



## STATEMENT OF COMMONALITY V5

**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**

*PINS project reference: WS010005*

**PINS document reference: 9.3**

**Report Reference: AU/KCW/LZH/1724/01/SOCGST/V5**

**July 2022**



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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.	<b>A signed agreed version of the SoCG is provided at Appendix A.</b>
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.	<b>A signed agreed version of the SoCG is provided at Appendix B.</b>	No change since Deadline 6. <b>The signed agreed version of the SoCG is provided at Appendix B.</b>
7.3	Environment Agency	A first draft of the SoCG is provided at Appendix C.	No change since Deadline 2. No document appended.	<b>A signed agreed version of the SoCG is provided at Appendix C.</b> 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.	No change since Deadline 4. <b>The signed agreed version of the SoCG is provided at Appendix C.</b>
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.	<b>A signed agreed version of the SoCG is provided at Appendix D.</b>
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.	<b>A final draft version of the SoCG is provided at Appendix E.</b> Western Power and Augean have concluded in principle their discussions in respect of Western Power's assets and outlined the position under a commercial agreement, the terms of which are confidential. The wording of the commercial agreement

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
							<p>is agreed by both parties and is proceeding through the process of execution and completion by both parties.</p> <p>The holding objection by Western Power will be withdrawn when the commercial agreement is executed in counterpart and completed. It is anticipated that the agreement will be completed by 2 August 2022.</p> <p>The signed version of the SoCG will be provided shortly thereafter.</p>
7.6	<b>Cecil Estate Family Trust</b>	Discussions are ongoing between the Applicant and the legal advisors for the Trust to establish the content of the SoCG. We have prepared a 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 change since Deadline 2. No document appended.	A first draft of the SoCG has been provided to the legal advisors for the Trust. No response has been received to date.	No change since Deadline 4. No document appended.	Comments on the draft have been provided by the Trust. The Applicant is responding to the comments. No document is appended.	Liaison is ongoing with CEFT regarding the SoCG. No document is appended.
7.7	<b>Defence Infrastructure Organisation</b>	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.	<p><b>Correspondence confirming agreement between Augean South Limited and the Defence Infrastructure Organisation on behalf of the Ministry of Defence is presented at Appendix I.</b></p> <p>Following the agreement of the revised BHMP for the site, it is the preferred approach of the Defence Infrastructure Organisation that the discussions undertaken</p>

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
							are summarised in a letter exchange rather than a final SoCG.
7.8	<b>Northants Police and Northants Fire and Rescue</b>	<b>A signed agreed version of the SoCG is provided at Appendix F.</b>	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.	No change since Deadline 2. <b>The signed agreed version of the SoCG is provided at Appendix F.</b>
7.9	<b>Butterfly Conservation</b>	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.	<b>A signed agreed version of the SoCG is provided at Appendix G.</b>	No change since Deadline 6. <b>The signed agreed version of the SoCG is provided at Appendix G.</b>
7.10	<b>Anglian Water Services Limited</b>	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.	Discussions are ongoing with Anglian Water. A SoCG will be progressed if possible.
7.11	<b>NW Fiennes</b>	A draft SoCG has been provided to NW Fiennes. No comments on the draft SoCG have yet been received.	<b>A signed agreed version of the SoCG is provided at Appendix H.</b>	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.	No change since Deadline 3. <b>The signed agreed version of the SoCG is provided at Appendix H.</b>

## APPENDICES

**APPENDIX A**  
**SOCG BETWEEN AUGEAN SOUTH LIMITED AND NATIONAL GRID GAS**



**FINAL VERSION FOR PINS**

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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND NATIONAL GRID  
GAS PLC**

Report reference: WS010005/SOCG/NGG/V4  
July 2022

**PINS document reference: 7.1**



Technical advisers on environmental issues

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**CONTENTS**

1.	Summary	1
2.	Introduction	2
3.	The proposed development	4
4.	Design of the site	6
5.	Specific issues raised in the Rule 6 letter	7
6.	Requirements in the draft DCO	8
7.	Agreement	9

**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and the other matters raised in the Relevant Representation from National Grid Gas
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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 National Grid Gas PLC. 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 National Grid Gas PLC. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties. This Statement of Common Ground addresses the issues raised in the Rule 6 letter and the relevant representation from National Grid Gas PLC.

2.2 Liaison between Augean and National Grid Gas PLC has been ongoing since January 2020. Discussions were held in January 2020 regarding the standoffs necessary from the gas pipeline and the need for a Stability Risk Assessment which confirms that the design slopes for the closest landfill cells are stable. Appropriate designs of crossing points will also be needed where the pipeline would be crossed by site traffic. It is agreed that the National Grid guidance document '*Specification for safe working in the vicinity of National Grid high pressure gas pipelines and associated installations – requirements for third parties*' which is presented at Appendix ES 5.1 (PINS reference 5.4.5.1) (APP-083) is the basis on which these designs should be based. A further meeting with National Grid Gas was held on 19 January 2022. At this meeting it was confirmed that the key concerns for National Grid Gas are agreed standoff distances, the slope gradients of the extracted profile and the stability of the adjacent landfill phases. A meeting was held with National Grid Gas on 15 February 2022 to discuss the Statement of Common Ground. Ongoing discussions have since been held with respect to the Protective Provisions. The Protective Provisions were agreed on 28 June 2022.

### 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** There are a number of services which cross the proposed western extension and which are in the vicinity of the site. The services at and in the vicinity of the site are shown on Figure ES3.3. A mains gas pipeline runs parallel to the southern boundary of the existing ENRMF and crosses the southern section of the proposed western extension in an east to west direction. The location of the gas pipeline as shown on Figure ES3.3 is agreed.
- 2.5** The description of the current site activities and infrastructure is set out in sections 5, 6, 7 and 8 of the Environmental Statement. It is agreed that the current landfill site, which is based on the same design principles as the proposed landfill in the western extension area, is operated to the north of the mains gas pipeline.

### 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 in phases and 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 design of the containment engineering includes a Stability Risk Assessment for the designed slopes. 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 have approved the Verification Report. The principles for the design of the landfill are presented in the Stability Risk Assessment which forms part of the Environmental Permit variation application. National Grid Gas acknowledge that the engineering design and stability of the proposed development including the excavated slopes is controlled under the Environmental Permit and regulated by the Environment Agency.

3.3 The restoration contours for the maximum extent of 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 a stable slope 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 afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees and hedgerows. Surface water will be

managed during the operation of the site and following the completion of the restoration. National Grid Gas are satisfied that water can be managed appropriately at the site and that the surface water management plan forms part of the Environmental Permit which will be regulated by the Environment Agency.

- 3.4** National Grid Gas are satisfied that the proposed public access to the site following restoration is compatible with the safety, security and maintenance of the retained gas pipeline.

#### 4. Design of the site

- 4.1** As stated in Section 3 the design of the site is the subject of a Stability Risk Assessment which has been submitted to the Environment Agency as part of the Environmental Permit variation application for the landfill to incorporate the western extension. The design is consistent with that used for the current landfill site. The risk assessments submitted with the Environmental Permit application, including the Stability Risk Assessments will be reviewed and approved by the Environment Agency as part of the consideration of the environmental permit variation application to extend the boundary of the landfill facility. The Stability Risk Assessment has been reviewed by National Grid Gas and National Grid Gas are satisfied that the proposed slopes for the excavation of the phases will not affect National Grid Gas assets.
- 4.2** All excavated side slopes in the western extension area will be cut at a maximum gradient of 1v:2.5h. The basal lining system will comprise a minimum 1m thick compacted low permeability clay liner with a 2mm thick smooth high density polyethylene (HDPE) geomembrane. Once landfilling operations have been completed in each phase the phase will be capped with a low permeability capping layer. A 1m to 1.5m thickness of restoration materials will be placed over the capping layer.
- 4.3** As described in paragraph 6.3 of this document, a 6m standoff will be retained either side of the gas pipeline. Fencing will be erected on the 6m standoff line. The excavation limit will be at a minimum 2.5m from the fencing to provide access for operations. The restoration soils will not extend beyond the fencing.
- 4.4** It is agreed that National Grid Gas PLC have no concerns with respect to the design in relation to the protection of the gas pipeline.

**5. Specific issues raised in the Rule 6 letter**

- 5.1** 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 the other matters raised in the Relevant Representation and agreed comments in response to each.

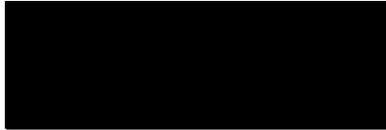
## 6. Requirements in the draft DCO

- 6.1** Protective Provisions are referred to in Article 15 of the draft DCO and presented in Schedule 6. The Protective Provisions were agreed on 28 June 2022. .
- 6.2** It is agreed that the DCO does not contain any powers of compulsory acquisition, therefore Augean will not have the power to override, extinguish or interfere with the existing rights National Grid Gas have.
- 6.3** 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) (AS-008), (c) the boundary design principles (Appendix B of PINS document reference 6.5) (REP6-008) and (d) the restored landform profile (PINS document reference 2.9) (AS-010). The works plan shows the offset from the National Grid Gas pipeline and shows that works will not be undertaken in the standoff from the pipeline. The standoff from the gas pipeline (K and L shown on Figure DEC B1 and in Table DEC B1 in PINS document reference 6.5) (REP6-008) will be a 6m standoff either side of the gas pipeline. Fencing will be erected on the 6m stand off line. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the pipeline standoff fencing.
- 6.4** It is agreed that the Protective Provisions together with the details set out in Paragraph 6.3 are sufficient to protect the interests and the assets of National Grid Gas PLC at the site including when the standoff from the water pipeline is up to 30m.

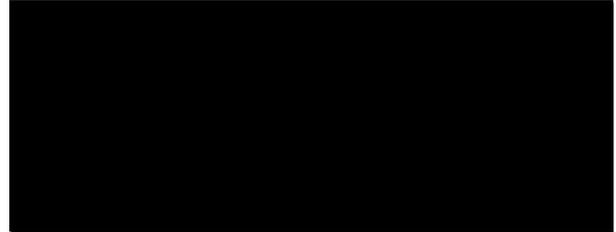
**7. Agreement**

7.1 This statement has been agreed between Augean South Limited and National Grid Gas PLC.

Signed:



On behalf of Augean South Limited



On behalf of National Grid Gas PLC

Date: 15 July 2022

Table 1

**Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and the other matters raised in the Relevant Representation**

<b>Issue raised at Annex E to the Rule 6 letter</b>	<b>Comments and conclusions</b>
The high-pressure gas pipeline which crosses the site	As stated in paragraph 2.4 of this document the location of the high pressure gas pipeline as shown on Figure ES3.3 is agreed.
The protective provisions set out in the dDCO	The bespoke drafting for the Protective Provisions has been agreed and is included in the draft DCO. .
a) the inclusion of appropriate protective provisions in the Order, as well as such additional protections to provide all necessary safeguards for NGG's retained apparatus during and after construction of the Project;	The bespoke drafting for the Protective Provisions has been agreed and is included in the draft DCO. .
b) reassurance from the Applicant that NGG's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits shall be maintained at all times and access to inspect and maintain such apparatus will not be restricted;	<p>The DCO does not contain any powers of compulsory acquisition, so National Grid Gas' existing rights will not be affected. The access available to National Grid Gas to the gas pipeline to the south of the existing ENRMF will not change as a result of the proposed development.</p> <p>As stated in paragraph 6.3 of this document no works will be undertaken by Augean within the agreed standoff. The standoff will be</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	fenced prior to the commencement of any work in the vicinity of the pipeline. It is proposed that the route of the pipeline is marked out by National Grid Gas prior to the fencing being erected to provide for the correct placement of the fence. This standoff will be maintained for the duration of the operations in the area. The fencing will be removed following the completion of the restoration operations.
c) reassurance that Works No. 5 will not interfere with the Gas Asset;	It is agreed that Work No 5 will not interfere with the gas asset. The diversion of the overhead electricity cable will be to the north of the water pipelines and will not interact with or affect the gas asset.
d) agreement that the Compulsory Powers will not be exercised in respect of NGG's interests without NGG's express consent; and	No Compulsory Powers are included in the dDCO and there is no intention of exercising Compulsory Powers in respect of the Gas Asset.
e) entry into any necessary crossing agreement(s) required in relation to equipment crossed by the cable routes.	Augean will enter into crossing agreements at the appropriate time to enable crossing of the gas pipeline. The crossing agreement will be addressed in a side agreement.

**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**

Report reference: WS010005/SOCG/NNC/FIN  
June 2022

**PINS document reference: 7.2**



Technical advisers on environmental issues

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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 guidance<sup>1</sup> 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

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<sup>1</sup> 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**



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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND THE  
ENVIRONMENT AGENCY**

Report reference: WS010005/SOCG/EA/FIN  
April 2022

**PINS document reference: 7.3**



Technical advisers on environmental issues

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**CONTENTS**

1.	Summary	1
2.	Introduction	2
3.	The proposed development	4
4.	Non-radiological environmental impacts	8
5.	Radiological impact assessments	15
6.	The issue and regulation of Environmental Permits for the proposed development	17
7.	Specific issues raised in the Rule 6 letter	18
8.	Requirements in the draft DCO	19
9.	Agreement	20

**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 Limited and the Environment Agency. 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 the Environment Agency. 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.

### **Environmental Permits**

- 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 LLW landfill site to include the proposed western extension and to vary the Environmental Permit for the treatment facility in order to increase the waste throughput rate and to include any changes to the processing activities.
- 2.5 Environmental Permit variation applications were submitted to the Environment Agency in May 2021 in respect of the changes to the existing waste treatment and recovery facility, as well as the extension to the hazardous waste landfill site. The Environmental Permit variation to increase the throughput of the waste treatment and recovery facility (ref: EPR/YP3138XB/007) and the Environmental Permit variation to extend the boundary of the landfill facility (ref: EPR/TP3430GW/V005) have been allocated to permitting officers and discussions between Augean South Limited and

the National Permitting Service are taking place. An application for the variation of the Environmental Permit for the disposal of LLW (radioactive waste comprising solid low level radioactive waste typically with a specific activity of up to 200Bq/g) is currently being prepared. There are no other Environmental Permits or consents relevant to the pollution control framework that are required to implement the proposed development.

- 2.6** The site is monitored as set out in the schemes approved by the Environment Agency as part of the Environmental Permits. The monitoring activities are as described in section 8 of the Environmental Statement. The Environment Agency carries out its own supplementary monitoring from time to time. The Environment Agency will undertake its own independent monitoring and will assess the accuracy and validity of monitoring undertaken by Augean South Limited.

### 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 in phases and 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 was agreed with the Environment Agency as part of permit EPR/TP3430GW. These principles are proposed to remain the same for the western extension and will be reviewed by the Environment Agency as part of their determination of the permit variation for the proposed extension. The principles of the containment engineering are unlikely to change significantly. The construction of the engineered containment is the subject of independent Construction Quality Assurance (CQA) including testing as specified in the agreed CQA Plan and a Verification Report which will be issued to the Environment Agency following the completion of each construction stage. Waste cannot be placed into a newly engineered area until the Environment Agency has approved the Verification Report. The engineering specification proposed for the landfill in the western extension area is agreed in principle.
- 3.3** As described in section 17 of the Environmental Statement and discussed further in section 4.1 of this document, a site investigation was carried out in the proposed western extension to establish the geological and hydrogeological conditions. The scope of the site investigation was reviewed by the Environment Agency before it commenced and considered appropriate for assessing the thickness of the deposits over the Lincolnshire Limestone. Particular attention was paid to examining the geology in the vicinity of the swallow hole that is located close to the north western corner of the existing ENRMF and to the possible presence of further limestone solution features (known as dolines) in the vicinity of the swallow hole. The swallow hole is one of a series of depressions in the ground surface which are interpreted as dolines that run in a line from west to east approximately 40m north of the existing ENRMF site boundary and which extend through the proposed western extension. It

has been proposed and discussed with the Environment Agency that the final design of the proposed western extension landfill in the vicinity of the swallow hole and potential other limestone solution features will be developed in detail under the control of the Environmental Permit following the issue of the Development Consent Order (DCO) and the variation to the Environmental Permit for the landfill site. This approach is under consideration by the Environment Agency and will be assessed as part of the review of the permit variation application. Further targeted site investigations will be carried out in this central area of the site prior to finalising the design in this area. The detailed approach for the final design of the landfill in this area of the proposed western extension will be agreed with the Environment Agency and will allow the incorporation of the appropriate engineering measures needed for the protection of the environment.

- 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 a stable slope 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 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. It is agreed that the restoration proposals are acceptable.
- 3.5** The controls and the operation of the waste treatment and recovery facility are described in sections 6, 7 and 8 of the Environmental Statement. It is agreed that the operations and associated control and mitigation measures for the proposed activities will be controlled through the varied Environmental Permit.
- 3.6** Any variations to the Environmental Permits will continue to specify the types of hazardous waste permitted for importation and deposition at the site and the types of wastes permitted for treatment at the treatment facility.

- 3.7** 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.
- 3.8** Appropriate systems and procedures will continue to be required by the Environment Agency as part of the Environmental Permits to provide confidence that only wastes that meet the acceptance criteria for management at the site are accepted. These systems and procedures also will be required to provide confidence that incompatible wastes which could lead to adverse reactions will not be treated or landfilled at the site. The Environment Agency will examine and regulate these systems and procedures as part of the pollution control regime.
- 3.9** As part of its Environmental Management System Augean South Limited has formal procedures to provide assurance that only permitted wastes are imported, treated and deposited. Procedures for pre-acceptance assessment, waste acceptance criteria and the reception, inspection and verification of waste are also formalised and rigorously enforced.
- 3.10** Once the site is filled and restored it will be subject to an aftercare and maintenance period for the management of the landscaping and vegetation to be agreed in the DCO. It is proposed in the application that this aftercare period in the DCO will extend for a period of 20 years following the cessation of landfilling at the site. However, the Environmental Permit itself does not have a specific end date and will continue to be valid until it has been surrendered and accepted by the Environment Agency.
- 3.11** 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 Environmental Permitting (England and Wales) Regulations 2016 (as amended) that appropriate management remains in place for the duration of the Environmental Permit.
- 3.12** The Environment Agency will not accept the surrender of an Environmental Permit until there is no longer any need for active management and monitoring and in the

opinion of the Environment Agency the site presents no significant risk to the environment or human health without management and monitoring. It is a condition of the issue of an Environmental Permit for landfill sites that the operator makes Financial Provision in a form that is available to the Environment Agency to cover their obligations under the permit in the event that the operator company is no longer viable.

#### **4. Non-radiological environmental impacts**

**4.1** Extensive technical studies have been undertaken to establish the environment of the application area and surrounding area to facilitate a robust assessment of the potential impacts of the development. Discussions have taken place between Augean and the Environment Agency regarding the proposed western extension since 2018. An extensive site investigation has been undertaken in the proposed western extension, the scope of which was agreed with the Environment Agency. Between 18 November 2019 and 17 March 2020 twenty seven boreholes were drilled in the proposed western extension to investigate the ground conditions in accordance with the scope of the site investigation agreed with the Environment Agency. The site investigation report is presented at Appendix ES17.1 (PINS document reference 5.4.17.1) (APP-092a) to the Environmental Statement.

##### **Population**

**4.2** The Environment Agency will not issue an Environmental Permit 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 that the proposals do not present unacceptable risks to human health or the environment.

##### **Air quality**

**4.3** The combined effect of the individual elements of the proposed development has been considered. It is agreed that the emissions from the site must be controlled to levels which are below the relevant exposure criteria which are protective of human health and the environment. The management and monitoring of emissions to atmosphere must be implemented in accordance with the Environmental Permits and regulated by the Environment Agency.

##### **Ecology**

**4.4** The protected ecological sites closest to the site boundary are shown on Figure ES1.2 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 Wildlife Site located adjacent to the western boundary of the proposed western extension. Based on the controls that will be implemented through the Environmental Permits there is limited potential for the proposal to affect the ecology at the internationally designated sites or the SSSIs or the non-statutory sites within 2km of the application site boundary. It is agreed that there will be no significant negative residual effects expected with the proposed development.

### **Water resources**

- 4.5** 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 and are agreed.
- 4.6** It is agreed that the site investigation confirms the presence of a substantial natural geological barrier above the groundwater in the limestone aquifer underlying the site. It is agreed in principle that the location of the proposed western extension to the landfill site complies with the Environment Agency landfill location policy set out at Appendix E to the Environment Agency document 'The Environment Agency's approach to groundwater protection' (v. 1.2) dated February 2018. A design for the proposed landfill consistent with the principles of the current site design and the Environmental Permit, at least 2 metres of natural low permeability strata will be left in place below the base of the engineered landfill and above the limestone strata underlying the site has been agreed in principle.
- 4.7** The final design of the proposed landfill extension in the vicinity of the swallow hole and potential other limestone solution features will be developed in detail and agreed with the Environment Agency following the grant of the Environmental Permit variation for the hazardous waste landfill in the proposed western extension area. This will need further targeted site investigations to be carried out in this central area of the proposed western extension prior to finalising the design in this area
- 4.8** 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. The assessment of the impacts on water resources presented in section 17 of the Environmental Statement concludes that

based on the design principles 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. The permit variation will be issued by the Environment Agency when they are satisfied that the design and controls are sufficient such that there would be no unacceptable discharge to groundwater.

- 4.9** A detailed quantitative hydrogeological risk assessment (HRA) based on the principles set out in section 17 of the Environmental Statement and in the risk assessments for the current Environmental Permits has been submitted to the Environment Agency as part of the application for the variation to the Environmental Permit for the extended hazardous waste landfill site. The quantitative HRA is based on well-established models used nationwide and approved by the Environment Agency. The assessments are based on highly conservative assumptions and consider the potential impacts of the site in the short and the very long term (thousands of years). This detailed HRA will be assessed by the Environment Agency as part of their review of the permit application.
- 4.10** The conservative findings from the quantitative HRA demonstrate that there will be no adverse effect on groundwater quality status in the vicinity of the site as designated under the Water Framework Directive. It is agreed that controls to protect the quality of the groundwater at and in the vicinity of the site will be a requirement of the Environmental Permits and the permits will only be issued when the Environment Agency is satisfied that the proposed development and restoration of the site will have no significant adverse impact on groundwater quality or flow beneath the site or at receptors down hydraulic gradient of the site. On that basis, it is agreed that there will be no adverse effect on the groundwater quality status in the vicinity of the site as designated under the Water Framework Directive (WFD) provided that principles set out in the Surface Water Management Plan are implemented.
- 4.11** Since the Environmental Statement was drafted, data supporting the current WFD status of the waterbodies have been provided on the gov.uk web site clarifying the reasons for the status classifications. It is agreed that there is no need to update the Environmental Statement to describe the reasons for the current WFD status for the waterbodies in which the site is located as the status has not changed and these additional details supporting the current status will not change the approach of

applying the sound principles of Sustainable Drainage Systems designed to provide sufficient protection to the waterbody to prevent deterioration. Furthermore the additional details do not affect the conclusions regarding likely significant effects. The current WFD status and the target WFD status of the waterbodies as set out in the Environmental Statement are agreed.

- 4.12** It is agreed that controls will be a requirement of the Environmental Permits and the permits will only be issued when the Environment Agency is satisfied that the proposed development and restoration of the site will not have a significant impact on water quality or flow in the Willow Brook, Wittering Brook or River Nene or on the surface water quality status as designated under the Water Framework Directive in the River Basin Management Plan. The surface water management plan for the site which is presented at Appendix ES18.2 (PINS document reference 5.4.18.2) (APP-095) 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. An operational surface water management plan will also need to be in place as part of the requirements of the Environmental Permit. The operational surface water management plan will include details of the measures necessary to protect the proposed opened east/west drainage channel while the landfill activities are taking place in the adjacent phase to the south. It is confirmed by Augean that the proposed east/west drainage channel will only be opened up as a watercourse once all the landfill phases to the north have been filled and capped as stated in paragraph 5.3.9 of the Environmental Statement (PINS document reference 5.2) (APP-049). The operational surface water management plan will also identify the controls needed for the reuse of surface water for various purposes on the operational site including for dust suppression and use in waste treatment processes.

### **Flood risk**

- 4.13** 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 restored 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. Consistent with guidance as described in the Environmental Statement, 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. 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 restored landform for the current site has been approved by the Environment Agency as part of the Environmental Permit and the surface water management plan for the restored landform for the extended site will be the subject of a review and will need to be agreed by the Environment Agency as part of the variation to the Environmental Permit for the extended landfill site.

#### **Amenity**

- 4.14** Based on the current and proposed controls and the nature of the current and proposed wastes the risk of nuisance created by litter, odour or vermin is considered low. 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. The hard surfaced site road and Stamford Road are swept regularly to clear any accumulated mud or debris. It is agreed that appropriate controls on dust emissions will be a requirement of the Environmental Permits, and the permits will only be issued once the Environment Agency is satisfied that the proposed development can be operated such that it is unlikely that there will be significant dust emissions from operations at the site. While the controls on dust in the Environmental Permit do not relate directly to dust generated during soil stripping and clay and overburden excavation, the dust monitors will identify emissions of dust from the site whatever the source.
- 4.15** As Environmental Permits will not be issued by the Environment Agency unless it is demonstrated to their satisfaction as part of the permit application process that the specified wastes can be treated and/or deposited without exceeding the appropriate

threshold criteria which are protective of human health and the environment, it is agreed that the assumption made in the assessment of environmental impacts in the Environmental Statement that emissions will be controlled so that they do not exceed the threshold criteria is reasonable.

### **Greenhouse gas emissions**

- 4.16** The extant Environmental Permits for the landfill of hazardous waste and the treatment facility and any future varied permits for these activities include standard conditions requiring the operator to carry out the following (or similar) actions:

#### *Energy efficiency*

The operator shall:

- (a) take appropriate measures to ensure that energy is used efficiently in the activities;
- (b) Review and record at least every four years whether there are suitable opportunities to improve the energy efficiency of the activities; and
- (c) Implement any appropriate measures identified by a review.

#### *Efficient use of raw materials*

The operator shall:

- (a) take appropriate measures to ensure that raw materials and water are used efficiently in the activities;
- (b) maintain records of raw materials and water used in the activities;
- (c) review and record at least every four years whether there are suitable alternative materials that could reduce environmental impact or opportunities to improve the efficiency of raw material and water use; and
- (d) take any further appropriate measures identified by a review.

#### *Avoidance, recovery and disposal of wastes produced by the activities*

The operator shall:

- (a) take appropriate measures to ensure that waste produced by the activities is avoided or reduced, or where waste is produced it is recovered wherever practicable or otherwise disposed of in a manner which minimises its impact on the environment;
- (b) review and record at least every four years whether changes to those measures should be made; and
- (c) take any further appropriate measures identified by a review.

## 5. Radiological impact assessments

- 5.1** The assessment of the environmental impact of the disposal of LLW set out in section 11 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 to demonstrate that waste accepted at the site will not result in the exceedance of the dose criteria. The quantitative radiological impact assessments will follow the principles prepared initially as part of the application to the Environment Agency for the current Environmental Permit. The radiological risk assessment forms a fundamental part of the Environmental Permit application review process carried out by the Environment Agency.
- 5.2** The quantitative radiological risk assessments will be carried out for a number of expected and 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 and that the correct dose criteria have been 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. The potential impacts on wildlife also will be assessed using the ERICA model.
- 5.3** 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, including risks to wildlife.
- 5.4** A programme of monitoring is specified in the current Environmental Permit for the disposal of LLW which includes monitoring of groundwater, surface water, dust, surface soils, ambient air, gas emissions and radioactivity at the boundary of the site.

It is likely that similar monitoring will be a requirement of an Environmental Permit for the proposed western extension area. If the results of risk assessments identify that additional monitoring is deemed necessary for specific additional receptors, such as the water pipes which cross the land which forms the proposed western extension, then this monitoring would be specified in the Environmental Permit.

- 5.5** As an Environmental Permit will not be issued by the Environment Agency unless it is demonstrated to their satisfaction as part of the permit application process that LLW can be deposited without exceeding the appropriate dose criteria, 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. Accordingly it is agreed that the decision on granting the DCO can be made based on the assumption in paragraph 4.7.9 of the National Planning Statement for Hazardous Waste that the relevant pollution control authority (ie the Environment Agency) is satisfied that potential releases of radioactive emissions can be adequately regulated under the pollution control framework.
- 5.6** It is acknowledged that the application to vary the Environmental Permit for the landfill disposal of LLW in the western extension has not yet been submitted. The outcomes of the risk assessments will allow the Environment Agency to restrict the radiological capacity which can be accepted at the site in the Environmental Permit such that there is confidence that the dose criteria can be met. As stated above, 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. The issue and regulation of Environmental Permits for the proposed development**

- 6.1** It is agreed that further detailed assessments have been and/or will be submitted to and assessed by the Environment Agency as part of the applications for variations to the existing Environmental Permits for the activities the subject of the DCO application. As part of the assessments of the submitted applications the risk assessments will be scrutinised by the Environment Agency prior to the issue of each Permit. The Environment Agency will carry out further consultations with bodies including the UK Health Security Agency and the Health and Safety Executive. The Environmental Permits will not be issued unless the Environment Agency is satisfied that the operations will be carried out in a manner which will not result in an unacceptable risk to the environment and human health.
- 6.2** Potential emissions will be regulated under the pollution control framework. Monitoring schemes will be implemented under the Environmental Permits and will be adequate to identify potentially harmful emissions.
- 6.3** The aspects of the development design and operational controls which are relied upon to provide the necessary mitigation identified in the Environmental Statement are summarised for each environmental aspect in Table ES5.2 of the Environmental Statement. The mitigation measures that are controlled and regulated by the Environment Agency through the pollution control regime and the Environmental Permits are correctly identified in Table ES5.2.
- 6.4** Subject to the granting of the varied Environmental Permits, it is agreed that the proposed development will provide additional capacity for the safe management of wastes treated at the waste treatment and recovery facility, the disposal of residual hazardous wastes for which the best overall environmental option is landfill disposal and the disposal of residual LLW with an activity typically up to 200Bq/g for which the best available technique is landfill disposal.

**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** The Environment Agency wishes to be a specific named consultee in respect of Schedule 2, Requirement 3 (4) (detailed design for the surface water management plan) and Requirement 4 (1) (Phasing, landscaping and restoration scheme) in the draft DCO (PINS document reference 3.1) (APP-017). The Environment Agency has requested that the words “*following consultation with the Environment Agency*” are inserted after “*relevant planning authority*”. Augean does not have any objection to this request and the change has been made to the revised draft of the DCO submitted on 16 March 2022.

**9. Agreement**

**9.1** This statement has been agreed between Augean South Limited and the Environment Agency.

Signed:



On behalf of Augean South Limited



On behalf of The Environment Agency

Date: 11 April 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
Existing and new Environmental Permits, including their status, scope, controls, mitigation measures and timescales.	See paragraphs 2.4 and 2.5 of this document.
Dust, odour, artificial light, smoke and steam scope and methodology of assessment	The assessments set out in section 22 of the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application. Further detailed assessment will be carried out with respect to dust and odour as part of the permit application process.
The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO, compliance with the Water Framework Directive	<p>See paragraphs 4.5 to 4.12 of this document.</p> <p>The assessments set out in sections 17 and 18 of the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application.</p> <p>As set out in paragraphs 4.10 to 4.12 of this document it is agreed that Environmental Permits will only be issued where the Environment Agency has determined that based on the proposed controls there will be no adverse effect on the groundwater quality status in the vicinity of the site as designated under the Water Framework Directive or on</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	<p>the surface water quality status as designated under the Water Framework Directive in the River Basin Management Plan</p> <p>Further detailed assessment on the measures for the protection of groundwater and surface water quality will be carried out as part of the permit application process.</p>
<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 paragraph 4.13 of this document.</p> <p>The assessments set out in section 18 of the Environmental Statement including their methodology and scope are considered appropriate and compliant with the approach to development and flood risk in the NPPF.</p> <p>The principles of the surface water management plan are the subject of Requirement 3(e) of the draft DCO (which is presented at Appendix DEC F to the DCO Environmental Commitments, PINS document reference 6.5. APP-110) and the approach to the detailed design of the surface water management plan are agreed.</p>
<p>Surface water drainage including the use of SuDS, compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS</p>	<p>See paragraphs 4.12 and 4.13 of this document and the comments above.</p> <p>The assessments set out in section 18 of the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application.</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	Further detailed assessment of the surface water management plan will be carried out as part of the permit application process.
Water abstraction, discharges, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework	No water abstraction is proposed as part of the development.  It is considered that subject to controls which will be included in the variations to the Environmental Permits, potential releases and emissions to the environment can be adequately regulated through the pollution control framework.
Ground conditions, including the stability and contamination assessments, controls and mitigation measures	The assessments set out in the Environmental Statement including their methodology and scope are considered appropriate for the purposes of the DCO application.  Further detailed assessment of the stability of the engineered containment design and the control and mitigation measures will be carried out as part of the permit application process.
Climate change, including the UK's obligations under the Climate Change Act 2008 (as amended) and the United Nations Framework Convention on Climate Change having regard to the latest UK Climate Change projections. The resilience of the Proposed Development to the effects of climate change	It is agreed that the proposed development is resilient to the effects of climate change as set out in section 24 of the Environmental Statement.
The need for Protective Provisions in the dDCO	No protective provisions for the Environment Agency are considered necessary.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The applicable legislation and policy considered by the Applicant	<p>The review presented in the Planning Statement (PINS document reference 6.1) (APP-103) of regulations and policies of relevance to the Environment Agency is considered thorough and appropriate.</p> <p>The principles of the proposals for meeting in particular the requirements of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) and the obligations under the Water Framework Directive are agreed as acceptable.</p>
The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included	The assessments, including the assessment of cumulative effects set out in the Environmental Statement which are relevant to the Environment Agency including their methodology and scope are considered appropriate for the purposes of the DCO application.
The application of expert judgements and assumptions	The application of expert judgements and assumptions in the assessments set out in the Environmental Statement which are relevant to the Environment Agency including their methodology and scope are considered appropriate for the purposes of the DCO application.
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 Environmental Statement which are relevant to the Environment Agency including the determination of their methodology and scope are considered appropriate for the purposes of the DCO application.

