

## **Rookery South ERF Community Liaison Panel Meeting 9**

**January 14<sup>th</sup>, 2019, 18.30-20.40.**

**Marston Forest Centre, Station Road, Marston Moretaine, Bedford MK43 0PR**

**In attendance:** Representatives from Houghton Conquest PC, Marston Moretaine PC, Lidlington PC, Milbrook PC, Brogborough PC, Wootton PC, Marston Vale Forest Trust (MVT), Bedfordshire Against Covanta Incinerator (BACI), a Lidlington resident.

Councillor Sue Clark – Cranfield Parish Council and Central Bedfordshire Council (ward cllr)

Neil Goudie and Emma D’Avilar - Environment Agency.

Roy Romans and Ann Horn – Minerals and Waste planning authority (MWPA).

Tina Knibbs – GrantScape.

Tom Koltis, Neil Grimstone, Judith Harper and David Spencer – Covanta.

Robin Treacher – facilitator. [robin@quantumpr.co.uk](mailto:robin@quantumpr.co.uk) Tel 07818515770.

**Apologies were received from:** Maulden resident, Stewartby Water Sports Club, Cllr Tim Hill, Sue Marsh (MWPA) and David Nicholson (Veolia).

### **NOTES FROM THE MEETING**

**Disclaimer:** Membership of the CLP does not imply either support for, or objection to, the ERF development. Rather it is an opportunity to facilitate the flow of information between Covanta/Veolia and the local community.

The Terms of Reference for the Rookery South ERF Community Liaison Panel (CLP) as revised in October 2016 can be found on the facility’s website ([rookerysouth.covanta.com](http://rookerysouth.covanta.com)).

#### **1. Introductory remarks**

The facilitator reminded members of the new procedures they wished to see adopted following the last meeting. This included the membership agreeing the notes from the meeting held in June as being appropriate for publication on the Rookery website. This was done without amendment.

#### **2. Judicial Review EA Permit**

Tom Koltis gave a brief overview of the autumn judicial review which found in favour of the Environment Agency’s (EA) Permit and rejected the claims made against the Agency and Covanta. He added there is a right of Appeal to this verdict and he and the EA were waiting to see if such an Appeal would be granted. Papers have been submitted but the court can grant or deny the Appeal. In the meantime, however, Covanta would progress with the construction phase of the project. Asked if there was an Appeal timetable, he replied there

wasn't and pointed out the Permit was only needed once the Plant was operational so there was time to address any issues which might arise from an Appeal.

### 3. The Permit and addressing concerns

Emma D'Avilar gave a presentation on behalf of the EA. This is **attached** to these notes.

She said that Rookery South ERF has got its permit and explained the regulation of the permit.

#### Questions

With regard to the EA's enforcement powers and procedures, Marston Moretaine PC asked if these were all in the public domain. It was told they are and on the EA website.

Marston Moretaine also asked if, how and when would breaches would be published. How would the public know?

Nigel Goudie responded saying a company must notify the EA of any breaches as soon as possible – and a failure to do so would be a further, serious breach. This information would be reported to the CLP by the EA on a quarterly basis – at the regular CLP meeting, which is going above and beyond usual requirements. This would be presented to the CLP either in writing or in person and should avoid the need for CLP members to rely on Freedom of Information requests.

Houghton Conquest PC asked if the points given for breaches (points depend on how serious the breach is) are incremental – are they added up? The EA said the scores would be added up and the inspections and sanctions would escalate – ultimately leading to higher fines and ultimately court action.

Councillor Sue Clark asked if the emission figures would be published. Tom Koltis said Covanta would regularly publish its emission figures as it does with its plant in Dublin.

The EA asked if there were any specific area CLP members would like more information about.

Lidlington PC asked for more information about Enforcement and whether reporting of breaches would only become public once every 3 months. The EA said that was the timescale but if problems were to occur on a regular basis the frequency would be increased. It added that during inspections, if the EA saw a breach or a potential hazard (such as a split silo) that would be scored against the Company in the same way as an actual hazard. There does not need to be an incident first.

Houghton Conquest asked if there was a scale applied to breaches and the EA said that they use a system called Common Incident Classification (CICS) which they are willing to share. This applies to all facilities not just EfW plants. It would circulate this to all CLP members via the facilitator.

Lidlington PC asked what would cause the need to shut down the plant. The EA said it would need to be a catastrophic event – and that rarely happens as industry does not want things to get to that point. It also said a plant might face a shut down as a result of multiple failures leading to a loss of confidence in the operator – but this is rare, so it is hard to give examples.

