

CONSULTATION BY AUGEAN PLC REGARDING ITS INTENTION TO SUBMIT APPLICATIONS TO THE INFRASTRUCTURE PLANNING COMMISSION FOR AN EXTENSION OF TIME FOR THE EXISTING LANDFILL OPERATION FOR DISPOSAL OF HAZARDOUS AND LOW LEVEL RADIOACTIVE WASTE, NEW FACILITY FOR THE DISPOSAL OF SUCH WASTES, EXTENSION OF TIME AND CAPACITY FOR THE EXISTING SOIL TREATMENT FACILITY AND ASSOCIATED DEVELOPMENT.

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1 SUMMARY OF THE PROPOSAL/BACKGROUND

The City Council has been consulted by Augean PLC with regard to applications they intend to submit to the Infrastructure Planning Commission (IPC) in respect of East Northants Resource Management Facility (ENRMF) at Kings Cliffe, Northamptonshire. The location of the site is shown on the plan at **Appendix A**. Presently, therefore, the proposals are at a pre-application stage but all of the information about the proposals is in the public realm and is available for inspection on the Augean website at www.augeanplc.com. The proposals are to be determined by the IPC because they will constitute national significant infrastructure projects for hazardous waste facilities.

The site currently has permission to landfill with hazardous waste and low level radioactive waste. Both waste streams are strictly controlled through permits issued by the Environment Agency. The permit for the low level waste allows acceptance of solid wastes of not more than 200Bq/g. This means that the waste contains very small levels of radioactivity and in this case it is the bottom 5% of the range of low level radioactive wastes. The waste that will be disposed of will come from the clean up of decommissioned nuclear industry sites such as building rubble and from non-nuclear sources such as hospitals. There is also permission for a soil recycling facility which can take 100,000 tonnes per annum of imported contaminated soil enabling the clean up of this soil on site through washing or treating with chemicals. This facility is not for LLW. The cleaned up soil is put into the landfill area. The total current permitted imports to the site are 250,000 tonnes of waste per annum. Further detail on the permissions is set out below.

On 20 January 2012, a meeting organised by the IPC was held and attended by the Local Authorities directly affected by the proposal (named 'B' authorities), namely Northamptonshire County Council and East Northamptonshire, and representatives of neighbouring authorities (named 'A' authorities) including Peterborough. Officers together with Cllr Hiller and Cllr Holdich attended on behalf of Peterborough. The purpose of the meeting was to explain the application process, not to discuss the merits of the scheme. Further information about this is given below.

In summary, Augean intends to submit applications for the following development:-

- A time extension of approximately 3 years to complete landfilling of the consented landfill by the end of December 2016 with an associated time extension to the end of December 2016 for the life of the soil treatment and recycling facility and an increase in the throughput of the soil treatment and recycling facility to 150,000tpa.
- The extension of the life of the soil treatment and recycling facility located in the north west of the site to December 2026.
- The construction of new landfill void to the west of the current landfill which will provide approximately 10 years of life for a period up to 2026. The new void is within the boundary of the extant planning consent. This will be created by removing top and sub soil, overburden and clays, storing some of this for re-use in restoration of the site, exporting some to Thornhaugh 1 for use there and selling any surplus.
- Filling of the landfill void with hazardous waste and low level radioactive waste (LLW) with an activity up to 200Bq/g at a direct input rate up to 150,000tpa.

- A limit on the total waste input to the East Northants RMF site of 250,000tpa. (as existing)
- The extraction and stockpiling of clay and overburden to provide material for use in the construction and operation of an engineered containment system at the site, the exportation of clay for use in engineering the nearby Augean Thornhaugh Landfill Site and for general sale.
- The continuation of the operation of the gas flare and pumping station present at the site.
- The restoration of the site to woodland and grassland following the completion of landfilling.

A site plan setting out the proposals is provided at **Appendix B**.

The site has a history of mineral and waste development, the most recent and relevant of which is as follows:-

EN/05/1264C – planning permission granted for hazardous waste landfill and associated operations – permits the importation of up to 249,999 tonnes of hazardous and inert waste to the site per annum – July 2006.

