



STATEMENT OF COMMONALITY V4

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

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Statement of Commonality

Introduction

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

Table 1
Position of the Statements of Common Ground

Document Reference	Party (or Parties)	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
7.1	National Grid Gas	A first draft of the SoCG is provided at Appendix A.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	Discussions are ongoing with respect to the protective provisions. The SoCG will be signed off once the protective provisions are completed. No document appended.	The protective provisions are now agreed. An agreed signed version of the SoCG will be submitted at Deadline 7. No document is appended.	
7.2	North Northamptonshire Council	A first draft of the SoCG is provided at Appendix B.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	The text of the SoCG has been agreed and the document is currently completing the final approvals process within NNC prior to final signature. No document appended.	A signed agreed version of the SoCG is provided at Appendix B.	
7.3	Environment Agency	A first draft of the SoCG is provided at Appendix C.	No change since Deadline 2. No document appended.	A signed agreed version of the SoCG is provided at Appendix C. The SoCG includes the additions requested by the ExA at the Hearings on 29 March 2022.	No change since Deadline 4. No document appended.	No change since Deadline 4. No document appended.	
7.4	Natural England	A first draft of the SoCG is provided at Appendix D.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	The SoCG will be finalised with Natural England once the Letter of No Impediment is provided by the licensing team. No document appended.	The Letter of No Impediment has been provided by Natural England. The SoCG will be updated and submitted at D7. No document appended.	
7.5	Western Power Distribution (East Midlands) PLC	A first draft of the SoCG is provided at Appendix E.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	Discussions are ongoing with respect to the protective provisions. The SoCG will be signed off once the protective provisions are completed. No document appended.	The protective provisions are now agreed. An agreed signed version of the SoCG will be submitted at Deadline 7. No document is appended.	
7.6	Cecil Estate Family Trust	Discussions are ongoing between the Applicant and the legal advisors for the Trust to establish the content of the SoCG. We have prepared a	No change since Deadline 2. No document appended.	A first draft of the SoCG has been provided to the legal advisers for the Trust.	No change since Deadline 4. No document appended.	Comments on the draft have been provided by the Trust. The Applicant is responding to the	

Document Reference	Party (or Parties)	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
		response to their Relevant Representation and we propose to discuss this with them to identify potential areas of common ground and areas of remaining disagreement before preparing the SoCG.		No response has been received to date.		comments. No document is appended.	
7.7	Defence Infrastructure Organisation	A draft SoCG has been provided to the Defence Infrastructure Organisation. Discussions are ongoing between the Applicant and the DIO to seek to reach agreement on the BHMP and restoration planting restrictions as well as the SoCG.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	Discussions are continuing with the Defence Infrastructure Organisation with a view to reaching agreement on the details of the Bird Hazard Management Plan. No document appended.	The revised Bird Hazard Management Plan (Annex 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. No document is appended.	
7.8	Northants Police and Northants Fire and Rescue	A signed agreed version of the SoCG is provided at Appendix F.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document is appended.	
7.9	Butterfly Conservation	A first draft of the SoCG is provided at Appendix G.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	An updated SoCG has been provided to Butterfly Conservation. No document appended.	A signed agreed version of the SoCG is provided at Appendix G.	
7.10	Anglian Water Services Limited	A draft SoCG has been provided to Anglian Water. The applicant and Anglian Water are currently holding discussions with respect to the progression of the SoCG and protective provisions.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document appended.	No change since Deadline 2. No document is appended.	
7.11	NW Fiennes	A draft SoCG has been provided to NW Fiennes. No comments on the draft SoCG have yet been received.	A signed agreed version of the SoCG is provided at Appendix H.	No change since Deadline 3. No document appended.	No change since Deadline 3. No document appended.	No change since Deadline 3. No document is appended.	