Tom Koltis added that Covanta will have partners involved in the project who will also be reviewing the plant's compliance and progress via an independent technical adviser, which adds to the robustness.

The EA said the plant would be monitored 24/7 and the Agency would make announced and unannounced inspections.

Houghton Conquest asked that if there is monitoring 24/7 why does the EA report only quarterly. The EA said it expected a high level of self-reporting leading to rapid action and that a failure to do this was an offence. A quarterly overview was deemed appropriate.

A resident asked if the EA had taken into account the topography of the area – the plant's location being in a unique bowl. The EA said it had and that it had experience and knowledge from when brick works were operating in the area. He explained the plant had blowers – big fans – which forced the air out of the plant and bowl even while weather conditions applied a downward pressure – unlike the brick work chimneys.

Asked whether the plant would have radiation detectors, the EA said this was not a legal obligation, but Tom Koltis added they would be fitted.

The Marston Vale Forest Trust asked what area does the EA's Permit cover. What about spill waste on neighbouring roads? The Agency said the Permit only covers the building and land within its boundary. However, it would speak with the operator if there was an environmental issue outside the boundary and Roy Romans (MWPA) confirmed it was a requirement (28) of the DCO that vehicles should be covered to avoid waste being blown onto roads and surrounding areas.

Lidlington PC asked what waste will be arriving at the plant and what will be coming out of the plant.

Tom Koltis described the waste arriving as being "High Street" waste from businesses and household waste after recycling. Following high temperature incineration and filtration, most of what will come out of the stack will be water plus tiny traces of elements. Targets are set for these trace elements which are well below the safe level. Air Pollution Control Residues, referred to as fly-ash is captured by the filtration process and is bagged and sealed and sent off-site for safe disposal. The bottom ash - the material left in the grate – is non-hazardous and goes for recycling (eg metal extraction) and can be used as a low-grade aggregate.

BACI asked what would happen to the 150,000 tonnes of bottom ash – was it going to be treated on or off site?

Tom Koltis said no decision had yet been reached.

BACI asked what solution is currently favourite and was told that currently it was offsite processing which might result in 20 lorry movements daily – however, some of that might be achieved by using some of the vehicles delivering waste to the site which might otherwise leave empty.

Wootton PC inquired if air quality monitoring would be installed outside the plant boundary and what action would the EA take if unacceptable accumulations were detected?

The EA replied that it was for DEFRA and the local authority to monitor air quality and that concentrations hadn't occurred previously during a 15-year period during the time of the brickworks. If it did happen the results would be fed back into the Permit's Review.

Wootton PC asked if the EA had the power to act if a deterioration in air quality was proven to which the Agency said it would be down to the local authority to take action in the first place and if proven the EA could also take action. It added: "We wouldn't just ignore it. If evidence was brought to our attention the Permit could be reviewed."

BACI asked if the incineration bottom ash (IBA) might be taken off-site to go to landfill if it wasn't processed on-site. Covanta said it would find a processor if it didn't treat it itself. When asked about the negative impact of lorry movement associated with this solution, Covanta said it was better than landfilling and the transportation of other aggregates in the country for building purposes is generally accepted.

Roy Romans (MWPA) added that with the reduction of this type of aggregate as a result of coal-fired power stations being closed, there was a market to re-use IBA.

Lidlington PC asked what would happen to the fly-ash. Covanta replied that this represents a very small proportion of the waste coming into the plant (perhaps 3-4%) and that about 16,000 tonnes a year would be bagged and sealed and sent to secure landfill as this is much harder to convert into safe aggregate. The EA added that re-using fly ash would be the holy grail. Re-using all the by-products of the process would be ideal but the technology does not yet exist to re-use fly-ash.

Topics and subject matters that the CLP would like the EA to address at future meetings (the main concerns) to be sent to the facilitator in advance.

#### **4. Covanta newsletter**

The winter edition of the proposed Covanta newsletter for the Rookery ERF was circulated ahead of the meeting. Members brought a small number of literals and a re-drafting suggestion to the attention of the editorial team. Plus, a change in the telephone number for the local authority representative.

Councillor Sue Clark asked that in addition to newspaper adverts publicising the electricity subsidy scheme there should be a door-to-door leaflet drop to all households in the agreed catchment area.

Tina Knibbs (GrantScape – scheme administrators) said it had a data base of over 10,000 homes in the eight qualifying parishes and they would all get a letter and a registration form

in February along with a leaflet on frequently asked questions. Applicants would also be able to apply on-line, plus drop-in sessions within each parish.

