

South West Devon Waste Partnership

Thursday 22 April 2010

PRESENT:

Councillor Croad, in the Chair.
Councillor Butt, Vice Chair.
Councillors Bowyer, Hart and Michael Leaves.

Apologies for absence: Councillors Carroll and Doggett

The meeting started at 10.00 am and finished at 12.10 pm.

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.

35. INTRODUCTIONS AND APOLOGIES

Councillor Roger Croad welcomed members to the meeting.

36. DECLARATIONS OF INTEREST

There were no declarations of interest.

37. MINUTES

Resolved that the minutes of the meeting of the South West Devon Waste Partnership Joint Committee held on Thursday 21 January 2010 are confirmed as a correct record.

38. PROJECT UPDATE

The Partnership received a Project Update Report from the Project Manager. Members were informed that –

- (i) since the last meeting of the Partnership the Invitation to Submit Detailed Solutions (ISDS) had been received from the two participants;
- (ii) the Partnership attended two meetings with the Waste Infrastructure Development Programme (WIDP), who would be commencing a commercial review of the project in the near future;
- (iii) on 15 March 2010 it was publicly announced that MVV had indicated their desire to concentrate on their North Yard, Devonport solution and not to pursue their Ernesettle proposal;
- (iv) throughout March formal dialogue had been ongoing with the bidders', to review and clarify their detailed solutions;
- (v) at the end of March officers visited two operational facilities within Germany. The purpose of the visit was to view facilities operated by MVV to assess their technical ability, customer interface and levels of satisfaction as well as health and safety performance;
- (vi) a briefing session had been held for senior finance officers and the Section 151 Officers from the three partner authorities.

Members were also informed that between now and the next Partnership meeting the project team would –

- (vii) continue to hold formal dialogue sessions with the bidders;
- (viii) undertake a visit to a Viridor facility;
- (ix) be developing the next series of public roadshows.

39. **OVERVIEW OF PROJECT COMMUNICATIONS**

The Partnerships Communication Advisor presented a report on recent and upcoming communication activity. Members were informed that –

- (i) there had been two key communication events since the last meeting of the Partnership, these were –
 - MVV deciding to focus on their bid solution at North Yard, Devonport;
 - the formation of Incineration is Wrong (IIW), an opposition group against the North Yard, Devonport proposal;
- (ii) in February IIW attended a briefing by the Partnership to discuss their concerns;
- (iii) following the withdrawal of the Ernesettle proposal STIFLE (Stop the Incinerator Fouling Land at Ernesettle) have continued to support their campaign;
- (iv) the queries received from the public by the Partnership were becoming increasingly technical, particularly, following the report on air quality published in March by DEFRA (Department for Environment, Food and Rural Affairs);
- (v) the Partnership, at the beginning of March, held an MP's briefing. Three local MPs attended and were updated on the proposed solutions;
- (vi) the Partnership provided a briefing to South Hams District Councillors on the project in March. A further briefing with South Hams Council would be held in the future.

In response to questions raised, members were informed that –

- (vii) the Partnership did not answer queries regarding planning issues as this was the responsibility of the Planning functions within the relevant authorities;
- (viii) the Partnership provided transparent responses to all queries received, this was to ensure that a consistent response was being given.

40. **PRESENTATION BY THE ENVIRONMENT AGENCY**

The Partnership received a presentation from the Environment Agency on the regulation, permitting, control and monitoring of energy from waste facilities. In attendance to present to the Partnership was Judy Proctor, Cornwall Area Environment Manager and David Mudge, Pollution, Prevention and Control (PPC) Officer for the Devon and Cornwall PPC Team. Members were advised that –

- (i) the Environment Agency's (EA) roles included looking after the environment in England and Wales and regulating industry using environmental permits. They were also statutory consultees on certain planning applications;

- (ii) the EA as a consultee on planning applications were able to offer specialist advice to both decision makers and developers. By working with the Partnership at an early stage the EA have been able to offer pre-application advice to the bidders;
- (iii) the proposed sites would need a planning application for the development and in order to operate from the site they would also need an environmental permit;
- (iv) an environmental permit application for an energy from waste facility could take up to 12 months to determine;
- (v) the environmental permit application must show risk and environmental impacts as well as mitigating impacts. The permit would not be granted if there was an unacceptable risk to the environment or public health;
- (vi) the environmental permit would consider and control the following –
 - categories of waste that could be processed;
 - site monitoring including techniques, equipment, standards and sampling;
 - management and plant operating conditions;
 - energy efficiency, accident prevention, noise, vibration control and odour;
 - compliance with the Waste Incineration Directive and the permit conditions;
- (vii) if operators did not follow the conditions of the permit the EA have the powers of enforcement;
- (viii) the Planning application and the environmental permit application both contain an aspect for air quality assessment. In both cases this aspect was often carried out by the EA's Air Quality Team.

In response to questions raised members were informed that –

- (ix) the EA have the power to issue enforcement notices and can prosecute if they were not complied with;
- (x) the EA have standards when undertaking pollution and air quality modelling exercises that ensure the pollution emitted is not above acceptable levels;
- (xi) the air quality report can often extend the planning application process. The EA issue two responses to the planning authority an early response, covering all aspects except air quality, and an audited response, giving a thorough response on air quality once completed;
- (xii) the EA advise to twin track the planning and environmental permit application processes to ensure applications were dealt with within planned timescales;
- (xiii) the EA when deciding on an environmental permit consult with the public and other agencies such as the Health Protection Agency before making their decision.

41. **ANY OTHER BUSINESS**

There were no items of any other business.

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

Resolved that the next meeting will be held at 10am on Thursday 22 July 2010 in Exeter at a venue to be confirmed.

43. **EXEMPT BUSINESS**

Resolved that, under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

44. **OVERVIEW OF CURRENT SOLUTIONS AND BIDDERS FOLLOWING SUBMISSION OF DETAILED SOLUTIONS (ISDS) IN MARCH 2010**

The Project Manager gave a detailed verbal update on the detailed solutions proposed by each of the short listed bidders. Members were informed that –

- (i) the two detailed solutions received in March had been reviewed paying particular focus to the key aspects of the bid;
- (ii) value for money was now an important aspect and one which would be concentrated on during the next sessions of formal dialogue with bidders;
- (iii) the next four to five months of formal dialogue was going to be a challenging process leading to the final tenders being requested in late September 2010.

45. **REVIEW OF PROJECT PROCUREMENT STRATEGY, PROGRAMME AND FINANCIAL CLOSE PROCESS**

The Project Manager presented a current and revised Project Programme on the procurement process. It was explained that due to MVV focusing in their North Yard solution the project programme had been brought forward with the final tenders now proposed to be called for in September 2010 rather than November 2010.

46. **JOINT SCRUTINY REVIEW**

Members were informed that –

- (i) officers from the three participating authorities' Democratic Support Teams had met and in principal agreed to undertake a joint scrutiny review;
- (ii) it was hoped that more detail would be discussed between the authorities in the next couple of weeks and that this would lead to a formal agreement for a joint scrutiny meeting being put in place.

Resolved that once the formal agreement had been reached this would be circulated to members of the Partnership.