

## Rookery South RRF Community Liaison Panel Meeting 8 Notes

# Rookery South RRF Community Liaison Panel Meeting 8 Monday 15<sup>th</sup> March 2010, 18.30 – 21.00

### Introductions and actions from the last meeting

Alasdair McKellar from the Environment Agency introduced himself – he is the PPC Compliance Officer, and offered to present to the next meeting on how the Environment Agency role fits in with the IPC process. This was agreed.

### **Kate Fairweather (KF) to contact all Community Liaison Panel (CLP) members after the site visit for issues where they would like further presentations**

Completed – issues arising to be covered at next meeting are:

- Update on the benefits to the community
- Why the particular location on the overall Rookery South site had been chosen for the proposal?
- Why the chimney has to be so high if it is not emitting anything dangerous?
- How much oil is used per annum to fire the plant? – **to be covered before the Stewartby Exhibition 20<sup>th</sup> March** – Completed, email circulated 18th March

The overall feedback was that the CLP have had numerous presentations on the work in progress for the proposal and would now like to see the whole Covanta case with the final versions of design/landscaping, traffic, noise and air quality impacts, which will be included in the application to the IPC at the end of April (subject to consultation outcomes).

### **Action Covanta to present the final planning case with more detail on the key issues for the CLP – design, landscape, traffic, noise, air quality – in May 2010 once IPC application submitted**

**KF to circulate Covanta's statement of community consultation as published in local press** – Completed, emailed to all CLP members

**Covanta to confirm any further development re balloons** – Rachel Ness (RN) confirmed that it had not been possible to fly the balloons last Sunday, but planned to have for this Saturday.

**Covanta to provide dimensions of the Isle of Man facility to the next meeting** – RN apologised that she had not completed this action yet; this will now be covered as an item at the next meeting.

### **Covanta to circulate the draft of the Feedback Questionnaire to be used at the exhibitions this week**

Completed, a number of CLP members had provided comments, but had felt they had not had enough time to comment fully. RN apologised that the time to comment had been so short - this was the result of the huge amount of work required to set up the exhibitions but those comments that had been made (from some 5 or 6 CLP members) had been considered in the finalisation of the Feedback Form.

KF said that she had passed on the CLP member's comments about the final version of the Feedback Form, expressing their concern that there was no opportunity for people to say they did not want the facility and that Question 18 statements are leading. RN said that she would respond with a note on how CLP Members' comments had been taken into account, and if not, why not.

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**Action Covanta to provide a note on how CLP members' comments had been considered**

**Covanta agreed to provide the Stewartby view after a review of additional information provided to EH upon their request which may be sufficient. Covanta will consider provision of night time and other views as part of the feedback from consultation process on the PER.**

An additional view from a higher point in Stewartby was provided at the meeting.

A CLP Member then commented that they were very concerned about the quality of information provided to the CLP regarding viewpoints for the photomontages – at the last meeting Covanta had stated in response to a question about who had chosen the viewpoints presented to the CLP that “the views had been agreed with English Heritage and Local Authority Landscape Officers in accordance with good practice. The views are from publicly accessible locations ...”

When they had queried this with the English Heritage officer, he had said that a number of viewpoints had been agreed, not just the one Covanta had presented to the CLP. The CLP member concluded that Covanta have presented the best view to support their case, rather than a range of views to give residents the full impact of the facility on the landscape.

**Action RN to discuss this issue with LDA Design and if necessary the English Heritage officer and report back to the CLP.**

The CLP then discussed the quality of information being provided by Covanta in light of this issue being raised. So far the CLP have accepted the information provided. However this issue will now lead CLP members to be more vigilant about questioning the information provided. The agreed outcome was that the CLP's role is to ask for information and, if dissatisfied with the information provided, to keep asking questions until they are satisfied with the response.