EN/06/01517/CRA – installation and operation of gas flare and a surface water pumping station in the north west of the site – September 2006

07/00048/WAS and 07/01838/NCC – installation and operation of soil treatment facility. The consented throughput is 100,000 tonnes per annum.

09/00053/WAS – landfill disposal of low level radioactive waste in phases 4B, 5A and 5B of the permitted hazardous waste landfill – this proposal was allowed on appeal by the Secretary of State who recovered the appeal from the Planning Inspector who held a Public Inquiry into the appeal. A legal challenge through the Court by opponents of the scheme was not successful. The permission was recently implemented with the first consignment of Low Level Waste being brought into the site for disposal.

2 PLANNING POLICY

The meeting held with the IPC confirmed an important distinction in law between how the IPC can consider applications as opposed to how local authorities consider proposals. National policy statements take precedence over development plan policy when the IPC determines an application. They do not need to take into account Section 38(6) of the Town and Country Planning Act that states development must be determined in accordance with the development plan unless material considerations indicate otherwise. For the IPC, national policy will take precedence and development plans constitute material considerations. However, the IPC will want to know how local authorities see the proposal in terms of fitting with their own policies.

National Policy (taking precedence)

National Policy Statement for hazardous waste (draft 2011) – The Government concludes (paragraph 3.4.14) that there is a need for nationally significant hazardous waste landfill and that the IPC should start its assessment of applications for infrastructure covered by this NPS on the basis that need has been demonstrated.

Planning Policy Statements and Guidance including;

- PPS 1 Delivering Sustainable Development
- Supplement to PPS 1 on Climate Change
- PPS 4 Planning for Sustainable Economic Growth
- PPS 7 Sustainable development in rural areas
- PPS 9 Biodiversity and Geological Conservation
- PPS 10 Planning for Sustainable Waste Management
- PPS 23 Planning and Pollution Control
- PPG 24 Planning and Noise
- PPS 25 Development and Flood Risk
- Supplement to PPS 25

Other national policy documents which may be taken into account might include:-

Policy for the Long Term Management of Solid Low Level Radioactive Waste in the UK March 2007
UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry August 2010
Strategy for the management of solid low level radioactive waste from the non-nuclear industry in the UK – consultation document December 2010.

Cambridgeshire and Peterborough Development Plan Policies that will be treated as material considerations

The Core Strategy DPD adopted May 2010
Locations for Waste Development adopted March 2011
Control and Management of Development adopted June 2011
Proposals map
Development and Implementation Principles Supplementary Planning Document

(The above will not be exhaustive)

The Cambridgeshire and Peterborough Waste Development Framework is not directly relevant to the proposal because the proposal is in Northamptonshire. However, with regard to any response this Authority might have to the proposal, the impact upon the ability of PCC to deliver any of its adopted policies, particularly in terms of waste, should be rightly assessed and reported back in the response to this consultation.

The Cambridgeshire and Peterborough Minerals and Waste DPD Core Strategy was adopted in July 2011.

No new hazardous waste facilities are allocated within Peterborough. Policy CS19 of the Core Strategy states that where there is a demonstrated need for additional stable non-reactive hazardous waste landfill capacity, limited extensions will be made within existing landfill sites (*in the case of Peterborough at Thornhaugh 1*) and where there is a demonstrated need for additional hazardous waste management facilities within Cambridgeshire and Peterborough, proposals will be considered in the context of this Core Strategy and the wider Development Plan.

Paragraph 7.60 (the pre-amble to policy CS19) states that “with a major landfill site accepting a wide range of hazardous waste at Kings Cliffe in Northamptonshire, which is immediately outside the Plan area, and the small amounts of hazardous waste arising within Cambridgeshire and Peterborough, it is not considered appropriate to make an allocation for a general hazardous waste landfill.”

In other words whilst Peterborough is able to deal with a limited range of hazardous waste, the adopted policy has assumed a certain amount of reliance upon there being the Kings Cliffe facility so near to Cambridgeshire and Peterborough which can accept waste streams not currently provided for within our Plan area. It is considered therefore, that the proposal does not conflict with the Minerals and Waste Core Strategy or indeed other Peterborough development plan policies.