APPENDICES

APPENDIX A
SOCG BETWEEN AUGEAN SOUTH LIMITED AND NATIONAL GRID GAS

APPENDIX B
SOCG BETWEEN AUGEAN SOUTH LIMITED AND NORTH
NORTHAMPTONSHIRE COUNCIL



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

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

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CONTENTS

1.	Summary	1
2.	Introduction	2
3.	The proposed development	4
4.	Non-radiological environmental impacts	6
5.	Radiological impact assessments	19
6.	Policy issues	20
7.	Specific issues raised in the Rule 6 letter	23
8.	Requirements in the draft DCO	24
9.	Legal Agreements	25
10.	Agreement	26

TABLES

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

1. Summary

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

2. Introduction

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

Environmental setting and description of the site

- 2.2 The details of the site location, description and environmental setting and other information are set out in section 3 and Figures ES1.1 (PINS document reference 5.3.1.1) (APP-050) ES1.2 (PINS document reference 5.3.1.2) (APP-051), ES3.2 (PINS document reference 5.3.3.2) (APP-055), ES3.3 (PINS document reference 5.3.3.3) (APP-053) and ES5.1 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement (PINS document reference 5.2) (APP-049) including the locations of and distances to properties and sites of ecological interest in the vicinity of the site. There are no material areas of disagreement on these descriptions.
- 2.3 The description of the current site activities and infrastructure set out in sections 5, 6, 7 and 8 of the Environmental Statement are agreed.
- 2.4 The operations at the existing ENRMF are the subject of Environmental Permits issued and regulated by the Environment Agency. Any extension to the waste management operations at the site will continue to be the subject of Environmental Permits. It is necessary to vary the Environmental Permits in respect of the existing hazardous waste and low level radioactive waste (LLW) landfill site to include the proposed western extension. The Environmental Permit for the treatment facility is being varied in order to increase the waste throughput rate and to include any changes to the processing activities.
- 2.5 The Environmental Permits issued by the Environment Agency for the landfill operations and waste treatment facility will continue to specify the types of wastes permitted for importation and deposition at the site. The Environmental Permit issued by the Environment Agency for the disposal of LLW will continue to specify the type and activity level of LLW permitted for importation and disposal at the site. The permit will specify a maximum radiological capacity for the site as well as procedures for

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

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

3. The proposed development

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

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

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

4. Non-radiological environmental impacts

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

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

Alternatives

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

Population

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

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

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

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

Socio-economic impacts

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

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

Air quality

- 4.11** The combined effect of the individual elements of the proposed development has been considered. The management and monitoring of emissions to atmosphere would continue to be implemented in accordance with Environmental Permits issued and regulated by the Environment Agency. It is agreed that the emissions from the site will be adequately regulated through the pollution control framework. It is agreed that the potential effects of the extension to the waste facilities on air quality have been properly considered.
- 4.12** As set out in section 19 of the Environmental Statement the scope of the Transport Assessment was agreed with Northamptonshire Highways as the local Highways Authority as well as with National Highways (formerly Highways England). Under the IAQM/EPUK guidance¹ a traffic air quality assessment is necessary only if there is a change of HGV flows of more than 100 Annual Average Daily Traffic movements. As the change in HGV movements is well below this threshold it is agreed that there will be no significant impact on air quality as a result of the traffic associated with the proposed development.

Ecology

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

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

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

- 4.14** The results of the site surveys and assessments, the objectives and details of the design of the restored site and the need for and design of the proposed mitigation measures for the protection and enhancement of ecological biodiversity as summarised in section 13 of the Environmental Statement and provided in detail at Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087) were discussed at meetings attended by NNC as well as Natural England, Forest England and local conservation groups. It is agreed that surveys have been undertaken including a preliminary ecological appraisal, a Phase 1 habitat survey and a wide range of field surveys covering plant communities, invertebrates, amphibians, reptiles, birds, bats, badgers, dormice and other mammals. It is agreed that these surveys are appropriate.
- 4.15** It is agreed that there is no potential for the proposal to affect the ecology at the internationally designated sites or to have any significant adverse effect on the SSSIs or the non-statutory sites within 2km of the application site boundary.
- 4.16** The design principles for the protection of the boundary habitats and the root protection areas for adjacent woodlands are set out in Appendix DEC B of the DCO Environmental Commitments Document (PINS document reference 6.5) (APP-110). The summary of the residual effects based on the proposed mitigation and enhancement measures provided in Table ES13.1 of the Environmental Statement is agreed. The protection and mitigation measures are set out in the Ecological Management, Monitoring and Aftercare Plan (presented at Appendix DEC E to the Environmental Commitments Document) which is agreed. The management of the mitigation and the phased provision of the restoration scheme at the site would be the subject of a Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO (PINS document reference 3.1) (APP-017) which includes approval by NNC as the Local Planning Authority. Based on this it is agreed that there will be no significant negative residual effects associated with the proposed development and for many of the ecological features, species and habitats there will be a significant positive effect in the short and the long term. In Table 4 and Table 5 of the Biodiversity Net Gain Assessment (Appendix 3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087)) the biodiversity