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 which are relevant to the Environment Agency including for the determination of their methodology and scope are considered appropriate for the purposes of the DCO application.
Identification and sensitivity of receptors with the potential to be affected, the magnitude and quantification of potential impacts	These aspects of the assessments set out in the Environmental Statement which are relevant to the Environment Agency including the determination of their methodology and scope are considered appropriate for the purposes of the DCO application.
The assessment of likely effects (direct and indirect) on identified receptors	<p>The conclusions of the assessments set out in the Environmental Statement which are relevant to the Environment Agency with respect to the likely effects (direct and indirect) on identified receptors are agreed.</p> <p>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 as part of the permit application process.</p>
"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 worst case parameters assessed in the Environmental Impact assessment and reported in the Environmental Statement.

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
The mitigation measures required and whether they are likely to result in the identified residual impacts	It is considered that the proposed mitigation measures will result in the identified residual impacts.
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 which are relevant to the Environment Agency 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 considered that the mitigation measures controlled through the draft DCO and the pollution control regime as identified in Table ES5.2 of the Environmental Statement, can be adequately secured through the Environmental Permits.
The scope and adequacy of the submitted DCO Environmental Commitments	These are considered adequate subject to the comment in paragraph 8.1 of this document.
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	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

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	<p>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>Subject to the review of the detailed assessments in the permit variation applications and the agreement of appropriate control measures, the Environment Agency’s preliminary view (given on the basis of the information contained in the Environmental Statement and without prejudice to any decision it may take on the Environment Permit applications) is that it is not aware of any impediments that might result in a decision not to grant any of the variations.</p>
<p>Whether the effectiveness of other consents, permits or licenses as mitigation has been accurately identified in the impact assessment</p>	<p>It is agreed that the controls for the mitigation measures as identified in Table ES5.2 of the Environmental Statement will be effective for the controls and mitigation which is necessary for the proposed development.</p>

**APPENDIX D**  
**SOCG BETWEEN AUGEAN SOUTH LIMITED AND NATURAL ENGLAND**



**FINAL VERSION FOR PINS**

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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND  
NATURAL ENGLAND**

Report reference: WS010005/SOCG/NE/V6  
July 2022

**PINS document reference: 7.4**



Technical advisers on environmental issues

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**CONTENTS**

1.	Summary	1
2.	Introduction	2
3.	The proposed development	4
4.	Environmental impacts	6
5.	Specific issues raised in the Rule 6 letter	12
6.	Requirements in the draft DCO	13
7.	Agreement	14

**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 Natural England. 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. Where Natural England expresses agreement, it does so only in so far as it has considered the issue with regards to its statutory remit and on the basis of the information that it is aware of. Agreement is offered without prejudice to the submissions of other interested parties who may have greater knowledge of technical methodologies or site specific issues.

## 2. Introduction

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

2.2 Augean and Natural England have been liaising on this project since January 2020. Natural England have provided advice and guidance on the project through the Discretionary Advice Service. A number of meetings have been held in particular the meetings on 10 February 2020 to discuss the history of the site, the extension proposals and the surveys undertaken of the proposed western extension to date, the meeting on 21 January 2021 to discuss connectivity, phasing and aftercare and the meeting on 18 May 2021 with the Butterfly Conservation, North Northamptonshire Council, Wildlife Trust and Forestry England to discuss the draft restoration plan and mitigation proposals. Correspondence is presented in section 1-11 'Meetings and correspondence with consultees' in Appendix ES13.1 to the Environmental Statement (PINS document reference 5.4.13.1) (APP-087). A draft European Protected Species (EPS) licence application was submitted to NE on 6 May 2022.

### **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 of the Environmental Statement (PINS document reference 5.2) (APP-049). Figure ES1.2 (PINS document reference 5.3.1.2) (APP-051) of the Environmental Statement shows the designated sites in the vicinity of the existing ENRMF. Appendix ES3.1 (PINS reference 5.4.3.1) (APP-082) presents the details on the sites of ecological interest in the vicinity of the site. The closest ecological sites are Fineshade Wood part of which is known as The Assarts and which is a Local Wildlife Site to the west of the proposed western extension and Collyweston Great Wood which is adjacent to the eastern boundary of the northern section of the western extension area. To the east and north east of the application area beyond Collyweston Great Wood and east of Stamford Road is an area of woodland known as Easton Hornstocks. Parts of the Collyweston Great Wood and Easton Hornstocks comprise a Site of Special Scientific Interest (SSSI) and a

National Nature Reserve (NNR). 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. It is necessary to vary the Environmental Permits in respect of the existing hazardous waste and 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. It is agreed that the Environmental Permits for the site are protective of the environment, including all ecological receptors, and human health and will be regulated by the Environment Agency through the pollution control regime.

### 3. The proposed development

- 3.1** 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 proposed western extension.
- 3.2** 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 (PINS document reference 5.3.5.1) (APP-054) of the Environmental Statement) 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 agreed that the proposals ensure 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. REP6-008).
- 3.3** 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 restoration scheme for the site has been designed to meet the objective of achieving Biodiversity Net Gain. Natural England were involved in the process of developing the Restoration Concept Scheme (PINS document reference 2.8) (APP-011) and support the principles embedded in the design.

**3.4** 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 further net gain in watercourses through the creation of Swallow Brook. It is agreed that this is substantially above the proposed target of at least 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 demonstrates that significant biodiversity improvements to habitats at the site will be achieved from the very early stages of the works. 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. It is agreed that there would be no change to the overall Biodiversity Net Gain at the site if the standoff from the water pipelines is increased up to a distance of 30m.

#### 4. 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.

##### Air quality

4.2 The combined effect of the individual elements of the proposed development including the different phases of activity associated with the landfill site and the operation of the treatment facility have been considered. The management and monitoring of emissions to atmosphere will 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.

4.3 As set out in section 19 of the Environmental Statement the scope of the Transport Assessment was been agreed with Northamptonshire Highways as the local Highways Authority as well as with Highways England. It is agreed that the potential effects of the new development and associated traffic levels on air quality at nationally and internationally designated sites have been properly considered. Natural England has no concerns regarding the impact of the additional traffic at nationally and internationally designated sites.

##### Ecology

4.4 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 Wildlife Site located adjacent to the western boundary of the proposed western

extension. The locations and details of these sites are agreed. It is agreed that there is no potential for the proposal to affect the ecology at the internationally designated sites or the SSSIs and National Nature Reserves within 2km of the application site boundary. Comments on the Habitat Regulations Screening Assessment are presented at Table 1.

- 4.5** Extensive ecological 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 ecological surveys and assessments have been agreed between Augean and Natural England as detailed in the Environmental Statement. The results of the surveys and the assessments are presented in section 13 of the Environmental Statement and in the Ecological Impact Assessment at Appendix ES13.1 (PINS document reference 5.4.13.1) (APP-087). It is agreed that the ecological survey and other information gathered is sufficient for the purpose of understanding the ecological impacts of the development and the means selected for enhancement of the current site. It is agreed that the site currently supports habitats of negligible ecological interest with the exception of an important hedgerow which qualifies under the Hedgerow Regulations 1997. It is agreed that the restoration of the site will have a positive effect on the natural environment by creating new and enhanced habitats connecting and providing stronger ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade Woods.
- 4.6** The results of the site ecological 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 regular meetings attended by Natural England as well as North Northamptonshire Council, Forest England and local conservation groups. The ecological surveys that have been undertaken at the site are appropriate to enable an assessment of the ecological effects of the proposals.
- 4.7** 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) (REP6-008).

- 4.8** 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.
- 4.9** 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) (REP6-008) 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 which includes approval by North Northamptonshire Council as the Local Planning Authority. Based on this it is agreed that there will be no significant negative residual ecological 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 term as well as in the long term.
- 4.10** It is agreed that the restoration is designed to benefit reptiles, invertebrates including butterflies, 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 with minimal impact on the ecological interest at and in the vicinity of the site. In the short and the long term the new and enhanced habitats will provide a significant benefit to species present at and in the vicinity of the site and contributes to landscape scale recovery.
- 4.11** 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**

- 4.12** 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.

- 4.13** 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. Natural England accepts the conclusions that the proposed development can be undertaken without significant individual or cumulative adverse impacts on surface water or groundwater flow or quality at internationally and nationally designated ecological sites in the vicinity of the ENRMF.
- 4.14** 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. Natural England consider that the principle that the surface water scheme design to maintain the flow of surface water and groundwater is an appropriate approach to protect ecological habitats, in particular the woodlands adjacent to the proposed western extension area. It is agreed that it is appropriate that the detailed design of the drainage scheme is approved as part of the Phasing, Landscaping and Restoration Scheme prepared and agreed in accordance with Requirement 4 in the draft DCO.

### **Landscape**

- 4.15** 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 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).
- 4.16** 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. The proposed restoration scheme would deliver positive long term benefits for landscape features in terms of

vegetation cover, habitat creation and public access and contributes to landscape scale recovery. It is acknowledged that there is a 20 year aftercare period secured in the draft DCO.

### **Soil resources**

- 4.17** 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. The findings of this report are accepted.
- 4.18** 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 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) (REP6-008) it is agreed that the proposed development will result in a negligible impact on soil resources.
- 4.19** 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. The use of the BMV soil for this purpose will be reviewed under the phasing, landscaping and restoration scheme that will be submitted on a biannual basis under Requirement 4 of the draft DCO.
- 4.20** 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.

### **Noise and vibration**

- 4.21** 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 existing ENRMF site. Since the level of noise and disturbance expected to result from the development will be similar to that produced by the existing agricultural working, the protected species present on the site are expected to ignore or habituate to the level of noise and disturbance.

### **Other potential impacts**

- 4.22** Based on the current and proposed controls and the nature of the current and proposed wastes it is agreed that the risk of disturbance to flora and fauna created by litter, odour or vermin is low. It is agreed that based on the current and proposed continued controls presented in Table ES22.3 and under the Environmental Permits it is unlikely that there will be significant dust emissions from operations at the site.
- 4.23** It is agreed that there will not be an unacceptable impact on flora and fauna of the area as a result of the continued use of lighting as part of the proposed development. 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 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.

**5. Specific issues raised in the Rule 6 letter**

- 5.1** 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.

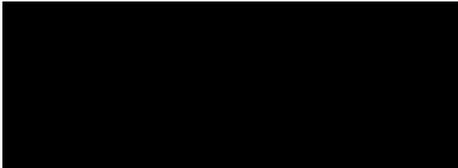
## 6. Requirements in the draft DCO

- 6.1** 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) (AS-008), (c) the boundary design principles (Appendix B of PINS document reference 6.5) (REP6-008) and (d) the restored landform profile (PINS document reference 2.9) (AS-010). 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.
- 6.2** 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 the necessary control over the progress of landscaping and restoration at the site.
- 6.3** 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. It is agreed that this will limit the potential for the impacts of lighting on sensitive fauna.
- 6.4** Natural England have no material disagreement with these Requirements in the draft DCO. There are no further requirements that Natural England wish to be included in the draft DCO.

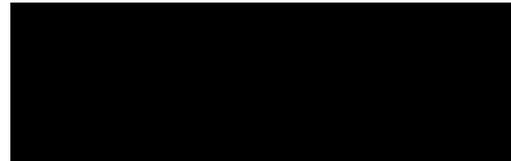
**7. Agreement**

7.1 This statement has been agreed between Augean South Limited and Natural England.

Signed:



On behalf of Augean South Limited



On behalf of Natural England

Date: 18 July 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
<p>The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects</p>	<p>Prior to the submission of the DCO application the Habitat Regulations Screening Assessment and screening matrices (PINS document reference 5.5) (APP-102) was reviewed by Natural England. In the letter from Natural England presented at Appendix 4 of the Habitat Regulations Screening Assessment it is stated that <i>'Natural England has reviewed the document titled "No Significant Effect Report and Screening Stage of Habitat Regulations Assessment for East Northants Resource Management Facility and Western Extension" and agrees with the conclusion of no likely significant effects to Rutland Water Special Protected Area, (SPA) and Ramsar site, Barnack Hills and Holes Special Area of Conservation (SAC) and Upper Nene Valley Gravel Pits SPA and Ramsar site.'</i></p> <p>It is agreed that the Environmental Statement which was submitted with the application demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the European sites.</p>
<p>Appropriateness and effectiveness of the reliance on controls in the existing and new Environmental Permits</p>	<p>As stated in paragraph 2.4 of this document it is agreed that the Environmental Permits for the site are protective of both the environment including all ecological receptors and human health. It is agreed that the effective implementation of the Environmental Permits will be regulated and enforced by the Environment Agency in accordance with the pollution control regime. It is agreed that these controls can be relied on in the</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	absence of any specific concerns and there is no need for further controls in the draft DCO.
Impacts on habitats and species, habitat replacement and opportunities for enhancement	<p>As stated in paragraph 4.5 it is agreed that the site currently supports habitats of negligible ecological interest with the exception of an important hedgerow which qualifies under the Hedgerow Regulations 1997. All protected species issues (including any licensing requirements under the Habitats Regulations or the 1981 Act) are addressed by the proposed draft DCO requirements.</p> <p>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.</p> <p>It is agreed that there will be no significant negative residual ecological effects associated with the proposed development and for many of the ecological features, protected species and habitats there will be a significant positive effect in the short term as well as in the long term.</p>
Restoration proposals and bio-diversity net gain	As stated in Section 3 it is agreed that the restoration proposals are beneficial for nature conservation and will deliver a biodiversity net gain of 110%. It is agreed that the restoration plans and delivery of Biodiversity Net Gain will have a positive effect on the natural environment by creating new and enhanced habitats connecting and providing strong ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade Woods. It is agreed that the restoration of the site will be secured under the Requirements
Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected species and other	As stated in Section 4 of this document it is agreed that there will be no unacceptable impacts on designated nature conservation sites, protected species and other biodiversity interest and landscapes during the

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
biodiversity interest and landscapes during the operational phase and following restoration	operational phase as a result of noise or vibration or impacts on air quality or water quality. It is agreed that following restoration there will be a positive effect on the natural environment by creating new and enhanced habitats connecting and providing strong ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade Woods.
Agreement or otherwise on biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales	<p>The mitigation measures necessary for the protection of ecology and enhancement of biodiversity are identified in Table ES5.2 of the Environmental Statement. It is agreed that the mitigation measures can be adequately secured as proposed in the draft DCO.</p> <p>The draft Great Crested Newt EPS licence application was submitted to Natural England on 6 May 2022. A Letter of No Impediment was issued for the licence on 21 June 2022. The letter states '<i>on the basis of the information and proposals provided, Natural England sees no impediment to a licence being issued, should the DCO be granted</i>'.</p>
The applicable legislation and policy considered by the Applicant	<p>Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>Hedgerow Regulations 1997</p> <p>Protection of Badgers Act 1992</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	<p>The Natural Environment and Rural Communities Act 2006</p> <p>It is agreed that this legislation is that which is relevant to the protection of ecological features and assets and has been considered and addressed appropriately by Augean within the application.</p>
<p>The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included</p>	<p>The assessments relevant to Natural England 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>
<p>The application of expert judgements and assumptions</p>	<p>The application of expert judgements and assumptions in the assessments relevant to Natural England set out in the Environmental Statement including their methodology and scope are considered appropriate.</p>
<p>Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies</p>	<p>These aspects of the assessments relevant to Natural England set out in Section 13 of the Environmental Statement including the determination of their methodology and scope are considered appropriate.</p>
<p>The extent of the areas of potential impact considered</p>	<p>The extent of the areas of potential impact considered in the assessments relevant to Natural England set out in Section 13.2 of the</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	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	These aspects of the assessments relevant to Natural England are set out in Section 13.2 of the Environmental Statement (APP-049) including the determination of their methodology and scope are considered appropriate.
The assessment of likely effects (direct and indirect) on identified receptors	It is agreed that sufficient information is included in the Environmental Statement to demonstrate that all protected ecological features potentially affected by the extension in the area and life of ENRMF can be ruled out or that proposed mitigation is sufficient to demonstrate no significant adverse impact.
"Reasonable worst case" Rochdale Envelope parameters	The Rochdale Envelope parameters included in the application for the proposed development relating to the extents of the development in Work No 2 and Work No 3 are not applicable to ecology. The worst case scenario for the development in terms of concurrent operations have been assessed in the Environmental Statement and in Section 13 for ecology and biodiversity.
The mitigation measures required and whether they are likely to result in the identified residual impacts	It is agreed 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 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 significance of each residual impact	It is agreed that there will be no significant negative residual ecological effects associated with the proposed development and for many of the

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	ecological features, species and habitats there will be a significant positive effect in the short term as well as in the long term.
Whether the identified mitigation measures adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses	It is considered that the mitigation measures identified in Table ES5.2 of the Environmental Statement can be adequately secured as proposed in the draft DCO and through the Environmental Permits for the measures that are controlled through the pollution control regime together with any protected species licences that are necessary. The method of securing the mitigation is also identified in Table ES5.2.
The scope and adequacy of the submitted DCO Environmental Commitments	The schemes which are relevant to Natural England are considered adequate and appropriate. The schemes which are relevant to Natural England are identified in Table ES5.2.
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 under identification of other consents, permits or licenses.
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>Natural England are not aware of the need for any other consents, permits or licences that are necessary for the development other than the</p>

Issue raised at Annex E to the Rule 6 letter	Comments and conclusions
	protected species licences needed for ecological clearance and mitigation works. Details of the licences necessary are presented in paragraph 2.1.2 of Appendix DEC E Ecological Management, Monitoring and Aftercare Plan (PINS document reference 6.5) (REP6-008).
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 as identified in Table ES5.2 of the Environmental Statement will be effective for the controls and mitigation which are necessary for the proposed development. The method of securing the mitigation is also identified in Table ES5.2.

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



**FINAL DRAFT**

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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND WESTERN POWER  
DISTRIBUTION (EAST MIDLANDS) PLC**

Report reference: WS010005/SOCG/WP/V5  
July 2022

**PINS document reference: 7.5**



Technical advisers on environmental issues

**The text which is agreed is shown in green  
The text which is under discussion is shown in amber**

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Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE  
Tel. (01827) 717891 Fax. (01827) 718507

**CONTENTS**

1.	Summary	1
2.	Introduction	2
3.	The proposed development	4
4.	Design of the site	6
5.	Specific issues raised in the Rule 6 letter	7
6.	Areas on which there is disagreement	8
7.	Requirements in the draft DCO	9
8.	Agreement [To be signed in the final version]	11

**TABLES**

Table 1	Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022, matters raised in the Relevant Representation from Western Power and other matters
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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 Western Power Distribution (East Midlands) plc. 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 Western Power Distribution (East Midlands) plc (Western Power). The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

2.2 Liaison between Augean and Western Power has been ongoing since December 2019. A meeting was held on 15 January 2021 to discuss the standoff to the water main, easement and crossing agreements for the diverted electricity cable together with the potential route for the diverted cable. The design drawings were provided to Western Power on 3 February 2021. The initial principal concerns for Western Power are the standoff distances, the design of the adjacent landfill areas and the location of the diverted electricity cable. Liaison has continued throughout the Examination period.

### **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.

2.4 There are a number of services which cross the proposed western extension and which are in the vicinity of the site. The services at and in the vicinity of the site are shown on Figure ES3.3. Overhead electricity cables owned by Western Power run along the western boundary of the existing ENRMF before turning in a north westerly direction

across the northern section of the proposed western extension. Two water mains cross the northern part of the southern section of the proposed western extension.

### 3. The proposed development

- 3.1** The proposed development is described in sections 4 to 9 of the Environmental Statement.
- 3.2** Work No 5 in the draft DCO (PINS document reference 3.1) (REP6-003) and shown on the Works Plan (PINS document reference 2.3) (AS-008) comprises the diversion of the overhead electricity cable that crosses the proposed western extension to a trench to the north of the water pipelines across the proposed western extension and then follows the western margin of the site to the northern corner.
- 3.3** 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 in phases and 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 design of the containment engineering includes a Stability Risk Assessment for the designed slopes. 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 have approved the Verification Report.

**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 a stable slope 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 afteruse of the restored site is to a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees and hedgerows. Surface water will be managed during the operation of the site and following the completion of the restoration.

#### 4. Design of the site

- 4.1** As stated in Section 3 the design of the site is the subject of a Stability Risk Assessment which has been submitted to the Environment Agency as part of the Environmental Permit variation application for the landfill to incorporate the western extension. The design is consistent with that used for the current landfill site. The risk assessments submitted with the Environmental Permit application, including the Stability Risk Assessments will be reviewed and approved by the Environment Agency as part of the consideration of the Environmental Permit variation application to extend the boundary of the landfill facility.
- 4.2** All excavated side slopes in the western extension area will be cut at a maximum gradient of 1v:2.5h. The basal lining system will comprise a minimum 1m thick compacted low permeability clay liner with a 2mm thick smooth high density polyethylene (HDPE) geomembrane. Once landfilling operations have been completed in each phase the phase will be capped. A 1m to 1.5m thickness of restoration materials will be placed over the cap.
- 4.3** As described in paragraph 7.3 of this document, a standoff distance of between 7m and 30m will be retained either side of the water pipeline. Fencing will be erected on the agreed standoff line. The electricity cable will be located within the 7m to 30m standoff from the water pipeline and will be a minimum distance of 3.5m from the water pipeline. The landfill excavation limit will be at a minimum of 2.5m from the fencing to provide access for site operations. The restoration soils will not extend beyond the fencing.

**5. Specific issues raised in the Rule 6 letter**

- 5.1** 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 the other matters raised in the Relevant Representation and agreed comments in response to each.

**6. Areas on which there is disagreement**

- 6.1** The terms of the commercial agreement have been agreed by both parties. Subject to the execution in counterpart and completion of the commercial agreement between the parties, there remain no outstanding areas of disagreement between the parties.

## 7. Requirements in the draft DCO

7.1 Protective Provisions are referred to in Article 15 of the draft DCO and are presented in Schedule 6. The parties have agreed the Protective Provisions appended to the draft DCO at Part 2 of Schedule 6.

7.2 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) (AS-008), (c) the boundary design principles (Appendix B of PINS document reference 6.5) (REP6-008) and (d) the restored landform profile (PINS document reference 2.9) (AS-010). The works plan shows the existing overhead electricity cable route together with the proposed diversion route for the electricity cable.

7.3 The standoffs from the diverted electricity cable are presented at Appendix B of the DCO Environmental Commitments document (boundaries H, G, F and C shown on Figure DEC B1 and in Table DEC B1 in PINS document reference 6.5) (REP6-008).

- **Boundary H** – There will be between a standoff distance of between 7m and 30m from the water pipelines. Fencing will be erected at the agreed standoff from the water pipeline. There will be a minimum 3.5m standoff from the water pipeline to the diverted electricity cable and a 3.5m distance to the fencing from the diverted electricity cable. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the pipeline or diverted cable standoff.
- **Boundary G** – The electricity cable will be outside the root protection area but within the 10m ecological standoff area. The fencing will be erected on the boundary of the 10m ecological standoff area. The excavation limit will be at a minimum 2.5m

standoff from the fencing. The restoration soils will not extend beyond the line of the fencing.

- **Boundary F** - The electricity cable will be outside the root protection area but within the 10m ecological standoff area. The fencing will be erected on the boundary of the 10m ecological standoff area. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the line of the fencing.
- **Boundary C** - The electricity cable will be outside the root protection area but within the 10m ecological standoff area. The fencing will be erected on the boundary of the 10m ecological standoff area. The excavation limit will be at a minimum 2.5m standoff from the fencing. The restoration soils will not extend beyond the line of the fencing.

**7.4** The protective provisions which have been agreed by the parties together with the details set out in Paragraphs 7.2 and 7.3 will be sufficient to protect the Western Power interests.

**7.5** It will be necessary for Augean to cross the diverted electricity cable during the operation of the western extension. Augean will enter into crossing agreements at the appropriate time once the exact location of the diversion route is known to enable crossing of the electricity cable.

**7.6** It is agreed that the DCO does not contain any powers of compulsory acquisition, therefore Augean will not have the power to override, extinguish or interfere with the existing rights Western Power have.

**8. Agreement [To be signed in the final version]**

**8.1** This statement has been agreed between Augean South Limited and Western Power

Signed:

On behalf of Augean South Limited

On behalf of Western Power Distribution  
(East Midlands) plc

Date: 2022

Table 1

**Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and matters raised in the Relevant Representation from Western Power**

Issues raised at Annex E to the Rule 6 letter	
Issues raised	Position of the parties
The overhead line which crosses the site and the proposal for its diversion	<p>The parties agree that, as stated in paragraph 3.2 of this document, the route for the proposed electricity cable diversion is shown on the Works Plan (PINS document reference 2.3) (AS-008).</p> <p>The parties agree that the exact route will be within the limits shown on the Work Plan but will be determined based on the ground conditions when the works are undertaken.</p>
The protective provisions set out in the dDCO and other matters raised in Relevant Representation (RR-012)	<p>The Protective Provisions have been agreed and are included in the draft DCO.</p> <p>The inclusion of the agreed protective provisions between Augean and Western Power will allow there to be no detrimental impact on Western Power's electricity network.</p> <p>The draft DCO does not contain any powers of compulsory acquisition, therefore Augean will not have the power to override, extinguish or interfere with the existing rights Western Power have.</p> <p>Western Power and Augean have concluded in principle their discussions in respect of Western Power's assets and outlined the position under a commercial agreement, the terms of which are confidential. The wording of the commercial agreement is agreed by both parties and is proceeding through the process of execution and completion by both parties.</p>

Issues raised at Annex E to the Rule 6 letter	
Issues raised	Position of the parties
	The holding objection by Western Power to the granting of the draft DCO will be withdrawn when the commercial agreement is executed in counterpart and completed. It is anticipated that agreement will be completed by 2 August 2022.

Other matters	
Other matters	Position of the parties
Following the diversion of the electricity cable rights of access to inspect, maintain, renew and repair the apparatus will be retained	The wording of the draft easement that will be granted by the landowner for the diverted cable route has been agreed as part of the commercial agreement and will be entered into at the appropriate time.
The electricity cable will be diverted within the 7m stand off for the water pipeline	The standoff distances are set out in Paragraph 7.3. The electricity cable will be diverted within the 7m-30m standoff from the Anglian Water pipeline.
The diverted electricity will be 3.5m from the water pipeline	The standoff distances are set out in Paragraph 7.3. The diverted electricity cable will be a minimum of 3.5m from the water pipelines.
Crossing agreements	Augean will enter into crossing agreements at the appropriate time to enable crossing of the diverted electricity cable.

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



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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND  
NORTHAMPTONSHIRE POLICE AND  
NORTHAMPTONSHIRE FIRE AND RESCUE  
SERVICE**

Report reference: WS010005/SOCG/PFS/FIN  
March 2022

**PINS document reference: 7.8**



Technical advisers on environmental issues

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**CONTENTS**

1.	Summary	1
2.	Introduction	2
3.	Specific issues raised in the Rule 6 letter	5
4.	Requirements in the draft DCO	6
5.	Agreement	7

**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 Limited and Northamptonshire Police and Northamptonshire Fire and Rescue Service. 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 (the Applicant) and Northamptonshire Police and Northamptonshire Fire and Rescue Service. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

2.2 A meeting was held between the Applicant and the Infrastructure Planning Manager from the Estates and Facilities Department for Northamptonshire Police, Northamptonshire Fire and Rescue Service and Northamptonshire OPFCC on 20 January 2022 to discuss their Relevant Representation. The Infrastructure Planning Manager is authorised to respond on behalf of Northamptonshire Police and Northamptonshire Fire and Rescue Service. The purpose of the meeting was to clarify the issues on which the Police and Fire and Rescue Service had raised concerns.

### **The proposed development**

2.3 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. The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. There is no separate construction phase, the series of activities are continuous and are implemented in parallel at different phases and

areas of the site. No staff or contractors are permitted to stay on the site overnight. It is agreed that there is no separate construction period for the proposed development.

- 2.4** The existing ENRMF has either a 1.8m high fence or a thorny hedge around the entire site boundary. There are gates at the site entrance which are locked outside operating hours. Site fencing or alternative barriers will be extended around the operational areas of the proposed western extension to prevent the entry of animals and it will be designed to serve also as appropriate security fencing. ENRMF is the subject of Environmental Permits. Site security is the subject of the Environmental Permit and has been agreed with the Environment Agency on the basis of risk. The entire operational landfill, reception area and site entrance will continue to be covered by 24 hour CCTV. The CCTV cameras in the site reception area are shown on the General Arrangement Plan Work No 3 (PINS document reference 2.6) (APP-009). The CCTV system includes night vision and motion sensing. The CCTV feeds will continue to be manned remotely. In the event of intrusion the police and site management will be called. It is agreed that there are no remaining concerns regarding site security.
- 2.5** The restored site will be developed as a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies. 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.
- 2.6** As part of the management system in place as a condition of the Environmental Permit the site has an Emergency Plan which is reviewed regularly and updated accordingly. The need for specific decontamination facilities is not identified in risk assessments taking into account the nature of materials managed and the activities

at the site. However hand sprays are available for use if necessary. The Emergency Plan is available for inspection and was provided to Northamptonshire Police for their information during their last visit to the site which was on 11 November 2021.

- 2.7** The nature of the wastes that are accepted at the site are controlled by the Environmental Permits. The wastes that are accepted at the site have limited flammability or combustibility and do not comprise biodegradable materials. The materials will not change as a result of the proposed development.

**3. Specific issues raised in the Rule 6 letter**

- 3.1** Two 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.

**4. Requirements in the draft DCO**

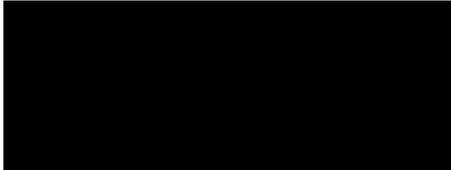
**4.1** In Schedule 2 of the draft DCO, Requirement 12 states that the site security measures including the 1.8m palisade fence around the landfill gas management compound shall be maintained throughout the life of the operations at the site and beyond until the relevant planning authority, in consultation with the Environment Agency, determines and confirms in writing that the site security measures are no longer required and thereafter, any fences shall be removed within a period of 3 months. These provisions are agreed as appropriate.

**4.2** No further Requirements are considered necessary in the DCO by Northamptonshire Police or Northamptonshire Fire and Rescue Service.

**5. Agreement**

5.1 This statement has been agreed between Augean South Limited and the Northamptonshire Police and Northamptonshire Fire and Rescue Service.

Signed:



On behalf of Augean South Limited

Infrastructure Planning Manager on behalf of Northamptonshire Police and Northamptonshire Fire and Rescue Service

Date: 3 March 2022

Table 1

## Responses to the specific questions raised in Annex E to the Rule 6 letter dated 6 January 2022 and other matters

Issue	Comments and conclusions
<b>Annex E to the Rule 6 letter</b>	
<p>Neither Northants Police or Northants Fire and Rescue appear to have been consulted on this proposal prior to submission. Both are listed as prescribed consultees under s42 schedule 1. I note that NHS England and the CCG have been consulted as a s42 Consultee.</p>	<p>Northamptonshire Police and Crime Commissioner and Northamptonshire Fire and Rescue Service were separately consulted at the scoping stage and as S42 consultees at the PEIR stage (Table 1 of Appendix CRP of the Consultation Report PINS document reference 4.2.16) (APP-037) as well as being notified of the acceptance of the application. At the scoping stage a response was provided by Northamptonshire Fire and Rescue Service which is presented at Appendix 2 to the Scoping Opinion provided at Appendix ES2.2 (PINS document reference 5.4.2.2) (APP-081).</p>
<p>If it is intended that contractors will be accommodated on or close to the site, during the course of works, this has implications on fire risk and antisocial behaviour, due to the transient nature of contractors and their accommodation.</p>	<p>See paragraph 2.3 in this document. The landfill construction operations are undertaken on a phased basis throughout the life of the development. The number of contractors associated with the construction of the new landfill cells is small.</p> <p>During the construction operations no construction staff will be accommodated on site. No personnel are allowed on site after operational hours. It is agreed that the risk of anti-social behaviour or fire risk associated with the construction operations is negligible.</p>

**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**



Technical advisers on environmental issues

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Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE  
Tel. (01827) 717891 Fax. (01827) 718507

**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.

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### 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.

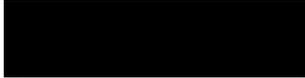
### 3. Requirements in the draft DCO

- 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:



Gene Wilson

Susannah O'Riordan

On behalf of Augean South Limited

On behalf of Butterfly Conservation

Date: 13<sup>th</sup> 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"> <li>• 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.</li> <li>• Creating a bank and planting a new hedgerow/treeline along the southeast boundary of the southern field to the west of the farm track.</li> <li>• 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.</li> <li>• Delineating a wide buffer-strip, around the whole of the northern field of the proposed western extension.</li> <li>• 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.</li> </ul>

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 &amp; 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 &amp; 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 &amp; Chequered Skipper as well as provide foraging areas for bats.</p>	

**APPENDIX H**  
**SOCG BETWEEN AUGEAN SOUTH LIMITED AND NW FIENNES**



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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND  
N W FIENNES**

Report reference: WS010005/SOCG/NWF  
March 2022

**PINS document reference: 7.11**



Technical advisers on environmental issues

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Tel. (01827) 717891 Fax. (01827) 718507

**CONTENTS**

1.	Introduction	1
2.	Areas on which there is agreement	2
3.	Areas on which there is disagreement	3
4.	Agreement	4

**APPENDICES**

Appendix A	Correspondence between Augean and Berrys in November 2021
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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. Introduction

- 1.1 This is a Statement of Common Ground between N W Fiennes and Augean South Ltd (Augean). N W Fiennes are represented by Berrys, 42 Headlands, Kettering, NN15 7HR. The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.
- 1.2 N W Fiennes own land adjacent to the north west of the boundary of the Development Consent Order application boundary. The land is registered title NN313490 listed in Part 2, Table 2 of the Book of Reference (PINS document reference 3.4) (APP-020) as owned by the trustees of the A F Goddard-Jackson (Duddington 1983 Settlement).
- 1.3 On behalf of N W Fiennes Berrys has made the following representation to the Planning Inspectorate in respect of the application for a Development Consent Order by Augean South Ltd:

*We act for Mr Fiennes who owns the adjoining farmland The representation is that the designated authority in determining this application is satisfactory must ensure that there is no pathway onto our clients adjoining land either Under surface or over surface. The land adjoining this is due for quarrying and the restraint against the neighbouring boundaries and the barrier of protection by load or travel of pollutants under or over surface must take this in to account.*

- 1.4 Augean and Berrys discussed the issues of concern to N W Fiennes relating to the development on the 28<sup>th</sup> October 2021. It was explained how the matters of concern are addressed in the proposals and the matters discussed were confirmed in an email from Augean to Berrys dated the 9<sup>th</sup> November 2021. A copy of the correspondence is provided at Appendix A. It is agreed that the information relates in particular to how containment and stability of the landfill and the excavations is assured through design, monitoring and regulation. It is acknowledged that these aspects of the proposed development are regulated by the Environment Agency through the pollution control regime.