3 EVALUATION OF THE PROPOSAL AND DOCUMENTS FOR CONSULTATION

The proposals are set out in brief above. Augean has clarified the proposals in respect of the soil treatment facility in that the proposals will include the retention of the existing facility until 2026, an increase in input into this facility from 100,000 tonnes per annum to 150,000tpa. The current permission allows several treatment operations on the one facility involving more than one plant – the facility will not be moved other than to re-orientate it to fit with the landfill phasing. This means that the soil treatment site located to the northwest corner of the site would remain and is capable of treating soil through the application of different processes e.g. bioremediation and washing. The total tonnage of landfill waste is proposed to be limited to 150,000 per annum. However, the applicant proposes a total cap on inputs to 250,000 tpa, to allow flexibility between landfill inputs and soil recycling inputs depending upon the market. This total limit would be the same as currently permitted.

The consultation documents have been posted on Augean PLC's website. The documents do not constitute the entirety of the applications that will be submitted to the IPC but nevertheless sets out the approach to be taken within the required Environmental Assessment and provision of some of the technical reports produced to date. The consultation currently taking place until the end of January 2012 include reports on ecology, noise and transport. These will be finalised and become part of the Environmental Assessment that is mandatory for submission with the proposed applications.

The Company held a consultation event last year from May to July 2011 and these documents are also viewable. The City Council issued a response to a Scoping Opinion (what and Environmental Assessment would need to contain) last year and this is provided at **Appendix C**. The applicant has taken the comments made by the City Council into account in its latest consultation documents and has stated that the landscape character assessments to be undertaken will be taken to a 6 kilometre radius from the boundary of the site. The Transport Assessment has evaluated the impact of traffic upon the A47 as requested.

Unfortunately, it was not known at the time of the May consultation that it would form part of the formal pre-application procedures that have to be undertaken before an application is to be submitted to the IPC, as at the time the application was due to be submitted to the County Council. This is not the fault of the applicant but has happened because of change in legislation. This point was raised with the IPC at the meeting held with them on 19th January.

Turning to the consultation documents that will form part of the environmental assessments, the technical reports have been produced by suitably qualified persons and appear to have been undertaken in a robust fashion in accordance with industry best practice. They cover the topic areas set out in the Scoping Opinion. From a planning point of view there was nothing contained within these technical reports that caused concern due to illogical methodology or reasoning applied or that would cause conflict with the City Council's adopted planning policies.

The terminology used in some of the reports in terms of quantifying the affects is confusing for example "no unacceptable impact" and "no significant adverse effects"; the methodology and terminology for measuring effects should be consistent throughout the Environmental Assessment in accordance with Schedule 4 of the Environmental Assessment Regulations 2011 and industry best practice. Confusion can arise where different experts are compiling topic chapters and the methodology/terminology has not been agreed at the outset. This should be clear in the application submission to be made to the IPC. Even if not all of the technical reports may not be readily understandable by the general public, the scale of any impacts and the level of mitigation needed to overcome these impacts where needed should be apparent to any interested party.

The term "low level radioactive waste" (defined above) is an emotive one and has resulted in genuine concerns amongst some of the local population with regards to health and safety issues. However, it has to be borne in mind that despite the significant opposition to the previous proposal, the Secretary of State found no planning reasons to refuse the application. The principle of this site accepting hazardous and low level waste has therefore been accepted. The Government has also strongly indicated in its 2011 draft National Policy Statement for Hazardous Waste that the need for such facilities should be taken as accepted. Given that this is the case, the likely main considerations for these proposals will be the largely localised impacts that the proposed extension to the site and the use of the site until 2026 may have. These matters must be addressed in the Environmental Assessment.

Based on the consultations undertaken by Augean to date, in my opinion, the applicant is addressing these matters in the correct manner and to date there are no objections to the work so far undertaken. If Members consider that other issues to those set out in the Scoping Opinion (Appendix C) should be considered, these views should be reported back to the applicant at this stage. The IPC confirmed that once the application is accepted as valid by them, there will be little scope to make any substantive changes to it.