net gain prior to the commencement of the operations in the western extension and at each phase is presented. It is agreed that there is biodiversity gain before the operations commence and throughout the phased operations.

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

Water resources

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

Flood risk

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

Landscape and visibility

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

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

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

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

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

Soil resources

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

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

- 4.34** The area of best and most versatile (BMV) soil in the north of the proposed western extension which is identified as having a high pH and calcium carbonate content will be husbanded for use in developing the areas of the site to be restored as calcareous grassland. It is agreed that this reuse of the BMV soil is appropriate.
- 4.35** It is agreed that the loss of agricultural land in the proposed western extension, of which there is no shortage in Northamptonshire, is offset in the longer term by the biodiversity benefits which will result from the proposed restoration scheme at the site.

Cultural heritage

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

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

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

Noise and vibration

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

Transport

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

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

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

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

Amenity

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

5. Radiological impact assessments

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

6. Policy issues

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

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

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

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

7. Specific issues raised in the Rule 6 letter

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

8. Requirements in the draft DCO

- 8.1** In the event that consent is granted and in order to provide confidence that the site facilities would be managed appropriately a number of Requirements have been agreed between NNC and Augean and are presented in the draft Development Consent Order V1 submitted on 16 March 2022. The wording of the draft DCO V1 including the details on the listed plans and the aspects which are identified for approval and/or agreement with the Local Planning Authority is agreed.

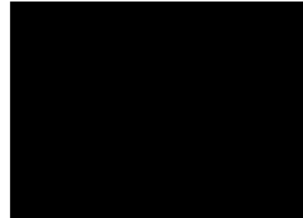
9. Legal Agreements

- 9.1** The draft Section 106 Agreement submitted with the application documents including the value of the contributions and purposes of the LLW fund together with the ongoing highways contribution (PINS document reference 6.4) (APP-109) is agreed subject to agreement of any proposed subsequent changes.
- 9.2** Augean currently makes a contribution of £5 per tonne of LLW landfilled at the site to a Community Fund set up and controlled by NNC. This is used to support local projects. It is agreed that as the assessments show that based on the controls that are and will continue to be in place there is no risk of harm associated with the landfill disposal of LLW at the site, there is no need for further mitigation. Accordingly this fund is not required as mitigation but it provides local benefits which may help to offset perceptions of harm. Augean proposes to continue this payment. It is agreed that these contributions are not a material consideration in the balance of issues when determining whether the DCO should be granted.

10. Agreement

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

Signed:



On behalf of Augean South Limited

On behalf of North Northamptonshire
Council

Date: 19 May 2022

Table 1

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

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use	Consideration of compliance with the development plans is set out in section 6 of this document. As stated in paragraph 4.35 of this document it is agreed that the loss of agricultural land in the proposed western extension, of which there is no shortage in Northamptonshire, is offset in the longer term by the biodiversity benefits which will result from the proposed restoration scheme at the site.
The need for the Proposed Development and assessment of alternatives to it	As discussed in section 6 of this document it is agreed that there is a clear national, regional and local need for the proposed development at ENRMF. The review of the need for the proposed development set out in section 11 of the Planning Statement (PINS document reference 6.1) (APP-103) is accepted
Compliance with relevant legal requirements and policy, including Environmental Impact Assessment (EIA) and flood risk	See sections 4, 5 and 6 of this document. The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.
Impacts on local transport networks, including lorry routeing and road cleaning	See paragraphs 4.42 to 4.47 and paragraph 4.49 of this document.

