

Rookery South RRF Community Liaison Panel Meeting 17 Notes

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12th December 2011, 18.30 – 20.15

Attended – See attached

Introductions

Two new CLP members introduced – Nigel Allison representing the Stewartby Water Sports Club and Gerry Sansom the new representative from CPRE: Barry Halton has decided to retire and extended his best wishes to all CLP members.

John Yexley from Ardent Management attended as guest speaker on the Compulsory Purchase Order process.

Review of the IPC Decision

Rachel Ness (RN) updated the CLP on the ongoing process – the IPC decided that development consent should be granted for accepted Covanta's application and proposes that a Development Consent Order (DCO) be made under the Planning Act 2008. The DCO is to be laid before Parliament and has to go through a Special Parliamentary Process (Joint Committee hearings of the Commons and Lords). It includes the requirement for a compulsory acquisition of rights in land (see Item 5 below). Once the DCO is published it may still be challenged via a Judicial Review (within 6 weeks of publication) if there is evidence of a procedural error in reaching the decision to publish the DCO. Covanta's role will be a reactive one at these stages and it will involve itself in the process as it considers appropriate.

Sue Marsh (SM) updated the CLP on the Local Authorities position – Bedford Borough Council decided last week to petition Parliament with an objection to the DCO and requesting amendments, Central Bedfordshire Council have a meeting on the 13th December to decide if it will also object. Sue advised the time and venue for the meeting if any CLP members wished to attend.

Update on the Environment Agency (EA) Permitting status

Alasdair McKellar (AM) updated the CLP – EA will put the whole installation under one Environmental Permit, but is assessing the two on-site waste operations (the Energy from Waste Facility and the post treatment IBA processing in the Materials Recovery Facility) separately. The Energy from Waste Facility Permit application process is fairly advanced but "on hold" at present pending the IBA processing Permit application (see below).

The IBA processing Permit application was received in July 2011 but following changes to the proposals to allow treatment of foul water on site and discharge to local water courses, the EA considers further information is required. The EA met with Covanta and Ballast Phoenix (the subcontractor) in September 2011 to agree the level of further information required and the EA is awaiting a further submission. Further consultation will occur following submission of the necessary information and the permitting process will take three months from application being "duly made" to getting to the "Minded To Permit" stage (See detail in Notes of CLP Meeting 14, 13th December 2010 on the Covanta Website <http://www.covantarookerysouth.co.uk/3ii-community-liaison.shtml>)

AM will provide updates to future CLP meetings on how the process is progressing.

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Environmental monitoring stations, potential for ex Hanson station to be set up as a community monitoring point - serviceability, funding issues

Ed Hiam (EM) asked if the former Hanson environmental monitoring station was still at the Forest Centre and if it could be recommissioned as a community monitoring station.

AM said that he had asked Hanson about this and believed that they had retrieved the equipment to use as spares for their Whittlesea operation **Action AM to check with Hanson**

AM said that he believed there had been a Local Authority monitoring station at some point. **Action SM to check with Environmental Health if this still exists**

RN commented that Covanta had committed in the application to enable the public to view the monitoring data. **Action RN to extract the statement in the application**

There is also a commitment to consult with the CLP on how to make this data available to the public.

The Compulsory Purchase process

John Yexley (JY) provided a note of the Compulsory Purchase Order (CPO) process – see attached. The application is seeking a CPO for all land required to undertake the scheme, in this case this involves the main Rookery site but other landowners are involved with easements for access to the site and with restrictive covenants over the site. Once the DCO is published the CPO process can commence with notice in the local press and direct communication with landowners affected.

Compensation claims (where no land is taken) may be made where there is an interference with a right during the construction process or if there are physical factors present once the scheme becomes operational. Physical factors include such matters as noise impacts vibration fumes etc but this has to be as a result of the operation on the site. The amount of claim is assessed as loss in value to the property.

The presentation provides websites for further information from RICS who offer free initial advice to anyone who feel they will be affected, and booklets from the Government web site.

Questions:

Who is the final arbiter on the value of loss if a claim is not agreed?

The Lands Chamber, a judicial process.

How many claims for noise, vibration, loss of value are successful?

Very few as these claims are difficult to prove. It is possible to measure things like fumes, discharge and illumination so they are easier to demonstrate. The Lands Chamber would look at previous cases to make a decision.

How long does the process take?

Once the DCO has been published there are further steps by way of advertising that need to be taken before the CPO powers can be exercised. The Order powers last for 5 years.

