

Rookery South RRF Community Liaison Panel Meeting 16

Monday 4th April 2011, 18.30 – 20.15

Attended – See attached.

Notes

1. Actions from last meeting:

Action Kate Fairweather (KF) to add formal acceptance of the revised Terms of Reference to the next meeting agenda – completed, accepted by the CLP (see attached)

Action SO to check if the resident assessment includes drinking from the local reservoir which would be the equivalent of water sports activities – completed, the assessment does include drinking from the local reservoir

Action SO will provide copy of the US EPA methodology so that CLP members can read the data references – completed – see attached Human Health Risk Assessment Protocol papers which contain relevant links

Action KF to contact CLP members about a possible visit to Ballast Phoenix – completed, nine people interested in going, Siobhan Bruce organising visit in June to the Tilbury Docks facility

Action EA to consult with the local community on the Ballast Phoenix permit – completed, to be actioned during EA's permitting process, Alasdair McKellar (AM) will progress

Action Covanta to check if Bottom Ash is approved for use in the USA – completed: See end of notes for details of Covanta's ash handling in the US. In the US the usual approach is to mix the residue ashes and then send the ash to landfill. There is no incentive to recycle bottom ash into aggregate as there is no significant landfill tax in the US, so it is cheaper and environmentally acceptable to simply landfill. There are no developed secondary aggregate markets as a result

Action Covanta to provide information on its track record – completed, KF circulated Covanta's Corporate Responsibility Report to CLP members, attached

2. Update on the IPC and EA consultation process timetable

Rachel Ness (RN) updated on the IPC process –

On 28th February all interested parties put in their written representations. CLP members were provided with a full set of these documents on CD or in hard copy in early March. The Central Bedfordshire and Bedford Borough Council (Councils) also delivered the Local Impact Report. Covanta also delivered their responses to the Commissioners initial questions and 7 Statements of Common Ground. Further SOCGs are being negotiated with English Heritage (concluded and submitted on 28 March) and the Councils (still being discussed).

Covanta then had until 28th March to respond to the written representations; there were some very full representations from approx 120 organisations and many letters from members of the public.

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Covanta responded to these as appropriate in their 28 March submission to the IPC. The IPC may ask for further information or raise further issues with Covanta or other parties by 11th April and replies have to be back by 9th May.

An Issue Specific Hearing on the draft Development Consent Order (DCO) (including the requirements) and S106 legal agreement has been set by the IPC on 13 May 2011. In addition there will be several open floor hearings to examine the application and hearings on the compulsory purchase aspects as detailed in the IPC letter circulated with the Meeting 15 Notes. The IPC are expected to advise whether they wish to hold any other Issue Specific Hearings in light of their review of the written representations.

NB Interested parties have to advise the IPC if they want to attend the Open Floor meetings by 6th June.

The deadline for the close of the Examination Stage is 15th July .If the Draft National Policy Statements are approved in the summer then the IPC will determine the application and a decision should be made by October 2011, if not then the Examining Authority will make a recommendation to the Secretary of State who will decide whether or not to grant the DCO, probably by the end of 2011.

AM updated on the EA Permitting Process –

EA have accepted the Permit information submitted for the EfW facility and are now assessing this. The Air and Noise modelling are being checked by the EA Audit Team – if they need more information they will give notice to Covanta to provide this.

EA have received no further representations since February, but are aware that the local Parish Councils are working together to submit a single representation and AM is attending a meeting with them to answer questions to assist this process.

EA will make their 'minded to' decision in July 2011 and their document will be available on their website for further consultation. **Action AM to advise the CLP when this further consultation begins, it will also be advertised in local press.**

EA are expecting the Ballast Phoenix Permit Application for the IBA Materials Recovery Facility soon – the two Permits will be determined and issued in the same timeframe.