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

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

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Temporary and permanent impacts on recreation facilities and opportunities	As above. The assessment in paragraphs 25.4.44 to 25.4.51 of the Environmental Statement is agreed.
Socio-economic impacts	See paragraphs 4.8 to 4.10 of this document.
Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO	As described in section 4 of this document the assessments set out in the Environmental Statement, including with respect to impacts on amenity are considered appropriate. The provisions in the draft DCO regarding nuisance (Part 4, section 17) are considered appropriate.
Whether the requirements for restoration have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated	The detailed arrangements for restoration and aftercare in particular the proposals in the draft DCO (Requirement 4) for the development, agreement and regular review of a Phasing, Landscaping and Restoration Scheme in accordance with the principles set out in the Restoration Concept Scheme (PINS document reference 2.8) (APP-011) are considered appropriate and include the degree of flexibility needed for the management of controls and mitigation associated with the phased restoration of a landfill site.
Human health impacts and measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health	The assessments presented in Sections 11, 12 and 25 of the Environmental Statement are considered thorough and appropriate taking into account the controls that will be imposed through the Environmental Permits.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
Safety impact assessment	The site security arrangements described in paragraphs 7.1.10 to 7.1.13 of the Environmental Statement are considered appropriate. It is agreed that safety matters are addressed at the site through the environmental permitting regime and Health and Safety legislation.
The assessment of military aviation and defence matters in accordance with the National Networks National Policy Statement, having regard to the proximity of RAF Wittering	<p>In their Relevant Representation the Defence Infrastructure Organisation Safeguarding Team confirm that they have no objections to the height and technical aspect of the proposed development.</p> <p>It is agreed that the existing ENRMF does not accept household waste so does not attract large numbers of birds such as corvids or gulls. No new waste types will be accepted at the proposed western extension as a result of the proposed development. The Bird Hazard Management Plan (Annex DEC I2 to the DCO Environmental Commitments document. PINS document reference 6.5. APP-110) prepared for handling of topsoil to control the risks from hazardous birds during topsoil stripping is considered appropriate.</p> <p>There are minimal areas of open water or wetlands or marsh habitats in the proposed restoration scheme therefore limited habitats that may attract large numbers of hazardous birds.</p>
The Planning Obligation including status, scope, effect and timescale for completion	See section 9 of this document.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The applicable legislation and policy considered by the Applicant	<p>The consideration of applicable legislation in the assessments presented in the Environmental Statement is considered thorough and appropriate.</p> <p>The review presented in the Planning Statement (PINS document reference 6.1) (APP-103), including of applicable legislation, is considered thorough and appropriate.</p>
The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included	<p>The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.</p> <p>No further plans or projects that should have been included in the assessments of cumulative effects have been identified.</p>
The application of expert judgements and assumptions	The application of expert judgements and assumptions in the assessments set out in the Environmental Statement including their methodology and scope are considered appropriate.
Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies	These aspects of the assessments set out in the scoping report (Appendix ES2.1 to the Environmental Statement, PINS document reference 5.4.2.1. APP-080), the scoping opinion (Appendix ES2.2 to the Environmental Statement, PINS document reference 5.4.2.2. APP-081) and the Environmental Statement including the determination of their methodology and scope are considered appropriate.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The extent of the areas of potential impact considered	The extent of the areas of potential impact considered in the assessments set out in the Environmental Statement including for the determination of their methodology and scope are considered appropriate.
Identification and sensitivity of receptors with the potential to be affected, the magnitude and quantification of potential impacts	See sections 4 and 5 of this document. These aspects of the assessments set out in the Environmental Statement including the determination of the sensitivity of the receptors and the methodology for the assessment of the magnitude of the potential impacts are considered appropriate.
The assessment of likely effects (direct and indirect) on identified receptors	The conclusions of the assessments set out in the Environmental Statement with respect to the likely effects (direct and indirect) on identified receptors are agreed. Further detailed assessment of the measures to be implemented under the Environmental Permits for the protection of the environment and human health will be carried out by the Environment Agency through the pollution control regime as part of the permit application process.
"Reasonable worst case" Rochdale Envelope parameters	It is considered that any additional control measures which may be necessary subject to the reviews carried out as part of the permit application process can be accommodated within the reasonable