4 IPC PROCESS

The process for consideration and determination of the application is prescribed and the timetabling for each stage of the process is rigid. A summary table of the process and timescales is provided at **Appendix D**.

In terms of the City Council's future ability to comment on the proposal, the key stages are as follows:-

- Once the application is submitted, the IPC has 28 days to decide whether it is valid or not. Within that time period the local authority has a maximum of 14 days to comment on whether it considers that the applicant has followed the right procedures and carried out the consultation/completed the application how the company said it would at the outset of the pre-application process.
- Once the application is accepted as valid, the "Examination Stage" begins. The IPC has a maximum of 6 months to complete this stage. This includes the following:-
 - A preliminary meeting is held. Interested parties (which will include the City Council) may attend to express their views about how the application should be examined – this is about process and not the content of the application.

Within 4-6 weeks of the preliminary meeting being held, local authorities will be invited to submit a "Local Impact Report." This report will come from the Local Authority as statutory consultee and should contain any views the authority has about how the proposal will impact their area – as it is understood, this could be in physical terms or in terms of policy. During this stage it will be open for any individual or group to register as an interested party (*note: under the legislation, Councillors are not precluded as registering and commenting as an individual aside from the statutory response to be made by PCC*).

Topic or "open floor" meetings are likely to be held where it will be open to the authority to decide if it needs to attend. The IPC did, however, make it clear that in the main the process is a written procedure and our comments should be put in writing.

- After 6 months the examination period ends, and the IPC then has 3 months in which to issue the decision – this might be determined by an individual Commissioner or a panel of Commissioners.
- Once the decision is issued there is 6 weeks for any legal challenge to be put forward.