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Do the Restrictive Covenants on the land prevent compulsory purchase?

No, the CPO will extinguish these covenants and provide for compensation to be paid.

Is this Special Parliamentary Process usual?

No, there have only been 5 since World War 2, usually for roads and ports, however the Planning Act 2008 provides for the Special Parliamentary Process to be used and this is the first Nationally Significant Infrastructure Project to be determined and so will be the first to be considered. See attached list from Sue Marsh of Special Procedure Orders considered since 2000.

Why has Covanta decided not to progress with their application to the IPC for a similar facility in Wales, more detail on the “re-evaluation of our UK projects”, why the electricity subsidies specified for the Welsh project was different from the plan for Rookery

Robin Treacher (RT) explained that Covanta decided reluctantly to withdraw the IPC application for the Welsh plant because, amongst a number of factors, the project was agreed with the Welsh Assembly as an national inward investment project for Wales, but waste contracts were to be determined by each local authority and these became too fragmented in terms of timescale to provide the waste input that the plant required.

Covanta only has so many resources and felt it was more appropriate to concentrate in other areas at this time.

The subsidised electricity schemes Covanta proposes are not standard; they can vary and are also informed by the results of community consultation.

Questions

Isn't the situation with waste procurement the same for Rookery as it was for the Welsh plant?

Covanta is in negotiations and tendering for residual municipal and commercial and industrial waste at present. Covanta is unable to make these negotiations public as they are commercially sensitive and procurement organisations specifically forbid public disclosure.

When was the community consulted for the Rookery RRF electricity scheme?

During the consultation process – Covanta asked for input at the community events held since 2009, and this was also discussed by the CLP (See detail in Notes of Meeting 9, 26th April 2010).

Is there scope for the electricity scheme to be reviewed?

The scheme has been included in the executed S106 legal agreement accompanying the application.

Is it clear what a householder can expect from the scheme?

It is explained in the S106 agreement and in the application (Document reference 5.5 Economic Statement). **Action RN to circulate a summary of the subsidy scheme to the CLP**

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AOB

How much of the business and employment resulting from the RRF will be sourced locally?

Covanta included sustainable working plans in the S106 agreement and discussed this at length with the local council to produce a local procurement policy (this approach has also been followed as part of Covanta's Middlewich EfW plant proposals).

Which roads will the contractors and HGV vehicles be allowed to use – evidence in Stewartby is that HGVs currently use roads they are not supposed to, how will the RRF be different?

Routes are clarified in the S106 and based on the local Freight Strategy, and there will be penalties for drivers not using these routes. The routes were discussed by the CLP (See detail in Notes of Meeting 7, 22nd February 2010)

Action RN to double check on which routes HGVs will use and provide copy of the transport plan from the application

Will people who live on the route from the new A461 and Green Lane be able to claim for CPO compensation as HGV traffic has been re-routed away from the old A461 and they were looking forward to lower levels of traffic.

No, the CPO only relates to the land for the scheme, there are no restrictions on the use of the public highway which can be used by anyone already.

Date of next meeting and items to cover

At the meeting the CLP agreed that the next meeting should be held when the Special Parliamentary Procedure (SPP) had progressed, with a view to a meeting in March. However as there has been no progress on the SPP the meeting has been postponed pending the SPP decision. KF to contact CLP members for any issues they wish to raise in the interim for response via email.

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1. CLP Membership

Hugh Roberts	MMAG
Gerry Sansom	Volunteer with Beds CPRE
Rod Calvert	Beds Chamber of Commerce
Nigel Allison	Stewartby Water Sports Club
Lisa Frangiamore	Houghton Conquest P. C.
Jennie Thomas	Millbrook Parish Meeting - Apologies
David Cooper	Stewartby Parish Council
Alan Barnard	Maulden Parish Council - Apologies
Peter Neale	Marston Morteyne Parish Council
Richard Franceys	Resident - Apologies
Ed Hiam	Resident
Robina Chatham	Resident
Independent Observers	
Sue Marsh and James Delafield	Principal Minerals and Waste Planning Officer, Central Bedfordshire Council
Alasdair McKellar	PPC Compliance Officer, Environment Agency
Covanta representatives	Rachel Ness Director of Planning Robin Treacher Communications Director
Kate Fairweather	Independent Chair

Specialist presenter on Compulsory Purchase Order process – John Yexley Ardent Management