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	<p>worst case parameters assessed in the Environmental Impact assessment and reported in the Environmental Statement.</p> <p>The landscape and visual impact assessment takes into account appropriate 'worst case' parameters in particular the dimensions set out in 'General Arrangement Plan. Work No 2' (PINS document reference 2.5) (APP-008), 'General Arrangement Plan. Work No 3' (PINS document reference 2.6) (APP-009) and the 'Restoration profile contour plan' (PINS document reference 2.9) (APP-012) including the uncertainties associated with final settlement of the waste.</p>
The mitigation measures required and whether they are likely to result in the identified residual impacts	It is considered that the proposed mitigation measures as summarised in Table ES5.2 to the Environmental Statement will result in the residual impacts identified in the assessments.
The significance of each residual impact	The conclusions of the assessments set out in the Environmental Statement with respect to the significance of residual impacts are agreed.
Whether the identified mitigation measures adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses	It is agreed that the mitigation measures identified in Table ES 5.2 of the Environmental Statement are adequately secured as proposed in the draft DCO and/or will be through the Environmental Permits for the measures that are controlled through the pollution control regime.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The scope and adequacy of the submitted DCO Environmental Commitments	These are considered adequate and appropriate.
Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other statutory and regulatory authorities	See below.
The identification of other consents, permits or licenses required before the development can become operational, their scope, any management plans that would be included in an application, progress to date, comfort/impediments and timescales for the consents, permits or licenses being granted	<p>The current operations at the ENRMF are subject to 3 Environmental Permits which will need to be varied under Schedule 5, Part 1, Paragraph 19 of The Environmental Permitting (England and Wales) Regulations 2016. These permits need to be issued before the authorised activities can commence but they do not need to be issued prior to a decision being taken on the issue of the DCO.</p> <p>NNC are not aware of the need for any other consents, permits or licences that are necessary for the development other than the licences needed for ecological clearance and mitigation works.</p> <p>It is agreed that there is no suggestion in the submissions made to date by Natural England or the Environment Agency that there are any insurmountable impediments to securing the consents that would be issued by these organisations.</p>
Whether the effectiveness of other consents, permits or licenses as mitigation has been accurately identified in the impact assessment	It is agreed that the controls for the mitigation measures which will be controlled through other consents and permits as identified in Table

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	ES5.2 of the Environmental Statement will be effective for the controls and mitigation which are necessary for the proposed development.

