

The Environment Agency's response to The Examining Authority's Written Questions and Requests for Information (ExQ1)

ExQ1	Question	Answer												
Q1.1.2	<p>Please provide an update on the applications for the new EPs including:</p> <ul style="list-style-type: none"> • the scope of the applications; • any outstanding issues and/or requirements for additional information; • anticipated control mechanisms, management plans, limitations, conditions and monitoring requirements; • the timetable for issuing decisions. 	<p>We can confirm that Environmental Permit variations have been submitted to the Environment Agency. The variation to increase the throughput of the waste treatment and recovery facility (ref: EPR/YP3138XB/007), and the variation to extend the boundary of the landfill facility (ref: EPR/TP3430GW/V005) have been allocated to permitting officers and the process of duly making has begun.</p> <p>We are unable to confirm a timetable for issuing a decision, it will be as soon as practicable.</p>												
Q1.1.3	<p>Please provide information on any instances of non-compliance and/or difficulties with compliance with the existing EPs.</p>	<p>Please note that non-compliance is scored on potential impact, so a record of non-compliance does not necessarily mean that environmental harm occurred as a result.</p> <table border="1" data-bbox="1167 794 2031 1110"> <thead> <tr> <th colspan="2" data-bbox="1167 794 2031 831">Definitions</th> </tr> </thead> <tbody> <tr> <td data-bbox="1167 831 1359 868"></td> <td data-bbox="1359 831 2031 868">Non-compliance ...</td> </tr> <tr> <td data-bbox="1167 868 1359 904">Category 4</td> <td data-bbox="1359 868 2031 904">... with no potential environmental effect</td> </tr> <tr> <td data-bbox="1167 904 1359 971">Category 3</td> <td data-bbox="1359 904 2031 971">... which could have a minor environmental effect.</td> </tr> <tr> <td data-bbox="1167 971 1359 1038">Category 2</td> <td data-bbox="1359 971 2031 1038">... which could have a significant environmental effect.</td> </tr> <tr> <td data-bbox="1167 1038 1359 1110">Category 1</td> <td data-bbox="1359 1038 2031 1110">... which could have a major environmental effect.</td> </tr> </tbody> </table> <p>Summary of non-compliance events for existing landfill permit (EPR/TP3430GW)</p> <p align="center">15 February 2010 Cat. 3 – elevated leachate levels</p>	Definitions			Non-compliance ...	Category 4	... with no potential environmental effect	Category 3	... which could have a minor environmental effect.	Category 2	... which could have a significant environmental effect.	Category 1	... which could have a major environmental effect.
Definitions														
	Non-compliance ...													
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23 February 2010

Cat. 3 – elevated leachate levels

12 May 2010

Cat. 3 – elevated leachate levels

01 October 2010

Cat. 3 – elevated leachate levels

Cat. 3 – elevated CO² levels in perimeter monitoring wells

Cat. 3 – missing monitoring data in quarterly data return

18 July 2011

Cat. 2 – breach recorded for elevated leachate levels

Cat. 2 - breach for a number of elevated groundwater monitoring readings

Cat. 3 - elevated chloride levels at a monitoring point

31 March 2014

Cat. 3 – elevated leachate levels

30 June 2014

Cat. 3 – elevated leachate levels

30 September 2014

Cat. 3 – elevated leachate levels

Cat. 3 - elevated chloride levels at a monitoring point

31 December 2014

Cat. 3 – elevated leachate levels

Cat. 3 - elevated chloride levels at a monitoring point

30 December 2015

Cat. 3 – elevated leachate levels

30 September 2019

Cat. 3 – elevated leachate levels

30 June 2020

Cat. 3 – elevated leachate levels in two wells. These wells were thought to be blocked and a plan was in place to repair them. Score suspended while repairs progressed.

30 September 2020

Cat. 3 – elevated dust readings in monitoring data. It is possible that this was from farming activity and not the landfill but insufficient data.

Cat 3. - elevated leachate levels in a cell. Score was suspended as an action plan was in place to rectify the situation.

20 May 2021

Cat. 3 - western flank of cell 10 was seen to be very steep with the potential for contaminated surface water runoff to soak into unmade ground at the base of the flank. Flank was reprofiled to reduce the risk and unmade ground was protected with clay.

The majority of the non-compliances recorded are rated Category 3 (non-compliance which could have a minor environmental effect).