Items 3, 4, 5, 6: RN stated that the Councils have a clear position of opposition to the application. However should the IPC approve the application, it is in the Councils interests to have worked with Covanta and the IPC to ensure any approval documents reflect their views as far as is deemed to be appropriate. Consequently Covanta and the Councils are working together on coming to agreed versions of the four draft documents covered in the next agenda items. The draft DCO and Heads of Terms for the S106 were included in Covanta's IPC application as "work in progress". All the application documents remain available on the IPC website via the following link: <http://infrastructure.independent.gov.uk/projects/eastern/rookery-south-energy-from-waste-generating-station/>

3. Progress on discussions on the Draft Planning Requirements

RN for Covanta and Sue Marsh (SM) for the Councils presented on this item – see attached handouts: Draft Development Consent Order Part 3 (Page 20) for Covanta version, and Beds version Appendix 1 for the Councils' version annotated with comments and proposed changes. The Covanta version has 37 requirements, the Councils' has 45.

The Draft Planning Requirements are similar to the Planning Conditions Local Authorities set on planning applications they determine.

There is an issue about which authority determines schemes, such as landscaping, that will be submitted pursuant to a requirement. The Councils want these schemes to be agreed by them as they are best placed to determine the suitability of the scheme for the local area and ensure the scheme can be monitored over time. Covanta agrees in principle with this position however it is

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aware that there is no provision in law for any body other than the IPC (or successor body) to determine these schemes. This raises an issue with the IPC legislation and Covanta and the Councils are seeking clarification as to how to best resolve this issue from the IPC and the Department of Local Government and Communities.

There are many areas where Covanta and the Councils are in agreement but there are also a number of fundamental areas where the parties disagree but remain in discussions to agree ways forward.

Areas of disagreement are:

Definition Section 1 –Covanta has always proposed a requirement specifying that the EfW facility will treat residual municipal waste and residual commercial and industrial waste. Whilst the Councils do not object to this in principle their view is that a definition is required of residual Municipal and residual Commercial and Industrial (C&I) Waste as that which has been subject to the comprehensive pre-treatment, such that the maximum practical value has been recovered. SM said that it is essential that the term ‘residual waste’ is defined to enable the Councils to effectively monitor what waste is treated by the facility (draft Requirement 3). This definition is set in the East of England Plan. The Councils will be responsible for monitoring this requirement and so it needs to be defined. RN stated that Covanta’s position in respect of municipal waste is that local authorities’ contracts for recycling and composting are let separately to local authority contracts for dealing with residual waste. Covanta will only be bidding for local authority contracts for residual waste and therefore will receive only that municipal waste which the local authorities themselves consider to be residual. Therefore a requirement is not necessary. In respect of C&I waste, producers are heavily incentivised to recycle (achieving already approx. 60-70% recycling) to avoid Landfill fees and generate a revenue stream from the recycle so a specific requirement on this aspect would not be necessary. Covanta is not aware of any other EfW plants being conditioned in this way.

The Councils also wish to add a requirement after Section 3 setting the Annual Throughput of the plant at a maximum of 645k tonnes per annum, which SM argued is the maximum on which Covanta based their environmental assessment of the plant. RN explained that Covanta’s environmental assessment had assessed the impacts arising from a 645,000 tonnes throughput per annum (pa). This was based on an assumed worst case number of HGV movements i.e. a larger number of smaller payload vehicles. The highway, noise and air impacts of such a scenario had been assessed and found to be acceptable in the Environmental Statement (ES) and Transport Assessment. As such, and given the absence of adverse impacts, it would be unreasonable to restrict throughputs in the manner the Council wish. Rather, a requirement could be imposed that restricted the number of HGV movements. Covanta does not wish tonnage to be restricted as this is a power generating plant and recent decisions on other EfW generating stations had not imposed a maximum throughput, as it is understood that the calorific value of waste cannot be accurately forecast, and the plant may operate to it’s best efficiency processing marginally more than 645,000 tpa.

Section 18 – 25, 28 – The Councils and Covanta’s noise experts fundamentally disagree on the noise assessment and haven’t been able to make progress on agreement. The Councils also want shorter working hours during construction and operation. SM stated that the early starts in this application are out of line with other facilities and affect local amenity by disturbing the sleep of local residents. RN said that Covanta’s view is that each case must be assessed on its individual merits and controls tailored to the unique circumstances of any one particular site and facility – it is not appropriate to impose a blanket restriction. The ES demonstrates that the noise impacts would not be significant or unacceptable.