## 2. Areas on which there is agreement

2.1 Based on the information provided by Augean to Berrys on the 9<sup>th</sup> November 2021 (Appendix A) the following is agreed common ground between Augean and N W Fiennes:

- That the pathways on to the N W Fiennes landownership for contaminants under surface or over surface will be appropriately controlled.
- That the excavation of ground within the development site and construction of the landfill will not compromise the stability of the land under the ownership of N W Fiennes nor rely on the N W Fiennes land for stability.
- The matters of pollution control and stability of the land and landfill are regulated by the Environment Agency through the Environmental Permits.

**3. Areas on which there is disagreement**

**3.1** There are no areas of disagreement

4. Agreement

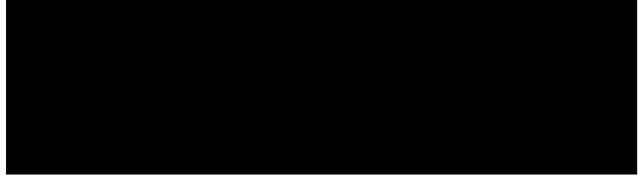
4.1 This statement has been agreed between Augean South Limited and N W Fiennes.

Signed:



On behalf of Augean South Limited

Date: 15<sup>th</sup> March 2022



A. C. FARNSWORTH BERRYS  
AS DULY AUTHORISED AGENT  
FOR AND

On behalf of Berrys representing N W  
Fiennes

**APPENDIX A**  
**CORRESPONDENCE BETWEEN AUGÉAN AND BERRYS IN NOVEMBER 2021**

**From:** [Gene Wilson](#)  
**To:** [REDACTED] [berrys.uk.com](mailto:[REDACTED]@berrys.uk.com)  
**Cc:** [Peter Oldfield](#)  
**Subject:** FW: ENRMF Western Extension  
**Date:** 02 November 2021 12:35:07  
**Attachments:** [5.3.8.1 Figure ES8.1 Current monitoring and site investigation borehole locations.pdf](#)  
[Figure SRA 7 - aukcw22131.pdf](#)  
[Figure HRA 3 - aukcw22196.pdf](#)  
[AU\\_KCW\\_Borehole\\_logs\\_K26.pdf](#)  
[AU\\_KCW\\_Borehole\\_logs\\_KCW1\\_19.pdf](#)  
[AU\\_KCW\\_Borehole\\_logs\\_K26.pdf](#)

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Dear [REDACTED]

Thank you for contacting us about the DCO application for the western extension to our operations at ENRMF. Further to our conversation on 28 October 2021 we are pleased to provide further information in response to the matters that you raised with respect to the engineering design of the proposed development, and in particular the containment and stability aspects of the design. We understand that your main area of interest is the western boundary of the northern area of the proposed western extension which is adjacent to your clients' land holding.

All the documents we refer to below are available on the PINS project web site <https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-northants-resource-management-facility-western-extension/?ipcsection=docs> under the section 'Developer's Application' or via the 'Further reading' section of the Augean consultation web site [REDACTED]

The existing operations at the site are the subject of Environmental Permits regulated by the Environment Agency and the Environmental Permits would be extended to cover the operations in the proposed western extension. The current landfill is designed, constructed and operated on the principle of containment and the new landfill void will be based on the same principle of containment. The extension will be constructed and operated in a series of phases. The northern area of the proposed western extension (Phase 12 as shown on Figure ES5.1 in the Environmental Statement (PINS document reference 5.3.5.1)) will be the first to be filled and restored if the DCO is granted. The current projection is that the northernmost area (Phase 12) will be restored in around 5 years from the start of the commencement of cell excavation work in that phase.

Following ecological preparatory work, the construction of surface water drains at the boundary of the operational area and the stripping and storage of soil, the overburden and clay will be excavated to form a void. Some of the excavated clay is retained for use in the engineering of the low permeability barriers and restoration at the site and at the nearby Augean Thornhaugh Landfill Site with the remainder exported for use elsewhere. The landfill void will be lined with an engineered low permeability barrier designed to retain contaminants within the engineered landfill. To complete the containment structure, to separate the restoration materials from the wastes and to minimise the infiltration of rainfall into the waste following achievement of the final waste levels, the landfill will be capped with a low permeability layer keyed into the low permeability side liner system. The restoration materials will be placed above the low permeability cap. Please find attached for your information conceptual cross sections showing the engineering design principles (drawing reference AU/KCW/12-20/22131) and a schematic conceptual site model (AU/KCW/01-21/22196) for the proposed western extension which illustrate how the landfill will be constructed in the western extension area. We hope that these cross sections are helpful.

Stability risk assessments are carried out for the excavated and constructed slopes for each of the elements of the landfill design and a hydrogeological risk assessment is carried out to assess the potential impacts on water quality. Risk assessment is also undertaken for gas generation but as the waste accepted at the site has less than 6% organic content gas generation is minimal. The risk assessments and the design of the landfill and the low permeability liner specification are agreed with the Environment Agency through the Environmental Permit. Construction Quality Assurance (CQA) Plans are also agreed with the Environment Agency for each area of engineering. CQA inspectors monitor the construction of the engineered landfill phases and provide a Verification Report to the regulator. Waste cannot be accepted in any cell until the Environment Agency approve the CQA

records and Verification Report. This provides significant oversight to the process and confidence in the standards that will be applied to the works.

The Environmental Statement (PINS document reference 5.2) that accompanies the application is presented in Volume 5 of the application. Information on the design and operation and the associated controls for the landfill are presented in Section 5 of the Environmental Statement. Further detail on the regulation of the operations and on-site monitoring is provided at Section 8 of the Environmental Statement. The proposed controls and a summary of the assessment of the potential impacts on water resources are presented at Section 17 of the Environmental Statement, air quality is addressed at Section 21 of the Environmental Statement and the assessment of impacts on amenity is presented at Section 22 of the Environmental Statement.

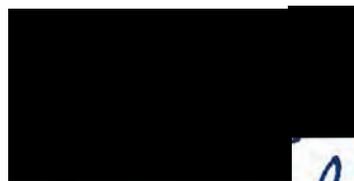
The proposed operations for the western extension will be undertaken within land under the control of Augean. No material will be placed within 10m of the western site boundary adjacent to your client's land. Monitoring will be undertaken under the Environmental Permit in order to confirm that the site operations are not having a significant impact on the environment and do not represent an unacceptable risk to human health. The monitoring will include groundwater and gas monitoring in boreholes installed on the western site boundary.

As promised, please find attached the borehole logs for the boreholes drilled along the northern section of the western boundary of the proposed extension (boreholes KCW 1/19 and K26, the locations of which are shown on the attached Figure ES8.1 taken from the Environmental Statement). I hope that these are of assistance to you.

We hope that the information is helpful but please get in touch if you need any further details.

Regards

**Gene Wilson**  
**Director of Environmental Planning**



15<sup>th</sup> March 2022

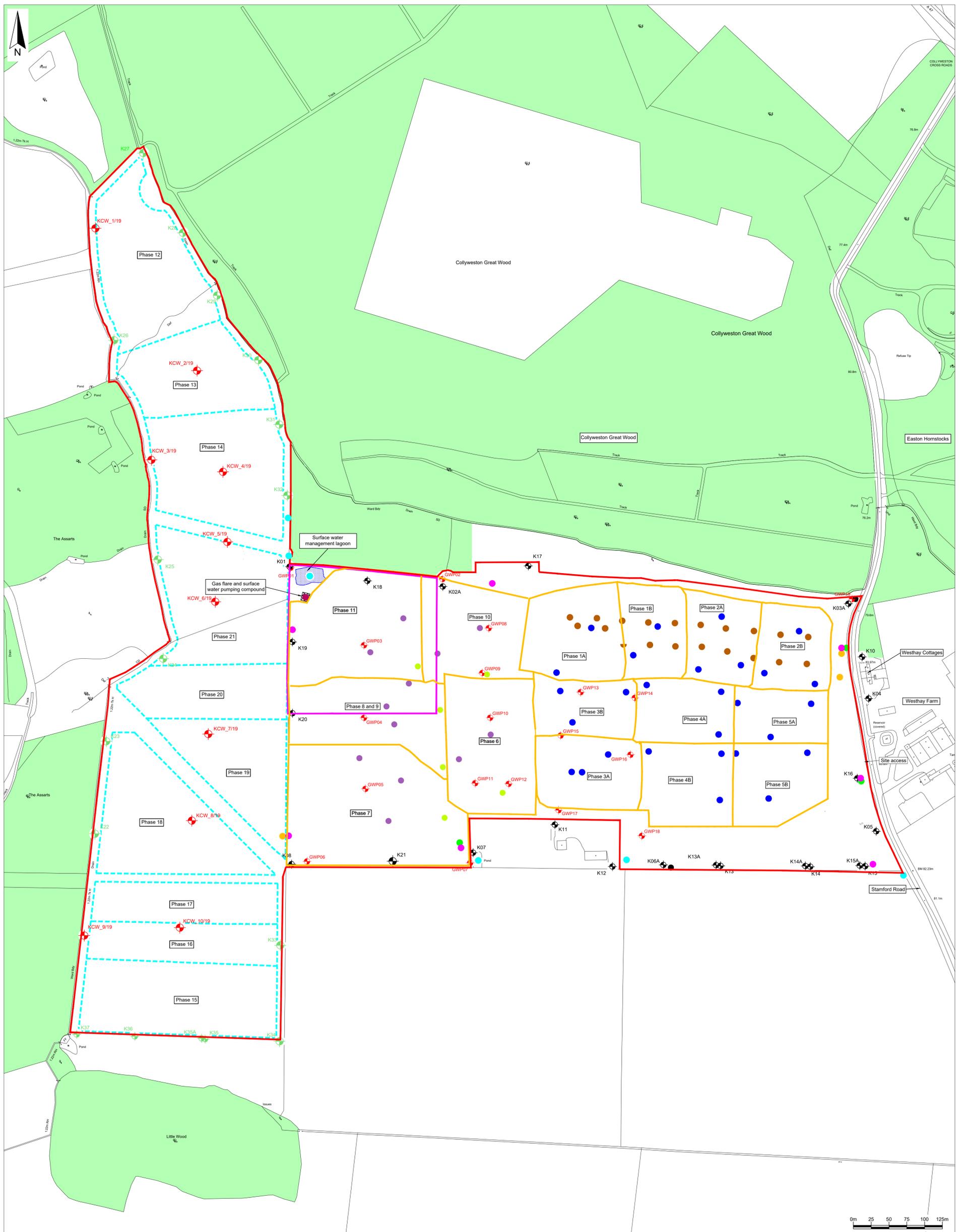
**Augean PLC**  
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Tel: [Redacted]  
[Redacted]  
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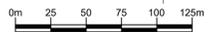
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**Key / Notes**

- Development Consent Order application boundary
- Approximate phase boundaries for the existing ENRMF
- Approximate phase boundaries to be constructed in the proposed western extension
- Woodland
- Existing gas flare compound
- The approximate area of the proposed extended waste treatment and recovery facility
- Approximate location of a gas flare monitoring point
- Approximate location of a combined groundwater and landfill gas monitoring point
- Approximate location of an asbestos monitoring point
- Approximate location of a dust and particulate matter monitoring point
- Approximate location of a VOC and hydrogen sulphide monitoring point
- Approximate location of a surface water monitoring point
- Approximate location of a combined leachate and gas monitoring point
- Approximate location of a gas well
- Approximate location of a proposed leachate sump and in waste landfill gas monitoring location
- Approximate location of a proposed leachate monitoring location and in waste landfill gas monitoring location
- ⊕ Location of a monitoring borehole
- ⊕ Location of a site investigation borehole
- ⊕ Location of a new groundwater and landfill gas monitoring borehole



Rev	Final	KR	SPS	LH	26/07/21	Status	Om
Client	EAST NORTHANTS RESOURCE MANAGEMENT FACILITY						
File	Current monitoring and site investigation borehole locations						
	PINS document reference 5.3.8.1						
	Figure ES8.1 Scale 1:2,500@A1						
Drawing Ref	AUJKCW07-21/22676						
Reproduced scale mapping by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown copyright 2006. All rights reserved. Licence number 100017818.							



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# BOREHOLE LOG

Project ENRMF Potential landfill extension site investigation		Client Augean		Date Completed 28/01/2020
Project No. AU/KCW/JRC/2936/01		Ground Level (mAOD) 88.23	Co-ordinates () E 500 207.24 N 300 526.01	Borehole No. K26
Contractor Geotechnical Engineering Limited		Location East Northants Resource Management Facility		Sheet 1 of 6

Scale	CORE					STRATA				Water	Instrument/ Backfill
	Depth	TCR	SCR	RQD	FI	Reduced Level	Depth (Thickness)	DESCRIPTION	Legend		
1						87.83	0.40	Soft brown gravelly clay TOPSOIL.			
						(0.80)		Light brown weathered LIMESTONE.			
2						87.03	1.20	Very hard light grey coarsely crystalline LIMESTONE. Non-intact recovered as cobbles and gravel.			
						(0.50)		Weak brown and grey brown sandy coarsely crystalline LIMESTONE. Non-intact recovered as cobbles and gravel between 1.7m and 2.05m.			
3	1.20-2.70	83	59			86.53	1.70	Firm brown grey CLAY.			
						85.94	2.29	Stiff light bluish grey CLAY with carbonaceous rootlets.			
4						85.66	2.57	Very stiff light bluish grey sandy CLAY with carbonaceous rootlets.			
						85.53	2.70	Very stiff dark grey CLAY.			
5	2.70-4.00	104	104			85.00	3.23	Very stiff bluish grey CLAY with carbonaceous debris and shelly material.			
						(0.59)		Stiff bluish grey CLAY.			
6						84.41	3.82	Firm to soft grey SILT.			
						84.23	4.00	Very stiff to stiff very dark grey CLAY.			
6						84.06	4.17	Very stiff to stiff dark grey CLAY.			
						83.77	4.46	Very stiff greenish grey and grey CLAY with frequent shelly laminae.			
6	4.00-5.50	101	101			83.37	4.86	Weak grey bioturbated SILTSTONE with abundant shelly material.			
						(0.45)		Weak grey SILTSTONE and subordinate very stiff SILT. Bioturbated and shelly.			
6						82.92	5.31	Very stiff bluish grey CLAY.			
						82.73	5.50	Weak greenish grey SILTSTONE.			
6						(1.04)					
						81.69	6.54				
6						81.43	6.80				
						81.23	7.00				

GROUNDWATER							REMARKS / INSTALLATIONS	DRILLING	
Date	Depth of hole	Depth of casing	Depth to water	Depth struck	Depth after 20 mins	Depth sealed	Unrecovered cuttings fill borehole from 38.2 to 37.25 mbgl. Plain HDPE pipe installed between 37.25 and 36.85 mbgl. Slotted HDPE pipe with a filter geotextile sock installed between 36.85 and 15.0 mbgl. Plain HDPE pipe installed from 15.0 mbgl to above ground level. Borehole annulus backfilled with gravel to 14.0 mbgl, benonite pellets to 13.5 mbgl and grout and bentonite pellets to ground level. Pipe fitted with end cap and removable gas tight cap with gas tap. The monitoring standpipe is protected by raised headworks.	Plant: P18	Crew: [REDACTED]
22/01/20	16.00	2.70	15.72					Type and Diameter	Depth
24/01/20	32.50	2.70	16.12					Rotary coring 150mm	38.2m
28/01/20	38.20	2.70	17.64						
11/03/20	37.25		15.69						
LOGGED BY							[REDACTED]		



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Contractor Geotechnical Engineering Limited		Location East Northants Resource Management Facility		Sheet 2 of 6

Scale	CORE					STRATA				Water	Instrument/ Backfill
	Depth	TCR	SCR	RQD	FI	Reduced Level	Depth (Thickness)	DESCRIPTION	Legend		
8	7.00-8.50	97	97			80.89	7.34	Very stiff dark grey brown CLAY with carbonaceous rootlets.	[Pattern]		
							(0.54)	Very stiff bluish grey CLAY with mud-filled and carbonaceous roots and shelly material towards the base.			
9	8.50-10.00	98	94			80.35	7.88	Very stiff bluish grey and grey CLAY with frequent shelly laminae and mud-filled and carbonaceous roots.	[Pattern]		
							(0.62)	Very stiff bluish grey locally sandy CLAY displaying soft sediment deformation and inclined bedding highlighted by sandy and shelly laminae with mud-filled rootlets towards the top.			
10	10.00-11.50	101	101			79.73	8.50	Weak bluish grey MUDSTONE with mud-filled and carbonaceous roots.	[Pattern]		
							(0.68)	Very stiff grey and bluish grey bioturbated sandy CLAY.			
11	11.50-13.00	101	101			79.38	8.85	Very stiff brown laminated to bioturbated MUDSTONE and subordinate CLAY.	[Pattern]		
							(0.95)	Very stiff brown bioturbated CLAY.			
12						77.68	10.55	Very stiff brown sandy CLAY with soft sediment deformation and carbonaceous roots.	[Pattern]		
							(1.50)	Very stiff brown CLAY. Bioturbated with carbonaceous roots and rootlets.			
13						76.73	11.50	Stiff to very stiff bluish grey CLAY with carbonaceous roots and rootlets.	[Pattern]		
							(0.90)	Very stiff grey SILT with mud-filled and carbonaceous roots and rootlets.			
						75.23	13.00		[Pattern]		
						74.33	13.90		[Pattern]		

GROUNDWATER							REMARKS / INSTALLATIONS	DRILLING			
Date	Depth of hole	Depth of casing	Depth to water	Depth struck	Depth after 20 mins	Depth sealed	Unrecovered cuttings fill borehole from 38.2 to 37.25 mbgl. Plain HDPE pipe installed between 37.25 and 36.85 mbgl. Slotted HDPE pipe with a filter geotextile sock installed between 36.85 and 15.0 mbgl. Plain HDPE pipe installed from 15.0 mbgl to above ground level. Borehole annulus backfilled with gravel to 14.0 mbgl, benonite pellets to 13.5 mbgl and grout and bentonite pellets to ground level. Pipe fitted with end cap and removable gas tight cap with gas tap. The monitoring standpipe is protected by raised headworks.	Plant: P18 Crew: [Redacted]	Type and Diameter	Depth	
22/01/20	16.00	2.70	15.72							Rotary coring 150mm	38.2m
24/01/20	32.50	2.70	16.12								
28/01/20	38.20	2.70	17.64								
11/03/20	37.25		15.69								
LOGGED BY							[Redacted]				



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# BOREHOLE LOG

Project ENRMF Potential landfill extension site investigation		Client Augean		Date Completed 28/01/2020
Project No. AU/KCW/JRC/2936/01		Ground Level (mAOD) 88.23	Co-ordinates () E 500 207.24 N 300 526.01	Borehole No. K26
Contractor Geotechnical Engineering Limited		Location East Northants Resource Management Facility		Sheet 3 of 6

Scale	CORE					STRATA			Water	Instrument/ Backfill
	Depth	TCR	SCR	RQD	FI	Reduced Level	Depth (Thickness)	DESCRIPTION		
15	13.00-14.50	108	108			73.92	14.31	Very stiff light grey SILT. (continued)	x x x	Water level indicator
						73.73	14.50	Very stiff orange brown sandy SILT.	x x x	
						73.56	14.67	Very stiff orange brown sandy CLAY.	x x x	
15	14.50-14.95	NA	NA	NA	NA	73.28	14.95	Weak red brown, grey and orange brown sideritic unit in which foliated siderite cement nodules occur as clasts (up to cobble size) in a sandy CLAY matrix.		Water level indicator
						73.10	15.13	Weak orange brown LIMESTONE. Subhorizontal undulating smooth open fracture.		
16	14.50-16.00 14.95-16.00	103 NA	101 NA	NA 92	NA 2	(0.87)		Medium strong light orange brown oolitic LIMESTONE. Very close to closely spaced fractures between 15.35 to 15.62m. Fractures are subhorizontal undulating rough and open to tight.		Water level indicator
						72.23	16.00	Very strong light brown grey sandy oolitic LIMESTONE. Medium spaced subhorizontal undulating and planar rough open to moderately wide fractures are cross-cut by a large subvertical undulating rough moderately wide fracture. Between 16.80 and 17.10 subhorizontal fractures are very closely spaced and tight. Also observed are undulating subvertical calcite-filled or very tight fractures.		
17	16.00-17.50	95	95	92	7	(1.10)		Very strong light brown grey sandy oolitic LIMESTONE. Medium spaced subhorizontal planar and undulating rough open to moderately wide fractures.		Water level indicator
						71.13	17.10	Very strong light brown grey fine grained variably oolitic bioturbated SANDSTONE. Medium spaced subhorizontal undulating rough open to moderately wide fractures.		
19	17.50-19.00	95	95	95	3	(0.58)		Very strong light brown very fine grained bioturbated SANDSTONE.		Water level indicator
						68.65	19.58	Very strong light brown grey fine grained variably oolitic bioturbated SANDSTONE. Very closely spaced subhorizontal and low angle undulating rough tight to moderately wide fractures cross cut by a large subvertical undulating rough moderately wide fracture.		
20	19.00-19.90	NA	NA	100	3	(0.60)		Very strong light brown grey fine grained variably oolitic bioturbated SANDSTONE. Very closely spaced subhorizontal and low angle undulating rough tight to moderately wide fractures cross cut by a large subvertical undulating rough moderately wide fracture.		Water level indicator
						68.33	19.90	Very strong light brown grey fine grained variably oolitic bioturbated SANDSTONE. Very closely spaced subhorizontal and low angle undulating rough tight to moderately wide fractures cross cut by a large subvertical undulating rough moderately wide fracture.		
20	19.00-20.50 19.90-20.50	93 NA	86 NA	NA 40	NA 11	(0.66)				Water level indicator
						67.73	20.50			

GROUNDWATER							REMARKS / INSTALLATIONS		DRILLING	
Date	Depth of hole	Depth of casing	Depth to water	Depth struck	Depth after 20 mins	Depth sealed			Type and Diameter	Depth
22/01/20	16.00	2.70	15.72				Unrecovered cuttings fill borehole from 38.2 to 37.25 mbgl. Plain HDPE pipe installed between 37.25 and 36.85 mbgl. Slotted HDPE pipe with a filter geotextile sock installed between 36.85 and 15.0 mbgl. Plain HDPE pipe installed from 15.0 mbgl to above ground level. Borehole annulus backfilled with gravel to 14.0 mbgl, benonite pellets to 13.5 mbgl and grout and bentonite pellets to ground level. Pipe fitted with end cap and removable gas tight cap with gas tap. The monitoring standpipe is protected by raised headworks.		Plant: P18 Crew: [REDACTED]	
24/01/20	32.50	2.70	16.12			Type and Diameter			Depth	
28/01/20	38.20	2.70	17.64			Rotary coring 150mm			38.2m	
11/03/20	37.25		15.69							
							LOGGED BY	[REDACTED]		



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# BOREHOLE LOG

Project ENRMF Potential landfill extension site investigation		Client Augean		Date Completed 28/01/2020
Project No. AU/KCW/JRC/2936/01		Ground Level (mAOD) 88.23	Co-ordinates () E 500 207.24 N 300 526.01	Borehole No. K26
Contractor Geotechnical Engineering Limited		Location East Northants Resource Management Facility		Sheet 4 of 6

Scale	CORE					STRATA			Legend	Water	Instrument/ Backfill
	Depth	TCR	SCR	RQD	FI	Reduced Level	Depth (Thickness)	DESCRIPTION			
22	20.50-21.16	NA	NA	100	2	67.07	21.16	Very strong light brown grey fine grained variably oolitic bioturbated SANDSTONE. Closely spaced subhorizontal undulating rough open to moderately wide fractures at 20.73 to 20.80m. (continued)	[Pattern]	[Pattern]	[Pattern]
	20.50-22.00 21.16-22.00	95 NA	91 NA	NA 32	NA 9	66.23 66.03	22.00 22.20	Medium strong light brown and light brown grey mainly very fine grained bioturbated SANDSTONE with nodular cements and oolitic fine grained bioturbated SANDSTONE. Very close to closely spaced subhorizontal planar undulating rough open to moderately wide fractures and two subvertical undulating rough moderately wide fractures. Non-intact recovered as gravel where nodular cements are observed.			
23	22.00-23.50	100	100	71	11	(2.40)		Medium strong light brown very fine grained bioturbated SANDSTONE with irregular and inclined burrow fills of soft sand. Strong brown and light brown grey fine grained bioturbated and variably oolitic SANDSTONE and subordinate oolitic LIMESTONE. Close to locally medium spaced subhorizontal planar and undulating rough open to moderately wide fractures. Subvertical undulating rough fracture from 22.86 to 23.36m.	[Pattern]	[Pattern]	[Pattern]
25	23.50-25.00	101	87	66	7	63.23	25.00	Medium strong to weak light brown and light grey brown very fine grained and fine grained locally oolitic, shelly and bioturbated SANDSTONE displaying prominent nodular cements. Drilling induced fracturing where nodular cements are observed.	[Pattern]	[Pattern]	[Pattern]
						63.03	25.20	Medium strong light brown and light grey brown fine grained bioturbated shelly SANDSTONE. Non-intact recovered as cobbles and gravel.			
26	25.00-26.50	85	69	58	5	61.73	26.50	Very strong light brown grey oolitic LIMESTONE. Displays diffuse cross-stratification with local bioturbated intervals. Medium to closely spaced low angle planar fractures.	[Pattern]	[Pattern]	[Pattern]
						(1.30)					
27	26.50-28.00	90	82	33	13	60.23	28.00	Strong light brown, light orange brown oolitic LIMESTONE. Mainly bioturbated with diffuse cross-stratification. Close to very closely spaced subhorizontal and low angle undulating and planar rough open to moderately wide fractures. Subvertical undulating rough moderately wide fracture from 26.85 to 27.55m.	[Pattern]	[Pattern]	[Pattern]
						60.65	27.58	Medium strong light brown grey, brown and grey brown sandy oolitic LIMESTONE displaying diffuse cross-stratification and bioturbation with highly subordinate fine and very fine grained			

GROUNDWATER							REMARKS / INSTALLATIONS	DRILLING	
Date	Depth of hole	Depth of casing	Depth to water	Depth struck	Depth after 20 mins	Depth sealed	Unrecovered cuttings fill borehole from 38.2 to 37.25 mbgl. Plain HDPE pipe installed between 37.25 and 36.85 mbgl. Slotted HDPE pipe with a filter geotextile sock installed between 36.85 and 15.0 mbgl. Plain HDPE pipe installed from 15.0 mbgl to above ground level. Borehole annulus backfilled with gravel to 14.0 mbgl, benonite pellets to 13.5 mbgl and grout and bentonite pellets to ground level. Pipe fitted with end cap and removable gas tight cap with gas tap. The monitoring standpipe is protected by raised headworks.	Plant: P18	Crew: [Redacted]
22/01/20	16.00	2.70	15.72					Type and Diameter	Depth
24/01/20	32.50	2.70	16.12					Rotary coring 150mm	38.2m
28/01/20	38.20	2.70	17.64						
11/03/20	37.25		15.69						
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Contractor Geotechnical Engineering Limited		Location East Northants Resource Management Facility		Sheet 5 of 6

Scale	CORE					STRATA			Legend	Water	Instrument/ Backfill
	Depth	TCR	SCR	RQD	FI	Reduced Level	Depth (Thickness)	DESCRIPTION			
29	28.00-28.97	NA	NA	93	3	59.23	29.00	ripple cross-laminated and bioturbated silty very thinly bedded SANDSTONE. Non-intact from 27.58 to 27.70m recovered as gravel. Closely spaced subhorizontal undulating rough moderately wide fractures.	[Pattern]		
	28.00-29.50 28.97-29.50	97 NA	97 NA	NA 47	NA 6	58.78 58.51	29.45 29.72	Very strong grey and light brown grey cross-stratified oolitic LIMESTONE with occasional fine gravel-grade mudstone clasts. Silty drapes between 28.49m and 28.51m. Very to extremely close subhorizontal undulating rough moderately wide fractures at 28.49 to 28.55m. Strong grey and dark grey very fine grained silty SANDSTONE and local fine grained oolitic SANDSTONE. Very fine sandstones are variably bioturbated and ripple cross-laminated with thin silt laminae. Closely spaced subhorizontal undulating irregular rough and smooth open to moderately wide fractures.			
30							(1.28)	Very strong grey and light brown fine grained variably oolitic and shelly bioturbated slightly silty SANDSTONE. No recovery. Probably due to the wash out of orange sand/soft sandstone.			
	29.50-31.00 31.00-31.14	15 NA	15 NA	10 0	1 1	57.23 57.09	31.00 31.14	Medium strong orange brown and light brown very fine grained slightly silty and ripple cross-laminated SANDSTONE. Single subhorizontal planar smooth fracture (may be drilling induced).			
31						56.95 56.58	31.28 31.65	Very stiff to stiff very dark grey CLAY. Stiff grey and grey brown sandy SILT with mud-filled and carbonaceous roots and rootlets.	[Pattern]		
	31.14-31.98	NA	NA	NA	NA	56.30 56.13	31.93 32.10	Very stiff dark grey CLAY with carbonaceous rootlets. Weak dark orange brown fine grained clayey SANDSTONE. Extremely closely spaced subhorizontal undulating rough tight to open fractures. Non-intact and recovered as gravel with drilling induced fractures.			
32	31.00-32.50 31.98-32.50	98 NA	91 NA	NA 58	NA 7	55.73	32.50	Very strong greenish grey brown fine grained slightly silty bioturbated SANDSTONE. Closely spaced subhorizontal planar to low angle undulating rough moderately wide fractures and irregular wispy calcite filled fractures/voids.			
	32.50-32.92	NA	NA	38	5		(1.38)	Strong and locally medium strong brown and grey brown fine grained SANDSTONE. Slightly silty towards top. Diffuse cross-stratification and local bioturbation. Between 32.50 and 32.92m close to medium spaced subhorizontal fractures are cross-cut by a subvertical branched and reconnecting fracture. Fractures appear tight to moderately wide. Between 33.10 and 33.17m core is non-intact and recovered as gravel possibly associated with very closely spaced subhorizontal fractures.			
33	32.50-34.00 32.92-34.00	93 NA	88 NA	NA 85	NA 5	54.35	33.88	Between 33.10 and 33.17m core is non-intact and recovered as gravel possibly associated with very closely spaced subhorizontal fractures. Between 33.65 to 33.88 fractures are closely spaced subhorizontal to low angle undulating rough and open with a subvertical branched and reconnecting tight to open fracture.			
	34.00-34.46	NA	NA	91	1	53.67	34.56	Strong grey fine grained mainly very silty bioturbated SANDSTONE. Medium spaced subhorizontal to low angle planar			
							(0.63)				

GROUNDWATER							REMARKS / INSTALLATIONS		DRILLING	
Date	Depth of hole	Depth of casing	Depth to water	Depth struck	Depth after 20 mins	Depth sealed	Unrecovered cuttings fill borehole from 38.2 to 37.25 mbgl. Plain HDPE pipe installed between 37.25 and 36.85 mbgl. Slotted HDPE pipe with a filter geotextile sock installed between 36.85 and 15.0 mbgl. Plain HDPE pipe installed from 15.0 mbgl to above ground level. Borehole annulus backfilled with gravel to 14.0 mbgl, benonite pellets to 13.5 mbgl and grout and bentonite pellets to ground level. Pipe fitted with end cap and removable gas tight cap with gas tap. The monitoring standpipe is protected by raised headworks.		Plant: P18 Crew: [Redacted]	
22/01/20	16.00	2.70	15.72						Type and Diameter	Depth
24/01/20	32.50	2.70	16.12						Rotary coring 150mm	38.2m
28/01/20	38.20	2.70	17.64							
11/03/20	37.25		15.69							
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Baxterley, Atherstone,  
Warwickshire, CV9 2LE  
Telephone: 01827 717891  
Facsimile: 01827 718507

# BOREHOLE LOG

Project ENRMF Potential landfill extension site investigation		Client Augean		Date Completed 28/01/2020
Project No. AU/KCW/JRC/2936/01		Ground Level (mAOD) 88.23	Co-ordinates () E 500 207.24 N 300 526.01	Borehole No. K26
Contractor Geotechnical Engineering Limited		Location East Northants Resource Management Facility		Sheet 6 of 6

Scale	CORE					STRATA			Water	Instrument/ Backfill
	Depth	TCR	SCR	RQD	FI	Reduced Level	Depth (Thickness)	DESCRIPTION		
36	34.00-35.50	93	93	NA	NA	53.04	35.19	rough open fractures. Weak to locally medium strong dark grey and grey thinly bedded SILTSTONE and fine grained very silty SANDSTONE. Bioturbated throughout. Close to very closely spaced subhorizontal undulating and branching /reconnecting rough open to tight fractures and high angle branching/reconnecting rough open fracture. <i>(continued)</i>	.....	
	34.46-35.50	NA	NA	46	9		(1.56)	Strong to medium strong and locally weak medium and thinly bedded bioturbated SILTSTONE and sandy SILTSTONE. Very close, close and locally medium spaced subhorizontal undulating rough moderately wide fractures.	xxxxxx	
37	35.50-37.00	83	83	57	9	51.48	36.75	Strong grey bioturbated SILTSTONE with medium gravel to cobble grade rounded mudstone clasts at base. Single subhorizontal undulating rough moderately wide fracture.	xxxxxx	
						50.88	37.35	Very stiff dark grey bioturbated CLAY tending towards weak MUDSTONE.		
38	37.00-38.20	123	123	114	1	50.03	38.20	END OF BOREHOLE		
39										
40										
41										

GROUNDWATER							REMARKS / INSTALLATIONS	DRILLING	
Date	Depth of hole	Depth of casing	Depth to water	Depth struck	Depth after 20 mins	Depth sealed	Unrecovered cuttings fill borehole from 38.2 to 37.25 mbgl. Plain HDPE pipe installed between 37.25 and 36.85 mbgl. Slotted HDPE pipe with a filter geotextile sock installed between 36.85 and 15.0 mbgl. Plain HDPE pipe installed from 15.0 mbgl to above ground level. Borehole annulus backfilled with gravel to 14.0 mbgl, benonite pellets to 13.5 mbgl and grout and bentonite pellets to ground level. Pipe fitted with end cap and removable gas tight cap with gas tap. The monitoring standpipe is protected by raised headworks.	Plant: P18	Crew:
22/01/20	16.00	2.70	15.72					Type and Diameter	Depth
24/01/20	32.50	2.70	16.12					Rotary coring 150mm	38.2m
28/01/20	38.20	2.70	17.64						
11/03/20	37.25		15.69				LOGGED BY		

# BOREHOLE LOG



CLIENT MJCA

**KCW 1/19**

SITE EAST NORTHANTS RESOURCE MANAGEMENT FACILITY, PETERBOROUGH

Sheet 1 of 2

Start Date 9 December 2019 Easting 500181.1

Scale 1 : 50

End Date 11 December 2019 Northing 300683.4 Ground level 89.64mOD

Depth 16.10 m

progress date/time water depth	sample no & type	depth (m) from to	casing depth (m)	test type & value	samp. /core range	lf	instru -ment	description	depth (m)	reduced level (m)	legend
09/12/19 1520hrs								Soft dark brownish grey CLAY (topsoil).	0.40	89.24	
09/12/19 1610hrs 0.80m								Firm dark brown CLAY.	1.20	88.44	
10/12/19 0905hrs 0.90m	1C	1.10 - 2.60	Nil		99 70 0			Strong light grey crystalline LIMESTONE with frequent shell debris.	1.53	88.11	
						NI 30 90		Medium strong light brown and light grey LIMESTONE with abundant shell debris. Fractures are subhorizontal very closely and closely spaced undulating rough.	2.30	87.34	
	2C	2.60 - 2.90	2.60			NA		Firm light brown and bluish grey slightly sandy CLAY. Rare rootlets.	2.60	87.04	
	3C	2.90 - 4.10	2.60		98			Very stiff dark greenish grey sandy CLAY with abundant rootlets and shell debris.	2.95	86.69	
								Stiff light grey slightly gravelly slightly sandy silty CLAY. Gravel is subangular to subrounded fine and medium grained.	4.10	85.54	
	4C	4.10 - 5.60	2.60					Stiff bluish grey and grey silty CLAY.			
								4.60 - 4.80m: Soft black clay.			
	5C	5.60 - 7.10	2.60		100 86 86	550		Strong light grey SILTSTONE thinly interbedded with stiff dark grey silty clay. Frequent shell debris.	5.55	84.09	
								6.30m: Subhorizontal planar rough fracture.	6.85	82.79	
	6C	7.10 - 8.60	2.60			NA		Firm greenish grey slightly sandy silty CLAY.	7.05	82.59	
					100			Stiff dark grey silty CLAY with rare rootlets. 7.27m: Subhorizontal planar smooth fissure.	7.80	81.84	
								Stiff dark grey CLAY.	{8.00}		
								Continued Next Page			

EQUIPMENT: Geotechnical Pioneer rig.  
 METHOD: Hand dug inspection pit 0.00-1.20m. Dynamic sampled (128mm) 1.20-2.60m Waterflush rotary core drilled (146mm) 2.60-16.10m  
 CASING: 168mm to 2.70m.  
 BACKFILL: On completion, hole backfilled with bentonite 16.10-15.20m, cement:bentonite grout 15.20-0.50m and arisings 0.50-0.00m.