Q1.1.5	<p>ES Section 8.3 sets out the proposals for site and environmental monitoring at the Proposed Development.</p> <p>Please comment on the scope and effectiveness of these proposals as they relate to your areas of responsibility.</p>	The scope and effectiveness of environmental monitoring will be considered during the determination of the Environmental Permit.
Q1.1.6	<p>Apart from the Planning Obligation, EPs and protected species licences, are any other consents, licenses or agreements required to implement the Proposed Development.</p> <p>If so, please set out their scope, status and any implications for the Development Consent Order DCO [APP-017].</p>	N/A
Q1.2.2	Please comment on the methodological approaches used in the ES which are relevant to your areas of responsibility	We are satisfied that the methodological approaches used within the Environmental Statement for site investigation and engineering are suitable.
Q1.2.3	<p>ES Chapters 12 to 25 include assessments of cumulative impacts with other developments or facilities.</p> <p>Are there any other existing or planned developments or facilities which should be included in these assessments?</p>	N/A
Q1.3.2	<p>Appendix ES5.1 [APP-083] sets out the design principles for stand-off distances to be adopted in the Proposed Development for various features.</p> <p>Please comment on these principles for the features in which you have an interest.</p>	Having reviewed the Surface Water Management Plan (SWMP) we would have concerns about replacing the culvert with an open watercourse during the operational phase of the site. With the proposed 20 metre buffer zone each side of the proposed landfill cells there would be the potential to create an open pathway to the swallow hole. During the operation phase of the landfill and soil treatment plant there is the potential that contaminated water could enter the swallow hole. It is not possible to say that only clean surface water would be discharged from the site as there is always a risk of accidents/unforeseen events.

Q2.3.4	Please comment on the Applicant's contention (ES paragraph 21.5.2) that no controls over dust and particulate matter are necessary in the DCO.	We will consider controls over dust and particulate matter as part of the Environmental Permit. The Planning Inspectorate may wish to examine the preparation for engineered containment and any windblown dust from soil as part of the DCO.
Q4.2.5	Art 5 Does the EA have any comments or concerns with regard to the Applicant's limits of deviation in the dDCO or depths referenced in the ES [APP-049]?	These depths/deviations will be dependent on the thickness of the clay/mudstone deposits overlying the Lincolnshire Limestone. These will be based on the extensive ground investigations that have been carried out for this and previous applications. There is a requirement for at least 2 metres of undisturbed natural low permeability material to be left in situ above the surface of the limestone to accord with our landfill location policy. As a result of this the excavation depths for each cell constructed will be different depending on the thickness of the overlying low permeability deposits. We will assess the design of each cell prior to its construction under the requirements of the Environmental Permit.
Q4.2.14	Art 18 Please comment on the need for documents other than those listed in the submitted dDCO to be certified under Art 18.	We do not believe any additional documents would be required under Article 18.
Q4.3.2	Schedule 1 Please comment on the need or otherwise for the terms 'predominantly' (hazardous waste) and 'small quantities' (of low level waste) as used in the descriptions of Work No 1 and Work No 2 to be defined by reference to specific quantities.	We have no concern with the use of the term 'predominantly' in Schedule 1, as it is correct that the majority of the waste will be defined as hazardous. However, we would suggest that 'small quantities' could be defined i.e. 'up to X tonnes per annum' for the avoidance of doubt. This would clarify the percentage of waste that would be defined as 'low level waste'.
Q4.3.4	Schedule 2 Please comment on the need or otherwise for the EA to have a specified role in the discharge of certain Requirements, particularly having regard to the interaction between the DCO and the EPs intended to control the operation of the site.	We wish to be a specific named consultee in respect of Schedule 2, Requirement 3 (4) (detailed design for the surface water management plan) and Requirement 4 (1)(Phasing, landscaping and restoration scheme). We believe this is necessary to ensure

		<p>that the proposed scheme does not pose a risk to controlled waters.</p> <p>Augean South Limited do not have any objections to the Environment Agency being a named consultee in respect of the above Schedules. This will be confirmed within the Statement of Common Ground (section 8.1).</p>
Q4.4.1	Requirements (R) 1 to 18 Please identify where it would be helpful, for example to bring certainty or to avoid misunderstandings, for further specific provisions to be included in any of the Requirements. Please explain why any such changes are necessary.	N/A
Q4.4.5	R15 Please comment on the height limits in this R for the gas flare structure.	The decision on gas flare flue height should be backed up with modelling data that demonstrates that the proposed height would provide sufficient dispersion to prevent any significant impact on local air quality. This will be assessed as part of the Environmental Permit. We do not expect this to exceed 10 metres as per the comments in Requirement 15 (c).
Q4.5.5	Please comment on the need or otherwise for Protective Provisions for the benefit of the EA.	We reserve the right to add Protective Provisions should further information be forthcoming during the course of the examination on issues within our remit. However, we do not believe these are required at the moment.
Q9.1.3	Are you satisfied that the submitted landfill engineering and containment design (ES Section 5.5 [APP-049]) and restoration proposals [APP-063] for the site would render it suitable for use as open space following restoration?	The proposed basal and capping engineering designs are exactly the same that have been agreed for the previous extension of the site and have been agreed in principal for this extension area. However, the modelling will be reassessed as part of the Environmental Permitting process and is very likely to remain the same as the model input parameters will be very similar if not the same.