The Councils also want to add a new Requirement (38 in Councils version) restricting the sourcing of waste to the Waste Catchment Area for the plant as set out in the application and on which all the assessments of volumes and availability of waste have been based. RN said the application does not limit waste sources to the Catchment Area but simply shows that within that area there are approximately 2 million tonnes of residual waste needing to be diverted from

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landfill. Taking waste from further afield will simply increase that figure which already demonstrates that at least 3 EfW facilities the size of the Rookery EfW are needed within the Catchment Area. Furthermore the WRATE Assessment submitted with the application demonstrated that waste could be transported from outside the Catchment Area (up to 168km further) before the additional environmental burdens caused by transporting waste outweighed the environmental benefits arising from the energy efficiencies of a larger EfW plant. RN also explained that recent EfW Consents issued by the Secretary of State have not sought to restrict waste sources, and the Draft National Policy Statement which directly informs the IPC decision-making, explicitly says that the source of fuel should be a matter for the Commercial Operator. Effectively commercial factors will regulate the distance waste is transported so this does not need to be a requirement.

SM stated that the National Planning Policy says that waste should go to the nearest appropriate facility. The local development plan policy is for waste to be restricted to the Bedfordshire/Luton area only – and Rookery South is envisaged by the local authorities to take local waste recovery only. RN pointed out that the Rookery definition was for local waste recovery and landfill which includes provision for a proportion of London's waste. SM said that the Councils' view is that there should be a limit on the mileage that waste should be transported and that Waste Planning Authorities (WPAs) should be planning for facilities to take waste within their areas with only limited waste coming from elsewhere. Even the Catchment Area put forward by Covanta did not comply with local and regional planning policy in this respect. SM pointed out that the Cambridge and Peterborough Inspector's Report on their Minerals and Waste Core Strategy issued in March 2011 agreed with a policy that provided for catchment area restrictions and other restrictions relating to distances and tonnages for the duration of the Plan period (up to 2026 when there should be a more comprehensive network of waste management facilities available).

Questions

The transport assessment says that the environmental gain is only lost if the waste is transported more than 168 km radius, this takes in a very wide area - roughly from Hull to Wales – surely Covanta do not expect to bring waste in from such a wide area?

No, there would be nearer EfW facilities that would be able to better compete on price, e.g. the Lakeside Facility would be closer for Windsor and Maidenhead commercial waste within the catchment area for Rookery. The distance waste will be transported will self regulate as the network of EfW facilities is built.

If recycling levels improve won't Covanta need flexibility on where to source waste from?

Covanta's case for Rookery is based on projected 50 - 60% levels of recycling by local authorities. Further testing has been done by Covanta that looks at a scenario where 70% recycling is achieved. In all scenarios looked at there remains a significant quantity of residual municipal and C&I waste that will need to be disposed of and preferably not to landfill.

Does Covanta's resistance to throughput being set at the 645k tonnes maximum proposed by the Councils mean that you intend to expand the size of the plant?

No, the design of the plant and the size of the site mean that Covanta can't expand beyond the 3 stream process. Covanta has no business plan to add a further EfW at Rookery.

Does the plant rely on providing Combined Heat and Power supply (CHP) for it to be an efficient energy producer?

Covanta's calculations show that the plant provides efficient energy recovery (in accordance with the European and UK accepted definition) before it provides CHP and this efficiency is even higher if it supplies CHP as well. Covanta is recognised across Europe as an efficient energy producer. There is a financial benefit to finding users for heat produced by the plant, and Covanta is in negotiations with potential users already. The plant will be CHP enabled from completion.

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Action Covanta to clarify the figures for efficiency if it is not providing CHP as CLP members had believed the drop in efficiency is considerable.

4. Progress on the draft S106 agreement

See attached handouts, S106 Deed for Covanta version and Beds Version Appendix 2 for the Councils' version annotated with changes.

This is a legal document, prepared by lawyers for each side and covers HGV movements, travel plans for employees, ecological management plan, Millennium Country Park planting, Marston Vale Trust contribution, Right of Way strategy, continuation of the CLP, the Community Trust Fund, Visitor Centre, local employment and sourcing of resources, development management.

