or the benefit of the diversion. This is a NSIP, the need for the void and the space that it provides is nationally significant. If such diversion were to be within the confines of development, this would reduce the void available to the disbenefit of being able to take the nation's waste.</p> <p>So far as the current application is concerned, the Applicant's position is that it will be pursuing its proposed way of dealing with this (a non-material change request), which it is believed can be accommodated within the examination period and to be properly considered by the ExA.</p> <p>In terms of the alternative of a pipeline diversion, it would be difficult to conclude that this was anything other than a material change and it is likely</p>	

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		to trigger Compulsory Acquisition powers. The Applicant will consider anything that can be put forward by AW, but there may be further difficulties on how this can be addressed.	
g	Other mitigation options during construction and operational phases – increased stand-off distance (Lincoln to Grantham example), crossing points and other physical protection measures, bank stability and leak detection monitoring	<p>On the monitoring, there were two elements to the monitoring suggestions:</p> <p>1- leak monitoring; 2 – if warranted by concerns, also possible monitoring of water levels in bedding around pipes to see if there is any change to that flow. The period of 8-10 years before construction starts in the adjacent area could be used to monitor background levels and then monitoring could continue once operations commence in the area to assess whether there is any material change.</p> <p>From a commercial point of view, it is within Augean's interests to fill constructed landfill cells as quickly as possible. In terms of risk assessment, if there was a failure of the slope or changes in the stresses on the soil, the risk assessment calculation shows that no consequences for pipe stability arise from that. So whilst the cells will be filled quickly, even if they were not, the risk assessment shows that this is not an issue. The Applicant is already constrained by the life of the whole site and the phasing of landfill and if this is worked back to the numbers of cells and the rate for this, it is evident that it is not possible for cells to be left open for long periods.</p> <p>The Applicant confirmed that the standoff distance 'X' in the draft Requirement will become 30m in accordance with the findings of the Pipeline Risk Assessment.</p>	An indicative timescale is provided in the risk assessments submitted with the non material change request regarding how long the excavated slopes will be exposed.
h	LLW and the perception of contamination risk	<p>It has been mentioned that this might cause contamination of the water pipes. If considering a pipe failure, the potential for contamination to enter the water pipelines is no different whether it is radioactive or non radioactive waste.</p> <p>There seems to be a perception that gamma radiation could irradiate the water in the pipeline. When landfill site capacity constraints for radioactivity</p>	

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		<p>are set, there are limits on what and where the waste can be placed. For example, LLW cannot be within 2m of the edge of any waste cell. The gamma rays from the waste are rapidly attenuated by other waste surrounding it and by low permeability containment and if the emissions still were there beyond the containment they would be further attenuated by the clay material outside the landfill site. Any LLW load deposited must be monitored before offloading to ensure emissions are below a certain standard. When placed in the landfill site and immediately covered with a 200mm layer of cover material, the emissions are monitored to ensure that they are below a level that is protective of human health. Even if you were sitting next to it in the landfill the activity is such that it would not cause harm to human health. There is no risk from the radioactive material.</p> <p>In terms of mobilisation of contaminants, there needs to be a pathway for it to pass into the pipes. If the pipes are intact, there is no way the contaminants can migrate into the pipes. Even if there was a hole, the pressure means the movement of water outwards Whilst the pipes are functioning, there is no conceivable pathway for contamination to enter. There is no contamination which will sit next to the pipes as the ground by the pipes is original ground and the landfill has a designed engineered containment (controlled by the EA) to contain all contaminants within an engineered boundary. Any mobile contaminants are collected in the base. If any liquid goes sideways, there is a drainage layer on the inside of the liner, which would divert the liquid down to the base of the site so there is no route for contamination to get to base of the pipe.</p> <p>In terms of the alleged potential risk of scooping up contaminated soil in repair work, the contaminants would not be present in the soil. There are standard procedures in the water industry for minimising and dealing with maintaining the quality of the water during repair works. Those are procedures that are needed regardless of presence of the landfill. As the landfill is designed to contain and protect the environment, those are</p>	

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		<p>principles that provide protection and confidence that contaminants won't be anywhere near the pipes at any point.</p> <p>The EA queried whether the scenario of a pipe bursting when the waste face is above ground and not capped has been considered. The Applicant responded that this situation is not included in the risk assessments but it has been discussed in terms of the operational controls that it would be prudent to install at that point. As well as ditches which you would expect on the outside of the operational area to keep clean water and any potentially contaminated water separate, additional bunding may be included around those boundaries. If there is any pipe burst in that time when that face is open the water will be diverted away from the waste rather than going into the waste space. The Applicant considers that to be a detail that would be agreed with the EA at the time. The cells would be capped as soon as possible.</p>	
i	<p>Non-material amendment. Changes to the DCO/EM, DEC, supplementary LVIA, other changes to the ES, Restoration Concept scheme. Need for consultation, implications for examination timetable.</p>	<p>The Applicant has had careful regard to Advice Note 16 and the guidance. Despite the position that this is firmly a non material amendment with limited impact in terms of the Application itself and any other party, save AW's own position, the Applicant wants to ensure complete transparency and ensure no party is prejudiced in any way by reference to the proposed change. As current proposals stand (precise details to be shared in advance) the consultation would include all section 44 consultees, a more targeted approach regarding section 42 consultees, a good number will be consulted, including Peterborough Council. The Applicant will exclude those whose function is not affected directly or indirectly as a result of the proposed change. The consultation report will detail this. In relation to section 47 consultees, the Applicant has noted all previous section 47 parties as part of this consultation. Everyone who was and has been involved in previous consultation as agreed with the Council is proposed to be mirrored as well as parish councils as a prudent measure.</p>	<p>The consultation proposals for the NMC change request were provided to PINS and NNC for review and comment before the consultation process commenced on 16 June 2022.</p> <p>The Consultation includes UKHSA and DWI.</p> <p>A Consultation Report on the consultation regarding the NMC will be submitted by 20 July.</p>

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		<p>The Applicant already propose to include Public Health England (now UKHSA) in the consultation and would be happy to include the Drinking Water Inspectorate (DWI) in the consultation.</p> <p>The consultation has only been set in case of consideration by the ExA that the change would constitute a material change because that guidance stipulates minimum 28 day timeframe. This could be shorter based on non-materiality. It is for the ExA to judge whether accepted as non-material change. Alternatively, the Applicant could encourage those contacted to respond within interim 2 week timeframe but then have absolute longstop.</p> <p>If the NMC request can be submitted sooner than 17 June, this will be done. In terms of the consultation report, the Applicant would be happy to lodge some interim consultation information should be this be of assistance but notes the ExA's reluctance for an interim report.</p> <p>A covering document will be submitted with the NMC request, which sets out the position as to why this is not material.</p> <p>The Applicant noted that the Inspector may introduce a further deadline before the Examination in case others wanted to respond.</p>	