EXPLORATORY HOLE LOGS SHOULD BE READ IN CONJUNCTION WITH KEY SHEETS

water strike (m) casing (m) rose to (m) time to rise (min) remarks  
 0.75 Seepage, in inspection pit.



CONTRACT  
**35673**

CHECKED  
**EC**

# BOREHOLE LOG



CLIENT MJCA

**KCW 1/19**

SITE EAST NORTHANTS RESOURCE MANAGEMENT FACILITY, PETERBOROUGH

Sheet 2 of 2

Start Date 9 December 2019

Easting 500181.1

Scale 1 : 50

End Date 11 December 2019

Northing 300683.4 Ground level 89.64mOD

Depth 16.10 m

progress date/time water depth	sample no & type	depth (m) from to	casing depth (m)	test type & value	samp. /core range	lf	instru -ment	description	depth (m)	reduced level (m)	legend
									8.31	81.33	
	7C	8.60 - 10.10	2.60		86			Stiff dark grey silty CLAY with abundant shell debris.	8.60	81.04	
								Stiff dark grey silty CLAY with frequent rootlets.			
								9.10 - 9.85m: Very stiff dark grey clay with abundant rootlets.			
								9.75 - 9.85m: Very stiff dark grey clayey silt.	9.85	79.79	
	8C	10.10 - 11.60	2.60		100 2 0			Soft dark grey CLAY.	10.25	79.39	
								Very stiff greenish dark grey silty CLAY. Frequent bands of shell debris.	10.70	78.94	
								Stiff dark grey slightly sandy silty CLAY. Frequent rootlets.			
									11.35	78.29	
	9C	11.60 - 13.10	2.60		100 23 23	300		Stiff dark grey clayey SILT.	11.55	78.09	
						NA		Weak light grey SILTSTONE. Single subvertical fracture planar smooth with orange staining.	11.95	77.69	
								Stiff dark grey sandy CLAY.			
									13.15	76.49	
10/12/19 1630hrs 3.00m											
11/12/19 0715hrs 0.60m	10C	13.10 - 14.60	2.60		96			Very stiff dark grey slightly sandy silty CLAY. Rare rootlets.	13.55	76.09	
								Very stiff light grey clayey SILT.	13.90	75.74	
								Very stiff light grey silty SAND. Sand is fine.	14.15	75.49	
								Friable light grey sandy SILT. Sand is fine.			
	11C	14.60 - 16.10	2.60		97			Soft light yellowish brown CLAY.	14.70	74.94	
								Soft yellowish brown CLAY with nodular cemented siderite.	14.90	74.74	
								Light brown clayey fine SAND.			
								15.10 - 15.40m: Very closely spaced subparallel subvertical to 70° undulating rough fissures with siderite infill.	15.80	73.84	
11/12/20 0915hrs 2.00m								Light brown fine SAND.	16.10	73.54	
								Borehole completed at 16.10m.			
									{18.00}		

Geotechnical Engineering Ltd. Tel. 01452 527743 35673.GPJ TRIALJH.GPJ GEOTECH2.GLB 21/04/2020 11:39:28 CD EC

water strike (m)	casing (m)	rose to (m)	time to rise (m)	remarks		CONTRACT <b>35673</b>	CHECKED <b>EC</b>
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## Key / Notes

### GEOLOGY

- Glacial Till
- Rutland Formation
- Lincolnshire Limestone Formation, Grantham Formation and Northampton Sand Formation
- Whitby Mudstone Formation

### LANDFILL

- Landfill cap with a drainage layer and cover soils
- Composite HDPE flexible membrane liner and a 1m thick compacted clay liner

	Final	KR	JRC	LH	23/04/21
Rev	Status	Drm	App	Chk	Date

Site  
EAST NORTANTS RESOURCE  
MANAGEMENT FACILITY

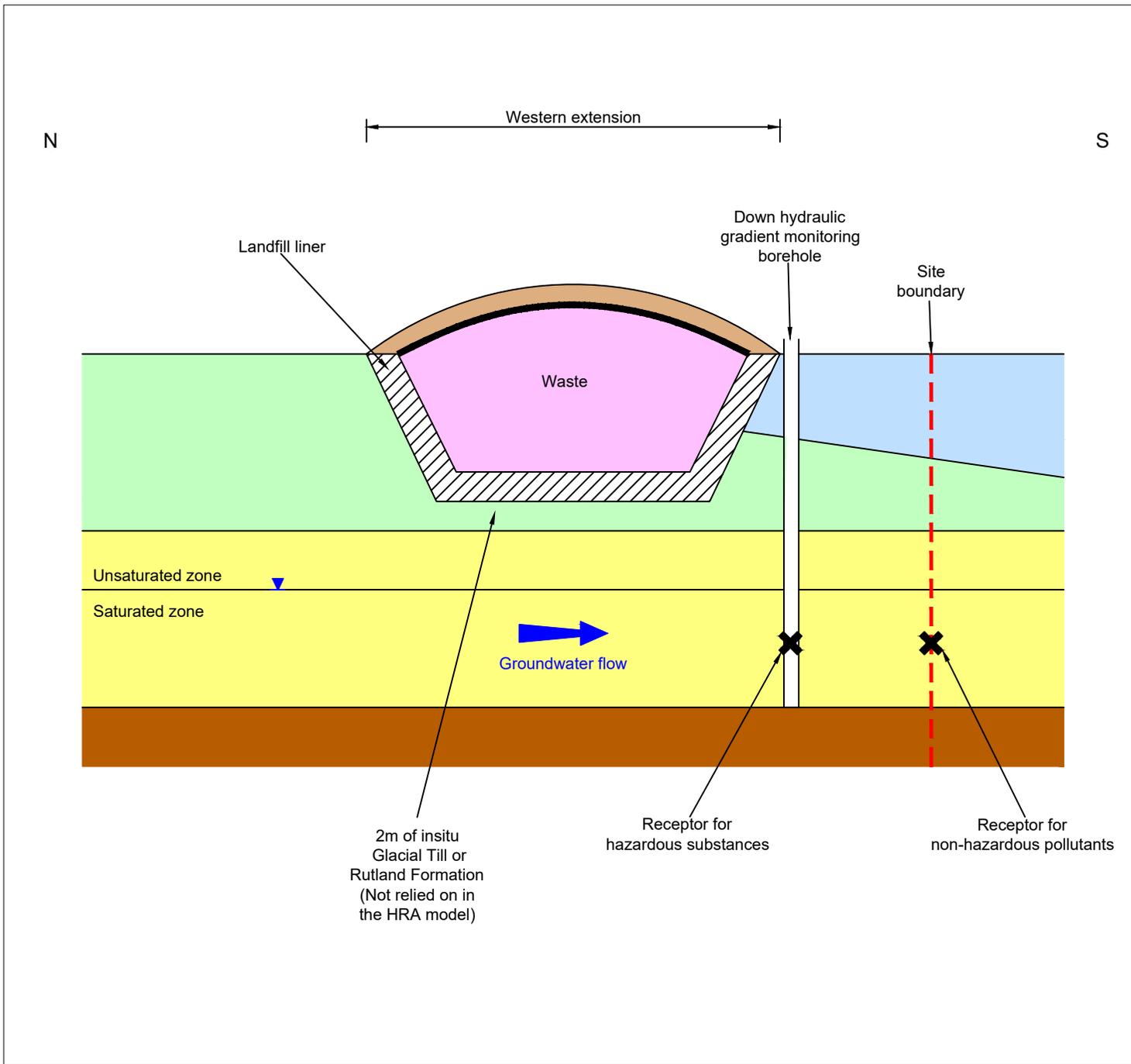
Client  


Title  
Conceptual site model - western extension

Figure HRA 3
Scale  
Not to scale

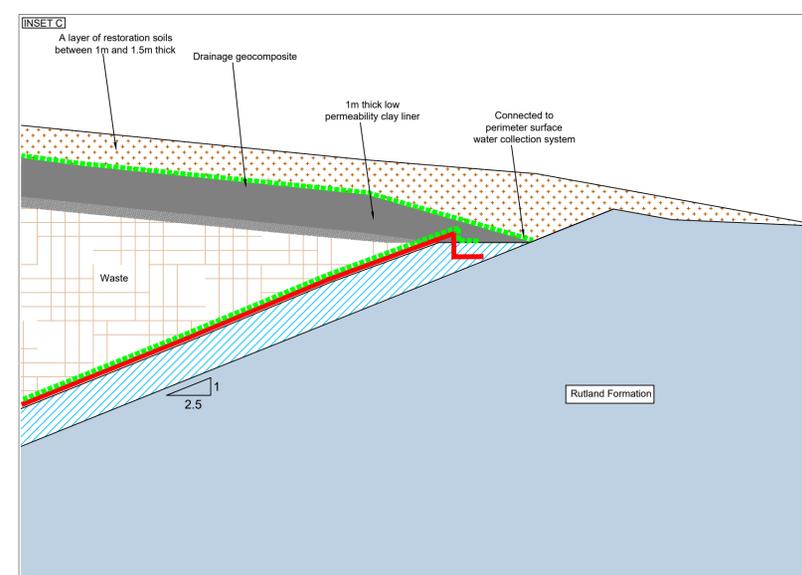
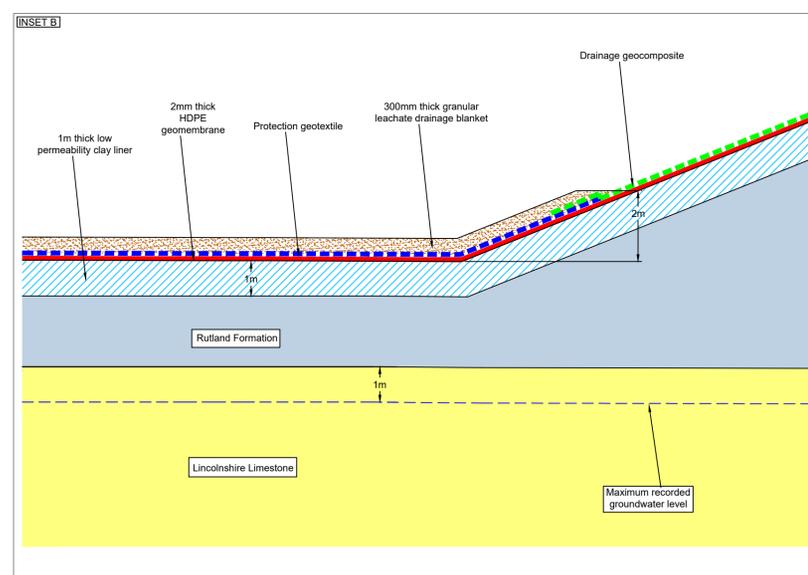
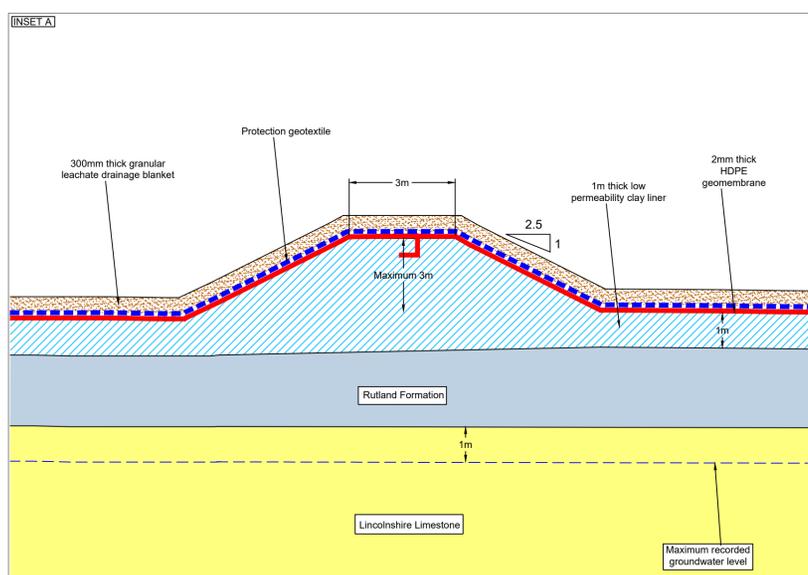
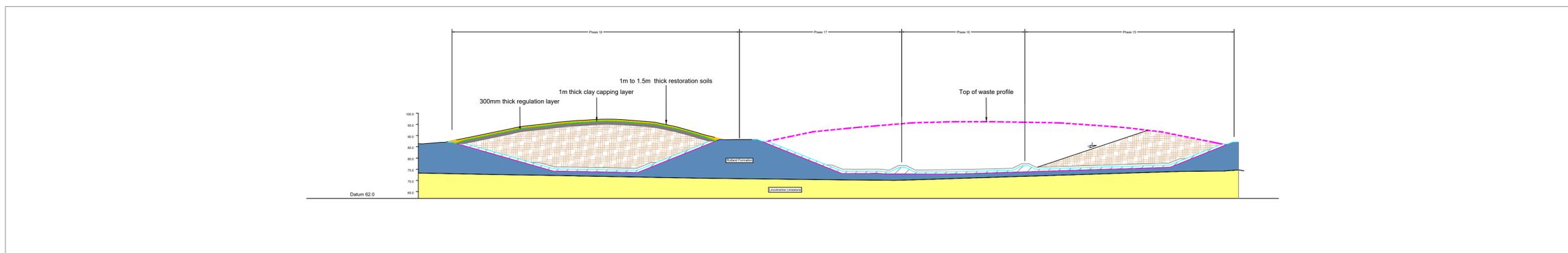
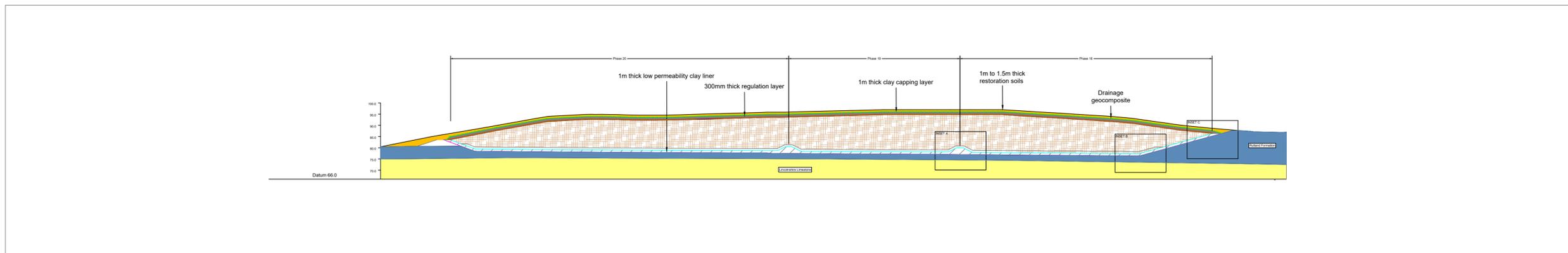
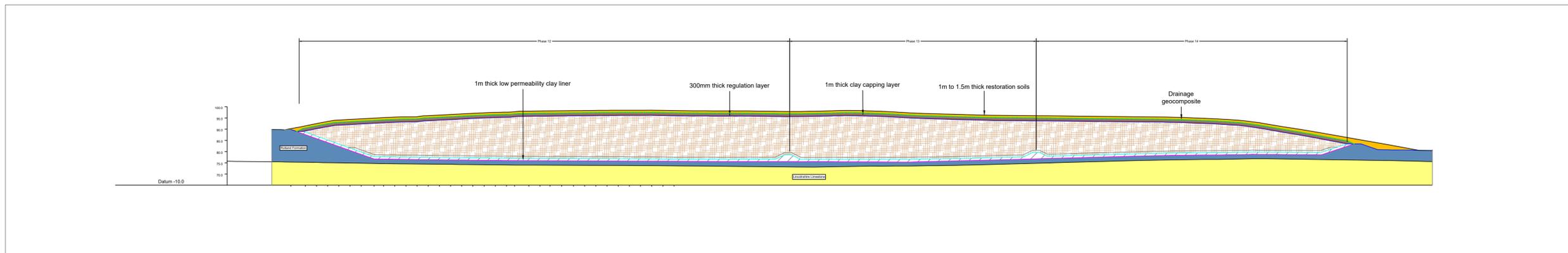
Drawing Ref  
AU/KCW/01-21/22196

**MJCA** Baddesley Colliery Offices,  
Main Road, Baxterley, Atherstone,  
Warwickshire, CV9 2LE.  
Telephone : 01827 717891  
Technical advisers on environmental issues Fax : 01827 718507



**Key / Notes**

- 300mm thick regulation layer
- 1m thick clay capping layer
- 1m thick restoration soils
- 1m thick low permeability clay liner
- Drainage geocomposite



Sections lines shown on Figures SRA5 drawing reference AUKCW/12-20/22129

Rev	Final	KR	HL	DFR	30/04/21
	Status	Drn	App	Chk	Date

Site: EAST NORTHANTS RESOURCE MANAGEMENT FACILITY  
 Client: Augean  
 Title: Conceptual cross sections

Figure SRA 7 Scale: 1:1,000@A1  
 Drawing Ref: AUKCW/12-20/22131

**MJCA** Baddesley Colliery Offices, Main Road, Baddesley, Atherton, Warrackville, VIC 3345  
 Telephone: 01827 717891 Fax: 01827 718027

**APPENDIX I**

**CORRESPONDENCE CONFIRMING AGREEMENT BETWEEN AUGEAN SOUTH  
LIMITED AND THE DEFENCE INFRASTRUCTURE ORGANISATION ON BEHALF  
OF THE MINISTRY OF DEFENCE**

**From:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdMgr4\)](#)  
**To:** [Leslie Heasman](#)  
**Subject:** 20220718\_ENRMF DCO application. Planning Inspectorate reference WS010005  
**Date:** 18 July 2022 10:33:33  
**Attachments:** [image001.jpg](#)  
[Letter to K Jagpal Dated 13th July 2022.pdf](#)  
[Correspondence with MOD 21 January to 12 July 2022.pdf](#)

---

Good Morning Leslie,

Thank you for your email below, I can confirm that the MOD are content with the information provided within the above letter/correspondence and for this to be provided as our agreed position to the Planning Inspectorate in respect of consultation WS010005.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Mob: [REDACTED]

Email: [REDACTED]@mod.gov.uk

**Due to COVID-19 I am working from home until further notice.**

**In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.**

Website: [www.gov.uk/dio/](http://www.gov.uk/dio/)

Twitter: @mod\_dio

Read DIO's blog <http://insidedio.blog.gov.uk/>

---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** 13 July 2022 16:17

**To:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) <[REDACTED]@mod.gov.uk>

**Subject:** ENRMF DCO application. Planning Inspectorate reference WS010005

Please see the attached letter on behalf of Gene Wilson.

Kind regards,

Leslie Heasman

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Tel: 01827 717891**

**Fax: 01827 718507**

**[www.mjca.co.uk](http://www.mjca.co.uk)**



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REF : AU/KCW/SPS/1724/01/28212

13 July 2022

K Jagpal  
Assistant Safeguarding Manager  
Safeguarding  
St George's House  
Defence Infrastructure Organisation Head Office  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

**SENT ELECTRONICALLY ONLY**

Dear Kalie

**ENRMF DCO application. Planning Inspectorate reference WS010005**

When originally responding to consultation on the proposed East Northants Resource Management Facility development the Ministry of Defence (the MOD) indicated that additional requirements/provisions should be inserted into the submitted Bird Hazard Management Plan (BHMP) to address the potential impact of the development on aviation safety.

Whilst the content of that BHMP was under discussion, it was determined that a Statement of Common Ground could be used to capture the respective positions of both Augean and the MOD. The preparation of a draft Statement of Common Ground commenced but, before it was finalised, the MOD confirmed to Augean that the amended BHMP (incorporated into the Development Environmental Commitments document (V2) as Annex DEC12 [PINS library reference REP6-008]) would be considered acceptable.

Following the agreement of the revised BHMP for the site, we understand that it is the preferred approach of the Defence Infrastructure Organisation (the DIO) for the MOD that the discussions undertaken to this point should be summarised in a letter exchange rather than finalise the Statement of Common Ground.

It is noted that in the Schedule 6 letter dated 6 January 2022, the Examining Authority states at Annex E (H) that a Statement of Common Ground between the Applicant and the DIO should include:

‘ • *The potential for the Proposed Development to increase the risk of bird strike in connection with operations at RAF Wittering.*

• *Other matters raised in Relevant Representation [RR-005]*

These issues have now been addressed and resolved by Augean and the DIO for the MOD through the discussions that have resulted in the revised BHMP within the Development Environmental Commitments document (V2) as Annex DEC12 [PINS library reference REP6-

Augean South Ltd | East Northants Resource Management Facility | Stamford Road | Kings Cliffe | PE8 6XX  
Tel 01780 444 900

[www.augean.co.uk](http://www.augean.co.uk)



008]. The correspondence leading up to this point is provided for reference at Annex A to this letter.

Based on the details of the proposed development and site restoration together with the agreed BHMP, and on the basis the development is carried out and managed strictly in accordance with the details set out within the BHMP dated June 2022, it has been agreed by the DIO for the MOD that the MOD would have no objections to this scheme.

We understand that there are no further matters which the DIO for the MOD consider need to be addressed in order to deal with their previous concerns or potential concerns.

We would be grateful if you could confirm by response that the DIO for the MOD confirm the conclusions and agreements set out above.

Yours sincerely



Gene Wilson  
Augean

Enclosure: Annex A Correspondence Bundle.

**ANNEX A**

**CORRESPONDENCE BETWEEN AUGEAN SOUTH LIMITED AND DEFENCE  
INFRASTRUCTURE ORGANISATION BETWEEN 21 JANUARY 2022 AND 18 JULY 2022**

**From:** [Leslie Heasman](#)  
**To:** [REDACTED]@mod.gov.uk  
**Subject:** FW: ENRMF DCO Application - Your reference 10048592  
**Date:** 21 January 2022 12:44:00  
**Attachments:** [2020124-10048592-No Objection Caveat Letter-O.pdf](#)  
[FW 20210629-East Northants Resource Management Facility Extension-DIO\\_10048592-O.msg](#)  
[Bird Hazard Management Plan DEC Annex I2.pdf](#)  
[WS010005-000400-East Northants Rule 6 holding letter.pdf](#)  
[image002.png](#)

---

Re-sent as the email address below was in error.

---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>  
**Sent:** Friday, 21 January 2022 12:35  
**To:** [REDACTED]@mod.gov.uk  
**Subject:** ENRMF DCO Application - Your reference 10048592

**For the attention of Kalie Jagpal**

Dear Kalie

**East Northants Resource Management Facility Western Extension. Planning Inspectorate**

**Reference: WS010005**

**Your reference 10048592**

Thank you for your time earlier today. The information we were discussing is summarised below as agreed and we attach for your reference the earlier correspondence we have had with your colleague Michael Billings.

**Bird hazards**

As discussed, the wastes accepted at the existing site and which will continue to be accepted at the proposed extension the subject of the DCO application will be hazardous waste and low level radioactive waste. The landfill is not and will not be permitted to accept domestic or readily biodegradable waste. The organic content of the waste which can be landfilled is limited by legislation to less than 6% by volume of total organic carbon. Accordingly the waste accepted at the site will contain minimal quantities of putrescible material which does not present an exploitable food resource for hazardous birds such as gulls and kites. On this basis it has been agreed with Michael Billings that only the stripping and handling of topsoils might provide feeding opportunities for hazardous birds. A Bird Hazard Management Plan (BHMP) has been prepared for handling of topsoil to control the risks from hazardous birds during topsoil stripping. The BHMP submitted in the application is located at Annex I2 to the DCO Environmental Commitments document. The DCO Environmental Commitments document is document APP-110 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WS010005/WS010005-000341-6.5%20DCO%20Environmental%20Commitments.pdf> A copy of only Annex I2 is attached for assistance.

**Restoration landscaping**

A copy of the Restoration Concept Scheme is document APP-011 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WS010005/WS010005-000266-2.8%20Restoration%20Concept%20Scheme.pdf> As you will see there are minimal areas of open water or wetlands or marsh habitats in the proposed restoration scheme. We would welcome your views on the Restoration Concept Scheme submitted with the DCO application.

**Statement of Common Ground**

A copy of the Rule 6 letter dated 6 January 2022 also is attached for your reference. The

requirements for Statements of Common Ground are set out at Annex E to the Rule 6 letter including with:

*H) Defence Infrastructure Organisation, to include*

- *The potential for the Proposed Development to increase the risk of bird strike in connection with operations at RAF Wittering*
- *Other matters raised in Relevant Representation [RR-005]*

The deadline for the submission of the Statements of Common Ground is 4 March 2022. As discussed we would be pleased to prepare an initial draft of a Statement of Common Ground for your review if that would be helpful. We understand that you would prefer that we do not commence any initial drafting until you have had an opportunity to discuss the documents further with your colleagues.

We hope that the attached information is helpful and we look forward to hearing from you.

Kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Current main contact number** [REDACTED]

**Tel: 01827 717891**

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Our Ref: AU/KCW/LZH/1724/01



# Ministry of Defence

# Defence Infrastructure Organisation

Augean PLC  
East Northants Resource Management Facility  
Stamford Road  
Kings Cliffe  
England

Safeguarding Department  
Statutory & Offshore

Defence Infrastructure Organisation  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL

Tel: [REDACTED]

Your reference: AU/KCW/LZH/1724/01  
PINS Ref: WS010005

E-mail: [REDACTED]@mod.gov.uk

[www.mod.uk/DIO](http://www.mod.uk/DIO)

Our reference: 10048592

4 December 2020

Dear Sir/Madam,

## **MOD Safeguarding – RAF Wittering**

**Proposal:** East Northants Resource Management Facility – Development Consent Order Pre-Application Consultation

**Location:** Approximately 1.1km east south east of Duddington village and approximately 2km north north west of Kings Cliffe village

**Grid Ref's:** **500400, 299900**

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office 17/11/2020

This relates to East Northants Resource Management Facility – Development Consent Order Pre-Application Consultation for a proposed extension to an existing hazardous waste landfill site, located approximately 2.6km south west from the end of the 07 runway at RAF Wittering.

The application site falls within the Statutory Safeguarding Aerodrome Height and Birdstrike Zones surrounding RAF Wittering.

### **Aerodrome Height**

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded.

We have no aerodrome height safeguarding concerns.

## **Birdstrike**

This application occupies the statutory birdstrike safeguarding zone surrounding the aerodrome. Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and, or, flocking birds close to the aerodrome.

The site currently accepts hazardous waste. The landfill does not handle domestic or catering waste. It is proposed that the extension will be for the same types of waste as currently permitted.

The waste to be managed at the site will contain minimal quantities of putrescible material and the waste and the organic content of the waste which can be landfilled is limited by legislation to less than 6% by volume of total organic carbon.

If only permitted wastes, and no putrescible or biodegradable waste are handled on the site then this should not result in an exploitable food resource for hazardous birds such as gulls and Red Kites.

The stripping and handling of topsoils can expose invertebrates, resulting in feeding opportunities for hazardous birds such as corvids and gulls. As such, at any development near an aerodrome which involves earthworks a Bird Hazard Management Plan (BHMP) would be required to ensure that the handling of topsoil does not result in a transitory attractant for hazardous birds.

The restoration of the existing site and proposed extension is to generally domed restoration landforms with restoration to nature conservation interest using the soils available at the site as well as suitable imported materials. If the restoration is to species rich grassland, then this should not result in an attraction for hazardous birds. Other habitat types may be attractive to hazardous species, and the restoration should be agreed with the MOD.

To address the issue of increased birdstrike risk, DIO Safeguarding would request a condition to be included as part of any permission granted for this application as follows:

- No putrescible wastes are accepted or handled on site in line with the currently permitted wastes due to the potential for such waste to provide an exploitable food resource for hazardous birds such as gulls and Red Kites.
- A Bird Hazard Management Plan is submitted to compact, cover or remove any areas of loose topsoil as soon as practicable and to monitor and disperse any hazardous birds attracted to these areas.
- The proposed restoration habitats are agreed with the MOD prior to commencement of restoration.

In summary, subject to the above design requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Mr Michael Billings  
Assistant Safeguarding Manager

**From:** [Leslie Heasman](#)  
**To:** [Leslie Heasman](#)  
**Subject:** FW: 20210629-East Northants Resource Management Facility Extension-DIO 10048592-0  
**Date:** 21 January 2022 10:33:54  
**Attachments:** [image007.gif](#)  
[image008.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image002.png](#)

---

**From:** Billings, Michael Mr (DIO Estates-AsstSafegdgMgr1) <[REDACTED]@mod.gov.uk>  
**Sent:** 29 June 2021 09:55  
**To:** Peter Oldfield <[REDACTED]@augeanplc.com>  
**Subject:** RE: 20210629-East Northants Resource Management Facility Extension-DIO 10048592-0

Good Morning Pete,

Thank you for your e-mail below regarding the East Northants Resource Management Facility Extension and advising that a Bird Hazard Management Plan(BHMP) is being prepared . In relation to the restoration scheme, please note that the guidance provided at point 3 must be strictly adhered to for it to be acceptable but we have to await the planning application and BHMP to assess fully referring to our Advisors accordingly, before providing the definitive advice from the MOD on the application as a whole.

Many Thanks for the update.

Regards

Michael Billings

Assistant Safeguarding Manager  
Estates – Safeguarding

Defence  
Infrastructure  
Organisation

---

Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

Due to COVID-19 I am working from home until further notice.

In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.

Mob: [REDACTED] | Email: [REDACTED]@mod.gov.uk

Website: [www.gov.uk/dio/](http://www.gov.uk/dio/) | Twitter: @mod\_dio

Read DIO's blog: <https://insidedio.blog.gov.uk/>

---

**From:** Peter Oldfield <[REDACTED]@augeanplc.com>

**Sent:** 29 June 2021 09:08

**To:** Billings, Michael Mr (DIO Estates-AsstSafegdMgr1) <[REDACTED]@mod.gov.uk>

**Subject:** RE: 20210319-East Northants Resource Management Facility Extension-DIO 10048592-0

Michael,

Following your note below we can confirm that a Bird Hazard Management Plan is being prepared and will be included in the application for the ENRMF extension.

On point 3 Are you able to confirm you are happy with the restoration scheme as proposed.