The Councils have also asked for financial support to local councils to contribute to costs of discharging schemes submitted pursuant to the requirements (if the Examining Authority provides for this by amending the draft wording of the requirements to enable the Councils to determine detailed schemes) and ongoing monitoring costs. Covanta are open to this, and the level of contribution is being discussed.

RN pointed out a number of items of interest in Schedule 1 – page 17 onwards:

Section 1 Transport – Covanta and the Councils have agreed routes for access to the site – the Councils directed Covanta to the freight strategy which defines a wider network of roads. Work is now progressing on a plan to make reasonable endeavours to ensure vehicles keep to defined routes. SM said that the Councils want Covanta to show clearly the details of this plan to meet both Councils' strategies.

Section 5 Marston Vale Trust Contributions – Agreed with the Councils but SM stated the Councils want to see the details of the planting scheme proposed.

Section 8 Community Trust Fund - The approach in the S106 is agreed between Covanta and the Councils and the detail governing how the Trust Fund can be spent is being developed.

Section 9 Emissions Data – It is planned to display emissions data in the Visitor Centre, online and possibly other public buildings. The data will not be in real time, but displayed in a meaningful and transparent way that can be understood and interpreted by the local community. Covanta would like the CLP to discuss this issue more fully at a later meeting.

Section 11 Local Employment and Materials – Both the Councils and Covanta are keen for local contractors and local materials to be used during construction and operation. Covanta has included the Councils' suggested tendering methodology for contract procurement matters.

Section 14 Electricity Subsidy – The subsidy will be offered to registered householders in existence when the agreement is signed to benefit those individuals who already owned a house when the Covanta application was made. The benefit will not be extended to those householders who purchased their home in the knowledge of the Covanta proposal.

Section 15 Highways Improvements – Still under discussion, the Councils want Covanta to be responsible for Green Lane resurfacing to repair existing damage, but Covanta expect the Council to make good the surface where it is not fit at present. Once this has been done Covanta will commission a condition survey and maintain the surface to that standard

SM stated that the Council take the view that any ongoing maintenance would be to a standard required for current traffic levels not one that would necessarily be acceptable for the HGV traffic anticipated if the Covanta project goes ahead.

Other issues to be resolved include the provision of the electricity cable along Green Lane and how this may affect the route of the proposed Bedford to Milton Keynes waterway; improving the visibility at the junction of the C94 and Green Lane, and the junction of the access road and Green Lane.

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Questions

The Rights of Way section mentions upgrading footpaths for cycle use – can they also be upgraded for horse riders as there are many bridleways through the park that could link to these?

Action RN to investigate use of paths by horses, cyclists and walkers

The area has benefited £5 million from the Landfill Tax distribution system; if there were a similar tax on EfW in the future would the Community Trust Fund be wound up?

No, the Community Trust Fund commitment would not change.

Why can't Covanta present real time emissions data as is done at Lakeside?

NB Following the CLP meeting Covanta investigated the emissions data being provided at the Lakeside EfW Facility: Lakeside show a graphical representation of plant performance at the visitor centre, with the appearance of a car dashboard display. It only shows limited data, which is 'live' but limited to key performance data. In addition they post their performance data on their web site. They also have a link to an independent air quality monitor which reports more frequently but obviously it's not recording directly from the stack. Both can be viewed by following this link. http://www.lakesideefw.co.uk/index.php?option=com_content&view=article&id=16&Itemid=32

None of the data can be considered to be 'real time data', as even the live data is based on rolling averages which are only periodically updated as 'daily and half hourly' averages.

Covanta wants to display data in meaningful way – raw data is difficult to interpret so needs to be analysed in some way for the local community to be able to understand it. However Covanta appreciates that the analysis needs to be transparent to allay fears and would like to discuss the detail of what to display, where and when with the CLP at a future meeting. **Action Covanta to discuss emissions data display with the CLP at a future meeting**

Which households are included in the electricity subsidy scheme?