**Action CLP to continue to question Covanta about information they provide to ensure they are satisfied with the answers they receive.**

A CLP member pointed out that they had responded to a request for sensitive receptors to be taken account of in the traffic assessment, but at the last meeting it was stated that these were not going to be taken account of in the traffic assessment.

RN clarified that the scope of the traffic assessment was to look at junctions and links on the local highway network and details of these were given in the Preliminary Environmental Report (PER) .It is not the function of the traffic assessment to consider the impact of traffic on sensitive receptors in respect of noise and air quality impacts. The assessments for noise and air quality do however consider such impacts arising from traffic. RN agreed that the distinction between the different assessment routes had not been made clear at the December meeting, but this had been clarified at the February presentation. RN pointed out that the CLP has not yet had a presentation on the noise impact assessment and only a very early view of the air quality one. Should the CLP wish to have more information on either of these topics this could be arranged at a future meeting.

**Action CLP members to consider whether they wish have a presentation on noise and air quality issues**

**Action RN to check and confirm the IPC process for changing working hours post application**

RN to circulate after the meeting - Completed

**Action Covanta to provide information from the Belvedere facility - Completed**

**Action Covanta to confirm the level of HGV vehicles in the HA model.**

RN to circulate after the meeting – Completed, see details of responses provided after the meeting below.

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### **Policies regarding landscape that the application has to address**

Kirsten Berry (KB) presented the main policy areas referring to landscape and cultural heritage that the application has to address (see notes attached). These are detailed in Chapters 8 and 9 of the Preliminary Environmental Report (PER).

### **Questions**

#### **Is Houghton House in the same Landscape Character Area as Rookery South?**

##### **Action Covanta to confirm – see detailed response below:**

Rookery South is in National Character Area 88 – Bedfordshire and Cambridgeshire Claylands. The relevant details of which can be found at:

[http://p1.countryside.gov.uk/LAR/Landscape/CC/the\\_east/bedfordshire\\_and\\_cambridgeshire\\_claylands.asp](http://p1.countryside.gov.uk/LAR/Landscape/CC/the_east/bedfordshire_and_cambridgeshire_claylands.asp)

Approximately 1.3km to the south east of the site extends National Character Area 90 – Bedfordshire Greensand Ridge – this contains Houghton House and Amphill Park. Details at

[http://p1.countryside.gov.uk/LAR/Landscape/CC/the\\_east/bedfordshire\\_greensand\\_ridge.asp](http://p1.countryside.gov.uk/LAR/Landscape/CC/the_east/bedfordshire_greensand_ridge.asp)

**How does the overall impact of the facility on the landscape get assessed in an holistic way, what calibration of effect on the landscape is used i.e. is this a suitable facility for this landscape or not? The way the PER presents the information is against each individual policy and the CLP feels that this could prevent the Infrastructure Planning Commission (IPC) from seeing the big picture. The CLP is very concerned that the Covanta case will not adequately present the full impact of the facility on the landscape.**

The overall impact will be presented in an holistic way in the Environmental Statement (ES) section of the application to the IPC - it will set out the policy context, the baseline as it exists and the detailed impact in the Landscape and Cultural Heritage sections.

RN commented that the role of the ES in the different topic areas is to assess the levels of significance of the impact of the proposal. The overall planning case for the Project is made in the Planning Statement (PS) of the application, which pulls all the different strands together and makes the case from an overall planning point of view.

##### **Action Covanta to present the Planning Statement case on landscape in May 2010 once the IPC application submitted (as action above)**

**Will the IPC see only the case made by Covanta, which will obviously be made to put the proposal in the best light, or will there be an independent statement, similar to the ones provided by Local Authority Officer's Reports in planning applications made to District/Borough Councils?**

The IPC takes a view on the case made in the application – they will do their own site visit, will access independent specialists in local and national bodies and take into account the views from the general public made in representations to them. The local authority (including Landscape and Conservation Officers) is required to submit a Local Impact Report setting out its initial comment on the application to enable the IPC to identify the key issues to be considered during the Hearings. The local authority is later expected to provide more detailed comment on the application in preparation for the Hearings. For landscape and heritage aspects the IPC is also expected to consult with English Heritage (EH) and CABI.