APPENDIX C
SOCG BETWEEN AUGEAN SOUTH LIMITED AND THE ENVIRONMENT
AGENCY

APPENDIX D
SOCG BETWEEN AUGEAN SOUTH LIMITED AND NATURAL ENGLAND

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

APPENDIX F

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

APPENDIX G
SOCG BETWEEN AUGEAN SOUTH LIMITED AND BUTTERFLY
CONSERVATION



PINS FINAL VERSION

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

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

Report reference: WS010005/SOCG/BC/V5
May 2022

PINS document reference: 7.9



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CONTENTS

1.	Summary	1
2.	Introduction	2
3.	Requirements in the draft DCO	6
4.	Agreement	7

TABLES

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

1. Summary

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

2. Introduction

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

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

Environmental setting and description of the site

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

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

The proposed development

- 2.5** The proposed development is described in sections 4 to 9 of the Environmental Statement. The proposed development comprises the construction of new landfill void to the west of the currently consented hazardous waste and LLW landfill area (the proposed western extension) and amendment of the restoration profile and the timescale for completion of the existing ENRMF landfill in order to integrate the final landscape of the existing ENRMF with the western extension.
- 2.6** The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. The phasing order for the proposed western landfill area has been finalised following responses to the pre-application consultation and is designed to achieve the completion of the northern area of the western extension at the earliest opportunity. It is agreed that the completion and restoration of the northern area (Phases 12 to 14 as shown on Figure ES5.1) will allow the early development of habitats on the restored site which are designed to link and provide habitat continuity between the woodlands either side of the northern section of the site. It is acknowledged that the current projection is that the first, northernmost, area (Phase 12) will be restored in around 5 years from the start of the commencement of cell excavation work in that phase. The additional site investigations in the central area of the extension will take place while Phases 12 and 13 are being developed and filled and before the design of Phase 14 is finalised enabling completion of all of Phases 12 to 14 in as short a timescale as possible. It is acknowledged that the proposals specify that once these phases are completed and restored, they will not be disturbed as part of ongoing site operations to the south and they will not be used for stockpiling (Appendix DEC D to the DCO Environmental Commitments Document. PINS document reference 6.5) (APP-110).
- 2.7** The proposed afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. The waterbodies are not located on the landfilled areas. The planting of trees on capped landfill sites is accepted standard practice provided that there is at least 1.5m of restoration materials placed above the engineered capping layer.
- 2.8** The restoration scheme for the site has been designed to meet the objective of achieving Biodiversity Net Gain. The biodiversity net gain has been calculated using

the recently issued DEFRA Biodiversity Metric 3.0. The proposed measures will provide a biodiversity net gain of over 110% for habitats and 550% for hedgerows. There will also be a net gain in watercourses through the creation of Swallow Brook. This is substantially above the proposed target of 10% for NSIP projects in the Environment Act 2021. It is agreed that the graph shown in paragraph 13.5.12 of the Environmental Statement shows that significant biodiversity improvements to habitats at the site will be achieved from the very early stages of the works. As stated in their relevant representation Natural England (RR-10) support the delivery of 110% biodiversity net gain and the use of the Defra 3.0 metric. Butterfly Conservation are satisfied with the Natural England conclusions.

Ecological assessment

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

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

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

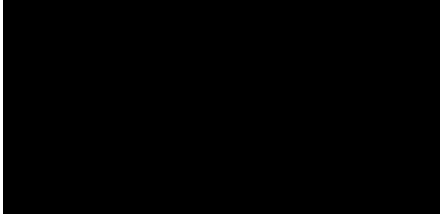
3. Requirements in the draft DCO

- 3.1** In Schedule 2 of the draft DCO, Requirement 3(1) states that the authorised development must be carried out in accordance with the (b)works plan (PINS document reference 2.3) (APP-006), (c) the boundary design principles (Appendix B of PINS document reference 6.5) (APP-110) and (d) the restored landform profile (PINS document reference 2.9) (APP-012). The details of the standoffs from the site boundary are presented at Appendix B of the DCO Environmental Commitments document. It is agreed that the standoffs from the site boundary will preserve and enhance the uncultivated margins of the agricultural fields in the proposed western extension which provide the most favourable habitat for wildlife present currently in the proposed western extension area. These areas will be continually available for use by fauna throughout the operations.
- 3.2** Requirement 4 addresses phasing, landscaping and restoration. A phasing, landscaping and restoration scheme must be submitted within 24 months of the date of the Order. The phasing, landscaping and restoration scheme will be reviewed every 2 years and updated where necessary based on the progress of the operations and restoration on site. It is agreed that the review and updating where necessary of the scheme every 2 years will provide control over the progress of landscaping and restoration at the site.
- 3.3** Requirement 16 addresses floodlighting. Requirement 16 (1) states that All floodlighting including mobile units shall be directed towards the ground to minimise light spillage from the site and except for emergencies will only be operating within the hours of operation specified in Requirement 14. There will normally be no night-time working and the site will not be floodlit so bats will not be subject to disturbance by light, noise or dust when they emerge. It is agreed that at the time of year when lighting might be needed during working hours (i.e. winter), bats will be in hibernation.
- 3.4** There are no further requirements that Butterfly Conservation wish to be included in the draft DCO.