Those within the main settlements within 5 km of the site – they will be defined in the S106 but amount to approx. 8,000 households. The subsidy will be a flat rate regardless of size of house, and households will need to register at the right time. **Action Covanta to advise the CLP when the registration process is due to start and take advice on how to advertise it to local people** – current thoughts are door drops, local council communications, local press and radio

Is the lorry route available to view?

Yes it is in Bundle 4 of the application, in the Transport Assessment, but is also now being reviewed against the Councils Freight Strategy routes.

Will Refuse Collection Vehicles deliver to the site as these are not covered by the restrictions?

Yes they will deliver to the site and will use the routes they use at present. The number of RCV journeys will not increase as a result of the EfW being sited at Rookery.

How many full time employees will the plant employ?

Action RN to provide this information – Completed Covanta has confirmed that the RRF is expected to provide 80 full time permanent staff

5. Progress on draft Development Consent Order – Copy of the DCO provided, CLP to advise KF of any questions they have about this.

6. Update on the Deed of Undertaking with the Marston Vale Trust - Copy of the Deed attached, CLP to advise KF of any questions they have about this.

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7. Date of next meeting and items to cover

KF proposed that the CLP do not set a date for the next meeting at present as there is so much consultation going via the IPC and EA Permit processes and CLP members will be participating in this. This was agreed.

However any member of the CLP may request a meeting to discuss any aspect of the information emerging from these processes by emailing KF.

Action KF to request from RN and SM copies of the agreed Draft Planning Requirements and S106 Agreement that will be going to the Issue Specific Meeting on May 13th for circulation to the CLP first week in May

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CLP Membership

Hugh Roberts	MMAG - Apologies, Mike Green attended
Barry Halton	Volunteer with Beds CPRE
Rod Calvert	Beds Chamber of Commerce
Gary Summerfield	Amphill Town Council - Apologies, Sally Bacon attended
Lisa Frangiamore	Houghton Conquest P. C.
Jennie Thomas	Millbrook Parish Meeting
David Cooper	Stewartby Parish Council - Apologies
Alan Barnard	Maulden Parish Council
Peter Neale	Marston Morteyne Parish Council - Apologies
Richard Franceys	Resident
Ed Hiam	Resident - Apologies
Robina Chatham	Resident
Independent Observers Sue Marsh	Principal Minerals and Waste Planning Officer, Central Bedfordshire Council
James Delafield	Minerals and Waste Planning Officer, Central Bedfordshire Council
Alasdair McKellar	PPC Compliance Officer, Environment Agency
Rob Jamieson	PPC Compliance Officer, Environment Agency
Covanta representatives	See below
Kate Fairweather	Independent Chair

Attending this meeting for Covanta:

Rachel Ness Director of Planning

Robin Treacher Communications Director

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Metal Recovery and Ash Residue Handling arising from Covanta US EfW Facilities

Within a typical US Covanta ash management building, a drum magnet, eddy current separator and vibratory screens are used to separate ferrous and non ferrous metals from the bottom ash. After separation, ferrous metal, non-ferrous metals and the remaining residue, are directed into dedicated storage bunkers that will typically store four days of residue and five days of both ferrous and non ferrous metals, based upon full capacity operation. To minimize any dust escaping to the environment during the conveying and separating process, all ash handling equipment within the ash management building has exhaust hoods at transfer points going to a central dust control system.

Fly ash is collected and conveyed to the ash management building separately from the bottom ash. The fly ash handling system for each combustion train collects the fly ash from the second/third pass, superheater, economizer and the air pollution control system of that train. The fly ash from each train that is not recirculated is conveyed by one of two redundant trains of conveyors to the ash management building. Inside the ash management building the fly ash is conditioned with water to minimize dusting problems before it is combined with the bottom ash. Each train consists of a surge bin, rotary feeder, pug mill and reversible belt conveyor that conveys the fly ash so it can be efficiently mixed with the bottom ash.

The combined ash is then subjected to US EPA TCLP Testing (Toxic Characteristic Leaching Procedure) which is used to characterize ash as either non-hazardous or hazardous within EPA standards. Once combined ash has passed TCLP, it is hauled to double-lined landfilling where, in many cases, the material is used as daily cover. Covanta, over its 25 year operating history, has never been subjected to disposing of its combined ash as a hazardous material.