##### **Can the CLP see the comments made by EH, CABI to Covanta and the IPC?**

Covanta is consulting with statutory organisations with responsibility for matters such as cultural heritage, landscape, design, environmental health, human health etc. All these consultees have been

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provided with a copy of the PER. The consultees do not make a judgement on the basis of the PER, they will only make a judgement (and their representations) once the ES is provided, that is once the application is made to the IPC. The representations made are published on the IPC web site (see IPC presentation circulated). However Covanta's application has to include a statement of consultation feedback (the section 37 Consultation Report) which will cover all feedback received, including all public feedback, and how this has influenced the Project.

**Action Covanta to provide the section 37 Consultation Report to the CLP once it has been drafted. Work on collating this report is just starting and is being authored by LDA Design.**

### **CHP**

Jim Cleland presented on this item (see handout attached).

#### **Questions**

##### **How will hot water be supplied to Centre Parcs etc?**

JC confirmed that Covanta will lay a network of underground pipes that will use conventional services routes (usually along roads). This would cause disruption while being put in place, but once in the ground would not need to be disturbed again (like gas pipes).

##### **Will existing houses be able to join the network?**

Yes, once the core network is in the ground and sufficient large users established additional households can be added. The pipeline is specified to handle an additional 45% capacity for this purpose. It may be more costly for individual houses to join.

##### **Will there be grants for energy saving for households joining the scheme?**

There will be a Renewable Heat Incentive scheme that may assist.

##### **What will the price of heating be compared with other forms of energy?**

The energy will be metered and Covanta have estimated that they will need to offer a 10% reduction on comparable energy prices to attract sufficient consumers to the scheme.

##### **Has Covanta included further development on the Rookery South site in their business case for CHP?**

No, the case is based on the four planned developments only which are outside of Rookery South pit.

A member of the CLP commented that they have seen plans by O&H Properties for additional industrial and commercial development of the remainder of the Rookery South site, and that the provision of cheap CHP locally would make the site more attractive for this redevelopment. This means that the local community would have to cope with even more environmental impacts than the EfW facility on its own.

Covanta said that this was outside the planning case they are making for this proposal, and any future development in the pit would need to be subject to its own planning application and consultation process.

#### **Site choice/alternative site assessment report**

KB presented the methodology that Covanta had used to identify their preferred site as Rookery South (see attached handout).

#### **Questions**

##### **Why was the 4 hectare minimum site size chosen?**

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This is the minimum size of site recognised to be useful for an EfW plant, of any size.

### **How many other sites were 95 ha like Rookery South?**

A number of the other sites considered were large, and so would also be able to accommodate the MRF. All the sites considered had pros and cons; the information gathered on each is presented in a series of tables annexed to the PER. The assessment was not a numerical scoring process; it was an evaluation of a range of issues identified with reference to relevant planning documents.

### **Was the site selection done at the same time as the BEaR assessment of suitable sites for EfW?**

No, it was done afterwards. The BEaR Project identified Rookery South following its own site assessment process and promoted the site as its preferred Reference Site. It was by this route that Covanta became aware of the site. The site assessment activities have taken about 12 months to complete.

### **Is Rookery South the best site for an EfW facility?**

It is not necessary within the planning requirements to apply a test of proving that Rookery South is the best site. It is necessary only to ensure that the site chosen for development is 'appropriate'; such that the proposed development (whatever that might be) can be developed and would not result in significant adverse impacts. The Alternative Site Assessment has therefore sought to identify all the locations that may be appropriate for development and to gather relevant information so that the benefits and constraints of each can be understood. In comparing these benefits and constraints, a conclusion can be made as to whether Covanta's commercial decision to develop Rookery South is sound in planning terms.

A CLP member commented that the BEaR project had arrived at a final three sites which were – Rookery South, Quest and Brogborough. Other more suitable sites were discounted because the landowner would not sell.