		We cannot say whether the site would be suitable for use as open space following restoration, this would be dependent on the surrender of the Environmental Permit.
Q13.2.1	Please comment on the scope and effectiveness of the Soil Handling and Management Scheme [APP-110] Annex DEC I1 and Stockpile Management Scheme Appendix DEC J1.	N/A
Q14.1.2	<p>Please clarify what legal rights and regulatory permits exist to discharge surface water (SW) into the swallow hole.</p> <p>Does the Applicant need to acquire additional rights or permits for the proposed SW discharge (noting that DCO Art 11 [APP-017] allows the undertaker to use any watercourse for the discharge of drainage, subject to considerations)?</p> <p>If so, are there any impediments to achieving those rights and permits?</p>	The applicant would need a permit to discharge surface water into the swallow hole, as well as consent from the landowner to do so; this would need to form part of the Environmental Permit.
Q14.1.3	<p>A standalone Water Framework Directive (WFD) assessment has not been provided with the DCO application but the ES includes consideration of WFD waterbodies in ES Chapter 17 (Water Resources) [APP-049] and concludes that there will be no adverse effect on the groundwater or surface water quality status in the vicinity of the site as designated under WFD.</p> <p>Would the EA please confirm whether it has been consulted on and agrees with the findings of the Applicant's WFD assessment?</p>	We agree that if the site operates following the Sustainable Drainage Systems Principles listed in the Surface Water Management Plan (s4.4 and s4.5) then this should deliver on water quality. This would include suspended solid reduction as well as providing opportunity for improved habitat for wildlife.
Q14.1.6	Has the EA been consulted on the assessment of groundwater pathways for the migration of radioactive contaminants? If so, please comment on it. If not please	We will comment on the radiological impact via groundwater pathways during the Environmental Permitting process.

	comment on the document submitted in response to question Q14.1.5 as soon as possible.	The Environmental Safety Case will need to demonstrate that risk is kept as low as reasonably achievable. Augean South Limited are currently putting together these documents, including assessments, that are required before we can consider permit determination.
Q14.1.8	ES paragraphs 17.3.14 and 17.3.15 refer to the future River Basin Management Plan classifications, highlighting that the 2027 target for the relevant catchment is 'moderate' for ecological status and 'good' for chemical status. Would the EA confirm whether or not these are the agreed targets for ecological and chemical quality in relation to the requirements of the WFD?	<p><u>17.3.14</u> The descriptions with 17.3.14 have not been transposed/interpreted correctly from the Catchment Data Explorer (CDE). In summary the Environmental Statement describes the Willow Brook as:</p> <p style="padding-left: 40px;">Ecological Quality: Moderate</p> <p style="padding-left: 40px;">Chemical: Fail with respect to 'Macrophytes and Phytobenthos combined' and 'Phosphate'</p> <p style="padding-left: 40px;">Overall: Moderate</p> <p>This is incorrect as to 'Macrophytes and Phytobenthos combined' and 'Phosphate' are Ecological Quality elements not Chemical Quality.</p> <p>The correct description should be:</p> <p style="padding-left: 40px;">Ecological Status: Moderate with respect to 'Macrophytes and Phytobenthos combined' in Biological Quality and 'Phosphate' in Physico-Chemical quality</p> <p style="padding-left: 40px;">Chemical: Fail with respect to Polybrominated diphenyl ethers (PBDE), Perfluorooctane sulphonate (PFOS), Mercury and Its Compounds</p> <p style="padding-left: 40px;">Overall Waterbody Status: Moderate</p>

17.3.15

The descriptions with 17.3.15 have not been transposed/interpreted correctly from the CDE. In summary the Environmental Statement describes the Wittering Brook as:

Ecological Quality: Moderate

Chemical: Fail with respect to 'Phosphate'

Overall: Moderate

This is incorrect as to 'Phosphate' is an Ecological Quality elements not Chemical Quality.

The correct description should be:

Ecological Status: Moderate with respect to 'Macrophytes and Phytobenthos combined' (Moderate) in Biological Quality and 'Phosphate' (Poor) in Physico-Chemical Quality

Chemical: Fail with respect to Polybrominated diphenyl ethers (PBDE), Mercury and Its Compounds

Overall Waterbody Status: Moderate

We are in agreement with the targets as described.