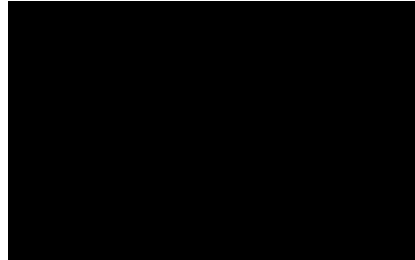
4. Agreement

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

Signed:



On behalf of Augean South Limited



On behalf of Butterfly Conservation

Date: 13th May 2022

Table 1

Responses to the specific issues raised in the Relevant Representation

Issue raised in the Relevant Representation	Comments and conclusions
<p>Rockingham Forest area is of particular importance for the adder as it is one of the few areas where this formerly widespread species occurs in the East Midlands. Even within this area the species has contracted its range and is now confined to Fineshade Wood and some nearby road verges including those bordering Collyweston Great Wood.</p>	<p>It is agreed that surveys for adder were undertaken as part of the baseline surveys described in paragraph 2.9 of this document. Adders have been recorded to the north and west of the existing ENRMF in 2016 and on the western edge of the central hedgerow across the site in 2019. In 2021 a single immature adder was found on 2 consecutive visits in the scrubby woodland in the northern part of the western extension. It is agreed that adders are present in Fineshade Wood and Collyweston Great Wood.</p>
<p>Aside from the uncultivated margins, the fields between Collyweston Great Wood and Fineshade Wood are unfavourable habitat for adders, offering little potential for movement between the woods, creating a partial barrier, dividing the adders into small, separate populations. Small, isolated populations are prone to decline and extinction.</p>	<p>It is agreed that the arable fields are currently unfavourable for adders.</p> <p>As stated in paragraphs 2.11 and 3.1 of this document a wide margin will be retained around the borders of all woodland, including the root protection area for the adjoining woods. These margins will be managed to maintain a good range of flowering (pollinator) species and a wide variety of structural habitats. The non-woodland margins will abut species-rich hedgerows, including larval foodplants for a number of butterflies and will also include a number of plants to attract pollinators. It is acknowledged that it is proposed that all of the margins around the proposed western extension will be enhanced as set out above and that this will support strong populations of invertebrates</p>

Issue raised in the Relevant Representation	Comments and conclusions
	and their predators, that is reptiles, amphibians, birds and bats, on all boundaries.
<p>Over its lifetime, extension of the resource management facility over these fields could decrease whatever habitat connectivity there is already between the two woodlands, with harmful consequences for wildlife.</p>	<p>It is stated in Section 8.1 of Appendix ES 13.1 (PINS document reference 5.4.13.1) (APP-087) that a number of pre-development measures will be undertaken including:</p> <ul style="list-style-type: none"> • The creation of a new species-rich hedgerow, running parallel to and 1-2m away from the existing grown-out tree-line and gappy hedgerow currently forming the western boundary of the western extension. It will run between the northeast end of The Assarts (Fineshade Woods) and the northwest corner of the western extension. This double hedgerow will provide egg laying sites and larval food plants for some of the important woodland butterflies (including white-letter and black hairstreaks) and strengthen connectivity for a range of other invertebrates and mammals, including dormice. • Creating a bank and planting a new hedgerow/treeline along the southeast boundary of the southern field to the west of the farm track. • Gapping-up the hedgerow on the southern boundary of the existing ENRMF, where work in this area is complete (and continuing as these phases are completed) to provide further connectivity, extending to the roadside hedgerow. • Delineating a wide buffer-strip, around the whole of the northern field of the proposed western extension. • Low scrub, including bramble, will be encouraged to spread over the tussocky areas and any available deadwood, bricks or rubble will be used to create hibernacula and basking areas.