### **Why was so much greater weight given in the selection process to proximity to European Nature Conservation Designated sites than to historical, cultural and environmental sites that are highly valued by the local community? (Specifically referring to Ampthill Great Park and the historic view from St Katherine's Cross included as part of the park design by Capability Brown)**

The proximity to EU designated sites was measurable; Covanta could set a threshold for this to narrow down the original 369 sites. Impact on English Heritage sites is less measurable because a view cannot be assessed by distance – e.g. there could be a hill between the site and the property so there is no impact. However the impact on cultural, environmental and historical assets was reviewed on the detailed site assessments once the initial list was reduced to the 11 sites highlighted on the map (attached).

Some CLP members commented that this process did not fully take account of the high value of this historical view to the local community and the large impact that the EfW facility would have on that view.

**Action Covanta to present their environmental impact assessment regarding the effect of the facility on the landscape to a future CLP meeting (see item 1 above).**

### **Update on Community Benefits**

As the meeting over-ran it was agreed that this item would be taken at the next meeting.

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### **Any other business**

During the discussion under item 2 on what information the IPC will see, and what Covanta will provide in their statement of consultation, the question was raised as to when the CLP gets to comment on the case Covanta plans to make.

KF restated that the Terms of Reference for the CLP is to provide the forum for the exchange of information between Covanta and the local community. The CLP organisations and individuals can make their representations at present to Covanta as part of the current consultation activity, and then to the IPC as advised by the IPC in their presentation to local organisations on March 12<sup>th</sup> (copied to all CLP members). A CLP member said they were preparing their representation to the IPC at present and other comments could already be viewed on the IPC web site.

Some CLP members then stated their serious concern that the IPC would view the CLP process as indicating that all CLP members had received information and therefore supported the proposal when they do not.

This was discussed in some depth, KF pointed out that the CLP Terms of Reference had been specifically amended by the panel to remove any implication that members agreed with the proposal:

“Membership of the CLP does not imply either support for or objection to the RRF proposals. Rather it is an opportunity to facilitate the flow of information between Covanta and the local community ...”

### **Action Covanta to ensure that this point is made clear in the section 37 Consultation Report that goes to the IPC**

This led on to a concern raised by some CLP members that the notes of meetings do not express the depth of feeling they have about the proposal, and that therefore they would challenge the accuracy of the notes as a true record of the CLP meetings in their representations to the IPC.

Other CLP members said that they do not share this concern, and feel that the notes are a fair representation of the issues raised at the meetings.

The consensus view was that the meetings are reported by notes, not minutes, and this is accepted by the CLP, and that KF should continue to convey the level of concern CLP members have.

### **Action KF to continue to ensure the notes convey a balanced representation of the depth of feeling CLP members express.**

It was agreed that CLP members should read notes on receipt and alert KF of any area where they feel their views have not been captured so that KF can provide final versions to the next CLP meeting.

### **Action CLP members to provide any comments on notes to KF on receipt**

### **Date of next meeting and items to cover**

Next meeting will be on Monday 26<sup>th</sup> April, 18.30 at the Marston Forest Centre.

Items to cover are (draft pending confirmation of presenter availability):

Review of photomontages showing views of the plant from Stewartby

Update on community benefits

Environment Agency presentation on their role and how it fits with the IPC process

Isle of Man facility height relative to the RRF

**NB See end of document for details of responses issued via email to CLP members after the meeting.**

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### Attendance

Nigel Milway - Attended	Chair of "Revamp" Ampthill
Hugh Roberts - Attended	MMAG
Barry Halton - Attended	Volunteer with Beds CPRE
Tony Talbot - Attended	MD Forest of Marston Vale
Gary Summerfield - Attended	Ampthill Town Council
Lisa Frangiamore - Attended	Houghton Conquest P. C.
Jennie Thomas - Attended	Millbrook Parish Meeting
David Cooper - Attended	Stewartby Parish Council
Alan Barnard – Apologies	Maulden Parish Council
Peter Neale - Attended	Marston Morteyne Parish Council
Richard Franceys– Apologies	Resident - Sean Tyrell substituted
Ed Hiam	Resident
Covanta representatives	See below
Kate Fairweather	Independent Chair