Give me a call if you wish to discuss

Best Regards

Pete

**Peter Oldfield**  
**Head of Planning and Permitting**

**Augean PLC**  
Stamford Road  
Kings Cliffe  
PE8 6XX

Tel: [01780 444900](tel:01780444900)

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**From:** Billings, Michael Mr (DIO Estates-AsstSafegdMgr1) <[REDACTED]@mod.gov.uk>

**Sent:** 19 March 2021 15:29

**To:** Peter Oldfield <[REDACTED]@augeanplc.com>

**Subject:** RE: 20210319-East Northants Resource Management Facility Extension-DIO 10048592-

O

Good Afternoon Pete,

Further to your e-mail below regarding the East Northants Resource Management Facility Extension and specifically to the points you have raised, I have now received the required advice from our Advisor and is as follows;

1 - Ploughing and tilling of farmland can indeed be attractive to hazardous birds, and is something the airport will be aware of but are generally not able to control. Stripping of topsoil and storing on site however can result in an attractant both from the stripped areas and stored soils and from puddling and ponding on the bare surface. A BHMP would require monitoring during and after the process until the bare earth is covered or removed. Stored soils that are found to be attracting birds should be compacted, covered or removed from the site and any puddling or ponding rectified with drainage. If birds are still attracted then active control should be carried out (can be as simple as walking across the site or arm waving) to disperse birds before larger numbers are attracted to the site.

2 – The site will not handle any putrescible wastes and as stated this should not change as part of the proposed extension. Therefore the wastes being handled should not attract hazardous birds.

3 – The concept restoration is to grassland with patches of scrub, hedges and trees. Additional tree planting has the potential to attract and support hazardous arboreal species such as pigeons and corvids to breed and roost, however in the context of the large woodland immediately adjacent to the site and between the site and RAF Wittering the additional tree planting will not result in a substantial increase in this type of habitat locally. Existing agricultural margins are to remain around the edges as undisturbed features. This should not attract additional hazardous birds. A number of small ponds are proposed. These are located around the edges of the site, adjacent to woodland and hedgerows and where possible will be surrounded with marshy vegetation. Open water, wetland and marsh habitats have the potential to attract and support hazardous wetland bird species. However, the small size and location adjacent to hedges and woodland will help to make these ponds more enclosed and less attractive to larger hazardous species. In order to ensure that they do not have the potential to attract or support hazardous species the open water should be kept to a minimum and surrounded by tall marginal and emergent vegetation or scrub in order to further reduce the attraction posed by open water.

Therefore, a BHMP is still appropriate for the soil stripping phase of the process. The waste being accepted to the landfill is unlikely to attract hazardous birds. The landscape planting may be attractive, but within the wider landscape context this will not result in a substantial increase in the availability of this habitat type. The ponds should be kept to a minimum, and planted with tall emergent and marginal vegetation or scrub in order to further mitigate any attraction of open water and wetland habitats.

With regard to the BHMP, unfortunately there is no standard format held by the MOD and we are unable to recommend a company who can complete this on your behalf, so you will need to consult with private bird management consultancies to enable them to produce a BHMP for you.

I hope this information is sufficient for your purposes.

Regards

Michael Billings

Assistant Safeguarding Manager  
Estates – Safeguarding

Defence  
Infrastructure  
Organisation

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Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

Due to COVID-19 I am working from home until further notice.

In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.

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**From:** Peter Oldfield <[REDACTED]@augeanplc.com>

**Sent:** 19 February 2021 15:47

**To:** Billings, Michael Mr (DIO Estates-AsstSafegdgMgr1) <[REDACTED]@mod.gov.uk>

**Subject:** RE: 20210219-East Northants Resource Management Facility Extension-DIO 10048592-0

Dear Michael,

Thanks for coming back to me, I have briefly detailed the points we wanted to discuss below. If you can pass them to the relevant person and come back to me we would be grateful, if it would be easier to discuss these then please feel free to pass on my contact details.

1. The response requests that a bird hazard management plan (BHMP) will be required. The soil stripping that Augean will undertake during the preparatory works will be little different from the farmer currently ploughing the fields, therefore we would appreciate confirmation that a BHMP is necessary. If it is necessary do you have a standard format or guidance for preparation of a BHMP we could review.
2. We can confirm that 'No putrescible wastes are accepted or handled on site therefore

there is no potential for such waste to provide an exploitable food resource for hazardous birds such as gulls and Red Kites'. Therefore no requirement is needed within the DCO for this as this will not change as a result of the proposed extension.

3. The DIO have requested that 'The proposed restoration habitats are agreed with the MOD prior to commencement of restoration'. Do you have any views/concerns on the current restoration plan proposals? There are some small surface water flow attenuation ponds and drainage ditches but there will be no big areas of open water as part of the restoration proposals. Are we able to agree the principles of the restoration design now so we don't have to have a requirement in the DCO to agree at a later date?

Best Regards

Pete

**Peter Oldfield**  
**Head of Planning and Permitting**

**Augean PLC**  
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**From:** Billings, Michael Mr (DIO Estates-AsstSafegdgMgr1) <[REDACTED]@mod.gov.uk>

**Sent:** 19 February 2021 15:04

**To:** Peter Oldfield <[REDACTED]@augeanplc.com>

**Subject:** RE: 20210219-East Northants Resource Management Facility Extension-DIO 10048592-

O

Good Afternoon Pete,

Thank you for your e-mail below regarding the East Northants Resource Management Facility. In relation to the Bird Hazard Management Plan and soil stripping, do you have any specific questions relating to the items you have raised, as I would need to pass them on to our Advisor for comment? If you have I will obtain the necessary guidance and advise you accordingly.

Many Thanks.

Regards

## Michael Billings

Assistant Safeguarding Manager  
Estates – Safeguarding

**Defence  
Infrastructure  
Organisation**

---

Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

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**From:** Peter Oldfield <[REDACTED]@augeanplc.com>

**Sent:** 18 February 2021 09:29

**To:** DIO-Safeguarding-Statutory (MULTIUSER) <[REDACTED]@mod.gov.uk>

**Subject:** Ref 10048592 East Northants resource management facility FAO Michael Billings

FAO - Michael Billings Assistant Safeguarding manager

Dear Michael,

Thank you for your response to the consultation on Augean DCO application for the ENRMF extension (ref 10048592)

It would be useful to discuss the restoration proposals, principally the bird hazard management plan and the soil stripping.

Can you let me know a convenient time to discuss either tomorrow or early next week.

Best Regards

Pete

**Peter Oldfield**  
**Head of Planning and Permitting**

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## Annex DEC I2

### Bird Hazard Management Plan

- I1. In the Scoping Opinion provided by PINS in August 2020 the Ministry of Defence scoping response stated that:

*'The stripping and handling of top soils can expose invertebrates, resulting in feeding opportunities for hazardous birds such as corvids and gulls. As such, at any development near an aerodrome which involves earthworks a Bird Hazard Management Plan (BHMP) is recommended to ensure that the handling of top soil does not result in a transitory attractant for hazardous birds.'*

#### Results of the bird surveys undertaken at the site

- I2. Twelve passage/wintering bird surveys of the proposed western extension were undertaken between October 2018 and March 2019, comprising a combination of dawn and dusk visits with walked transects and vantage point counts. The passage/wintering bird survey recorded 37 species, mainly passerines, feeding in the arable fields and hedgerows. Wintering and passage birds are the most dangerous groups of birds with respect to aircraft bird strike. The site is not known for large passage/wintering bird flocks and this was confirmed by the wintering bird surveys.
- I3. From March to June 2019, six breeding and summering bird survey visits were undertaken by walking all habitats within the proposed western extension area, together with the adjacent woodland boundaries. Three breeding bird survey visits were also made to the existing ENRMF from April to June 2019. The 2019 summer bird surveys at the western extension and existing ENRMF recorded 45 species and 34 species respectively comprising small birds such as finches, robins, warblers and the occasional skylark. None of these birds flock.

14. The site has no large water bodies therefore does not hold wildfowl or waders and the site does not attract gulls or large winter roosts of bird such as corvids or pigeons. The site has only scattered berry trees so does not attract winter thrushes and other than occasional red kites the breeding bird population comprises mainly woodland and arable passerines.

### **Proposals at the site**

15. The topsoil stripping will be undertaken on a phased basis. The topsoil and subsoil will be stripped and stored on Phases 19 to 21 in accordance with the Soil Handling and Management Scheme (Appendix DEC 1). Mineral and overburden extracted as a result of the creation of the landfill cells also will be stockpiled on Phases 19 to 21. During the period when topsoil and subsoil is stripped from each phase there will be regular activity from mobile plant such as backacter excavators and dump trucks moving material around the site.
16. It is not anticipated that there will be a significant increase in hazardous bird species or bird congregations at the site as a result of the topsoil stripping during the limited periods over which each phase of soil stripping will take place. The existing agricultural operations on the western extension area including ploughing has not attracted significant groups of birds.

### **Monitoring**

17. Monitoring will be undertaken during the topsoil stripping operations to identify if birds or congregations of birds considered to be potentially hazardous to aircraft using the nearby airfield are establishing within the site.

### **Deterrents**

18. if birds or congregations of birds considered to be potentially hazardous to aircraft are establishing within the site deterrents will be deployed to disturb the birds and preventing settlement or roosting such as using audio distress signals or alternative scaring methods.



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---

All Interested Parties, Statutory Parties  
and any other person invited to the  
Preliminary Meeting

Your Ref:

Our Ref: WS010005

Date: 6 January 2022

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Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 4 and Rule 6**

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

### **Appointment of the Examining Authority and invitation to the Preliminary Meeting**

I write to you following my appointment by the Secretary of State for the Department for Levelling Up, Housing and Communities as the Examining Authority (ExA) to carry out an examination of the above Application. I am Simon Warder. A copy of the appointment letter can be viewed under the [Documents Tab](#) on the project webpage on the National Infrastructure Planning website.

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when preparing my proposals regarding how to examine this application.

### **Examinations during Coronavirus (COVID-19)**

In the light of ongoing public health controls I will be carrying out at least the initial stages of this Examination using virtual methods. Please see the Planning Inspectorate's [guidance related to Coronavirus \(COVID-19\)](#) for more information.

This guidance is updated periodically to align with the most up to date Government guidance relating to Coronavirus (COVID-19). On that basis we will remain flexible so that, should public health controls allow, I may have the option of holding physical 'in person' events during the Examination if it is safe to do so.

If you have received this letter and intend to participate in virtual events held during this Examination, including the virtual Preliminary Meeting, please read the Planning Inspectorate's [Advice Note 8.6: Virtual Examination events](#) carefully. Advice Note 8.6 contains important information about how virtual events will be held and how you can participate.

If you wish to make representations to me about the use of virtual procedures to carry out this Examination, please make them by the **Procedural Deadline A** (25 January 2022) established before the Preliminary Meeting takes place (see **Annex D** of this letter).

### **Invitation to the Preliminary Meeting**

As a recipient of this letter you are invited to the Preliminary Meeting to discuss the procedure for the Examination of this application.

**Date of meeting:** **Wednesday 2 February 2022**

**Arrangements Conference:** **9:30am**

**Meeting begins:** **10:00am**

**Venue:** **Virtual event (Microsoft Teams)**

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to me about how the application should be examined. I cannot hear representations about the merits or disadvantages of the application at the Preliminary Meeting. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. See **Annex B** of this letter and the Planning Inspectorate's [Advice Note 8.3: the Preliminary Meeting](#) for more information.

The agenda for the meeting is at **Annex A** of this letter. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** of this letter.

The draft Examination Timetable is set out at **Annex D** of this letter and I wish to hear from you if you consider changes need to be made to the timetable.

### **Attendance at the Preliminary Meeting**

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by Tuesday 25 January 2022** (see **Procedural Deadline A** at **Annex D** of this letter).

If you wish to participate at the Preliminary Meeting, to assist the management of the meeting it is important that when you register you tell us on which agenda items you wish to speak, listing the points you wish to make.

The draft Examination Timetable at **Annex D** of this letter makes provision for a reserve Preliminary Meeting at 2:00pm on Wednesday 2 February 2022. **This meeting will be held *only* if technical or other matters prevent the 10:00am meeting from taking place.**

Please note that **you are not required to attend the Preliminary Meeting in order to participate in the Examination**. Whether or not you attend the Preliminary Meeting, if you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing using the contact details at the top of this letter.

If you wish to observe the Preliminary Meeting a public livestream of the event will be made available on the [project webpage on the National Infrastructure Planning website](#) shortly before it is scheduled to begin. A recording of the meeting will also be published on the website as soon as practicable after the event takes place. **The livestream and recording are publicly accessible and you do not need to register with the Planning Inspectorate in order to view them.**

### **After the Preliminary Meeting**

After the Preliminary Meeting you will be sent a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage on the National Infrastructure Planning website](#).

The Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Act 2008 establishes a principally written process for the examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations** at all stages of the process.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for the Department of Levelling Up, Housing and Communities, who will take the final decision in this case.

### **Procedural Decisions made by the Examining Authority**

I have made some Procedural Decisions which are set out in detail at **Annex E** to this letter. They are summarised as follows:

- Preparation of Statements of Common Ground

- Draft itinerary for the Accompanied Site Inspection
- Updating the Guide to the Application
- Holding virtual events
- Acceptance of Additional Submission

## **Managing Examination correspondence**

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a postcard but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage on the National Infrastructure Planning website](#).

After the Preliminary Meeting a 'Make a submission' tab will become available on the website which provides a portal through which parties will be able to make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal will be included in the Rule 8 letter which will be issued as soon as practicable after the Preliminary Meeting.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

## **Your status in the Examination**

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#). If your reference number begins with '2002', 'ENRM-ISP', 'ENRM-BOR', 'ENRM-BORS57' 'ENRM-APL' you are in Group A. If your reference number begins with 'ENRM-SP' you are in Group B. If your reference number begins with 'ENRM-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

## **Awards of costs**

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

## Management of information

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage on the National Infrastructure Planning website](#)

Examination Documents can also be viewed electronically at the locations listed in **Annex F** of this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

I look forward to working with all parties in the Examination of this application.

Yours faithfully

*Simon Warder*

## Examining Authority

### Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting, Hearings and Site Inspections
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Procedural Decisions made by the Examining Authority
- F** Availability of Examination Documents

This communication does not constitute legal advice.  
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## Agenda for the Preliminary Meeting

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by the 25 January 2022** (see **Procedural Deadline A** at **Annex D** of this letter).

- Date:** **Wednesday 2 February 2022**
- Arrangements Conference:** **9:30am**
- Meeting start time:** **10:00am**
- Venue:** **Virtual event (Microsoft Teams)**  
Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate
- Attendees:** **Invited Parties who have pre-registered**

A public livestream of the meeting will be made available on the project webpage [Project Page](#) shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

<b>9:25am</b>	<b>Event lobby</b> Please arrive at 9:25am to enter the lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.
<b>9:30am</b>	<b>Arrangements Conference</b> The Arrangements Conference will commence at 9:30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.
<b>10.00am</b>	<b>Preliminary Meeting</b>
<b>Item 1</b>	The Preliminary Meeting will formally open at 10.00am. The Examining Authority (ExA) will join, welcome participants and lead introductions.
<b>Item 2</b>	The ExA's remarks about the Examination process. Procedural requests relating to this item that were submitted in writing by <b>Procedural Deadline A (Tuesday 25 January 2022)</b> .
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> of the Rule 6 letter
<b>Item 4</b>	Procedural decisions taken by the ExA – <b>Annex E</b> of the Rule 6 letter

	-Procedural requests relating to this item that were submitted in writing by <b>Procedural Deadline A (Tuesday 25 January 2025)</b> .
<b>Item 5</b>	Draft Examination Timetable – <b>Annex D</b> of the Rule 6 letter, including but not limited to: <ul style="list-style-type: none"> <li>• Accompanied Site Inspection</li> <li>• Notification of wish to speak at a hearing</li> <li>• Use of electronic correspondence</li> <li>• Date for receipt of Written Representations, Local Impact Reports and Statements of Common Ground</li> </ul> Procedural requests relating to this item that were submitted in writing by <b>Procedural Deadline A (Tuesday 25 January 2025)</b> .
<b>Item 6</b>	Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in writing by <b>Procedural Deadline A</b> .
<b>Item 7</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

If you are joining as an active participant of the Preliminary Meeting, please join the Arrangements Conference lobby promptly using the instructions that are sent to you. In common with Preliminary Meetings held in physical locations, the event will start at 10.00am irrespective of any late arrivals, for whom access may not be possible.

The agenda for the Preliminary Meeting is subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Interested Parties.

The draft Examination Timetable at **Annex D** of the Rule 6 makes provision for a reserve Preliminary Meeting at 2:00pm on 2 February 2022. **This meeting will be held *only* if technical or other matters prevent the 10:00am meeting from taking place.** The Arrangements Conference will start at 1:30pm and the Agenda will be as set out above.

## **Introduction to the Preliminary Meeting, Hearings and Site Inspections**

### **Background**

The Preliminary Meeting (PM) for the East Northants Resource Management Facility Western Extension will take place virtually, using Microsoft Teams, but the format, content and procedure will be very similar to the physical, face-to-face PMs that have been held for other National Infrastructure Examinations.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here at the Preliminary Meeting, in order to ensure that the time available for participants to speak is maximised.

### **The Examining Authority**

The ExA, Simon Warder, appointed by the Secretary of State for the Department of Levelling Up, Housing and Communities and will introduce himself at the start of the PM. The ExA's appointment letter can be found in the Examination Library under reference [[PD-004](#)].

### **The Case Team**

The ExA will be supported by the Planning Inspectorate Case Team. Tracey Williams is the Case Manager and Steve Parker is the Case Officer. During the Arrangements Conferences a member of the Case Team will welcome and admit participants into the virtual PM, and will be available to answer questions by email before and after the PM. The contact email address is: [enrmfextension@planninginspectorate.gov.uk](mailto:enrmfextension@planninginspectorate.gov.uk)

### **The purpose of the Preliminary Meeting (PM)**

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the East Northants Resource Management Facility Western Extension, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The Application has been made by Augean South Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the Planning Inspectorate's National Infrastructure Planning website ('NI Planning website'). This has a dedicated project page for the project with links to Examination procedure, the Examination Timetable, Relevant Representations and Examination documents. The relevant NI Planning website project page is:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-northants-resource-management-facility-western-extension/>

You are encouraged to explore the NI Planning website project page if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination. There is the option on the project page to register to receive updates and we would also encourage you to do this so that you will receive a notification via e-mail at key stages during the Examination.

The main purpose of the PM is to discuss how the Application should be examined. It focuses on the process only, and it will not be looking at the substance of the proposals. Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that we intend to follow, and you should read this Rule 6 letter and all accompanying annexes thoroughly beforehand. The agenda for the PM is attached to the Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. If you are not experienced with videoconferencing and using multiple documents on screen, you may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14(1)(p) and 30 of the PA2008. It includes the construction of a hazardous waste landfill facility with a capacity of more than 100,000 tonnes per year and the alteration of a hazardous waste facility to increase its capacity by more than 30,000 tonnes per year. The designated National Policy Statement for Hazardous Waste (June 2013) (NPS) applies to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPS and any other applicable policy or considerations the ExA deems to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) "*must decide the application in accordance with any relevant NPS*" (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated NPS. In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPS, or the validity of NPS itself. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in the relevant designated NPS.

Other important and relevant planning policies that the ExA may consider include policies in the National Planning Policy Framework and relevant local authorities' development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application, by identifying relevant policy and examining the application in the light of it. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS's decision.

### **Preliminary Meeting invitees**

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a Relevant Representation has been registered as an IP and has been sent a copy of this Rule 6 letter. Each IP is entitled to participate in this Examination. Certain bodies are Statutory Parties. Statutory Parties can elect to become IPs without having made a Relevant Representation.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

### **Conduct of the Preliminary Meeting**

Past experience suggests that a PM for a project of this size and complexity could take two hours to complete. However, in running the event virtually there are limitations on the number of people who can speak at any one time. Therefore, in order to ensure that everyone who wishes to speak can do so, half a day has been timetabled.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate. For those who pre-register to be involved your joining instructions will provide more information about this.

A reserve PM has also been scheduled at 2:00pm the same day. However, this meeting will be held *only* if technical or other matters prevent the 10:00am meeting from taking place.

A digital recording will be made available on the project page of the NI Planning website as soon as practicable following the PM. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM, whether they are able to attend or observe the meeting or not. The making and publication of these recordings are a means by which we meet the legal requirement to hold these events in public. In this regard, anyone speaking at the PM will need to introduce themselves each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the closure of the PM.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they include personal and private information in any submissions.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### **The Examination process**

The examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of NSIPs is primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's Written Questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered deadlines for the receipt of written submissions. Timely submissions received by the relevant deadline and that address its purpose will be accepted. Documents received after the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and, should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

## **Hearings**

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an Open Floor Hearing (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation; though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the deadline shown in the Examination Timetable and in accordance with the instructions, an agenda may be circulated. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The ExA has the discretion to hold Issue Specific Hearings (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of reservations for ISHs and IPs may make suggestions for topics in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided with the Proposed Development applications by the Applicant, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (i.e. conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any

supporting detail/information can be provided in writing following the event by the relevant deadline.

The draft Examination Timetable includes a deadline (Wednesday 23 February 2022) for participants to notify the ExA that they wish to speak at a hearing.

### **Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19 in force at the time.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the project webpage on the NI Planning website.

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs as well as ASIs. It should be noted that public health restrictions may limit the scope for ASIs. If these have not lifted by the end of the Examination, the ExA may decide that holding USIs at relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct.

## **Initial Assessment of Principal Issues**

This is the Initial Assessment of Principal Issues prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for the Department of Levelling Up, Housing and Communities after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

### **1. Air quality and emissions**

- The effect of the Proposed Development on air quality including on those living and working nearby and biodiversity
- The Air Quality Directive, the UK Air Quality Strategy and Air Quality Management Areas
- Emissions to air including dust, odours and gases

### **2. Biodiversity**

- Construction, operation, restoration and aftercare phase effects on species and habitats, with particular reference to European Protected Species and sites, nationally protected sites (eg Collyweston Great Wood and Eastern Hornstocks SSSIs) and species, woodlands and locally important species
- The need for any European Protected Species licences and status of any such application(s) made to Natural England
- Timing and delivery of biodiversity net gain

### **3. Climate change**

- Whether the Proposed Development would meet the UK's obligations under the Climate Change Act 2008 (as amended) and the United Nations Framework Convention on Climate Change having regard to the latest UK Climate Change projections
- The resilience of the Proposed Development to the effects of climate change

### **4. Draft Development Consent Order**

- The appropriateness of the Applicant's dDCO including its structure, scope, definitions, project description, Articles, Requirements and Protective Provisions
- Reliance on precedents derived from previous DCOs or model provisions including justification in the Explanatory Memorandum
- The precision and effectiveness of Requirements including whether they would deliver the mitigation measures required by the Environmental Statement, the DCO Environmental Commitments
- The process of discharging Requirements, including consultation. Explanation and justification of Protective Provisions, including any exclusion of Statutory Undertakers or other bodies
- Consistency and accuracy of the internal and cross-referencing used in the dDCO

### **5. Environmental Impact Assessment**

- Baseline data and surveys, geographical scope, methodologies, assumptions and use of professional judgement, identification and sensitivity of receptors
- The assessment of potential impacts including magnitude, nature and duration, the use of reasonable worst-case scenarios and the 'Rochdale Envelope'
- The effectiveness and delivery of mitigation and compensation measures, including restoration proposals, and the assessment of residual impacts
- The approach to, and scope of, cumulative assessments in the EIA

### **6. Ground conditions**

- Land stability, contamination, pollution control and whether these can be adequately regulated by Environmental Permits
- Safeguarding mineral resources
- The effects of the Proposed Development on neighbouring land

## **7. Historic environment**

- The effect on designated and non-designated heritage assets and their settings
- Proposals for archaeological investigation and recording, including assets discovered during construction

## **8. Human health**

- The effects on human health, including direct and indirect effects
- Other consenting requirements including Environment Agency permits

## **9. Infrastructure**

- The effect of the Proposed Development on existing infrastructure crossing the site
- The use of Protective Provisions and other agreements with Statutory Undertakers

## **10. Landscape and visual**

- The effects on visual receptors, landscape character and tranquillity during the construction and operation phases and following restoration
- The effectiveness of mitigation during the construction and operation phases
- The effect of the restoration proposals including the potential for enhancement

## **11. Land use, soils and socio-economics**

- The significance of the loss of Best and Most Versatile agricultural land
- Direct and in-direct socio-economic effects
- The effect of the Proposed Development on neighbouring land uses
- The effect on recreational access during the construction and operation phases and following restoration

## **12. Legislation and policy**

- Applicable legislation and policy
- Human rights and equality duties
- Conformity or otherwise with the National Policy Statement, the development plans and other important and relevant matters, including the waste hierarchy and the proximity principle
- The need for the Proposed Development
- Alternatives and options
- Common and statutory nuisance.

- The application of 'good design' principles

### **13. Noise and vibration**

- The effects on residential and other receptors and landscape tranquillity during the construction and operation phases

### **14. Safety**

- The resilience of the Proposed Development to major disasters and accidents
- The risk of significant pollution incidents as a result of the Proposed Development
- Site management and monitoring during the operational phase and following restoration
- The effect on military aviation, including the potential for bird strikes

### **15. Traffic and transport**

- The effect of the Proposed Development on traffic flows, delays, volumes and circulation in both the local and wider context
- The effect of the Proposed Development on road safety, cyclists and pedestrian amenity, including road cleanliness and the transport of Low Level Radioactive Waste

### **16. Water quality and resources**

- The Water Framework Directive and The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- The effects on groundwater, watercourses, waterbodies and sensitive receptors (including swallow hole)
- Surface water mitigation and management during construction and operation and following restoration. The use of sustainable urban drainage systems
- The flood risk posed by the Proposed Development
- The resilience of the Proposed Development to flooding
- The effects of the Proposed Development on the water resources and neighbouring land

## East Northants Resource Management Facility Western Extension

### Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

<b>Item</b>	<b>Matters</b>	<b>Due Date</b>
1	<p><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written submissions, if required on any changes that are considered necessary to the draft Examination timetable; on the Examination procedure, including any submissions about the use of virtual procedures and Procedural Decisions taken by the ExA (see Annex E); and</li> <li>• Requests to be heard orally at the Preliminary Meeting and comments on the Agenda</li> </ul>	<b>Tuesday 25 January 2022</b>
2	Preliminary Meeting	<b>Wednesday 2 February 2022 at 10:00am</b>
3	Reserve date and time for Preliminary Meeting (if required)	<b>Wednesday 2 February 2022 at 2:00pm</b>
4	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> <li>• Examination Timetable</li> <li>• ExA's Written Questions (ExQ1)</li> </ul>	<b>As soon as practicable after the PM</b>
	<p><b>Deadline 1</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Submission by Interested Parties (IPs) of suggested locations for the ExA to include in the Accompanied Site Inspection (ASI), including the reason for nomination and</li> </ul>	<b>Wednesday 23 February 2022</b>

	<p>issues to be observed, information about whether the location can be accessed using public rights of way or what access arrangements are required (if any)</p> <ul style="list-style-type: none"> <li>• Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR)</li> <li>• Any other information requested by the ExA for submission at Deadline 1</li> </ul> <p><b>Notifications</b></p> <ul style="list-style-type: none"> <li>• Notification by Interested Parties (IPs) of wish to speak at an Open Floor Hearing</li> <li>• Notification by IPs of wish to speak at an Issue Specific Hearing(s)</li> <li>• Notification by IPs of their intention to attend the ASI</li> <li>• Notification by Statutory Parties who wish to be considered as an IP</li> <li>• Notification of wish to receive future correspondence electronically</li> </ul>	
5	<p><b>Deadline 2</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on Relevant Representations (RRs)</li> <li>• Written Representations (WRs)</li> <li>• Summaries of WRs exceeding 1500 words</li> <li>• Responses to ExQ1</li> <li>• Local Impact Reports (LIRs) from local authorities</li> <li>• Statements of Common Ground (SoCG) requested by ExA – see <b>Annex E</b></li> <li>• Comments on updated application documents (if submitted)</li> <li>• A revised Guide to the Application</li> <li>• Applicant’s draft itinerary for the ASI</li> <li>• Comments on any additional information/submissions received by Deadline 1</li> </ul>	<b>Friday 4 March 2022</b>

	<ul style="list-style-type: none"> <li>• Any further information requested by the ExA under Rule 17 of the EPR</li> </ul>	
6	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Notification of the date, time and place of hearings(s) and the date, time and place for the Accompanied Site Inspection (ASI), if required</li> </ul>	<b>Friday 4 March 2022</b>
7	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• The second draft itinerary for the ASI</li> </ul>	<b>Wednesday 9 March 2022</b>
8	<p><b>Deadline 3</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs</li> <li>• Responses to comments on RRs</li> <li>• Comments on any LIRs</li> <li>• Comments on responses to ExQ1</li> <li>• Comments on any revised draft DCO from the Applicant, if submitted</li> <li>• Progressed SOCG and Statement of Commonality</li> <li>• An updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions</li> <li>• Schedule of Changes to the dDCO</li> <li>• Comments on the second itinerary for the ASI</li> <li>• An updated Guide to the Application</li> <li>• Any further information requested by the ExA under Rule 17 of the EPR</li> <li>• Comments on any additional information/submissions received by Deadline 2</li> </ul>	<b>Wednesday 16 March 2022</b>
9	<p>Time reserved for:</p> <ul style="list-style-type: none"> <li>• Issue Specific Hearings, including the draft DCO</li> <li>• Open Floor Hearing (if required)</li> <li>• Accompanied Site Inspection</li> </ul>	<b>Tuesday 29, Wednesday 30, Thursday 31 March 2022</b>
10	<b>Deadline 4</b>	<b>Wednesday 13 April 2022</b>

	<p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written summaries of oral contributions at hearings</li> <li>• Post-hearing submissions requested by the ExA</li> <li>• Responses to comments on WRs</li> <li>• Responses to comments on LIRs</li> <li>• Any revised dDCO from the Applicant in clean, tracked and word versions</li> <li>• An updated Schedule of Changes to the dDCO</li> <li>• An updated Guide to the Application</li> <li>• Comments on any other information submitted at Deadline 3</li> <li>• Progressed SOCG and updated Statement of Commonality (if required)</li> <li>• Any other information requested by the ExA under Rule 17 of the EPR</li> <li>• Comments on any additional information/submissions received by Deadline 3</li> </ul>	
11	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>• ExA's Written Questions (ExQ2) (if required)</li> </ul>	<b>Wednesday 27 April 2022</b>
12	<p><b>Deadline 5</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2</li> <li>• Comments on any revised dDCO</li> <li>• Progressed SOCG and updated Statement of Commonality of SOCG, if required</li> <li>• An updated Guide to the Application</li> <li>• Any other information requested by the ExA for submission at Deadline 5</li> <li>• Any further information requested by the ExA under Rule 17 of the EPR</li> <li>• Comments on any additional information/submissions received by Deadline 4</li> </ul>	<b>Wednesday 11 May 2022</b>
13	<p>Issue by the ExA of:</p>	<b>Friday 13 May 2022</b>

	Notification of the date, time and place of hearings(s), if required	
14	Time reserved for: <ul style="list-style-type: none"> <li>• Issue Specific Hearing, including ISH on the dDCO (if required)</li> </ul>	<b>Wednesday 8 June 2022</b>
15	<b>Deadline 6</b> Deadline for receipt of: <ul style="list-style-type: none"> <li>• Written summaries of oral contributions at hearings (if required)</li> <li>• Post-hearing submissions requested by the ExA(if required)</li> <li>• Progressed SoCG and Statement of Commonality (if required)</li> <li>• Comments on responses to ExQ2</li> <li>• Applicant’s updated dDCO in clean, tracked and word versions</li> <li>• An updated Schedule of Changes to the dDCO</li> <li>• An updated Guide to the Application</li> <li>• Any other information requested by the ExA for this deadline</li> <li>• Any further information requested by the ExA under Rule 17 of the EPR</li> <li>• Comments on any additional information/submissions received by Deadline 5</li> </ul>	<b>Wednesday 22 June 2022</b>
16	Publication by the ExA of: <ul style="list-style-type: none"> <li>• The ExA’s proposed Schedule of Changes to the dDCO (if required)</li> <li>• Report on Implications for European Sites (RIES) (if required)</li> </ul>	<b>Wednesday 29 June 2022</b>
17	<b>Deadline 7</b> Deadline for receipt by the ExA of: <ul style="list-style-type: none"> <li>• Comments on submissions for Deadline 6</li> <li>• Comments on the ExA’s proposed Schedule of Changes to the dDCO (if required)</li> <li>• Comments on RIES (if required)</li> </ul>	<b>Wednesday 20 July 2022</b>

	<ul style="list-style-type: none"> <li>• Final SoCG and finalised Statement of Commonality</li> <li>• Final draft DCO to be submitted by the Applicant in clean, tracked, word versions and in the statutory Instrument (SI) template with the SI template validation report</li> <li>• Final Guide to the Application</li> <li>• Any other information requested by the ExA for submission at Deadline 7</li> <li>• Any further information requested by the ExA under Rule 17</li> <li>• Comments on any additional information/submissions received by Deadline 6</li> </ul>	
18	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	<b>Tuesday 2 August 2022</b>

### Submission times for deadlines

The time for submission of documents at any deadline in the timetable is 23:59 on the relevant deadline date, unless instructed otherwise by the ExA.

### Publication dates

All information received will be published on the [project webpage on the National Infrastructure Planning website](#) as soon as practicable after the deadlines for submissions. See Annex F of this letter for more information.

### Hearing agendas

Please note that for Issue Specific Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage on the National Infrastructure Planning website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

**Report on the Implications for European Sites (RIES)**

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

## **Procedural Decisions made by the Examining Authority**

The Examining Authority (ExA) has made the following Procedural Decisions:

### **1. Statements of Common Ground (SoCG)**

In relation to some of the Principal Issues identified in **Annex C**, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** therefore identifies **Deadline 2** for the submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**.