5 RECOMMENDATION

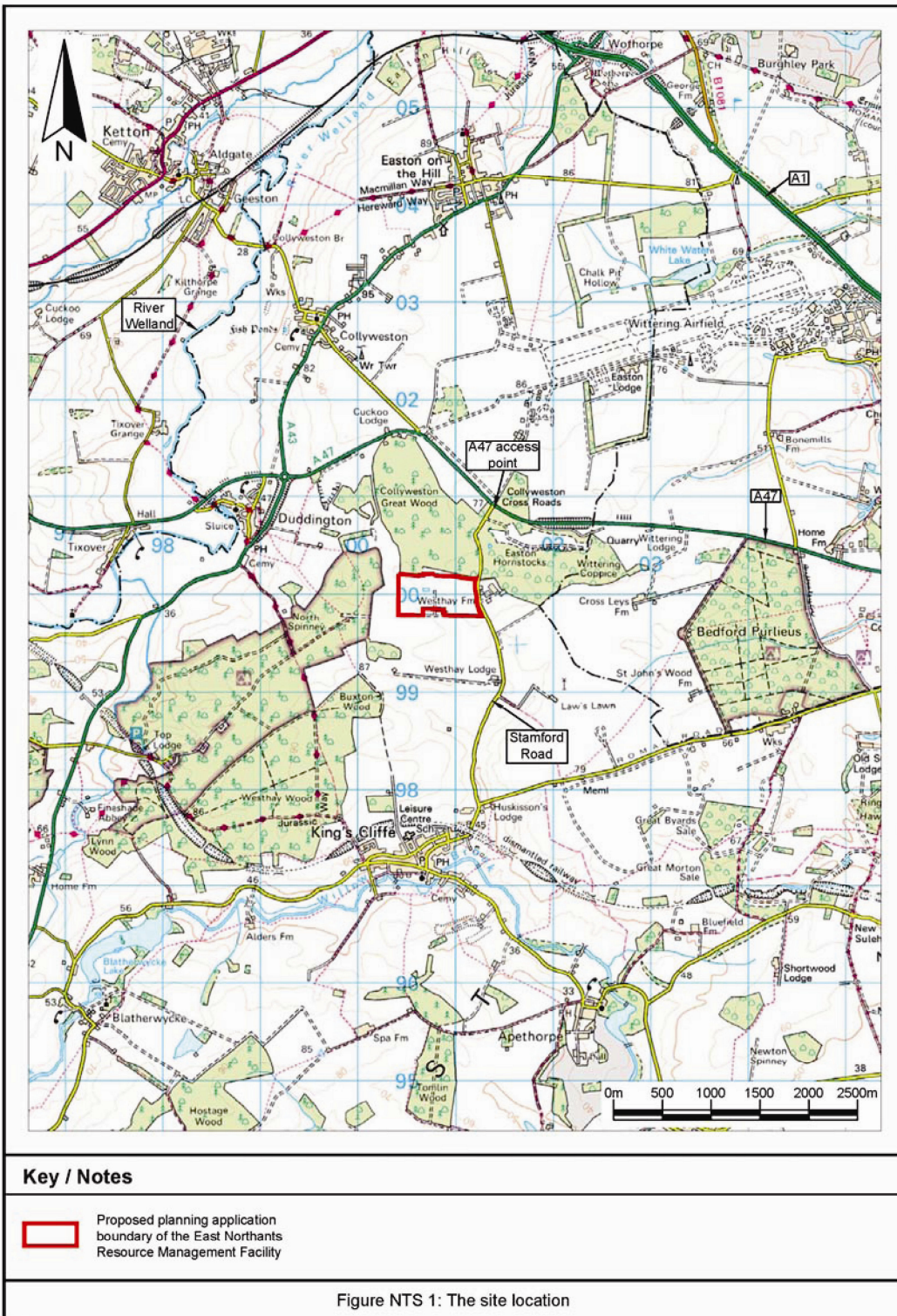
1. That no objections to the proposed application are raised in principle, because this has already been tested on appeal and in the Courts with regard the existing planning permission, the facility complements the facilities provided in Peterborough which is recognised in the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and the government has indicated that need for such a facility should be taken as accepted.
2. That PCC reserves the right to comment further on the detail once the complete applications are viewable and accepted by the IPC (although we recognise that substantive changes will not be able to be made)
3. That concern is raised over the variance of terminology used in the technical reports and that the methodology contained within the Environmental Statement should set uniformity in terms of how scale of impact and possibly mitigation is expressed within the document. This aspect should be clear enough for the majority of interested persons to understand.
4. With regard to the 14 day window to comments on whether the application should be valid, that Members delegate this response to the Head of Service for Planning and Transportation
5. With regard to the submission of other comments to the IPC or attendance of any meetings Members decide whether they wish further reports to come back to the P and EP Committee (taking into account deadlines set by the IPC) or whether Members wish to delegate further responses to the Head of Service, perhaps in consultation with the Portfolio Holder (Cllr Hiller) and nearest ward Members to Kings Cliffe (Cllrs Holdich and Lamb)
6. That Members endorse the dissemination of information on this proposal to the public via officers creating a web page giving updates and information on the procedure and that local Members might disseminate information verbally to their Parishes and constituents.

Further information:

The Peterborough City Council officer contacts are Theresa Nicholl (01733 454442) and Alan Jones (01733 863881)

The IPC website contains guidance and all the information on other projects being dealt with by the IPC
www.independent.gov.uk/infrastructure

Note: The IPC has an open information policy in that all submissions and notes of meetings and telephone conversations etc are published on their website.



