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## **SOUTH WEST DEVON WASTE PARTNERSHIP**

**DATE: THURSDAY 26 APRIL 2012**  
**TIME: 10AM**  
**PLACE: CHERSTON ROOM, TOWN HALL, TORQUAY**

### **Members –**

Councillor Michael Leaves, Chair  
Councillor Croad, Vice Chair  
Councillors Ball, Hart, Thomas and Tyerman.

### **Observers –**

Councillors Black, Doggett and Vincent.

*Members are invited to attend the above meeting to consider the items of business overleaf*

**BARRY KEEL**  
CHIEF EXECUTIVE

## **SOUTH WEST DEVON WASTE PARTNERSHIP**

### **1. INTRODUCTIONS AND APOLOGIES**

To introduce attendees and receive apologies for non-attendance submitted by Members.

### **2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this agenda.

### **3. MINUTES (Pages 1 - 4)**

To sign and confirm as a correct record the minutes of the meeting held on 26 January 2012.

### **4. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

### **5. PROJECT UPDATE**

Members will receive an update on the project from Mark Turner (SWDWP Project Director).

### **6. UPDATE ON MVV CONSTRUCTION PROGRAMME AND SITE ACTIVITIES**

Members will receive a presentation outlining MVV's current programme and on-going site activities from Martin Pollard (SWDWP Project Manager).

### **7. OVERVIEW OF PROJECT COMMUNICATIONS (Pages 5 - 6)**

Members to receive a report on communication activity from January 2012 to April 2012.

### **8. PROJECT PROGRAMME AND NEXT STEPS (Pages 7 - 8)**

Members will receive and review the latest project programme from Mark Turner (SWDWP Project Director).

### **9. DATE AND LOCATION OF NEXT MEETING**

The next meeting is scheduled for 26 July 2012 in Plymouth at 10am at a venue to be confirmed.

## **10. EXEMPT BUSINESS**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## **PART II (PRIVATE MEETING)**

### **AGENDA**

#### **MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

## **11. SUMMARY OF JUDICIAL REVIEW CHALLENGE TO PLANNING DECISION (Pages 9 - 14)**

Members will receive a report summarising the Judicial Review Challenge to Planning Decision No. 11/00750/FUL for an Energy from Waste Plant in the North Yard of Devonport Royal Naval Base from Jacqueline Houslander (Planning Advisor to the SWDWP).

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## South West Devon Waste Partnership

Thursday 26 January 2012

### PRESENT:

Councillor Michael Leaves, in the Chair.  
Councillors Ball, Hart, Thomas and Tyerman.

Observer Members: Councillor Doggett.

Apologies for absence: Councillors Black, Croad and Vincent.

Also in attendance: Anthony Payne – Director for Place (Plymouth City Council), David Whitton – Head of Capital Development and Waste Management (Devon County Council), Mark Turner – Project Director, Martin Pollard – Project Manager, Sally Farley – Service Manager (Torbay Council), Wendy Barratt – County Waste Manager (Devon County Council), Jenni Doudoulakis – PFI Co-ordinator and Ross Johnston – Democratic Support Officer.

The meeting started at 10.00am and finished at 10.50am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 22. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by councilors in accordance with the code of conduct.

### 23. **MINUTES**

Agreed that the minutes of the meeting held on Thursday 27 October 2011 are confirmed as a correct record.

### 24. **CHAIR'S URGENT BUSINESS**

#### **Order of Business**

The order of business on the agenda was amended as set out below in the minutes.

### 25. **OVERVIEW OF PROJECT COMMUNICATIONS**

Mark Turner, Project Director presented a report on recent and upcoming communication activity. Councillors were informed that since the last meeting –

- (a) the Incineration Liaison Committee (ILC) had continued to meet on a monthly basis and provided a beneficial forum for community engagement;

- (b) in October 2011 the ILC had visited the waste management and recycling centres at Chelson Meadow to enable a greater understanding of waste management issues;
- (c) key communication activities had included –
  - all councillor briefings held at the three authorities;
  - two separate MP briefings;
- (d) in total the partnership had received and responded to nine written enquiries focused on issues around emissions, traffic, the visual impact of the plant and the democratic process;
- (e) it was believed that many letters during this period had been sent through the planning process following the Planning Committee's decision on 22 December 2011;
- (f) media coverage in this period had been extensive with a focus on –
  - the decision of the Planning Committee;
  - the erection of a crane on site to indicate the height of the building and stack;
  - test piling on site by MVV;
- (g) Tony Norton, Director of the Centre for Energy and the Environment, Exeter University, wrote an article published in the Western Morning News which had provided a positive stance on incineration highlighting the benefits of Energy from Waste;
- (h) the recent planning application for an anaerobic digestion plant at Langage, had created an avenue for requests for the partnership to use this site as an alternative for the treatment of waste however, this was not an appropriate solution and an editorial comment via SWDWP did highlight the inappropriateness of this suggestion for the partnership's waste solution.