SoCGs are requested to be prepared between the Applicant and:

#### **A) North Northamptonshire Council, to include:**

- Compliance with the development plans, impacts on land use and the acceptability of proposed changes to land use
- The need for the Proposed Development and assessment of alternatives to it
- Compliance with relevant legal requirements and policy, including Environmental Impact Assessment (EIA) and flood risk
- Impacts on local transport networks, including lorry routeing and road cleaning
- Traffic management and communication with residents and businesses during construction
- Air quality, including compliance with any local air quality plans
- Dust, odour, artificial light, smoke, steam impacts and nuisance
- Noise and vibration and impacts on local residents and others, construction noise and working hours limits, noise barriers or other mitigation
- Biodiversity and impacts on sites, habitats and species and mitigation during the operational phase and following restoration
- Landscape and visual impact assessment, including lighting and planting during the operational phase and following restoration. Arrangements for aftercare following completion
- 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

- 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
- Impacts on Public Rights of Way and opportunities to improve, public access following restoration
- Temporary and permanent impacts on recreation facilities and opportunities
- Socio-economic impacts
- Common law nuisance and statutory nuisance, nuisance mitigation and limitations and appropriate provisions in the dDCO
- Whether the requirements for restoration have been adequately defined in the dDCO and whether they have been appropriately assessed and mitigated
- Human health impacts and measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts on health
- Safety impact assessment
- 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
- The Planning Obligation including status, scope, effect and timescale for completion

### **B) The Environment Agency, to include:**

- Existing and new Environmental Permits, including their status, scope, controls, mitigation measures and timescales.
- Dust, odour, artificial light, smoke and steam scope and methodology of assessment
- The water environment including main rivers, groundwater and other water bodies, any concerns on impacts on water quality/resources and the need for any specific requirements in the dDCO, compliance with the Water Framework Directive
- 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
- Surface water drainage including the use of SuDS, compliance with national standards and the appropriate body to be given the responsibility to maintain any SuDS
- Water abstraction, discharges, pollution control and permits and whether potential releases can be adequately regulated under the pollution control framework

- Ground conditions, including the stability and contamination assessments, controls and mitigation measures
- Climate change, including the UK's obligations under the Climate Change Act 2008 (as amended) and the United Nations Framework Convention on Climate Change having regard to the latest UK Climate Change projections. The resilience of the Proposed Development to the effects of climate change
- The need for Protective Provisions in the dDCO

**C) Natural England**, to include:

- The Applicant's Habitat Regulation Assessment – No Significant Effects Report (NSER) and the included matrices which exclude the potential for likely significant effects to arise alone or in combination with other plans and projects
- Appropriateness and effectiveness of the reliance on controls in the existing and new Environmental Permits
- Impacts on habitats and species, habitat replacement and opportunities for enhancement
- Restoration proposals and bio-diversity net gain
- Assessment of noise, vibration, air and water quality impacts on designated nature conservation sites, protected species and other biodiversity interest and landscapes during the operational phase and following restoration
- Agreement or otherwise on biodiversity and ecological conservation mitigation measures, any comfort/impediments for the granting of relevant licences and their timescales

**D) National Grid Gas plc**, to include:

- The high-pressure gas pipeline which crosses the site
- The Protective Provisions set out in the dDCO
- Other matters raised in Relevant Representation [[RR-001](#)]

**E) Western Power Distribution (East Midlands) plc**, to include:

- The overhead line which crosses the site and the proposal for its diversion
- The Protective Provisions set out in the dDCO
- Other matters raised in Relevant Representation [[RR-012](#)]

**F) Cecil Estate Family Trust**, to include:

- The effect on the land owned by the Trust during the operational phase and following restoration including any effect on proposed land uses
- The Applicant's rights or otherwise to discharge surface water to the swallow hole
- Other matters raised in Relevant Representations [[RR-008](#) and [RR-015](#)]

**G) NW Fiennes, to include**

- The matters raised in Relevant Representation [[RR-003](#)]

**H) Defence Infrastructure Organisation, to include**

- The potential for the Proposed Development to increase the risk of bird strike in connection with operations at RAF Wittering
- Other matters raised in Relevant Representation [[RR-005](#)]

**I) Northants Police and Northants Fire and Rescue, to include**

- Fire risk, anti-social behaviour and the matters raised in Relevant Representation [[RR-011](#)]

**J) Butterfly Conservation, to include**

- Impacts on habitats and species, habitat replacement and opportunities for enhancement
- Restoration proposals and bio-diversity net gain
- Other matters raised in Relevant Representation [[RR-004](#)]

**SoCGs A-C to include:**

- The applicable legislation and policy considered by the Applicant
- The Environmental Impact Assessment methodology, including the assessment of cumulative effects and the other plans/projects included
- The application of expert judgements and assumptions
- Baseline information, data collection methods, data/statistical analysis, approach to modelling, presentation of results and forecast methodologies
- The extent of the areas of potential impact considered
- Identification and sensitivity of receptors with the potential to be affected, the magnitude and quantification of potential impacts
- The assessment of likely effects (direct and indirect) on identified receptors
- "Reasonable worst case" Rochdale Envelope parameters
- The mitigation measures required and whether they are likely to result in the identified residual impacts
- The significance of each residual impact
- Whether the identified mitigation measures adequately secured by the combination of Requirements in the dDCO with other consents, permits and licenses
- The scope and adequacy of the submitted DCO Environmental Commitments
- Matters for which detailed approval needs to be obtained and the roles of the local authorities and of other statutory and regulatory authorities

- 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
- Whether the effectiveness of other consents, permits or licenses as mitigation has been accurately identified in the impact assessment

**All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order.** Any Interested Party that wishes an Article or Requirement to be reworded should provide the form of words sought in the SoCG.

Where a particular SoCG cannot be agreed between the parties by **Deadline 2**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant at Deadline 2**. The position of the relevant Interested Parties should then be confirmed during the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at each Deadline with final versions by **Deadline 7**.

Nevertheless, the Applicant and other parties are strongly encouraged to co-operate in order that fully considered and complete SoCGs can be submitted as early as possible in the Examination.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

## **2. Draft itinerary for Accompanied Site Inspection**

The draft Examination Timetable at Annex D shows that I have reserved time for an Accompanied Site Inspection (ASI) later in the Examination (**29, 30 or 31 March 2022**). This will only take place to the extent that Government COVID19 restrictions at the time allow, and details of any such inspection will be published nearer the time.

In anticipation that an ASI will go ahead, IPs are requested to submit suggested locations for the ASI, the reasons for the locations and access arrangements by Deadline 1 (**Wednesday 23 February 2022**). The Applicant is requested to prepare a draft itinerary for the Accompanied Site Inspection (ASI) to be submitted by Deadline 2 (**Friday 4 March 2022**). The first draft ASI itinerary should include relevant sites and locations referred to in the Relevant Representations received and any other sites and locations at which the Applicant has predicted likely significant environmental effects. The ExA will then publish the second draft itinerary for Interested Parties to comment (**Wednesday 9 March 2022**). I will review the comments made about the second draft ASI itinerary (to be submitted by Deadline 3 on **Wednesday 16 March 2022**) and may make changes to it. The final ASI itinerary will be published in advance of the event taking place.

### **3. Guide to the application**

I would find it helpful if, at each deadline, the Applicant could provide an updated Guide to the Application document which provides a list of the most up-to-date documents before the Examination. A final version must be submitted before the close of the Examination.

### **4. Virtual events**

As set out in the Rule 6 letter, I have made the Procedural Decision to hold the Preliminary Meeting virtually, online. I have also decided that requests to participate actively or to comment on the Agenda must be received by Procedural Deadline A (Tuesday 25 January 2022).

In the absence of any certainty regarding Government possible restrictions on public meetings relating to the COVID-19 pandemic, I have decided, as a starting point, to assume that all meetings and hearings for the Examination will also need to be held virtually, and the Examination Timetable has been drafted on this basis. Should restrictions be relaxed sufficiently to hold future events in either a face-to-face or blended format, I will publish further decisions on this, noting that the Timetable is sufficiently flexible to accommodate a range of possible event formats.

### **5. Acceptance of Additional Submissions into the Examination**

The following documents have been accepted into the Examination:

- Email from Huntingdonshire District Council dated 29 September 2021 [[AS-001](#)].

## Availability of Examination Documents

The Application documents and Relevant Representations are available on the project webpage on the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/east-northants-resource-management-facility-western-extension/?ipcsection=docs>

All further documents submitted in the course of the Examination will also be published under the Documents tab at the above location.

## The Examination Library

For ease of navigation, please refer to the Examination Library (EL) which is accessible by clicking the blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the ExA.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. **Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to bring a form of identification and register as a member/library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Local authority area	Venue/address	Opening hours
East Northants Resource Management Facility (ENRMF) Offices	Stamford Road, Northamptonshire. PE8 6XX	Monday to Friday: 7am-5:30pm Saturday: 7am-12pm Sunday: Closed
Oundle Public Library	Glaphorn Road, Oundle PE8 4JA	Monday to Friday: 9am-5pm Saturday: 9am – 2pm Sunday: Closed
<b>Links to all libraries</b>		
<b>Oundle Public Library:</b> <a href="https://www.northamptonshire.gov.uk/councilservices/library-service/visiting-your-library/list-of-libraries/Pages/oundle-library.aspx">https://www.northamptonshire.gov.uk/councilservices/library-service/visiting-your-library/list-of-libraries/Pages/oundle-library.aspx</a>		

**From:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdgMgr4\)](#)  
**To:** [Leslie Heasman](#)  
**Subject:** 20220208\_ENRMF\_DCO\_Application\_Ref\_WS010005  
**Date:** 08 February 2022 10:30:33  
**Attachments:** [image002.png](#)  
[20220208-Response\\_Email.pdf](#)

---

Good Morning Leslie,

Thank you for your email below, please find attached MOD's response in respect of the documents provided in your email.

If you have any queries please do not hesitate to contact me.

Kind regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Mob: [REDACTED]

Email: [REDACTED]@mod.gov.uk

**Due to COVID-19 I am working from home until further notice.**

**In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.**

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Twitter: @mod\_dio

Read DIO's blog <http://insidedio.blog.gov.uk/>

---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** 21 January 2022 12:45

**To:** DIO-Safeguarding-Statutory (MULTIUSER) <[REDACTED]@mod.gov.uk>

**Subject:** FW: ENRMF DCO Application - Your reference 10048592

Re-sent as the email address below was in error.

---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** Friday, 21 January 2022 12:35

**To:** [REDACTED]@mod.gov.uk

**Subject:** ENRMF DCO Application - Your reference 10048592

**For the attention of Kalie Jagpal**

Dear Kalie

**East Northants Resource Management Facility Western Extension. Planning Inspectorate**

**Reference: WS010005**

**Your reference 10048592**

Thank you for your time earlier today. The information we were discussing is summarised below as agreed and we attach for your reference the earlier correspondence we have had with your colleague Michael Billings.

**Bird hazards**

As discussed, the wastes accepted at the existing site and which will continue to be accepted at the proposed extension the subject of the DCO application will be hazardous waste and low level radioactive waste. The landfill is not and will not be permitted to accept domestic or readily biodegradable waste. The organic content of the waste which can be landfilled is limited by legislation to less than 6% by volume of total organic carbon. Accordingly the waste accepted at the site will contain minimal quantities of putrescible material which does not present an exploitable food resource for hazardous birds such as gulls and kites. On this basis it has been

agreed with Michael Billings that only the stripping and handling of topsoils might provide feeding opportunities for hazardous birds. A Bird Hazard Management Plan (BHMP) has been prepared for handling of topsoil to control the risks from hazardous birds during topsoil stripping. The BHMP submitted in the application is located at Annex I2 to the DCO Environmental Commitments document. The DCO Environmental Commitments document is document APP-110 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/WS010005/WS010005-000341-6.5%20DCO%20Environmental%20Commitments.pdf> A copy of only Annex I2 is attached for assistance.

### **Restoration landscaping**

A copy of the Restoration Concept Scheme is document APP-011 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/WS010005/WS010005-000266-2.8%20Restoration%20Concept%20Scheme.pdf> As you will see there are minimal areas of open water or wetlands or marsh habitats in the proposed restoration scheme. We would welcome your views on the Restoration Concept Scheme submitted with the DCO application.

### **Statement of Common Ground**

A copy of the Rule 6 letter dated 6 January 2022 also is attached for your reference. The requirements for Statements of Common Ground are set out at Annex E to the Rule 6 letter including with:

*H) Defence Infrastructure Organisation, to include*

- *The potential for the Proposed Development to increase the risk of bird strike in connection with operations at RAF Wittering*
- *Other matters raised in Relevant Representation [RR-005]*

The deadline for the submission of the Statements of Common Ground is 4 March 2022. As discussed we would be pleased to prepare an initial draft of a Statement of Common Ground for your review if that would be helpful. We understand that you would prefer that we do not commence any initial drafting until you have had an opportunity to discuss the documents further with your colleagues.

We hope that the attached information is helpful and we look forward to hearing from you.

Kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Current main contact number** [REDACTED]

**Tel: 01827 717891**

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Our Ref: AU/KCW/LZH/1724/01



# Ministry of Defence

Leslie Heasman  
MJCA  
Baddesley Colliery Offices  
Main Road  
Baxterley  
Atherstone  
Warwickshire  
CV9 2LE

Planning Inspectorate Reference: WS010005  
East Northants Resource Management Facility  
Western Extension.

Our reference 10048592

Dear Leslie,

## **MOD Safeguarding-RAF Wittering**

**Proposal:** East Northants Resource Management Facility, Western Extension.

**Location:** Approximately 1.1km east south east of Duddington village and approximately 2km north north west of Kings Cliffe village

**Grid Ref:** 500800, 300000

Thank you for your email dated 21 January 2022 provided in response to MOD's letter to the Planning Inspectorate dated 9 December 2021.

As set out in my previous letter, the application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and is located within 1 km of the airfield boundary. The principal safeguarding concern of the MOD with regard to this scheme is the potential for the development, during the construction, operational, and restoration phases, to provide an attractive environment for specific large and/or flocking bird species, and any resulting increase in birdstrike risk to aircraft operations.

After review of the documents provided within your email of 21 January 2022, the MOD requires further assurances/details in respect of the following:

## **Bird Hazard Management Plan (BHMP)**

Through your email my attention has been drawn to the Bird Hazard Management Plan (BHMP) set out in Appendix DEC I (Annex I2) of the DCO Environmental Commitments document (PINS

# Defence Infrastructure Organisation

Safeguarding Department  
Statutory & Offshore  
Defence Infrastructure Organisation Head Office  
St George's House  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

Tel: [REDACTED]

E-mail: [REDACTED]@mod.gov.uk

www.mod.uk/DIO

08 February 2022

document reference: 6.5, Report Reference: AU/KCW/LZH/1724/01/DECD dated July 2021) which has been prepared to address the potential for the site to attract birds during those times where top soil is being removed and soil and clay extraction is taking place.

Whilst Appendix DEC I serves to address some of the broader issues, MOD will require additional information or procedures in order to address deterring those large and/or flocking bird species hazardous to aviation safety. It is noted that information is provided on the purpose and general operation of bunds used for soil storage but the potential for stores of bare earth and stockpiles of topsoil to provide an attractant for birds should also be addressed. An updated BHMP might detail:

- that these stores/bunds might be compacted, covered, or removed from the site to manage potential food sources;
- how temporary pools of water after rain events would be managed (drainage systems and their improvement or maintenance) should also be set out;
- measures to control waste resulting from employees operating the site on site (including food waste and the management of bins (ideally to include the specification of lidded bins); and
- how bird dispersal on site will be carried out, what numbers/species would trigger dispersal, details of liaison with RAF Wittering and a protocol to ensure that appropriate contact numbers for both the aerodrome and the site operator are exchanged to ensure that birds are not dispersed as aircraft are due to operate/transit near the site.

### **Restoration Scheme**

The Restoration Concept Scheme illustrated by drawing number ENORTH028, Rev 0 dated September 2021 provides some detail, however the MOD still has concerns in respect of the restoration of the site. Several small ponds/attenuation basins are still proposed on the development and although the site is surrounded by large areas of woodland, the potential remains that waterfowl species could be attracted to these areas. The specification that spiky vegetation would be planted around Sustainable Drainage features addresses some concerns, in addition the MOD would require that:

- wherever possible attenuation basins, swales and ponds should be kept to a minimum;
- all attenuation basins, swales and ponds should include dense, marginal vegetation around the entire periphery and ideally throughout the basin of each area to deter feral geese from accessing these areas. Until such vegetation is established appropriate goose proof fencing should be erected and maintained around the periphery of those waterbodies; and
- there should be no islands or peninsulas in any attenuation basin, swale or pond as these have the potential to attract breeding feral geese.

It should be made clear in any DCO that MOD is to be consulted where any landscaping or restoration scheme is submitted for approval. This consultation should also take place where an approved scheme is to be updated or amended.

### **Disposal of Hazardous and low-level waste**

MOD acknowledge that the proposed development would be limited in what waste could be accommodated by the wording of Schedule 2, Requirement 7 of the draft Development Consent Order and note that organic waste would be strictly limited. As the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites, this would be sufficient to address MOD concerns for the operational phase of the development.

### **Statement of Common Ground**

The MOD would welcome an initial draft of a statement of common ground.

I trust this adequately explains our position on this matter

Yours sincerely

Kalie Jagpal  
Assistant Safeguarding Manager

**From:** [Leslie Heasman](#)  
**To:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdMgr4\)](#)  
**Subject:** RE: 20220208\_ENRMF\_DCO\_Application\_Ref\_WS010005  
**Date:** 23 February 2022 15:40:51  
**Attachments:** [image004.png](#)  
[AU\\_KCWp27628\\_SoCG\\_MOD\\_FIRST\\_DRAFT.docx](#)  
[image001.png](#)

---

Hello Kalie

Please find attached as requested a draft Statement of Common Ground for consideration and discussion. We would like to meet (virtually) with you and your technical colleagues to discuss and try and reach agreement on any changes needed to the BHMP and the Restoration Concept Scheme if we can as that would avoid the need for the DIO/MOD to be included as a consultee in the DCO.

As you know, the Statements of Common Ground need to be submitted by 4 March so it would be helpful if you could let us know of any suitable dates and times later this week or early next week for a discussion?

Thank you and kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Current main contact number: 01827 717891**

**Mobile:** [REDACTED]

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---

**From:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) <[REDACTED]@mod.gov.uk>

**Sent:** Tuesday, 08 February 2022 10:27

**To:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Subject:** 20220208\_ENRMF\_DCO\_Application\_Ref\_WS010005

Good Morning Leslie,

Thank you for your email below, please find attached MOD's response in respect of the documents provided in your email.

If you have any queries please do not hesitate to contact me.

Kind regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |

St George's House | Defence Infrastructure Organisation Head Office |

DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Mob: [REDACTED]

Email: [REDACTED]@mod.gov.uk

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**Sent:** 21 January 2022 12:45

**To:** DIO-Safeguarding-Statutory (MULTIUSER) <[REDACTED]@mod.gov.uk>

**Subject:** FW: ENRMF DCO Application - Your reference 10048592

Re-sent as the email address below was in error.

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**Sent:** Friday, 21 January 2022 12:35

**To:** [REDACTED]@mod.gov.uk

**Subject:** ENRMF DCO Application - Your reference 10048592

**For the attention of Kalie Jagpal**

Dear Kalie

**East Northants Resource Management Facility Western Extension. Planning Inspectorate**

**Reference: WS010005**

**Your reference 10048592**

Thank you for your time earlier today. The information we were discussing is summarised below as agreed and we attach for your reference the earlier correspondence we have had with your colleague Michael Billings.

**Bird hazards**

As discussed, the wastes accepted at the existing site and which will continue to be accepted at the proposed extension the subject of the DCO application will be hazardous waste and low level radioactive waste. The landfill is not and will not be permitted to accept domestic or readily biodegradable waste. The organic content of the waste which can be landfilled is limited by legislation to less than 6% by volume of total organic carbon. Accordingly the waste accepted at the site will contain minimal quantities of putrescible material which does not present an exploitable food resource for hazardous birds such as gulls and kites. On this basis it has been agreed with Michael Billings that only the stripping and handling of topsoils might provide feeding opportunities for hazardous birds. A Bird Hazard Management Plan (BHMP) has been prepared for handling of topsoil to control the risks from hazardous birds during topsoil stripping. The BHMP submitted in the application is located at Annex I2 to the DCO Environmental Commitments document. The DCO Environmental Commitments document is document APP-110 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WS010005/WS010005-000341-6.5%20DCO%20Environmental%20Commitments.pdf> A copy of only Annex I2 is attached for assistance.

**Restoration landscaping**

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WS010005/WS010005-000266-2.8%20Restoration%20Concept%20Scheme.pdf>

As you will see there are minimal areas of open water or wetlands or marsh habitats in the proposed restoration scheme. We would welcome

your views on the Restoration Concept Scheme submitted with the DCO application.

**Statement of Common Ground**

A copy of the Rule 6 letter dated 6 January 2022 also is attached for your reference. The requirements for Statements of Common Ground are set out at Annex E to the Rule 6 letter including with:

*H) Defence Infrastructure Organisation, to include*

- *The potential for the Proposed Development to increase the risk of bird strike in connection with operations at RAF Wittering*
- *Other matters raised in Relevant Representation [RR-005]*

The deadline for the submission of the Statements of Common Ground is 4 March 2022. As discussed we would be pleased to prepare an initial draft of a Statement of Common Ground for your review if that would be helpful. We understand that you would prefer that we do not commence any initial drafting until you have had an opportunity to discuss the documents further with your colleagues.

We hope that the attached information is helpful and we look forward to hearing from you.

Kind regards

Leslie

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**FIRST DRAFT**

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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND THE DEFENCE  
INFRASTRUCTURE ORGANISATION**

Report reference: WS010005/SOCG/DIO/FD  
February 2022

**PINS document reference: 7.7**



Technical advisers on environmental issues

---

Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE  
Tel. (01827) 717891 Fax. (01827) 718507

**CONTENTS**

1.	Summary	1
2.	Introduction	2
3.	Specific issues raised in the Rule 6 letter	4
4.	Areas on which there is disagreement	5
5.	Requirements in the draft DCO	6
6.	Agreement	7

**TABLES**

Table 1	Responses to the issues raised in the Relevant Representation [RR-005] dated 9 December 2021 and other matters
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***COPIES OF CORRESPONDENCE TO BE APPENDED.***

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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 the Defence Infrastructure Organisation for the Ministry of Defence. 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 Defence Infrastructure Organisation for the Ministry of Defence (DIO). The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

2.2 Discussions and correspondence have been taking place between Augean and the DIO since February 2021 (append correspondence: emails MJCA 21/1/22 (with attached earlier correspondence), DIO 8/2/2).

### The proposed development

2.3 The closest point of the boundary of the operational training airfield at RAF Wittering and associated accommodation is located approximately 840m to the north north east of the application boundary. The proposed western extension area is located approximately 2.3km south west of the runway which runs approximately east-west. Collyweston Great Wood is located between the application site and the airfield.

2.4 Clay extraction has taken place at the site since 1957, landfill disposal commenced in 2000, the site has accepted only hazardous waste since 2004, the treatment plant was granted planning permission in January 2008 and LLW first was accepted at the site in December 2011. The ENRMF was granted a Development Consent Order in 2013 for the operation of the site until 2026. Neither Augean nor the DIO are aware of any problems associated with bird hazards as a result of the activities at the site to date.

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. The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. The series of activities are continuous and are implemented in parallel at different phases and areas of the site.

- 2.6** The nature of the wastes that are accepted at the site are controlled by the Environmental Permits. The wastes that are accepted at the site have limitations on the concentration of organic material which can be accepted. It is agreed that the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites. The materials accepted at the site will not change as a result of the proposed development.
- 2.7** The restored site will be developed as a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and a drainage watercourse which crosses the proposed western extension area as shown on the Restoration Concept Scheme [PINS document reference 5.3.9.1. APP-062].

**3. Specific issues raised in the Relevant Representations and in Annex E to the Rule 6 letter dated 6 January 2022**

- 3.1** One issue has been identified by the Examining Authority which should be considered in this Statement of Common Ground together with the issues addressed in the Relevant Representation from the DIO [RR-005] dated 9 December 2021. These points are listed in Table 1 to this document together with agreed comments in response to each.

**4. Areas on which there is disagreement**

**4.1** *If there are any areas of material disagreement they should be identified here.*

**5. Requirements in the draft DCO**

- 5.1** *If the text of the BHMP identified in Requirement 6 of the draft DCO cannot be agreed through this SoCG, the MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.*
- 5.2** *If the detailed changes DIO consider are necessary to the Restoration Concept Scheme cannot be agreed through this SoCG the MOD, through DIO Safeguarding will request to be included as a Consultee for the approvals under Requirement 4 in the draft DCO.*

**6. Agreement**

**6.1** This statement has been agreed between Augean South Limited and the Defence Infrastructure Organisation.

Signed:

On behalf of Augean South Limited

Defence Infrastructure Organisation

Date: 2022

Table 1

## Responses to the issues raised in the Relevant Representation [RR-005] dated 9 December 2021 and other matters

Issue	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
<p>The application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and is located within 1 km of the airfield boundary.</p>	<p>As stated in paragraph 2.3 of this document it is agreed that the closest point of the boundary of the operational training airfield at RAF Wittering and associated accommodation is located approximately 840m to the north north east of the application boundary. The proposed western extension area is located approximately 2.3km south west of the runway which runs approximately east-west. Collyweston Great Wood is located between the application site and the airfield.</p>
<p><b><u>Aerodrome height and technical safeguarding zones</u></b>  The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.</p> <p>On the basis of the information currently available, I can confirm that MOD has no objection with regards to the height and technical aspect of this application.</p>	<p>It is agreed that the DIO have no objection to the height and technical aspects of the proposed development.</p>
<p><b><u>Birdstrike safeguarding zone</u></b>  The principal safeguarding concern of the MOD in relation to this development, which is in the vicinity of RAF Wittering, relates to the potential for the development to provide an attractive environment for</p>	<p>It is agreed that the proposed development would be limited in what waste could be accommodated by the wording of Schedule 2, Requirement 7 of the draft Development Consent Order and that organic waste would be</p>

Issue	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
<p>specific large and/or flocking bird species, and any resulting increase in birdstrike risk to aircraft operations.</p> <p>The development proposed can be broken into three phases, the construction of landfill void and the associated extraction and stockpiling of soil and clay, operation of the site as a hazardous waste facility, and the ultimate restoration of the site.</p> <p>The first and final phases of the development have the greatest potential to have a detrimental impact on aviation safety and therefore the operation of RAF Wittering.</p>	<p>strictly limited. As stated in paragraph 2.6 of this document, it is agreed that the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites. It is agreed that this addresses MOD concerns for the operational phase of the development.</p>
<p>There are concerns that the creation of the landfill void through the stripping and handling of topsoils can result in an attractant to hazardous bird species as exposed spoil contains invertebrates and increases the potential for puddling and ponding in bare earth surfaces. It is acknowledged that the draft Development Consent Order addresses this potential through Schedule 2, Requirement 6 which requires the implementation of a bird hazard management plan (BHMP). The MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.</p>	<p>In discussions with DIO during early 2022 comments have been provided on the BHMP presented at Annex I2 to the DCO Environmental Commitments document (AAP-110), in particular suggesting that controls are necessary also on the manner in which soil storage stockpiles and standing water are managed as well as the way on which food waste generated by site employees is stored. Additional information also is sought regarding the details of bird dispersal for the BHMP.</p> <p><b><i>DIO – are we able to discuss and agree the changes you consider are necessary to the BHMP so an agreed version can be submitted to the Examination?</i></b></p> <p>The site has been operating as a landfill site since 2000. Neither Augean nor DIO are not aware that there have been any concerns or difficulties as a result of hazardous birds attracted to the site for the duration of operations to date.</p>
<p>The text of the draft Development Consent Order, Schedule 2, Requirement 7, indicates that the site will be used for the disposal of hazardous and low level waste only. At this time it is not clear whether</p>	<p>The DIO has confirmed in a letter dated 8 February 2022 that as the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such</p>

Issue	Comments and conclusions <i>All paragraph references to be double checked on finalisation</i>
<p>any part of this waste would be an attractant to those large and/or flocking bird species hazardous to aviation safety or whether it would be packaged or otherwise contained in such a way as to ensure that it is not exposed. As such the MOD would appreciate additional detail in order that any potential impact can be identified and, if necessary, mitigated.</p>	<p>as gulls and kites, this addresses the MOD (through DIO Safeguarding (DIO)) concerns for the operational phase of the development.</p> <p>The correspondence with the DIO during early 2022 is provided at Appendix <b>##</b>.</p>
<p>The restoration of the site is also an area of concern. There is potential that restoration that would introduce water bodies or substantial areas of planting that might form an attractant to avian species as a roosting or feeding opportunity. In particular, the provision of open water, wetland and marsh habitats have the potential to attract and support hazardous wetland bird species. In order to minimise this impact, open water should be kept to a minimum and should be surrounded by tall marginal and emergent vegetation or scrub. The planting of certain tree and shrub species may also contribute to the site becoming attractive as they may provide roosting or feeding opportunities. It is noted that Schedule 2, Requirement 4 obliges the submission and approval of a phasing, landscaping, and restoration scheme. The MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.</p>	<p>It is agreed that there are no significant large areas of standing water included in the Restoration Concept Scheme. The attenuation ponds shown on the Restoration Concept Scheme will not form bodies of open standing water as their function is to remain available to provide storage capacity during rainfall events. The water accumulating in these attenuation ponds will be temporary and will be discharged from the site in a short period after these events therefore these features will not comprise open water, wetland or marsh habitats.</p> <p><b><i>DIO – are we able to discuss and agree the detailed changes you consider are necessary to the Restoration Concept Scheme so an agreed version can be submitted to the Examination? If this is possible it would not be necessary for the MOD, through DIO Safeguarding to be included as a Consultee for the approvals under Requirement 4 in the draft DCO.</i></b></p>
<p><b>Annex E (H) of the Rule 6 Statement:</b></p> <p>The potential for the Proposed Development to increase the risk of bird strike in connection with the operations at RAF Wittering</p>	<p><b><i>Text to be agreed based on the above discussions</i></b></p>

**From:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdMgr4\)](#)  
**To:** [Leslie Heasman](#)  
**Subject:** FW: 20220208\_ENRMF\_DCO\_Application\_Ref\_WS010005  
**Date:** 03 March 2022 12:26:02  
**Attachments:** [image004.png](#)  
[image002.png](#)  
[AU\\_KCWp27628\\_SoCG\\_MOD\\_FIRST\\_DRAFT.docx](#)  
[20220303-Ref-WS010005\\_Statement\\_of\\_Common\\_Ground.pdf](#)

---

Good Afternoon Leslie,

Thank you for your email below and the attached first draft of the Statement of Common Ground. We have reviewed the content and provide the attached initial comments.

If you have any queries please contact me.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY  
Mob: [REDACTED]  
Email: [REDACTED]@mod.gov.uk

**Due to COVID-19 I am working from home until further notice.**

**In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.**

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---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** 23 February 2022 15:41

**To:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) <[REDACTED]@mod.gov.uk>

**Subject:** RE: 20220208\_ENRMF\_DCO\_Application\_Ref\_WS010005

Hello Kalie

Please find attached as requested a draft Statement of Common Ground for consideration and discussion. We would like to meet (virtually) with you and your technical colleagues to discuss and try and reach agreement on any changes needed to the BHMP and the Restoration Concept Scheme if we can as that would avoid the need for the DIO/MOD to be included as a consultee in the DCO.

As you know, the Statements of Common Ground need to be submitted by 4 March so it would be helpful if you could let us know of any suitable dates and times later this week or early next week for a discussion?

Thank you and kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Current main contact number: 01827 717891**

**Mobile:** [REDACTED]

www.mjca.co.uk



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**From:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) <[REDACTED]@mod.gov.uk>

**Sent:** Tuesday, 08 February 2022 10:27

**To:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Subject:** 20220208\_ENRMF\_DCO\_Application\_Ref\_WS010005

Good Morning Leslie,

Thank you for your email below, please find attached MOD's response in respect of the documents provided in your email.

If you have any queries please do not hesitate to contact me.

Kind regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Mob: [REDACTED]

Email: [REDACTED]@mod.gov.uk

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**In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.**

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Twitter: @mod\_dio

Read DIO's blog <http://insidedio.blog.gov.uk/>

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**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** 21 January 2022 12:45

**To:** DIO-Safeguarding-Statutory (MULTIUSER) <[REDACTED]@mod.gov.uk>

**Subject:** FW: ENRMF DCO Application - Your reference 10048592

Re-sent as the email address below was in error.

---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** Friday, 21 January 2022 12:35

**To:** [REDACTED]@mod.gov.uk

**Subject:** ENRMF DCO Application - Your reference 10048592

**For the attention of Kalie Jagpal**

Dear Kalie

**East Northants Resource Management Facility Western Extension. Planning Inspectorate**

**Reference: WS010005**

**Your reference 10048592**

Thank you for your time earlier today. The information we were discussing is summarised below as agreed and we attach for your reference the earlier correspondence we have had with your colleague Michael Billings.

**Bird hazards**

As discussed, the wastes accepted at the existing site and which will continue to be accepted at the proposed extension the subject of the DCO application will be hazardous waste and low level

radioactive waste. The landfill is not and will not be permitted to accept domestic or readily biodegradable waste. The organic content of the waste which can be landfilled is limited by legislation to less than 6% by volume of total organic carbon. Accordingly the waste accepted at the site will contain minimal quantities of putrescible material which does not present an exploitable food resource for hazardous birds such as gulls and kites. On this basis it has been agreed with Michael Billings that only the stripping and handling of topsoils might provide feeding opportunities for hazardous birds. A Bird Hazard Management Plan (BHMP) has been prepared for handling of topsoil to control the risks from hazardous birds during topsoil stripping. The BHMP submitted in the application is located at Annex I2 to the DCO Environmental Commitments document. The DCO Environmental Commitments document is document APP-110 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/WS010005/WS010005-000341-6.5%20DCO%20Environmental%20Commitments.pdf> A copy of only Annex I2 is attached for assistance.

### **Restoration landscaping**

A copy of the Restoration Concept Scheme is document APP-011 in the electronic library for the application Examination and is available at the following link <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/WS010005/WS010005-000266-2.8%20Restoration%20Concept%20Scheme.pdf> As you will see there are minimal areas of open water or wetlands or marsh habitats in the proposed restoration scheme. We would welcome your views on the Restoration Concept Scheme submitted with the DCO application.