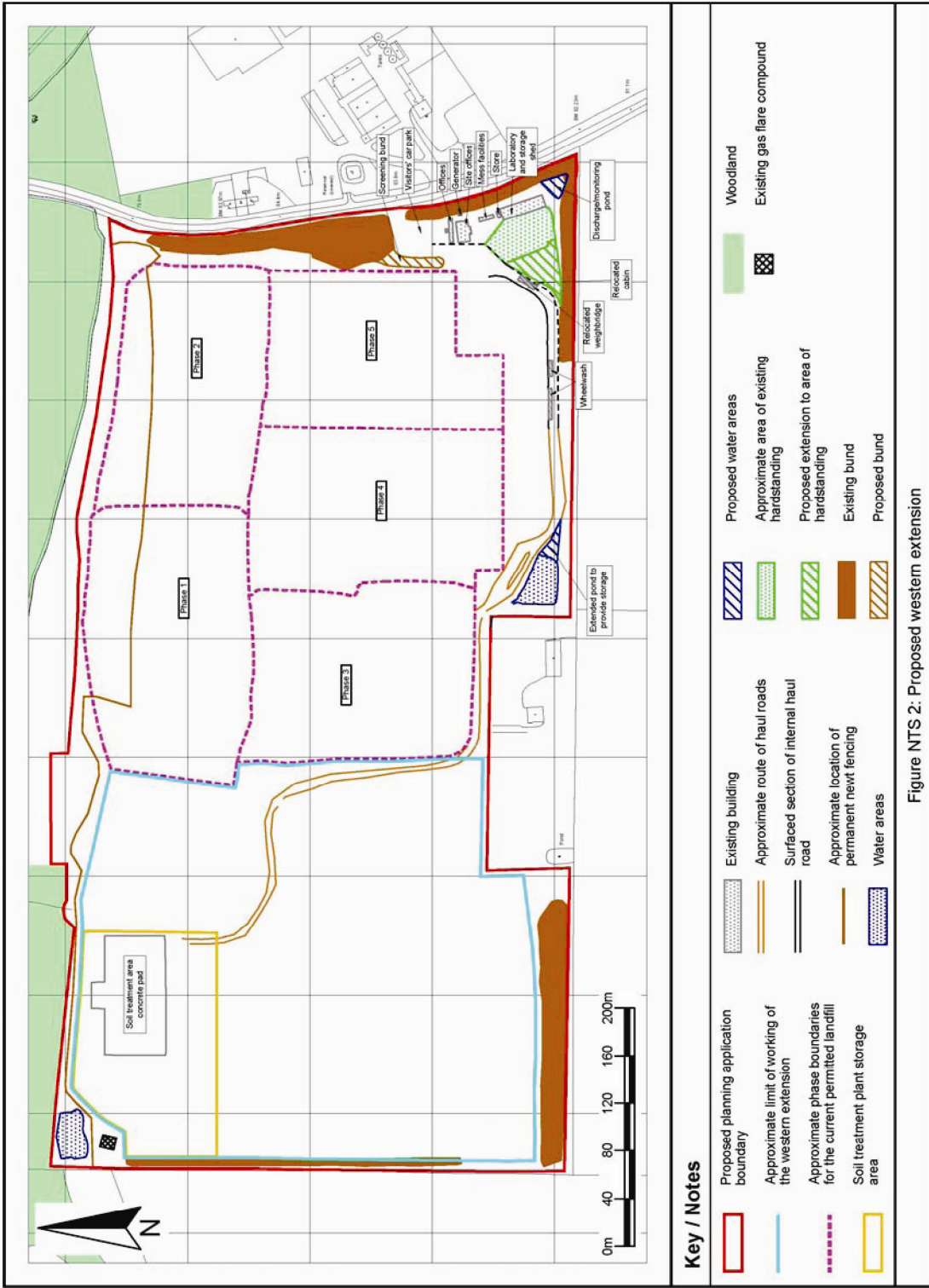


Figure NTS 2: Proposed western extension

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Telephone: 01733 453587
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Please ask for: Mrs R George
Mrs T J Nicholl
Our Ref: 11/00276/OTH
Your Ref: Scoping Reports 11.00001 &
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4 March 2011

Dear Mr Watson

Planning Application: East Northants Resource Management Facility
Stamford Road King's Cliffe Northamptonshire

Thank you for your consultation regarding the two scoping reports for proposed development at the above site. As far as I can tell, the main difference between the two proposals is that one contains the proposal to extend the landfill area (and therefore extend further the life of the site) and the other does not.

I have read both scoping reports and consider that overall they adequately cover what would be expected in terms of an Environmental Impact Assessment for both proposals.

I have only noted two issues relating to 11/00001/SCO. Paragraph 6.15 discusses the area to be scoped in terms of landscape impact and assessment. I believe that the developer is intending to survey and cover an area of 6 kilometres measured in all directions from the boundary of the application site. The use of the word "centre" in this paragraph confuses this a little but any extent of landscape survey should be taken from the site boundary and not a radius from the centre of the site.