Councillors were further informed that the application for the recycling facility, including the processing of incinerator bottom ash at Whitecleave Quarry, Buckfastleigh was not a direct concern for the partnership as it was MVV's responsibility.

## 26. **PROJECT UPDATE**

Mark Turner, Project Director and Martin Pollard, Project Manager gave a presentation recapping the partnership's background, current partnership activities and future steps. Councillors were informed that –

- (a) the three participating authorities originally discussed working together in 2007, to explore a joint solution to the common problem of waste management, with the first SWDWP Joint Committee held in August 2008;
- (b) the partnership expressed an interest in obtaining PFI Credits to DEFRA and in October 2008 were awarded £95m of PFI Credits, now known as a Waste Infrastructure Grant;
- (c) the procurement programme was launched in October 2008 and MVV Umwelt were approved as the preferred bidder in December 2010;
- (d) in 2012 the partnership were considered to be in a good position having signed contracts with all parties, had the Waste Infrastructure Grant confirmed and MVV received conditional planning approval and a draft environmental permit for the site at North Yard, Dockyard;
- (e) in working together the three authorities had achieved all its key project objectives most notably to secure an economically advantageous solution, that utilised reliable and proven technology and would divert 97 per cent of waste from landfill achieving a reduction of 74,000 tonnes of CO<sub>2</sub>, the equivalent to 5 per cent of Plymouth's annual carbon footprint;
- (f) the partnership was currently working with MVV on many activities including –
  - finalising planning documentation including production of the Section 106 legal agreement;
  - producing health, safety and environment plans as part of construction phase method statements;
  - producing detailed stage programmes and detailed design information including drawings, specifications and calculations;
- (g) moving forward it was hoped that –
  - the decision of the Planning Committee would be ratified and legal agreements signed in early February 2012;
  - enabling works were to commence on site in February 2012 to ensure that the main construction works commenced in April/May 2012 with the aim of construction being completed in April 2014;
  - hot commissioning was to begin in September 2014 and not September 2012, as reported in the Outline Project Programme, when the three authorities' waste would begin to be diverted from landfill with the facility being fully operational from

November 2014;

- (h) as a partnership the future steps involved –
- reviewing and re-shaping the Joint Committee as necessary to reflect this latest phase including monitoring and progress of on site construction;
  - implementing necessary arrangements and reviewing contracts to move from current landfill contract with Viridor to the new Energy from Waste (EfW) contract;
  - continued engagement with councillors at briefing sessions and public through the Incinerator Liaison Committee.

Following questions from Committee members it was reported that –

- (i) there is a Judicial Review period that runs for a further three months following the issue of the formal planning decision;
- (j) MVV had received a draft Environmental Permit in December 2011 and consultations for the permit were ongoing until February 2012;
- (k) given the fact that MVV had yet to finalise Section 106 agreements and that the Judicial Review period was still ongoing, there was the potential that some of the Project Programme dates could yet move.

27. **SWDWP ONGOING WORKSTREAMS AND ACTIVITIES**

This item was discussed under minute 26.

28. **PROJECT PROGRAMME AND NEXT STEPS**

This item was discussed under minute 26.

29. **DATE AND LOCATION OF NEXT MEETING**

Agreed that the next meeting will be held on Thursday 26 April 2012 at Torbay Council, venue to be advised.

30. **EXEMPT BUSINESS**

There were no items of exempt business.





## **South West Devon Waste Partnership**

### **Communications and Community Engagement Report** **January 2012 to April 2012**

MVV Environment's solution proposes a 245,000 tonne per annum capacity energy from waste facility located in North Yard, HM Naval Base Devonport, which is in the Weston Mill area of the Naval Base bordering Blackies Wood. The facility will be a combined heat and power plant providing environmentally sustainable electrical energy and heat to HM Naval Base Devonport.

Further to the announcement in our last report of planning application approval, the planning permission document has now been formally issued and following the fulfilment of the pre-commencement conditions, MVV has commenced their site preparation works in phase 1 of their construction programme. These works are essential to separate the site from the Dockyard, providing the requisite security and include a new access road and services for the site.

The environmental permit application has also been successful and the permit has now been formally issued by the Environment Agency allowing the operation of the facility once construction is complete.

A new opposition group has formed: PlymWin, an offshoot of IIW. An initial application for an injunction by the group to halt the preliminary works on site, was rejected but legal proceedings to request a Judicial Review of the planning permission are still underway. This will require further communications support as it is likely to attract national media attention.