Councillor Sue Clark asked when the registration cut-off date would be and was told June 28<sup>th</sup>.

It was suggested the Covanta story on the topic conveyed more of this information and consideration be given to re-wording the cut-off date information (December 2018) to make it clear this was for residency and not application.

#### **5. Electricity Subsidy Scheme, now Rookery South Community Energy Initiative (RSCEI).**

Neil Grimstone from Covanta gave a presentation **attached** outlining the scheme's new key dates and change of name (Rookery South Community Energy Initiative). He said the scheme was now going to benefit more people and the details of its launch programme was available on GrantScape's website. On average every householder will benefit by £60 a year for 35 years. It was inflation-proofed and the only scheme of its type in the country.

Millbrook PC asked if the scheme could be rolled out to cover community groups and buildings as well as householders (e.g. village halls) and was told there was no "blanket" provision, but applications would be looked on favourably so long as the organisation has its own named electricity bill.

A local resident asked if benefactors would still benefit if they changed supplier and was told they would. However, householders moving into the catchment area after December 2018 would not benefit even if the previous occupant had. To qualify, an applicant must have their name on the electricity bill although one additional name (e.g. family member) can also be added.

#### **6. Green Lane Roadworks.**

Judith Harper updated the CLP on the Green Lane Roadworks with a presentation **attached** which started on January 7<sup>th</sup> under a Section 278 agreement. She said she would put the diagram from the presentation onto the Rookery website to make it easier to read.

Councillor Sue Clark said it would have been helpful to have sent the notification letter to the CLP and not just the local neighbourhood. The Facilitator said the CLP members were notified and sent the letter on the same day (December 20, 2018). This was after the Councillor had drawn the published notices about the s.278 works to the attention of CBC.

BACI asked how many lorries could be accommodated in the ghost island (waiting to turn right into the site's access road). Tom Koltis said two. BACI said this wouldn't be sufficient especially when vehicles back up as a result of the level crossing being closed. Houghton Conquest PC added that oncoming traffic (as a result of school times or the level crossing having been closed) will prevent the two-lorry ghost lane from being emptied for vehicles behind to use causing tailbacks and congestion. BACI added that the layout would not cope with 600 lorry movements a day. Tom Koltis said lorry movement would be about 250 a day and that a two lorry "lane" would suffice and that many of the lorries were under the

control of Covanta so their arrival times could be regulated. Houghton Conquest PC and several other CLP members did not accept the conclusion.

Tom Koltis said any congestion caused by peak periods would be limited to an hour or so a day and could be managed. Houghton Conquest said the position would get worse than currently predicted with the building of 1,000 new homes nearby and was informed that at the time of the planning for the new homes, developers and planners would have taken the traffic impact of Rookery ERF into account.

Discussions covered the current proposals by Cloud Wing Developments for additional housing on the Hanson site and concerns about the additional traffic resulting. It was noted that the development would include a bridge to the north of Green Lane to cross the railway to replace the level crossing and remove traffic from the Covanta access on Green Lane. The bridge would still enable access to Kimberley College from Stewartby without travelling via the site access.

Wootton Parish Council suggested that drivers seeing the ghost island fully occupied might continue past the island and entrance and go up to the roundabout in order to come back down on the other side of the road to turn left into the site instead of waiting to cross the traffic. Tom Koltis said this shouldn't happen and drivers would be reported or caught (via GPS) and reprimanded.

BACI said 115 cars simulating a busy period had shown the road to be inadequate so lorries would cause a problem. Covanta said a traffic management scheme had been prepared and the situation modelled to the satisfaction of highways and that it was in everyone's interest that traffic flowed freely. In addition, improvements to the "closed times" of the level crossing gates would ease the problem

Houghton Conquest PC and BACI claimed the level crossing improvements would not solve the problem and that waiting times had not been reduced by much.

Neil Grimstone undertook to invite Network Rail to the next meeting to explain the improvements in more detail.

Marston Moretaine PC said the area had changed dramatically since the DCO was granted with thousands of more homes and many business premises depending on lorry traffic – and this couldn't have been taken into account at the time. There was particular concern about the Marsh Leys roundabout which is said to be at capacity already. However, the planning consent for the Rookery South ERF specifies the routes lorries are required to take. (This has been covered in a previous meeting)

Councillor Sue Clark said that any new development needed planners to take existing consents into account when determining applications and this would have happened – adding there is nothing which can be done about it now.