Issue raised in the Relevant Representation	Comments and conclusions
	<p>As stated in Paragraph 9.5.3 of Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087) as part of the restoration, three wide, grassy corridors are planned to cross the Western Extension (along the watercourse between Phases 14 and 21, between Phases 18 and 19/20 and between Phases 17 and 18). All three will have a double hedgerow on each side with wildflower grassland, managed to give a range of heights. The most northerly of these will directly connect Fineshade Woods to the area on the eastern side where there was an adder record in 2016. The western half of the central hedgerow will remain in place and will be managed to provide good habitat for reptiles and invertebrates until the northern hedgerow of the northern corridor is established and the three cells to the north of it are completed and restored. Only then will the remainder of the central hedgerow be removed.</p> <p>It is agreed that in the long term connectivity between Fineshade Woods and Collyweston Great Wood will be enhanced.</p>
<p>Bat surveys carried out on the two hedgerows that currently link Collyweston Great Wood and Fineshade indicate significant bat activity along both of these hedgerows, including Section 41 species Barbastelle, Brown Long-eared Bat, Soprano Pipistrelle Bat & Noctule), highlighting their importance as commuting routes for bats.</p>	<p>It is agreed that the great majority of commuting and foraging activity currently takes place along the woodland edges and woodland rides. The hedgerows abutting and crossing the site are also used by a small number of species and some bats do also cross the open fields both north and south of the central hedgerow in the Western Extension.</p> <p>Three wide, grassy corridors are planned to cross the Western Extension as part of the development. All three will have a double hedgerow on each side with wildflower grassland; it is agreed that all British bats are insectivores and the species-rich grassland and hedgerows will be designed to attract insects and therefore provide additional foraging.</p>

Issue raised in the Relevant Representation	Comments and conclusions
<p>Our concern over development of the fields between the two woodland blocks, particularly the northern field, lies in the impact of the operation, particularly on bats and adder, if there is any loss of these hedgerows that are vital linkages and commuting routes between the two neighbouring woodlands, the effect of dust produced during operation on these woodland edges and wildlife that use them, and the effect of lighting on bats using the woodland edges and hedgerows for commuting/foraging.</p>	<p>See comments above on hedgerows.</p> <p>Dust control measures are in place at the site with respect to the current operations. It is acknowledged that these dust control measures will be extended to include the western extension. The dust control measures will be regulated by the Environment Agency as part of the Environmental Permits for the site.</p> <p>See paragraph 3.3 of this report with respect to the lighting.</p> <p>There will normally be no night-time working and the site will not be floodlit so bats will not be subject to disturbance by light, noise or dust when they emerge. If lighting is necessary for health and safety reasons, it will be directed downward. It is agreed that at the time of year when lighting might be needed during working hours (i.e. winter), bats will be in hibernation.</p>
<p>If the extension gains approval we would want to ensure that connectivity between the two woodland blocks (Fineshade & Collyweston Great Wood) is maintained during operation.</p>	<p>See comments above on connectivity.</p>
<p>Mitigation work after operation would provide an opportunity to improve connectivity between the two woodland blocks, with natural generation or carefully managed woodland restoration.</p>	<p>See comments above on connectivity. The woodland created during the restoration will be lowland deciduous mixed woodland. The woodland will be advanced succession woodland to allow for some natural regeneration. It is agreed that these proposals are beneficial and will encourage natural generation.</p>

Issue raised in the Relevant Representation	Comments and conclusions
<p>We would want to ensure that mitigation work provides the best outcome for some of our most threatened species and include a mosaic of habitats along with specific measures to create conditions for reptile dispersal between the woodlands.</p>	<p>As stated in paragraph 2.7 of this document the proposed restoration is to a mosaic of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. It is agreed that this will complement and link existing habitats to give a greater area of woodland, with habitats also for amphibians, reptiles and invertebrates, including butterflies. Species rich grassland will be provided in rides and glades with clumps of rough grassland for basking and cover. The tree and shrub planting will restore future potential for roosting bats, nesting birds and saprophytic invertebrates and hopefully, in time, dormice. At least 40% of the total woodland area will be maintained as open rides and glades (Section 3.3 of Appendix DEC E of PINS document reference 6.5) (APP-110). It is agreed that the restoration proposals as set out in the Restoration Concept Plan will provide significant benefits to species including butterflies and provide significant biodiversity gain.</p>
<p>Alongside woodland/hedgerows connecting the two blocks, we would like to see the inclusion of open areas such as rides or short grassland/scrubby areas that would benefit species such as Adder, Dingy Skipper, Grizzled Skipper & Chequered Skipper as well as provide foraging areas for bats.</p>	

APPENDIX H
SOCG BETWEEN AUGEAN SOUTH LIMITED AND NW FIENNES