Attending this meeting for Covanta:  
Rachel Ness Director of Planning, Jim Cleland

Presenters:  
Kirsten Berry ERM

Also attended Alasdair McKellar from the Environment Agency

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### **Responses to questions from Meeting 8 provided after the meeting:**

#### **How much oil is used per annum to fire the plant?**

Oil will be used at Rookery predominantly through oil burners for the EfW Plant start up and shutdown to ensure the boiler reaches a temperature of over 850 deg C before waste can be added. Oil burners may also be used to help stabilise this temperature in occasional periods when the furnace temperature may fall below the 850 deg C.

Oil can also be used for small amounts of emergency power generation, to keep the Plant safe, in the unlikely event that there is a problem with generating and exporting power e.g. if the delivery line is temporarily lost in bad weather.

Typically the EfW Plant will burn less than 1% oil e.g. 585,000 tonnes of residual waste could require 530 tonnes of oil.

Of the oil consumption 90% is for start up, shutdown and stability during operation with 10% for emergency generation.

#### **Action RN to check and confirm the IPC process for changing working hours post application**

I promised to distil a very legalistic note from our lawyers on the process involved in amending any Development Consent Order (DCO) issued by the IPC.

I attach a note setting out what is known at the moment, and I have sought to summarise the key points below:

1. In essence the Planning Act (at S153 and Schedule 6) provides for changes to DCOs but that the relevant regulations and forms have yet to be drafted or published;
2. It is likely however that the procedure would be similar to that presently followed under the Town and Country Planning Act 1990;
3. It would include consideration of whether the change was non material (which involves assessing the effect of the proposed change). In such cases it is likely that there would be a requirement for some form of consultation.
4. If the change is considered to be a material change then the consultation requirements are likely to be more onerous. The ability to make material changes to the DCO appears to be time limited in that, after the end of 4 years beginning on the date on which the development was substantially completed, the power to make material changes cannot be exercised.
5. Lastly, non compliance with the DCO requirements would be unlawful and a breach can attract fines up to £50,000 or on indictment to an unlimited fine.

I trust the above and the attached note assists in what is presently a rather vague area of law.

#### **Action Covanta to confirm the level of HGV vehicles in the HA model.**

In response to the CLP query from mtg 7 regarding "Covanta to confirm the level of HGV vehicles in the HA model, I would advise that Brian Plumb from Waterman Boreham has provided the following response:

Since the CLP meeting we [*Waterman Boreham*] have obtained updated information from the HA over the composition of flow on the A421 and the level of HGV's, both existing and proposed. To this we have added the impact of the RRF traffic both for the network peak hour (8.00 til 9.00) and for the previous hour (7.00 til 8.00) which is the higher operational hour on the site.

The latest information from the HA shows the existing flows on the A421 to the west of Green lane are 3609 vehicles two way of which 312 are HGV's.

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In the network peak hour the overall impact of the RRF traffic on the A421 to the west of Green Lane is to add 22 vehicles in total which represents a 2.4% increase in traffic. Of this traffic the HGV volume will increase from 96 vehicles to 112 vehicles two way.

When considering the previous hour to the network peak, i.e. the hour from 7.00 til 8.00, the overall impact of the development is to add 40 vehicles to the network which represents an increase of 4.3%. Of this traffic the HGV volume will increase from 96 vehicles to 125 vehicles two way.

The attached graph represents these figures.

For clarification the original figures given in the presentation were 3026 vehicles for the existing flow and 871 vehicles for the proposed flow. These figures have now increased to 3609 vehicles and 930 vehicles respectively as included above as taken from the latest HA data.