Paragraph 6.23 states that the Transport Assessment is likely to focus on Stamford Road. The focus should extend as far from the site as the additional traffic generation materially impacts on highway safety/free flow of traffic. This will certainly include the junction of Stamford Road with the A47 and possibly the impact of additional slow moving vehicles on other entrances/exits on the A47 that are close to this junction e.g. the entrance to Cross Leys quarry. If there is no further impact beyond the junction with the A47 then this should be stated and quantified within the TA. I am not familiar with the existing permissions at King's Cliffe site but I assume that all lorries must turn left out of the site and not go through Kings Cliffe.

The dormant site at Cook's Hole Quarry, Peterborough is subject to current applications (including a ROMP) to re-open and extend the quarry area. Policy SSPW2 of the emerging Cambridgeshire and Peterborough Minerals and Waste Site Specific DPD also proposed Cook's Hole as an inert landfill waste site.

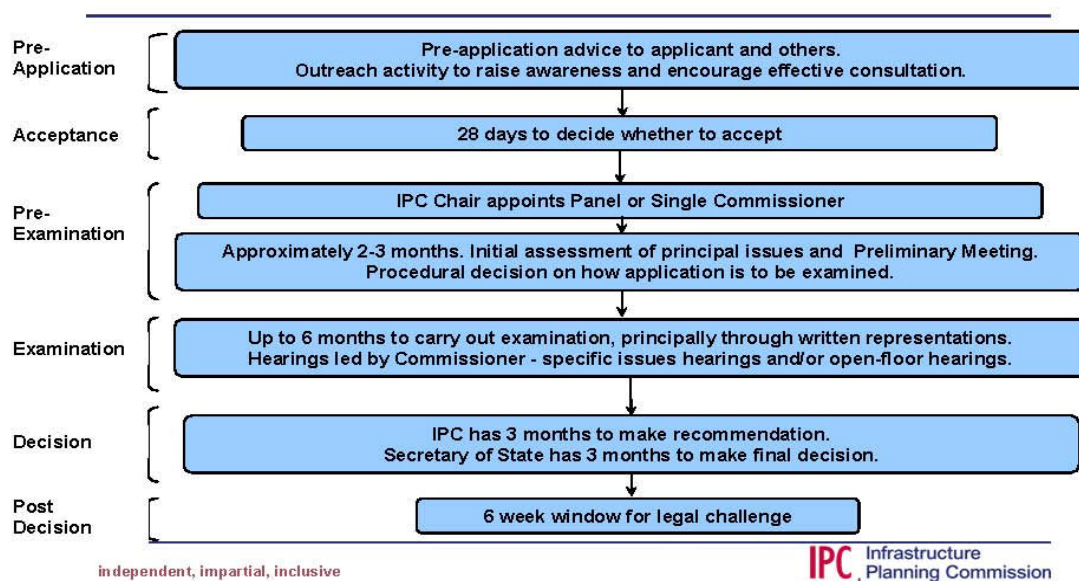
I doubt whether there would be noticeable cumulative impact if all these proposals go ahead and are implemented at the same time but you might want the applicant to consider this under cumulative effects. Incidentally, Augean own both Thornhaugh 1 and Cook's Hole sites located south of the King's Cliffe site off the A47.

I would be grateful if you could include these points in your scoping response. If you have any questions relating to this response please don't hesitate to telephone me on 01733 454442.

Yours sincerely

Theresa Nicholl
Development Manager

How our process works: six stages



Key statutory other deadlines for LAs

Pre-app	Comments on developer's draft SoCC	28 days
	EIA Scoping Opinion consultation (IPC)	28 days
	Pre-application consultation (s42) and publicity (s48)	Min 28 days
Acceptance	Adequacy of Consultation statement	Within 14 days of submission
Pre-examination	Submission of relevant representation following application acceptance	Min 28 days
Examination	Production of Local Impact Report	Approx 6 weeks
	Submission of detailed written representations	Min 21 days

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IPC Infrastructure Planning Commission

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