### **Statement of Common Ground**

A copy of the Rule 6 letter dated 6 January 2022 also is attached for your reference. The requirements for Statements of Common Ground are set out at Annex E to the Rule 6 letter including with:

*H) Defence Infrastructure Organisation, to include*

- *The potential for the Proposed Development to increase the risk of bird strike in connection with operations at RAF Wittering*
- *Other matters raised in Relevant Representation [RR-005]*

The deadline for the submission of the Statements of Common Ground is 4 March 2022. As discussed we would be pleased to prepare an initial draft of a Statement of Common Ground for your review if that would be helpful. We understand that you would prefer that we do not commence any initial drafting until you have had an opportunity to discuss the documents further with your colleagues.

We hope that the attached information is helpful and we look forward to hearing from you.

Kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

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# Ministry of Defence

Leslie Heasman  
MJCA  
Baddesley Colliery Offices  
Main Road  
Baxterley  
Atherstone  
Warwickshire  
CV9 2LE

Planning Inspectorate Reference: WS010005  
East Northants Resource Management Facility  
Western Extension.

Our reference 10048592

Dear Leslie,

## **MOD Safeguarding-RAF Wittering**

**Proposal:** East Northants Resource Management Facility, Western Extension.

**Location:** Approximately 1.1km east south east of Duddington village and approximately 2km north north west of Kings Cliffe village

**Grid Ref:** 500800, 300000

Thank you for your email dated 23 February 2022 through which you have provided a draft statement of common ground (SoCG).

As set out in my previous correspondence, the application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and, given the proximity of the site to the aerodrome, the principal safeguarding concern of the MOD with regard to this scheme is the potential for the development to increase birdstrike risk.

The draft statement of common ground (SoCG) is welcomed and has been reviewed. At this time, I can provide initial comments which might inform future drafts of the SoCG as we work toward a final version.

Within Table 1 of the draft SoCG, input is sought on the content of any Bird Hazard Management Plan (BHMP) that would be drafted for this development:

Table 1, page 2, row 3 addresses the initial stage of the development through which the landfill void will be created. Any BHMP should provide details of monitoring, management, and mitigation measures that will be taken during this phase and should include:

# Defence Infrastructure Organisation

Safeguarding Department  
Statutory & Offshore  
Defence Infrastructure Organisation Head Office  
St George's House  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

Tel: [REDACTED]

E-mail: [REDACTED]@mod.gov.uk

www.mod.uk/DIO

03 March 2022

- a schedule for regular monitoring to be carried out by a suitably qualified and experienced person;
- measures for topsoil stores/bunds to be compacted, covered, or removed from the site to manage potential food sources;
- details of how temporary pools of water after rain events would be managed (drainage systems and their improvement or maintenance) should also be set out;
- measures to control waste resulting from employees operating the site on site (including food waste and the management of bins (to include specification for lidded bins));
- the trigger criteria for action to be taken to disperse specific bird species (failure of the management plan would be if more than 20 hazardous birds are regularly present on the site),
- details of additional dispersal or habitat management measures to be undertaken (such as covering, compacting or removing areas of topsoil attracting hazardous birds) in the event that frequent dispersal is necessary;
- a schedule of the various methods of bird control/dispersal that might be employed;
- details of a liaison protocol, and the associated points of contact, through which:
  - RAF Wittering can be made aware of bird dispersal activity; and
  - reasonable requests can be made for additional bird dispersal or habitat management by RAF Wittering should the site be found to be attracting hazardous birds.
- details of a log of monitoring results, details of any dispersal actions (to include number of birds, species, methods used, results e.g. bird left the site, ignored the harassment, additional methods used etc) which should be recorded in a dedicated on paper logbook or suitable electronic equivalent.

Table 1, page 3, row 3 addresses the final stage of the development, the restoration of the site.

- wherever possible attenuation basins, swales and ponds should be kept to a minimum;
- A planting schedule to be included detailing species and densities of vegetation around any proposed water body
- Details and locations for goose proof fencing until that vegetation is established
- there should be no islands or peninsulas in any attenuation basin, swale or pond as these have the potential to attract breeding feral geese.

For clarity I have requests for alterations to some of the text within the first draft:

- Paragraph 2.3 and Table 1, page 1, row 2 - could the references be amended to refer to runway 07/25.
- Paragraph 2.6 and Table 1, page 1, row 4 – Whilst this may be addressed by the inclusion of a glossary, it would be useful to make absolutely clear what waste would be imported, what proportion of that would be putrescible (both percentages and in terms of mass), what that element of the waste would be composed of, how often and how much would be delivered to the site, and how it would be packaged if relevant. It is not anticipated that this will be an issue, but additional information would allow more certainty.

In terms of the structure of the SoCG, could a glossary be included, this would provide an opportunity to clarify terms and acronyms. For example, the draft Development Consent Order contains a requirement that limits the waste that might be deposited at the site to low level and hazardous waste. For clarity it would be useful to provide the definitions of these waste types and the sources for those definitions.

To provide an overview of the position in each draft, a correspondence log could be added to make clear what advice has been provided and when. This should be supplemented with an additional column within 'Table 1' which, through a red/amber/green system, provides a clear indication of progress on each issue.

I hope this letter provides sufficient information to allow the production of a Bird Hazard Management Plan to be progressed. If I can provide any additional advice or clarification, please don't hesitate to contact me.

Yours sincerely

Kalie Jagpal  
Assistant Safeguarding Manager

**From:** [Leslie Heasman](#)  
**To:** [REDACTED]@mod.gov.uk"  
**Bcc:** [REDACTED]  
**Subject:** ENRMF DCO Application Ref WS010005  
**Date:** 20 May 2022 10:57:16  
**Attachments:** [AU\\_KCWp27978schedule\\_MOD\\_FV.pdf](#)  
[AU\\_KCWp27978\\_BHMP Revised Draft May 2022\\_FV.docx](#)  
[image001.jpg](#)

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20 May 2022

Dear Kalie

**ENRMF DCO Application Ref WS010005**

Further to your email of 3 March 2022 we have considered the comments provided and we set out our responses at Schedule 1 attached to this email. We attach also a revised version of the Bird Hazard Management Plan with the changes shown as tracked changes.

We consider that the most effective way to reach agreement on the final version of the Bird Hazard Management Plan and to discuss any remaining queries on the restoration scheme would be to discuss the changes suggested and to agree any other amendments considered necessary during a meeting. This has worked well with all other parties with whom we are developing or have agreed Statements of Common Ground. Accordingly we would very much welcome a virtual meeting with you and appropriate colleagues as soon as possible to try and achieve this agreement. As you may be aware a second Hearing is Scheduled for 8 June 2022 therefore it would be helpful to hold the meeting before that date if at all possible so that we can update the Examining Authority on progress before or at that meeting. I shall contact you directly to suggest some possible dates for a virtual meeting.

Kind regards

Leslie

Attachments – Schedule 1

Revised draft Bird Hazard Management Plan

[www.mjca.co.uk](http://www.mjca.co.uk)

Our ref: AU/KCW/LZH/1724/01/27978

*AU\_KCWp27978em MOD FV*



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**Schedule 1 to the email dated 20 May 2022**

For ease of reference, the comments in the MoD letter dated 3 March 2022 are *repeated in in italic font* followed by the response.

**1. We provide below our responses regarding the comments on the Bird Hazard Management Plan:**

- *a schedule for regular monitoring to be carried out by a suitably qualified and experienced person;*

It has been agreed by the MoD (letter dated 8 February 2022) that the only operational activities with the potential to attract potentially hazardous birds are the times when topsoil and subsoil is being removed and stockpiled. These activities are carried out by contractors appointed by the site operator. During these periods staff trained in bird management will be available on site to carry out monitoring and active bird control should it become necessary. Additional text has been added to paragraph I8 of the revised Bird Hazard Management Plan (BHMP) to make this clear.

- *measures for topsoil stores/bunds to be compacted, covered, or removed from the site to manage potential food sources;*

Reference to the Soil Handling and Management Scheme which will be a Requirement of the DCO has been added as paragraph I6 to the BHMP.

- *details of how temporary pools of water after rain events would be managed (drainage systems and their improvement or maintenance) should also be set out;*

The management of standing water in the operational areas of the site is part of the standard site operating procedures. An operational surface water management plan is in place and is developed and adapted based on experience and the changing geography of the phased site operations. The operational surface water management plan is implemented as a requirement of the site Environmental Permit. Surface water collection areas in the operational part of the site are present for functional purposes only and are actively pumped in order to manage surface water levels; they are not vegetated hence are not attractive to potentially hazardous birds.

- *measures to control waste resulting from employees operating the site on site (including food waste and the management of bins (to include specification for lidded bins));*

As has been the current practice at the site for at least the last 10 years, all waste generated by the site offices and welfare facilities is collected and stored in lidded bins and a contract is in place for the regular collection and removal of those bins.

- *the trigger criteria for action to be taken to disperse specific bird species (failure of the management plan would be if more than 20 hazardous birds are regularly present on the site),*

Further detail has been added to paragraph I8 and I11 of the BHMP to state that the presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal.

- *details of additional dispersal or habitat management measures to be undertaken (such as covering, compacting or removing areas of topsoil attracting hazardous birds) in the event that frequent dispersal is necessary;*

As evidenced by the bird surveys at the site (see paragraphs I2 to I4 of the BHMP) the site has low potential for the presence of significant numbers of potentially hazardous birds. Accordingly it is unlikely that deterrents of any kind are likely to be necessary and it has not been necessary to employ any active deterrents during the current site activities or the agricultural activities (including ploughing and harvesting) in the proposed western extension fields. Text has been added to paragraph I10 of the BHMP to state that the use and effectiveness of any deterrents used will be reviewed regularly and any adaptations identified as needed will be made. The nature of the adaptations will depend on the nature of the issues which are encountered.

- *a schedule of the various methods of bird control/dispersal that might be employed;*

Methods such as disturbance and preventing settlement or roosting such as using audio distress signals or alternative scaring methods are listed in paragraph I11 of the BHMP.

- *details of a liaison protocol, and the associated points of contact, through which:*

*o RAF Wittering can be made aware of bird dispersal activity; and*

*o reasonable requests can be made for additional bird dispersal or habitat management by RAF Wittering should the site be found to be attracting hazardous birds.*

Additional text has been added as paragraph I9 regarding the setting up of a communications protocol.

- *details of a log of monitoring results, details of any dispersal actions (to include number of birds, species, methods used, results e.g. bird left the site, ignored the harassment, additional methods used etc) which should be recorded in a dedicated on paper logbook or suitable electronic equivalent.*

Text has been added to the BHMP on the maintenance of a record at paragraph I10

## **2. We provide below our responses regarding the comments on the restoration scheme for the site:**

- *wherever possible attenuation basins, swales and ponds should be kept to a minimum;*

The need for and size of the swales or attenuation basins shown on the Restoration Concept Scheme [APP-011] are determined based on the requirements for the surface water management scheme and the guidance that is in place. The purpose of these features is to provide short term attenuation of flood flows therefore they do not comprise permanent water bodies and only hold water for a short period following storm events prior to their drainage. The effectiveness of these features will be maintained as part of the aftercare of the surface water management system for the site. No new permanent ponds or surface water features are proposed other than a small permanent pond in the base of an attenuation basin in the north east of the proposed western extension to the site which is intended as newt habitat and the exposure of a drain across the central section of the proposed western extension

which currently is culverted; these works are necessary in order to provide biodiversity gains for the restored site.

- *A planting schedule to be included detailing species and densities of vegetation around any proposed water body*

The details of the restoration planting will be developed through the Phasing, Landscaping and Restoration Scheme implemented at Requirement 4 of the DCO in accordance with the principles in the Restoration Concept Scheme. The need for planting to minimise the attractiveness of the site to potentially hazardous birds will be considered as part of this detailed design development.

- *Details and locations for goose proof fencing until that vegetation is established*
- *there should be no islands or peninsulas in any attenuation basin, swale or pond as these have the potential to attract breeding feral geese.*

As explained above no new permanent ponds or surface water features are proposed other than a small permanent pond in the base of an attenuation basin in the north east of the site which is intended as newt habitat and the exposure of a drain across the site which currently is culverted. These features are unlikely to be attractive to feral geese and therefore there is no need for goose proof fencing.

## Annex DEC I2

### Bird Hazard Management Plan

- I1. In the Scoping Opinion provided by PINS in August 2020 the Ministry of Defence scoping response stated that:

*'The stripping and handling of top soils can expose invertebrates, resulting in feeding opportunities for hazardous birds such as corvids and gulls. As such, at any development near an aerodrome which involves earthworks a Bird Hazard Management Plan (BHMP) is recommended to ensure that the handling of top soil does not result in a transitory attractant for hazardous birds.'*

#### Results of the bird surveys undertaken at the site

- I2. Twelve passage/wintering bird surveys of the proposed western extension were undertaken between October 2018 and March 2019, comprising a combination of dawn and dusk visits with walked transects and vantage point counts. The passage/wintering bird survey recorded 37 species, mainly passerines, feeding in the arable fields and hedgerows. Wintering and passage birds are the most dangerous groups of birds with respect to aircraft bird strike. The site is not known for large passage/wintering bird flocks and this was confirmed by the wintering bird surveys.
- I3. From March to June 2019, six breeding and summering bird survey visits were undertaken by walking all habitats within the proposed western extension area, together with the adjacent woodland boundaries. Three breeding bird survey visits were also made to the existing ENRMF from April to June 2019. The 2019 summer bird surveys at the western extension and existing ENRMF recorded

45 species and 34 species respectively comprising small birds such as finches, robins, warblers and the occasional skylark. None of these birds flock.

14. The site has no large water bodies therefore does not hold wildfowl or waders and the site does not attract gulls or large winter roosts of bird such as corvids or pigeons. The site has only scattered berry trees so does not attract winter thrushes and other than occasional red kites the breeding bird population comprises mainly woodland and arable passerines. Accordingly the site has a low potential for the presence of significant numbers of potentially hazardous birds.

### **Proposals at the site**

15. The topsoil and subsoil stripping will be undertaken on a phased basis. The topsoil and subsoil will be stripped and stored on Phases 19 to 21 in accordance with the Soil Handling and Management Scheme (Appendix DEC I). Mineral and overburden extracted as a result of the creation of the landfill cells also will be stockpiled on Phases 19 to 21. During the period when topsoil and subsoil is stripped from each phase there will be regular activity from mobile plant such as backacter excavators and dump trucks moving material around the site. The site will therefore not be attractive for roosting or loafing of potentially hazardous birds.
16. Where stripped soils are not placed directly in restoration works on previously completed phases, the soils will be temporarily stored in the stockpile area and used in the restoration of the first available phase of restoration. Topsoil and subsoil will be stored where necessary prior to reuse in accordance with the Soil Handling and Management Scheme [DEC I2. APP-110]. All soil stockpiles will be lightly compacted in accordance with MAFF best practice guidance. All storage bunds containing soils which are intended to remain in situ for more than 6 months or over the winter period will be grassed over and weed control and other necessary maintenance will be carried out.

17. It is not anticipated that there will be a significant increase in hazardous bird species or bird congregations at the site as a result of the topsoil or subsoil stripping and stockpiling during the limited periods over which each phase of soil stripping will take place. The existing agricultural operations on the western extension area including ploughing has not attracted significant groups of birds.

### Monitoring

18. Monitoring will be undertaken by staff trained in bird management during the topsoil and subsoil stripping and stockpiling operations at least twice each day to identify if birds or congregations of birds considered to be potentially hazardous to aircraft using the nearby airfield are establishing within the site. The presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal.
19. A direct line of communications will be set up between named contacts at the site and at RAF Wittering prior to the commencement of soil stripping and stockpiling activities. The agreed contact at RAF Wittering will be notified of the commencement and anticipated duration of the activities prior to their commencement. This communication protocol will allow reasonable requests to be made to the site by RAF Wittering for additional dispersal actions should there be any concerns that the activities are found to be attracting potentially hazardous birds.
110. During the soil stripping and stockpiling activities a record will be maintained of the results of the monitoring carried out and the need for and effectiveness of any dispersal methods used. The record will include details such as the number of birds, species, methods used, results (e.g. bird left the site, ignored the harassment), additional methods used etc. The record will be reviewed by the Technically Competent Site Manager at least every two weeks

during the activities and monitoring and deterrent methods will be adapted if necessary in response to the evidence regarding their effectiveness.

## Deterrents

- I11. If birds or congregations of birds considered to be potentially hazardous to aircraft (wildfowl, gulls, corvids and kites) are establishing within the site deterrents (the presence of 20 or more of any of the target species) will be deployed to disturb the birds and preventing settlement or roosting such as using audio distress signals or alternative scaring methods.
- I12. If more than 50 birds are to be dispersed, Wittering Airfield will be informed by telephone before action is carried out, in order to ensure that birds are not dispersed into the flight path of an aircraft. Those responsible for the bird control during this phase will make sure that they always have the relevant telephone numbers available as set out in the communications protocol so that dispersal action can be carried out safely and swiftly.

**From:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdgMgr4\)](#)  
**To:** [Leslie Heasman](#)  
**Subject:** 20220606\_Planning\_Inspectorate\_Reference: WS010005\_East\_Northants\_Resource\_Management\_Facility  
**Date:** 06 June 2022 16:04:11  
**Attachments:** [20220606-Response\\_Email.pdf](#)

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Good Afternoon Leslie,

Further to our telephone conversation earlier, please find attached MOD's response to your email dated 20/05/2022 in respect of the revised draft Bird Hazard Management Plan and Schedule 1.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY  
Mob: 07970 171174  
Email: [REDACTED]@mod.gov.uk

**Due to COVID-19 I am working from home until further notice.**

**In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.**

Website: [www.gov.uk/dio/](http://www.gov.uk/dio/)

Twitter: @mod\_dio

Read DIO's blog <http://insidedio.blog.gov.uk/>



# Ministry of Defence

Leslie Heasman  
MJCA  
Baddesley Colliery Offices  
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Atherstone  
Warwickshire  
CV9 2LE

Planning Inspectorate Reference: WS010005  
East Northants Resource Management Facility  
Western Extension.

Our reference 10048592

# Defence Infrastructure Organisation

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Statutory & Offshore  
Defence Infrastructure Organisation Head Office  
St George's House  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

Tel: [REDACTED]

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www.mod.uk/DIO

06 June 2022

Dear Leslie,

## **MOD Safeguarding-RAF Wittering**

- Proposal:** East Northants Resource Management Facility, Western Extension.
- Location:** Approximately 1.1km east southeast of Duddington village and approximately 2km north northwest of Kings Cliffe village
- Grid Ref:** 500800, 300000

Thank you for your email dated 20 May 2022 through which you have provided a Schedule 1 in respect of the email and a revised draft Bird Hazard Management Plan (BHMP) reference AU/KCW/LZH/1724/01 dated May 2022.

As set out in previous correspondence, the application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and given the proximity of the site to the aerodrome, the principal safeguarding concern of the MOD with regard to this scheme is the potential for the development to increase birdstrike risk.

The updated Bird Hazard Management Plan and Schedule 1 provide additional context and clarification on the way the proposed development is to be carried out and managed. A summary of MOD requests set out in our letter dated 3 March, the response set out in Schedule 1, and our current position is provided at appendix 1 of this letter.

Whilst Schedule 1 and the updated draft BHMP address the majority of MOD concerns, some further provisions are requested:

- Paragraph I6 – MOD note and welcome the developer’s commitment to bird monitoring at least twice a day. It is requested that the wording of the Draft BHMP is amended to make clear that should large numbers of birds become more common, monitoring frequency will be increased to ensure that action can be taken.
- Paragraph I11 – MOD request that the thresholds for dispersal to take place are lowered to five for gulls and waterfowl (ducks or geese), and to ten for any pigeons, corvids or waders.
- Paragraph I12 – Request that the threshold for alerting RAF Wittering to bird dispersal is lowered to twenty as this would represent a substantial increase in risk to aviation safety.
- In addition to the amendments listed above, there is currently no provision within the BHMP of failure criteria, in the event that large number of hazardous birds (20 or more) are frequently observed at the East Northants Resource Management Facility, a provision within the BHMP should initiate a review of site management and that actions are taken to address the issue.

I hope this letter and Appendix A attached provides sufficient information to allow the production of an updated Bird Hazard Management Plan to be progressed. If I can provide any additional advice or clarification, please don’t hesitate to contact me.

Yours sincerely

Kalie Jagpal  
Assistant Safeguarding Manager  
(Enclosed: Appendix A)

**Appendix A - Planning Inspectorate Reference: WS010005 East Northants Resource Management Facility Western Extension.**

**DIO Reference 10048592**

	<b>MOD query – 03/03/22</b>	<b>Developer representation – 20/05/22</b>	<b>MOD position – 06/06/22</b>
<b>Working phase of development:</b>			
1	A schedule for regular monitoring to be carried out by a suitably qualified and experienced person	It has been agreed by the MoD (letter dated 8 February 2022) that the only operational activities with the potential to attract potentially hazardous birds are the times when topsoil and subsoil is being removed and stockpiled. These activities are carried out by contractors appointed by the site operator. During these periods staff trained in bird management will be available on site to carry out monitoring and active bird control should it become necessary. Additional text has been added to paragraph I8 of the revised Bird Hazard Management Plan (BHMP) to make this clear.	Note and welcome the developer's commitment to monitoring at least twice a day.  MOD request that the wording of the BHMP is amended to make clear that in the event that large numbers of birds are observed at the site, monitoring frequency will be increased to ensure that action can be taken.
2	Measures for topsoil stores/bunds to be compacted, covered, or removed from the site to manage potential food sources	Reference to the Soil Handling and Management Scheme which will be a Requirement of the DCO has been added as paragraph I6 to the BHMP.	Noted – No additional MOD requirement.
3	Details of how temporary pools of water after rain events would be managed (drainage systems and their improvement or maintenance) should also be set out	The management of standing water in the operational areas of the site is part of the standard site operating procedures. An operational surface water management plan is in place and is developed and adapted based on experience and the changing geography of the phased site operations. The operational surface water management plan is implemented as a requirement of the site Environmental Permit. Surface water collection areas in the operational part of the site are present for functional purposes only and are actively pumped in order to manage surface water levels; they are not vegetated hence are not attractive to potentially hazardous birds.	Noted – No additional MOD requirement.
4	Measures to control waste resulting from employees operating the site on site (including food waste and the management of bins (to include specification for lidded bins)	As has been the current practice at the site for at least the last 10 years, all waste generated by the site offices and welfare facilities is collected and stored in lidded bins and a contract is in place for the regular collection and removal of those bins.	Noted – No additional MOD requirement.

5	The trigger criteria for action to be taken to disperse specific bird species (failure of the management plan would be if more than 20 hazardous birds are regularly present on the site)	Further detail has been added to paragraph I8 and I11 of the BHMP to state that the presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal.	Noted, MOD request that the trigger criteria for dispersal actions to take place are lowered to five for gulls and waterfowl (ducks or geese), and to ten for any pigeons, corvids or waders. The failure scenario differs from this threshold and should require a review of management and actions taking place to address bird hazard.
6	Details of additional dispersal or habitat management measures to be undertaken (such as covering, compacting or removing areas of topsoil attracting hazardous birds) in the event that frequent dispersal is necessary	As evidenced by the bird surveys at the site (see paragraphs I2 to I4 of the BHMP) the site has low potential for the presence of significant numbers of potentially hazardous birds. Accordingly it is unlikely that deterrents of any kind are likely to be necessary and it has not been necessary to employ any active deterrents during the current site activities or the agricultural activities (including ploughing and harvesting) in the proposed western extension fields. Text has been added to paragraph I10 of the BHMP to state that the use and effectiveness of any deterrents used will be reviewed regularly and any adaptations identified as needed will be made. The nature of the adaptations will depend on the nature of the issues which are encountered.	Noted – No additional MOD requirement.
7	A schedule of the various methods of bird control/dispersal that might be employed	Methods such as disturbance and preventing settlement or roosting such as using audio distress signals or alternative scaring methods are listed in paragraph I11 of the BHMP.	Noted – No additional MOD requirement.
8	<p>Details of a liaison protocol, and the associated points of contact, through which:</p> <ul style="list-style-type: none"> <li>• RAF Wittering can be made aware of bird dispersal activity; and</li> <li>• reasonable requests can be made for additional bird dispersal or habitat management by RAF Wittering should the site be found to be attracting hazardous birds.</li> </ul>	Additional text has been added as paragraph I9 regarding the setting up of a communications protocol.	Noted and request that the threshold for alerting RAF Wittering to imminent/proposed bird dispersal is lowered to twenty, as this number of birds would represent a substantial increase in risk to aviation safety.
9	Details of a log of monitoring results, details of any dispersal actions (to include number of birds, species, methods used, results e.g., bird left the site, ignored the harassment, additional methods used etc) which should be recorded in a dedicated 'on paper' logbook or suitable electronic equivalent.	Text has been added to the BHMP on the maintenance of a record at paragraph I10	Noted – No additional MOD requirement.

<b>Restoration phase:</b>			
10	Wherever possible attenuation basins, swales and ponds should be kept to a minimum	The need for and size of the swales or attenuation basins shown on the Restoration Concept Scheme [APP-011] are determined based on the requirements for the surface water management scheme and the guidance that is in place. The purpose of these features is to provide short term attenuation of flood flows therefore they do not comprise permanent water bodies and only hold water for a short period following storm events prior to their drainage. The effectiveness of these features will be maintained as part of the aftercare of the surface water management system for the site. No new permanent ponds or surface water features are proposed other than a small permanent pond in the base of an attenuation basin in the northeast of the proposed western extension to the site which is intended as newt habitat and the exposure of a drain across the central section of the proposed western extension which currently is culverted; these works are necessary in order to provide biodiversity gains for the restored site.	Noted, the use of attenuation that would usually be dry is welcomed – No additional MOD requirement.
11	A planting schedule to be included detailing species and densities of vegetation around any proposed water body	The details of the restoration planting will be developed through the Phasing, Landscaping and Restoration Scheme implemented at Requirement 4 of the DCO in accordance with the principles in the Restoration Concept Scheme. The need for planting to minimise the attractiveness of the site to potentially hazardous birds will be considered as part of this detailed design development.	Noted, given that drainage features would normally be dry there is sufficient to address MOD concerns.
12	Details and locations for goose proof fencing until that vegetation is established	As explained above no new permanent ponds or surface water features are proposed other than a small permanent pond in the base of an attenuation basin in the north east of the site which is intended as newt habitat and the exposure of a drain across the site which currently is culverted. These features are unlikely to be attractive to feral geese and therefore there is no need for goose proof fencing.	Noted, given that drainage features would normally be dry there is sufficient to address MOD concerns.
13	There should be no islands or peninsulas in any attenuation basin, swale or pond as these have the potential to attract breeding feral geese.		

**From:** [Leslie Heasman](#)  
**To:** [REDACTED]@mod.gov.uk"  
**Bcc:**  
**Subject:** ENRMF DCO Application Ref WS010005  
**Date:** 17 June 2022 16:35:17  
**Attachments:** [AU\\_KCWp28047\\_Sch1\\_FV.pdf](#)  
[AU\\_KCWp28047\\_BHMP\\_Second\\_Revised\\_Draft\\_June\\_2022\\_DRAFT.docx](#)  
[image001.jpg](#)

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17 June 2022

Dear Kalie

**ENRMF DCO Application Ref WS010005**

Further to your email of 6 June 2022 we have considered the comments provided and we set out our responses at Schedule 1 attached to this email. We attach also a second revised version of the Bird Hazard Management Plan with the changes shown as tracked changes. We trust that the updated Bird Hazard Management Plan is satisfactory and that it can now be agreed. If so, we would like to be able to submit it to the Examination by Deadline 6 which is on **22 June 2022** if at all possible. Following agreement of the revised Bird Hazard Management Plan we shall revise the draft Statement of Common Ground, taking into account your most recent comments, hopefully for final agreement.

Should you have any further queries or require any further information please do not hesitate to contact us.

Regards

Leslie Heasman

Attachments – Schedule 1

Second revised draft Bird Hazard Management Plan

[www.mjca.co.uk](http://www.mjca.co.uk)

Our ref: AU/KCW/LZH/1724/01/28047

*AU\_KCWp28047 Cov FV*



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## Schedule 1 to the email dated 17 June 2022

	MOD query – 03/03/2022	Developer representation – 20/05/2022	MOD position – 06/06/2022	Developer response – 17/06/22
<b>Working phase of development:</b>				
1	A schedule for regular monitoring to be carried out by a suitably qualified and experienced person	It has been agreed by the MoD (letter dated 8 February 2022) that the only operational activities with the potential to attract potentially hazardous birds are the times when topsoil and subsoil is being removed and stockpiled. These activities are carried out by contractors appointed by the site operator. During these periods staff trained in bird management will be available on site to carry out monitoring and active bird control should it become necessary. Additional text has been added to paragraph I8 of the revised Bird Hazard Management Plan (BHMP) to make this clear.	Note and welcome the developer's commitment to monitoring at least twice a day. MOD request that the wording of the BHMP is amended to make clear that in the event that large numbers of birds are observed at the site, monitoring frequency will be increased to ensure that action can be taken.	Additional text has been added to paragraph I8 of the second revised draft of the BHMP to clarify that in the event that large bird numbers become increasingly common at the site the monitoring frequency will increase to ensure that appropriate actions can be taken.
2	Measures for topsoil stores/bunds to be compacted, covered, or removed from the site to manage potential food sources	Reference to the Soil Handling and Management Scheme which will be a Requirement of the DCO has been added as paragraph I6 to the BHMP.	Noted – No additional MOD requirement.	No further action required.
3	Details of how temporary pools of water after rain events would be managed (drainage systems and	The management of standing water in the operational areas of the site is part of the standard site operating procedures. An operational surface	Noted – No additional MOD requirement.	No further action required.

	<b>MOD query – 03/03/2022</b>	<b>Developer representation – 20/05/2022</b>	<b>MOD position – 06/06/2022</b>	<b>Developer response – 17/06/22</b>
	their improvement or maintenance) should also be set out	water management plan is in place and is developed and adapted based on experience and the changing geography of the phased site operations. The operational surface water management plan is implemented as a requirement of the site Environmental Permit. Surface water collection areas in the operational part of the site are present for functional purposes only and are actively pumped in order to manage surface water levels; they are not vegetated hence are not attractive to potentially hazardous birds.		
4	Measures to control waste resulting from employees operating the site on site (including food waste and the management of bins (to include specification for lidded bins)	As has been the current practice at the site for at least the last 10 years, all waste generated by the site offices and welfare facilities is collected and stored in lidded bins and a contract is in place for the regular collection and removal of those bins.	Noted – No additional MOD requirement.	No further action required.
5	The trigger criteria for action to be taken to disperse specific bird species (failure of the management plan would be if more than 20	Further detail has been added to paragraph I8 and I11 of the BHMP to state that the presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal.	Noted, MOD request that the trigger criteria for dispersal actions to take place are lowered to five for gulls and waterfowl (ducks or geese), and to ten for any pigeons,	The text in paragraph I11 of the second revised draft of the BHMP has been amended to state that the presence of five or more gulls and waterfowl or the presence of 10 or

	MOD query – 03/03/2022	Developer representation – 20/05/2022	MOD position – 06/06/2022	Developer response – 17/06/22
	hazardous birds are regularly present on the site)		corvids or waders. The failure scenario differs from this threshold and should require a review of management and actions taking place to address bird hazard.	more pigeons, corvids or waders will result in prompt dispersal.  Text has been added at paragraph I13 of the second revised draft of the BHMP to state that in the event that large numbers of hazardous birds (20 or more) are frequently observed at the site a review of the site management and the proposed mitigation will be undertaken and any new issues identified in the review will be addressed.
6	Details of additional dispersal or habitat management measures to be undertaken (such as covering, compacting or removing areas of topsoil attracting hazardous birds) in the event that frequent dispersal is necessary	As evidenced by the bird surveys at the site (see paragraphs I2 to I4 of the BHMP) the site has low potential for the presence of significant numbers of potentially hazardous birds. Accordingly it is unlikely that deterrents of any kind are likely to be necessary and it has not been necessary to employ any active deterrents during the current site activities or the agricultural activities (including ploughing and harvesting) in the proposed western extension fields. Text has been added to paragraph I10 of the BHMP to state that the use and effectiveness of any deterrents used will be reviewed regularly and any adaptations identified as needed will be	Noted – No additional MOD requirement.	No further action required.

	<b>MOD query – 03/03/2022</b>	<b>Developer representation – 20/05/2022</b>	<b>MOD position – 06/06/2022</b>	<b>Developer response – 17/06/22</b>
		made. The nature of the adaptations will depend on the nature of the issues which are encountered.		
7	A schedule of the various methods of bird control/dispersal that might be employed	Methods such as disturbance and preventing settlement or roosting such as using audio distress signals or alternative scaring methods are listed in paragraph I11 of the BHMP.	Noted – No additional MOD requirement.	No further action required.
8	Details of a liaison protocol, and the associated points of contact, through which: <ul style="list-style-type: none"> <li>• RAF Wittering can be made aware of bird dispersal activity; and</li> <li>• reasonable requests can be made for additional bird dispersal or habitat management by RAF Wittering should the site be found to be attracting hazardous birds.</li> </ul>	Additional text has been added as paragraph I9 regarding the setting up of a communications protocol.	Noted and request that the threshold for alerting RAF Wittering to imminent/proposed bird dispersal is lowered to twenty, as this number of birds would represent a substantial increase in risk to aviation safety.	The text in paragraph I12 of the second revised draft of the BHMP has been amended to lower the threshold for alerting RAF Wittering to proposed bird dispersal to 20 birds.
9	Details of a log of monitoring results, details of any dispersal actions (to include number of birds, species, methods used,	Text has been added to the BHMP on the maintenance of a record at paragraph I10	Noted – No additional MOD requirement.	No further action required.

	MOD query – 03/03/2022	Developer representation – 20/05/2022	MOD position – 06/06/2022	Developer response – 17/06/22
	results e.g., bird left the site, ignored the harassment, additional methods used etc) which should be recorded in a dedicated ‘on paper’ logbook or suitable electronic equivalent.			
<b>Restoration phase:</b>				
10	Wherever possible attenuation basins, swales and ponds should be kept to a minimum	The need for and size of the swales or attenuation basins shown on the Restoration Concept Scheme [APP-011] are determined based on the requirements for the surface water management scheme and the guidance that is in place. The purpose of these features is to provide short term attenuation of flood flows therefore they do not comprise permanent water bodies and only hold water for a short period following storm events prior to their drainage. The effectiveness of these features will be maintained as part of the aftercare of the surface water management system for the site. No new permanent ponds or surface water features are proposed other than a small permanent pond in the base of an attenuation basin in the northeast of the proposed western extension to the	Noted, the use of attenuation that would usually be dry is welcomed – No additional MOD requirement.	No further action required.