The majority of recent opposition activity has been focused on MVV's application for the Incinerator Bottom Ash processing facility at Buckfastleigh. An advertisement by the local opposition group was criticised by the Advertising Standards Authority as portraying the application and process incorrectly. The planning application has attracted substantial coverage in the local media, but it has not gone into the wider press.

This report provides a summary of project related communication activities and written queries made between February 2012 and April 2012.

#### **1. Communication activities**

Following planning and permitting approval the Partnership website has been updated and communication activities have concentrated on supporting MVV communications.

The **Incinerator Liaison Committee (ILC)** meetings have continued, attended by representatives from SWDWP, MVV, the Ministry of Defence and the Environment Agency. Several members on this Committee have recently resigned following the planning and permit approval but it is hoped that this Committee will be able to provide a valuable liaison and communication function now that construction has started on site.

**Construction newsletter** – MVV prepared and distributed a newsletter to the immediate local community detailing the phase 1 planned works. Copies of the newsletter were also emailed to the local ward councillors, members of the Joint Committee and Plymouth City Council Leader.

MVV have also appointed a **Community Liaison Manager** who is already in post and working

with the local community to address their issues and ensure they remain informed and involved.

Briefings on the project and the IBA application have been prepared for councillors and MPs; MVV has undertaken separate MP briefings in this regard.

Liaison has continued with the Environment Agency to align communications. The Environment Agency has also briefed Members following the award of the Environmental Permit.

### **2 Summary of written queries received**

4 written enquiries have been specifically received by or referred to the partnership. The main concerns have related to emissions, traffic, cost of the solution, ash produced and visual impact. The partnership has responded to the all written queries received.

### **3. Media Enquiries and Liaison**

Much of the media focus has been brought about by developments at neighbouring sites, such as Cornwall and Exeter, with updates being provided on the Plymouth development. Enquiries have come from the BBC, ITV, Western Morning News, Spotlight and Plymouth Herald as well as various trade magazines.

The BBC is currently interviewing residents about the issue being an election platform; the partnership has provided background information but no interview to date, given that purdah is in force in Plymouth.

The planning application for MVV's IBA facility at Buckfastleigh will be heard on 25 April at Development Management Committee at Devon County Council. This application is likely to attract media attention and the partnership will prepare an appropriate response.



**South West Devon Waste Partnership**  
**Outline Project Programme (post procurement) – 26<sup>th</sup> April 2012**

Milestone	FBC Programme @ Feb 2011	Current agreed/ anticipated programme	Status	Comments
Finalise Contract	Mar 2011	Mar 2011	<b>Completed Mar 11</b>	Finalise Contract for award
Defra Approve FBC	Feb 2011	Mar 2011	<b>Completed 25 Mar 2011</b>	Defra FBC process & approval
Contract Award and Final Close	Mar 2011	Mar 2011	<b>Completed 25 Mar 2011</b>	25 <sup>th</sup> March 2011
MVV Submit Planning application	Mar 2011	15 <sup>th</sup> April 2011	<b>Completed May 10 2011</b>	Slight delay due to MVV finalisation of planning application
MVV Submit Environmental Permit application	Mar 2011	20 <sup>th</sup> April 2011	<b>Completed June 6 2011</b>	Slight delay due to MVV finalisation of permit application
Planning Application Approval	Jan 2012	Jan 2012	<b>Completed 3<sup>rd</sup> February 2012</b>	The application was approved by Planning Committee on 22 <sup>nd</sup> December 2011 - decision document issued 3 <sup>rd</sup> Feb 2012
Planning Judicial Review (JR) period	N/A	3 <sup>rd</sup> May 2012	A JR challenge was received on 19 <sup>th</sup> March 2012 and is now awaiting legal proceedings	JR period expires 3 months after formal planning decision issued.
Main Construction Start on Site	Apr 2012	25 <sup>th</sup> June 2012	Pre-commencement site preparation work is underway having commenced on 26 <sup>th</sup> March 2012	Subject to JR challenge and approval of planning conditions and completion of pre-commencement works
Environmental Permit Application Approval	Mar 2012	Mid 2012	<b>Complete Permit issued 6<sup>th</sup> March 2012</b>	Permit not required until plant becomes operational hence not on critical path
Start of Hot Commissioning	Aug 2014	15 <sup>th</sup> Sept 2014		2014 date subject to construction on site – currently on programme but dependent on JR challenge. MVV are anticipating receiving 100% of SWDWP waste soon after hot commissioning date
Operational Service	Nov 2014	25 <sup>th</sup> Nov 2014		2014 operational date subject to construction on site – currently on programme but dependent on JR challenge

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