## **7. Update on footpaths (requested by Millbrook PC)**

Judith Harper gave a short presentation **attached** giving the latest situation and apologised for the quality of the maps displayed which were too small to be clearly seen. She undertook to send out plans in the future.

Judith noted that the footpath strategy is one of the planning obligations for which Covanta and the site owners, O&H Properties, are responsible. Certain existing designated footpaths will be upgraded to cycle ways and other footpaths that are only permissive will be dedicated as rights of way. This work will be done prior to occupation of the ERF.

A local resident asked if the footpaths could be designated as bridleways as well; Roy Romans agreed that bridleways need to be wider than footpaths by statutory requirements. The resident said bridleways are good for fitness for women over 40 – many of whom ride and that she also represented the local British Horse Society.

Judith Harper said Covanta would take the point back for discussion remaking the footpaths into bridleways as well.

Lidlington PC asked if footpaths in the area generally could be improved and upgraded and was informed only footpaths in the immediate vicinity would benefit.

Lidlington PC also noted that the quality of the footpaths around Millbrook Lane and the southern end of Rookery South was poor, including the footbridge. Judith Harper said Covanta was aware of this and it will be addressed as part of the strategy.

Judith Harper added that the footpath strategy would look at improvements longer term in partnership with land owners O & H as part of the overall land restoration scheme. This would include a number of improvements.

Lidlington PC also reported holes in the site fencing. Roy Romans said there is evidence of people lifting the fence to allow deer to enter, but then they can't get out. Covanta said they address this.

#### **8. Design and access statement – a reminder (requested by Millbrook PC)**

Judith Harper gave a presentation on the design and access statement **attached** and explained it is a lengthy document which is now agreed and was part of the planning application. However, it no longer appears on the Planning Inspectorate's web site and she undertook to publish it in full on the Rookery web site (174 pages).

She explained the logic of the orientation, shape and colour schemes and admitted one factor (the prospect of the NIRA building in the vicinity) has since gone away.

There was a short debate about the size of the building and its comparison to other known buildings. Lidlington PC asked if consideration had been given to designing a "landmark" building as in other areas? Covanta said it had but the current design – as permitted – had evolved from a long and detailed consultation with many groups including the local community.

BACI asked if the design and access statement was a public document and was told it was. David Spencer – after checking if it was still available at local libraries to be told it wasn't - undertook to publish it on the Rookery website asap.

#### **9. Update on C94 (requested by local resident)**

Roy Romans said weight restrictions were coming into effect later this year on the road south from Marston Moretaine roundabout towards the M1, but there were no plans for weight restrictions between the Marston Moretaine roundabout northwards towards the Marsh Leys roundabout. The restrictions have been advertised and the design of signs being prepared. The weight restriction southwards is expected to be implemented in February.

#### Questions

Marston Moretaine PC had raised concerns about use of the Marston Moretaine roundabout by HGVs in view of the growth in housing in that area considered that all the HGVs should be routed via Marsh Leys. However, he accepted that Covanta's permission came first, and the assumption was that there would be a 50:50 split of its traffic from the east and the M1 respectively, with routes specified by the DCO. Nevertheless, he will continue to raise this with Bedford Borough.

#### **10. Any Other Business**

Marston Moretaine PC asked for the location of Veolia's depots to establish the credibility of the 60 miles waste radius. Neil said there were probably 20 depots within the footprint. Tom Koltis explained the logic and principle of "bulking up" before onward transportation to Rookery ERF. Houghton Conquest suggested that meant the distance of waste travel was therefore greater than 60-mile radius. Tom Koltis said the distance Covanta used was from the transfer stations where waste is bulked up. He also pointed out the "local" Green Lane Veolia depot was not included as this was a hazardous waste depot and won't be supplying Rookery ERF.

BACI asked for a map showing the Veolia depots that would be supplying Rookery ERF. Neil Grimstone undertook to ensure someone from Veolia would attend the next CLP to explain the logistics and provide further information.

Lidlington PC asked that the presentation from Veolia also addresses issues surrounding the congestion of Junction 13 of the M1.

#### **11. Next Meeting**

No additional items were suggested for the next meeting. Those identified during the meeting were:

- Acceptance of notes from last meeting
- Update on JR Appeal
- Suggested topics for Environment Agency to explain
- Draft Spring Covanta newsletter

- Network rail – Green Lane level crossing/traffic management
- Veolia – 20 depot locations and logistics for feeding Rookery ERF

The next meeting to be held at Marston Forest Centre on **Monday, April 29<sup>th</sup> 2019**