	MOD query – 03/03/2022	Developer representation – 20/05/2022	MOD position – 06/06/2022	Developer response – 17/06/22
		site which is intended as newt habitat and the exposure of a drain across the central section of the proposed western extension which currently is culverted; these works are necessary in order to provide biodiversity gains for the restored site.		
11	A planting schedule to be included detailing species and densities of vegetation around any proposed water body	The details of the restoration planting will be developed through the Phasing, Landscaping and Restoration Scheme implemented at Requirement 4 of the DCO in accordance with the principles in the Restoration Concept Scheme. The need for planting to minimise the attractiveness of the site to potentially hazardous birds will be considered as part of this detailed design development.	Noted, given that drainage features would normally be dry there is sufficient to address MOD concerns.	No further action required.
12	Details and locations for goose proof fencing until that vegetation is established	As explained above no new permanent ponds or surface water features are proposed other than a small permanent pond in the base of an attenuation basin in the north east of the site which is intended as newt habitat and the exposure of a drain across the site which currently is culverted. These features are unlikely to be attractive to	Noted, given that drainage features would normally be dry there is sufficient to address MOD concerns.	No further action required.
13	There should be no islands or peninsulas in any attenuation basin, swale or pond as these have the potential to			No further action required.

	MOD query – 03/03/2022	Developer representation – 20/05/2022	MOD position – 06/06/2022	Developer response – 17/06/22
	attract breeding feral geese.	feral geese and therefore there is no need for goose proof fencing.		

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**Annex DEC I2 AUGEAN DRAFT****Bird Hazard Management Plan**

- I1. In the Scoping Opinion provided by PINS in August 2020 the Ministry of Defence scoping response stated that:

*'The stripping and handling of top soils can expose invertebrates, resulting in feeding opportunities for hazardous birds such as corvids and gulls. As such, at any development near an aerodrome which involves earthworks a Bird Hazard Management Plan (BHMP) is recommended to ensure that the handling of top soil does not result in a transitory attractant for hazardous birds.'*

**Results of the bird surveys undertaken at the site**

- I2. Twelve passage/wintering bird surveys of the proposed western extension were undertaken between October 2018 and March 2019, comprising a combination of dawn and dusk visits with walked transects and vantage point counts. The passage/wintering bird survey recorded 37 species, mainly passerines, feeding in the arable fields and hedgerows. Wintering and passage birds are the most dangerous groups of birds with respect to aircraft bird strike. The site is not known for large passage/wintering bird flocks and this was confirmed by the wintering bird surveys.
- I3. From March to June 2019, six breeding and summering bird survey visits were undertaken by walking all habitats within the proposed western extension area, together with the adjacent woodland boundaries. Three breeding bird survey visits were also made to the existing ENRMF from April to June 2019. The 2019 summer bird surveys at the western extension and existing ENRMF recorded

45 species and 34 species respectively comprising small birds such as finches, robins, warblers and the occasional skylark. None of these birds flock.

14. The site has no large water bodies therefore does not hold wildfowl or waders and the site does not attract gulls or large winter roosts of bird such as corvids or pigeons. The site has only scattered berry trees so does not attract winter thrushes and other than occasional red kites the breeding bird population comprises mainly woodland and arable passerines. Accordingly the site has a low potential for the presence of significant numbers of potentially hazardous birds.

### **Proposals at the site**

15. The topsoil and subsoil stripping will be undertaken on a phased basis. The topsoil and subsoil will be stripped and stored on Phases 19 to 21 in accordance with the Soil Handling and Management Scheme (Appendix DEC 1). Mineral and overburden extracted as a result of the creation of the landfill cells also will be stockpiled on Phases 19 to 21. During the period when topsoil and subsoil is stripped from each phase there will be regular activity from mobile plant such as backacter excavators and dump trucks moving material around the site. The site will therefore not be attractive for roosting or loafing of potentially hazardous birds.
16. Where stripped soils are not placed directly in restoration works on previously completed phases, the soils will be temporarily stored in the stockpile area and used in the restoration of the first available phase of restoration. Topsoil and subsoil will be stored where necessary prior to reuse in accordance with the Soil Handling and Management Scheme [DEC I2. APP-110]. All soil stockpiles will be lightly compacted in accordance with MAFF best practice guidance. All storage bunds containing soils which are intended to remain in situ for more

than 6 months or over the winter period will be grassed over and weed control and other necessary maintenance will be carried out.

17. It is not anticipated that there will be a significant increase in hazardous bird species or bird congregations at the site as a result of the topsoil or subsoil stripping and stockpiling during the limited periods over which each phase of soil stripping will take place. The existing agricultural operations on the western extension area including ploughing has not attracted significant groups of birds.

### Monitoring

18. Monitoring will be undertaken by staff trained in bird management during the topsoil and subsoil stripping and stockpiling operations at least twice each day to identify if birds or congregations of birds considered to be potentially hazardous to aircraft using the nearby airfield are establishing within the site. The presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal. In the event that large bird numbers become increasingly common at the site the monitoring frequency will be increased to ensure that appropriate actions can be taken.
19. A direct line of communications will be set up between named contacts at the site and at RAF Wittering prior to the commencement of soil stripping and stockpiling activities. The agreed contact at RAF Wittering will be notified of the commencement and anticipated duration of the activities prior to their commencement. This communication protocol will allow reasonable requests to be made to the site by RAF Wittering for additional dispersal actions should there be any concerns that the activities are found to be attracting potentially hazardous birds.

- I10. During the soil stripping and stockpiling activities a record will be maintained of the results of the monitoring carried out and the need for and effectiveness of any dispersal methods used. The record will include details such as the number of birds, species, methods used, results (e.g. bird left the site, ignored the harassment), additional methods used etc. The record will be reviewed by the Technically Competent Site Manager at least every two weeks during the activities and monitoring and deterrent methods will be adapted if necessary in response to the evidence regarding their effectiveness.

### **Deterrents**

- I11. If birds or congregations of birds considered to be potentially hazardous to aircraft (wildfowl, gulls, corvids and kites) are establishing within the site deterrents (the presence of five or more gulls and waterfowl or the presence of 10 or more pigeons, corvids or waders) will be deployed to disturb the birds and preventing settlement or roosting such as using audio distress signals or alternative scaring methods.
- I12. If more than 20 birds are to be dispersed, Wittering Airfield will be informed by telephone before action is carried out, in order to ensure that birds are not dispersed into the flight path of an aircraft. Those responsible for the bird control during this phase will make sure that they always have the relevant telephone numbers available as set out in the communications protocol so that dispersal action can be carried out safely and swiftly.
- I13. In the event that large numbers of hazardous birds (20 or more) are frequently observed at the site a review of the site management and the proposed mitigation will be undertaken and any new action identified in the review will be implemented.

**From:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdgMgr4\)](#)  
**To:** [Leslie Heasman](#)  
**Subject:** 20220620\_ ENRMF DCO Application Ref WS010005  
**Date:** 20 June 2022 15:49:34  
**Attachments:** [image001.jpg](#)  
[AU\\_KCWp28047\\_Sch1\\_FV.pdf](#)  
[AU\\_KCWp28047\\_BHMP\\_Second\\_Revised\\_Draft\\_June\\_2022\\_DRAFT.docx](#)

You don't often get email from [REDACTED]@mod.gov.uk. [Learn why this is important](#)

Good afternoon Leslie,

Thank you for your email below and submitting the second revised version of the Bird Hazard Management Plan. Our technical advisor would like a slight amendment to this if you could please amend paragraph 18 Monitoring - which still states that the presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal. This should be reduced to five in line with our advice and section 11 of the Bird Hazard Management Plan.

If you could please amend this accordingly and send the amended version to me by tomorrow I will endeavour to provide a response to you by 22/06/2022.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY  
Mob: [REDACTED]  
Email: [REDACTED]@mod.gov.uk

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---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>  
**Sent:** 17 June 2022 16:35  
**To:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdgMgr4) <[REDACTED]@mod.gov.uk>  
**Subject:** ENRMF DCO Application Ref WS010005

17 June 2022

Dear Kalie

**ENRMF DCO Application Ref WS010005**

Further to your email of 6 June 2022 we have considered the comments provided and we set out our responses at Schedule 1 attached to this email. We attach also a second revised version of the Bird Hazard Management Plan with the changes shown as tracked changes.

We trust that the updated Bird Hazard Management Plan is satisfactory and that it can now be agreed. If so, we would like to be able to submit it to the Examination by Deadline 6 which is on **22 June 2022** if at all possible. Following agreement of the revised Bird Hazard Management Plan we shall revise the draft Statement of Common Ground, taking into account your most recent comments, hopefully for final agreement.

Should you have any further queries or require any further information please do not hesitate to contact us.

Regards

Leslie Heasman

Attachments – Schedule 1

Second revised draft Bird Hazard Management Plan

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Our ref: AU/KCW/LZH/1724/01/28047

AU\_KCWp28047 Cov FV

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**From:** [Leslie Heasman](#)  
**To:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdMgr4\)](#)  
**Subject:** RE: 20220620\_ ENRMF DCO Application Ref WS010005  
**Date:** 20 June 2022 16:30:04  
**Attachments:** [AU\\_KCWp28047\\_BHMP Third Revised Draft June 2022.docx](#)  
[image003.jpg](#)  
[image001.png](#)

---

Dear Kalie

Thank you for your prompt email response and call.

Further to our discussions please find attached the Third Draft of the Bird Hazard Management Plan with the changes to paragraph I8 as discussed.

We look forward to your response.

Kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Current main contact number: 01827 717891**

**Mobile:** [REDACTED]

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Our Ref: AU/KCW/LZH/1724/01

---

**From:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) <[REDACTED]@mod.gov.uk>

**Sent:** Monday, 20 June 2022 15:49

**To:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Subject:** 20220620\_ ENRMF DCO Application Ref WS010005

Good afternoon Leslie,

Thank you for your email below and submitting the second revised version of the Bird Hazard Management Plan. Our technical advisor would like a slight amendment to this if you could please amend paragraph I8 Monitoring - which still states that the presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal. This should be reduced to five in line with our advice and section 11 of the Bird Hazard Management Plan.

If you could please amend this accordingly and send the amended version to me by tomorrow I will endeavour to provide a response to you by 22/06/2022.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |

St George's House | Defence Infrastructure Organisation Head Office |

DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Mob: [REDACTED]

Email: [REDACTED]@mod.gov.uk

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**Sent:** 17 June 2022 16:35

**To:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) [REDACTED]@mod.gov.uk>

**Subject:** ENRMF DCO Application Ref WS010005

17 June 2022

Dear Kalie

**ENRMF DCO Application Ref WS010005**

Further to your email of 6 June 2022 we have considered the comments provided and we set out our responses at Schedule 1 attached to this email. We attach also a second revised version of the Bird Hazard Management Plan with the changes shown as tracked changes.

We trust that the updated Bird Hazard Management Plan is satisfactory and that it can now be agreed. If so, we would like to be able to submit it to the Examination by Deadline 6 which is on **22 June 2022** if at all possible. Following agreement of the revised Bird Hazard Management Plan we shall revise the draft Statement of Common Ground, taking into account your most recent comments, hopefully for final agreement.

Should you have any further queries or require any further information please do not hesitate to contact us.

Regards

Leslie Heasman

Attachments – Schedule 1

Second revised draft Bird Hazard Management Plan

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**Annex DEC I2****Bird Hazard Management Plan**

- I1. In the Scoping Opinion provided by PINS in August 2020 the Ministry of Defence scoping response stated that:

*'The stripping and handling of top soils can expose invertebrates, resulting in feeding opportunities for hazardous birds such as corvids and gulls. As such, at any development near an aerodrome which involves earthworks a Bird Hazard Management Plan (BHMP) is recommended to ensure that the handling of top soil does not result in a transitory attractant for hazardous birds.'*

**Results of the bird surveys undertaken at the site**

- I2. Twelve passage/wintering bird surveys of the proposed western extension were undertaken between October 2018 and March 2019, comprising a combination of dawn and dusk visits with walked transects and vantage point counts. The passage/wintering bird survey recorded 37 species, mainly passerines, feeding in the arable fields and hedgerows. Wintering and passage birds are the most dangerous groups of birds with respect to aircraft bird strike. The site is not known for large passage/wintering bird flocks and this was confirmed by the wintering bird surveys.
- I3. From March to June 2019, six breeding and summering bird survey visits were undertaken by walking all habitats within the proposed western extension area, together with the adjacent woodland boundaries. Three breeding bird survey visits were also made to the existing ENRMF from April to June 2019. The 2019 summer bird surveys at the western extension and existing ENRMF recorded

45 species and 34 species respectively comprising small birds such as finches, robins, warblers and the occasional skylark. None of these birds flock.

14. The site has no large water bodies therefore does not hold wildfowl or waders and the site does not attract gulls or large winter roosts of bird such as corvids or pigeons. The site has only scattered berry trees so does not attract winter thrushes and other than occasional red kites the breeding bird population comprises mainly woodland and arable passerines. Accordingly the site has a low potential for the presence of significant numbers of potentially hazardous birds.

### **Proposals at the site**

15. The topsoil and subsoil stripping will be undertaken on a phased basis. The topsoil and subsoil will be stripped and stored on Phases 19 to 21 in accordance with the Soil Handling and Management Scheme (Appendix DEC 1). Mineral and overburden extracted as a result of the creation of the landfill cells also will be stockpiled on Phases 19 to 21. During the period when topsoil and subsoil is stripped from each phase there will be regular activity from mobile plant such as backacter excavators and dump trucks moving material around the site. The site will therefore not be attractive for roosting or loafing of potentially hazardous birds.
16. Where stripped soils are not placed directly in restoration works on previously completed phases, the soils will be temporarily stored in the stockpile area and used in the restoration of the first available phase of restoration. Topsoil and subsoil will be stored where necessary prior to reuse in accordance with the Soil Handling and Management Scheme [DEC I2. APP-110]. All soil stockpiles will be lightly compacted in accordance with MAFF best practice guidance. All storage bunds containing soils which are intended to remain in situ for more

than 6 months or over the winter period will be grassed over and weed control and other necessary maintenance will be carried out.

17. It is not anticipated that there will be a significant increase in hazardous bird species or bird congregations at the site as a result of the topsoil or subsoil stripping and stockpiling during the limited periods over which each phase of soil stripping will take place. The existing agricultural operations on the western extension area including ploughing has not attracted significant groups of birds.

### Monitoring

18. Monitoring will be undertaken by staff trained in bird management during the topsoil and subsoil stripping and stockpiling operations at least twice each day to identify if birds or congregations of birds considered to be potentially hazardous to aircraft using the nearby airfield are establishing within the site. The presence of five or more gulls and waterfowl or the presence of ten or more of pigeons, corvids or waders will result in prompt dispersal. In the event that large bird numbers become increasingly common at the site the monitoring frequency will be increased to ensure that appropriate actions can be taken.
19. A direct line of communications will be set up between named contacts at the site and at RAF Wittering prior to the commencement of soil stripping and stockpiling activities. The agreed contact at RAF Wittering will be notified of the commencement and anticipated duration of the activities prior to their commencement. This communication protocol will allow reasonable requests to be made to the site by RAF Wittering for additional dispersal actions should there be any concerns that the activities are found to be attracting potentially hazardous birds.

- I10. During the soil stripping and stockpiling activities a record will be maintained of the results of the monitoring carried out and the need for and effectiveness of any dispersal methods used. The record will include details such as the number of birds, species, methods used, results (e.g. bird left the site, ignored the harassment), additional methods used etc. The record will be reviewed by the Technically Competent Site Manager at least every two weeks during the activities and monitoring and deterrent methods will be adapted if necessary in response to the evidence regarding their effectiveness.

### **Deterrents**

- I11. If birds or congregations of birds considered to be potentially hazardous to aircraft (wildfowl, gulls, corvids and kites) are establishing within the site deterrents (the presence of five or more gulls and waterfowl or the presence of 10 or more pigeons, corvids or waders) will be deployed to disturb the birds and preventing settlement or roosting such as using audio distress signals or alternative scaring methods.
- I12. If more than 20 birds are to be dispersed, Wittering Airfield will be informed by telephone before action is carried out, in order to ensure that birds are not dispersed into the flight path of an aircraft. Those responsible for the bird control during this phase will make sure that they always have the relevant telephone numbers available as set out in the communications protocol so that dispersal action can be carried out safely and swiftly.
- I13. In the event that large numbers of hazardous birds (20 or more) are frequently observed at the site a review of the site management and the proposed mitigation will be undertaken and any new action identified in the review will be implemented.

**From:** [Jagpal, Kalie Mrs \(DIO Estates-AsstSafegdMgr4\)](#)  
**To:** [Leslie Heasman](#)  
**Subject:** 20220622-ENRMF DCO Application Ref WS010005  
**Date:** 22 June 2022 12:03:05  
**Attachments:** [image003.jpg](#)  
[image001.png](#)  
[AU\\_KCWp28047\\_BHMP\\_Third\\_Revised\\_Draft\\_June\\_2022.docx](#)  
[20220622\\_Response\\_Email.pdf](#)

---

Good afternoon Leslie,

Thank you for your email below. Please find attached MOD's response to the Third Draft of the Bird Hazard Management Plan.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Mob: [REDACTED]

Email: [REDACTED]@mod.gov.uk

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---

**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** 20 June 2022 16:30

**To:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdMgr4) <[REDACTED]@mod.gov.uk>

**Subject:** RE: 20220620\_ENRMF DCO Application Ref WS010005

Dear Kalie

Thank you for your prompt email response and call.

Further to our discussions please find attached the Third Draft of the Bird Hazard Management Plan with the changes to paragraph 18 as discussed.

We look forward to your response.

Kind regards

Leslie

**Leslie Heasman**

**MJCA**

**Baddesley Colliery Offices**

**Main Road**

**Baxterley**

**Atherstone**

**Warwickshire**

**CV9 2LE**

**Current main contact number: 01827 717891**

**Mobile:** [REDACTED]

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---

**From:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdgMgr4) <[REDACTED]@mod.gov.uk>

**Sent:** Monday, 20 June 2022 15:49

**To:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Subject:** 20220620\_ ENRMF DCO Application Ref WS010005

Good afternoon Leslie,

Thank you for your email below and submitting the second revised version of the Bird Hazard Management Plan. Our technical advisor would like a slight amendment to this if you could please amend paragraph 18 Monitoring - which still states that the presence of 20 or more of any of the target species comprising wildfowl, gulls, corvids and kites will result in prompt dispersal. This should be reduced to five in line with our advice and section 11 of the Bird Hazard Management Plan.

If you could please amend this accordingly and send the amended version to me by tomorrow I will endeavour to provide a response to you by 22/06/2022.

Kind Regards

**Kalie Jagpal** | Assistant Safeguarding Manager | Safeguarding |  
St George's House | Defence Infrastructure Organisation Head Office |  
DMS Whittington | Lichfield | Staffordshire | WS14 9PY

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**From:** Leslie Heasman <[REDACTED]@mjca.co.uk>

**Sent:** 17 June 2022 16:35

**To:** Jagpal, Kalie Mrs (DIO Estates-AsstSafegdgMgr4) <[REDACTED]@mod.gov.uk>

**Subject:** ENRMF DCO Application Ref WS010005

17 June 2022

Dear Kalie

**ENRMF DCO Application Ref WS010005**

Further to your email of 6 June 2022 we have considered the comments provided and we set out our responses at Schedule 1 attached to this email. We attach also a second revised version of the Bird Hazard Management Plan with the changes shown as tracked changes.

We trust that the updated Bird Hazard Management Plan is satisfactory and that it can now be agreed. If so, we would like to be able to submit it to the Examination by Deadline 6 which is on **22 June 2022** if at all possible. Following agreement of the revised Bird Hazard Management Plan we shall revise the draft Statement of Common Ground, taking into account your most recent comments, hopefully for final agreement.

Should you have any further queries or require any further information please do not hesitate to contact us.

Regards

Leslie Heasman

Attachments – Schedule 1

Second revised draft Bird Hazard Management Plan

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Our ref: AU/KCW/LZH/1724/01/28047

AU\_KCWp28047 Cov FV



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# Ministry of Defence

Leslie Heasman  
MJCA  
Baddesley Colliery Offices  
Main Road  
Baxterley  
Atherstone  
Warwickshire  
CV9 2LE

Planning Inspectorate Reference: WS010005  
East Northants Resource Management Facility  
Western Extension.

Our reference-10048592

# Defence Infrastructure Organisation

Safeguarding Department  
Statutory & Offshore  
Defence Infrastructure Organisation Head Office  
St George's House  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

Tel: [REDACTED]

E-mail: [REDACTED]@mod.gov.uk

www.mod.uk/DIO

22 June 2022

Dear Leslie,

## **MOD Safeguarding-RAF Wittering**

**Proposal:** East Northants Resource Management Facility, Western Extension.

**Location:** Approximately 1.1km east southeast of Duddington village and approximately 2km north northwest of Kings Cliffe village

**Grid Ref:** 500800, 300000

Thank you for your email dated 20<sup>th</sup> June 2022 through which you have provided a revised third draft Bird Hazard Management Plan (BHMP) reference AU/KCW/LZH/1724/01 dated June 2022 in response to MOD's letter dated 06 June 2022.

As you are aware, the application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and given the proximity of the site to the aerodrome, the principal safeguarding concern of the MOD with regard to this scheme is the potential for the development to increase birdstrike risk. To address these concerns, you have provided a number of draft Bird Hazard Management Plans and in liaison with the MOD worked towards an agreed version.

The updated revised third draft Bird Hazard Management Plan dated June 2022 has been reviewed and I can confirm that we are content that this version meets the requirements of the MOD. As such, and on the basis the development is carried out and managed strictly in accordance with the details set out within the Bird Hazard Management Plan dated June 2022, the MOD would have no objections to this scheme.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Kalie Jagpal  
Assistant Safeguarding Manager

**From:** [Leslie Heasman](#)  
**To:** [REDACTED]@mod.gov.uk  
**Subject:** ENRMF DCO application. Planning Inspectorate reference WS010005  
**Date:** 28 June 2022 16:06:10  
**Attachments:** [AU\\_KCWp28089\\_SoCG\\_MOD\\_SECOND\\_DRAFT\\_FV.docx](#)  
[Correspondence with MOD 21 January to 22 June 2022.pdf](#)  
[image001.jpg](#)

---

28 June 2022

Dear Kalie

**ENRMF DCO application. Planning Inspectorate reference WS010005**

Further to the agreement of the Bird Hazard Management Plan for the site which is now incorporated into the revised Development Environmental Commitments document (V2) as Annex DEC12 [PINS library reference REP6-008], please find attached a revised draft of the Statement of Common Ground (SoCG). We have revised the SoCG based on our correspondence, in particular the comments in your emails of 3 March 2022 and in the Schedule attached to your email of 20 June 2022. We show the changes as tracked changes compared to the version provided with our email of 23 February 2022.

We attach the schedule of correspondence which will form Appendix A to the SoCG for your review. Any personal details such as signatures and mobile phone numbers will be redacted before the document is finalised.

In your email of 3 March 2022 you suggest that a glossary would be helpful to clarify terms. Please note that there is a glossary at Section 27 of the Environmental Statement [APP-049] which we trust is of assistance. In addition it is stated in the Environmental Statement (eg paragraph 5.1.1), and is a legislative requirement that will be controlled through the Environmental Permit, that the hazardous waste landfill site will not be permitted to accept waste which has a Total Organic Carbon Content of more than 6%. Only hazardous wastes can be accepted at the site. Food wastes and other organic wastes which might represent a food source to birds would not be classified as hazardous waste and therefore will not be deposited at the site.

We hope that all the changes are acceptable and, if so, we shall finalise the text ready for signature. If there are any other changes that you would like to incorporate please let us know.

Kind regards

Leslie

Attachments – Second draft SoCG

Appendix A

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Our ref: AU/KCW/LZH/1724/01/28089

*AU\_KCWp28089email FV*



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**SECOND DRAFT**

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

**STATEMENT OF COMMON GROUND BETWEEN  
AUGEAN SOUTH LIMITED AND THE DEFENCE  
INFRASTRUCTURE ORGANISATION**

Report reference: WS010005/SOCG/DIO/SD  
July 2022

**PINS document reference: 7.7**



---

Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE  
Tel. (01827) 717891 Fax. (01827) 718507

**CONTENTS**

<u>1.</u>	<u>Summary</u>	<u>1</u>
<u>2.</u>	<u>Introduction</u>	<u>2</u>
<u>3.</u>	<u>Specific issues raised in the Relevant Representations and in Annex E to the Rule 6 letter dated 6 January 2022</u>	<u>4</u>
<u>4.</u>	<u>Requirements in the draft DCO</u>	<u>5</u>
<u>5.</u>	<u>Agreement</u>	<u>6</u>

**TABLES**

Table 1	Responses to the issues raised in the Relevant Representation [RR-005] dated 9 December 2021 and other matters
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**APPENDICES**

<u>APPENDIX A</u>	<u>Correspondence between Augean South Limited and Defence Infrastructure Organisation for the Ministry of Defence (DIO)</u>
-------------------	--

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**Deleted: COPIES OF CORRESPONDENCE TO BE APPENDED.¶**

WS010005/SOCG/DIO/SD

July 2022



AU\_KCWp28089 SoCG MOD SECOND DRAFT FV

## 1. Summary

- 1.1 This document comprises a Statement of Common Ground agreed between Augean South Limited and the Defence Infrastructure Organisation for the Ministry of Defence. 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 Defence Infrastructure Organisation for the Ministry of Defence (DIO). The document has been prepared to assist the Examining Authority to identify the areas of agreement and any material differences between the parties.

2.2 Discussions and correspondence have been taking place between Augean and the DIO since February 2021 and the correspondence is provided for reference at Appendix A.

**Deleted:** (append correspondence: emails MJCA 21/1/22 (with attached earlier correspondence), DIO 8/2/2)

### The proposed development

2.3 The closest point of the boundary of the operational training airfield at RAF Wittering and associated accommodation is located approximately 840m to the north north east of the application boundary. The proposed western extension area is located approximately 2.3km south west of the runway (runway 07/25) which runs approximately east-west. Collyweston Great Wood is located between the application site and the airfield.

2.4 Clay extraction has taken place at the site since 1957, landfill disposal commenced in 2000, the site has accepted only hazardous waste since 2004, the treatment plant was granted planning permission in January 2008 and LLW first was accepted at the site in December 2011. The ENRMF was granted a Development Consent Order in 2013 for the operation of the site until 2026. Neither Augean nor the DIO are aware of any problems associated with bird hazards as a result of the activities at the site to date.

- 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. The landfill will continue to be operated in a series of phases which are constructed, filled and restored progressively. The series of activities are continuous and are implemented in parallel at different phases and areas of the site.
- 2.6** The nature of the wastes that are accepted at the site are controlled by the Environmental Permits. The wastes that are accepted at the site have limitations on the concentration of organic material which can be accepted. It is agreed that the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites. The materials accepted at the site will not change as a result of the proposed development.
- 2.7** The restored site will be developed as a mixture of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and a drainage watercourse which crosses the proposed western extension area as shown on the Restoration Concept Scheme [PINS document reference 5.3.9.1. APP-062].

**3. Specific issues raised in the Relevant Representations and in Annex E to the Rule 6 letter dated 6 January 2022**

**3.1** One issue has been identified by the Examining Authority which should be considered in this Statement of Common Ground together with the issues addressed in the Relevant Representation from the DIO [RR-005] dated 9 December 2021. These points are listed in Table 1 to this document together with agreed comments in response to each.

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*If there are any areas of material disagreement they should be identified here. ¶*

#### 4. Requirements in the draft DCO

- 4.1 The draft DCO includes the requirement (Requirement 6(2)) for the site to be operated in accordance with the Bird Hazard Management Plan (BHMP). The BHMP agreed between Augean and the MOD through DIO Safeguarding forms Annex DECI2 of Appendix DEC I in the Development Environmental Commitments document (V2) [PINS library reference REP6-008].

**Deleted:** *If the text of the BHMP identified in Requirement 6 of the draft DCO cannot be agreed through this SoCG, the MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.¶  
If the detailed changes DIO consider are necessary to the Restoration Concept Scheme cannot be agreed through this SoCG the MOD, through DIO Safeguarding will request to be included as a Consultee for the approvals under Requirement 4 in the draft DCO.*

**5. Agreement**

**5.1** This statement has been agreed between Augean South Limited and the Defence Infrastructure Organisation.

Signed:

On behalf of Augean South Limited

Defence Infrastructure Organisation

Date: 2022

Table 1

## Responses to the issues raised in the Relevant Representation [RR-005] dated 9 December 2021 and other matters

Issue	Comments and conclusions
<p>The application site falls within the statutory technical, height and birdstrike safeguarding zones for RAF Wittering and is located within 1 km of the airfield boundary.</p>	<p>As stated in paragraph 2.3 of this document it is agreed that the closest point of the boundary of the operational training airfield at RAF Wittering and associated accommodation is located approximately 840m to the north north east of the application boundary. The proposed western extension area is located approximately 2.3km south west of the runway (<a href="#">runway 07/25</a>) which runs approximately east-west. Collyweston Great Wood is located between the application site and the airfield.</p>
<p><b><u>Aerodrome height and technical safeguarding zones</u></b>  The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.</p> <p>On the basis of the information currently available, I can confirm that MOD has no objection with regards to the height and technical aspect of this application.</p>	<p>It is agreed that the DIO have no objection to the height and technical aspects of the proposed development.</p>
<p><b><u>Birdstrike safeguarding zone</u></b>  The principal safeguarding concern of the MOD in relation to this development, which is in the vicinity of RAF Wittering, relates to the potential for the development to provide an attractive environment for</p>	<p>It is agreed that the proposed development would be limited in what waste could be accommodated by the wording of Schedule 2, Requirement 7 of the draft Development Consent Order and that organic waste would be strictly limited. As stated in paragraph 2.6 of this document, it is agreed that</p>

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Issue	Comments and conclusions
<p>specific large and/or flocking bird species, and any resulting increase in birdstrike risk to aircraft operations.</p> <p>The development proposed can be broken into three phases, the construction of landfill void and the associated extraction and stockpiling of soil and clay, operation of the site as a hazardous waste facility, and the ultimate restoration of the site.</p> <p>The first and final phases of the development have the greatest potential to have a detrimental impact on aviation safety and therefore the operation of RAF Wittering.</p>	<p>the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites. It is agreed that this addresses MOD concerns for the operational phase of the development.</p>
<p>There are concerns that the creation of the landfill void through the stripping and handling of topsoils can result in an attractant to hazardous bird species as exposed spoil contains invertebrates and increases the potential for puddling and ponding in bare earth surfaces. It is acknowledged that the draft Development Consent Order addresses this potential through Schedule 2, Requirement 6 which requires the implementation of a bird hazard management plan (BHMP). The MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.</p>	<p><del>Discussions have been held between Augean and DIO and an agreed Bird Hazard Management Plan is included at Annex I2 to the DCO Environmental Commitments document (V2) (REP6-008).</del></p> <p>The site has been operating as a landfill site since 2000. Neither Augean nor DIO are not aware that there have been any concerns or difficulties as a result of hazardous birds attracted to the site for the duration of operations to date.</p>
<p>The text of the draft Development Consent Order, Schedule 2, Requirement 7, indicates that the site will be used for the disposal of hazardous and low level waste only. At this time it is not clear whether any part of this waste would be an attractant to those large and/or flocking bird species hazardous to aviation safety or whether it would be packaged or otherwise contained in such a way as to ensure that it is not exposed. As such the MOD would appreciate additional detail in order that any potential impact can be identified and, if necessary, mitigated.</p>	<p>The DIO has confirmed in a letter dated 8 February 2022 that as the waste accepted at the site will contain minimal quantities of putrescible material and would not present an exploitable food resource for hazardous birds such as gulls and kites, this addresses the MOD (through DIO Safeguarding (DIO)) concerns for the operational phase of the development.</p> <p>The correspondence with the DIO during early 2022 is provided at Appendix <del>A</del>.</p>

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**Deleted:** AAP-110), in particular suggesting that controls are necessary also on the manner in which soil storage stockpiles and standing water are managed as well as the way on which food waste generated by site employees is stored. Additional information also is sought regarding the details of bird dispersal for the BHMP. ¶  
**DIO – are we able to discuss and agree the changes you consider are necessary to the BHMP so an agreed version can be submitted to the Examination?**

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Issue	Comments and conclusions
<p>The restoration of the site is also an area of concern. There is potential that restoration that would introduce water bodies or substantial areas of planting that might form an attractant to avian species as a roosting or feeding opportunity. In particular, the provision of open water, wetland and marsh habitats have the potential to attract and support hazardous wetland bird species. In order to minimise this impact, open water should be kept to a minimum and should be surrounded by tall marginal and emergent vegetation or scrub. The planting of certain tree and shrub species may also contribute to the site becoming attractive as they may provide roosting or feeding opportunities. It is noted that Schedule 2, Requirement 4 obliges the submission and approval of a phasing, landscaping, and restoration scheme. The MOD, through DIO Safeguarding, will request recognition as a consultee when this requirement is to be discharged.</p>	<p>It is agreed that there are no significant large areas of standing water included in the Restoration Concept Scheme. The attenuation ponds shown on the Restoration Concept Scheme will not form bodies of open standing water as their function is to remain available to provide storage capacity during rainfall events. The water accumulating in these attenuation ponds will be temporary and will be discharged from the site in a short period after these events therefore these features will not comprise open water, wetland or marsh habitats.</p>
<p><b>Annex E (H) of the Rule 6 Statement:</b></p> <p>The potential for the Proposed Development to increase the risk of bird strike in connection with the operations at RAF Wittering</p>	<p><u>Based on the details of the proposed development and site restoration together with the agreed Bird Hazard Management Plan, and on the basis the development is carried out and managed strictly in accordance with the details set out within the Bird Hazard Management Plan dated June 2022, the MOD would have no objections to this scheme. [Kalie – this wording is taken from your letter of 22 June 2022 so hopefully is acceptable to you]</u></p>

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