

# PLANNING COMMITTEE



**Date: Thursday, 19 July 2018**

**Democratic and Members' Services**

Fiona McMillan

Deputy Monitoring Officer

**10:00hr**

Shire Hall

Castle Hill

Cambridge

CB3 0AP

**Kreis Viersen Room**

**Shire Hall, Castle Hill, Cambridge, CB3 0AP**

## AGENDA

Open to Public and Press

- 1 Apologies for absence and declarations of interest**

*Guidance on declaring interests is available at*

<http://tinyurl.com/ccc-conduct-code>

- 2 Minutes 7th June 2018** **3 - 12**

### PLANNING APPLICATIONS

- 3 F-2001-18-CW West Fen Farm, Whittlesey Road, March, PE15 0AF** **13 - 42**

### ITEMS FOR INFORMATION

- 4 Enforcement Update Report** **43 - 44**

- 5 Summary of Decisions Taken Under Delegated Powers** **45 - 48**

The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Ian Gardener (Vice-Chairman)

Councillor Anna Bradnam Councillor Lynda Harford Councillor Peter Hudson Councillor Bill Hunt Councillor Sebastian Kindersley and Councillor Joan Whitehead

*For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact*

Clerk Name: Daniel Snowdon

Clerk Telephone: 01223 699177

Clerk Email: [daniel.snowdon@cambridgeshire.gov.uk](mailto:daniel.snowdon@cambridgeshire.gov.uk)

The County Council is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens. These arrangements operate in accordance with a protocol agreed by the Chairman of the Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/ccf-film-record>.

Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <https://tinyurl.com/ProcedureRules>.

The Council does not guarantee the provision of car parking on the Shire Hall site and you will need to use nearby public car parks <http://tinyurl.com/ccf-car-park> or public transport.

**PLANNING COMMITTEE: MINUTES**

Date: Thursday 7<sup>th</sup> June 2018

Time: 10.00am – 10:37am

Place: Kreis Viersen, Shire Hall, Cambridge

Present: Councillors A Bradnam, K Cuffley (substituting for Cllr Connor), J Gowing (substituting for Cllr Gardener), L Harford, B Hunt, S Kindersley, and J Whitehead.

Officers: David Atkinson – Development Management Officer (Strategic and Specialist Applications), Hannah Edwards – LGSS Law, Emma Fitch – Business Manager County Planning Minerals and Waste, Daniel Snowdon – Democratic Services Officer.

**41. APPOINTMENT OF CHAIRMAN/CHAIRWOMAN FOR THE MEETING**

Due to apologies received from the Chairman and Vice-Chairman it was therefore necessary to elect a Chairman/woman for the meeting. It was proposed by Councillor Hunt and seconded by Councillor Cuffley with the unanimous agreement of the Committee that Councillor Harford be elected Chairwoman for the duration of the meeting.

**42. APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Connor, Gardener and Hudson

There were no declarations of interest.

**43. MINUTES – 17<sup>TH</sup> MAY 2018**

The minutes of the Planning Committee meeting held on 17<sup>th</sup> May 2018 were agreed as a correct record and signed by the Chairwoman subject to the addition of thanks to be passed to the officer involved in the Gamlingay school application from the Local Member.

**44. PARTIAL DEMOLITION OF EXISTING MAINTENANCE SHED AT FRONT OF SITE AND ERECTION OF DETACHED FINISHED GOODS BUILDING AND EXTENSION TO EXISTING GRANULATION BUILDING TO CREATE STORAGE BUILDING – BOTH FOR STORAGE OF PROCESSED MATERIAL AWAITING COLLECTION TOGETHER WITH THE RETENTION OF SIDE WALLS TO COVERED FINISHED GOODS STORE CANOPY, ROOF EXTENSION ON SEPARATION AND COMPOUNDING BUILDING, ACOUSTIC BARRIERS ON FRONT AND SIDE OF SEPARATION AND COMPOUNDING BUILDING, CONCRETE STORAGE BUNKERS, EXTENDED CONCRETE HARD STANDING TO REAR OF OPEN YARD, INCREASE IN WATER RESERVOIR SIZE AND CAPACITY AND USE OF BALING MACHINE IN YARD**

**AT: MANEA ROAD, WIMBLINGTON, CAMBRIDGESHIRE PE15 0PE**

**APPLICANT: PLASGRAN LIMITED**

**APPLICATION NO: F/2004/17/CW**

The Committee considered a planning application submitted by Plasgran Ltd. regarding their operation located at Manea Road, Wimblington. The operation received waste plastics and recycled them through a granulation process, turning them into pellets. The presenting officer showed the site plan and drew attention to the access to the site.

Members were informed that the application was part retrospective and part new development. The new development related to the erection of a new building to cover the waste product prior to processing and the second proposal was an extension to the granulation building in which to store the product once granulated.

Elevations of the proposed buildings were shown to Members, highlighting access doors and the proposed reduction in the size of the maintenance building to accommodate land for the proposed new building. Photographs were also shown to demonstrate the products currently being stored in the open air and where this related to the proposed new building footprint. It was also noted that internal modifications to the staff car parking would also be undertaken.

Retrospective elements of application related to noise attenuation measures undertaken by the applicant to deal with noise produced by fans and compressors at the site. The proposal maintained the presence of the noise attenuation measures. Some years ago the roof of the separation building was raised to accommodate machinery. The increase in height was small and there was no visual impact arising from it. The canopy store had been extended and enclosed which also reduced the level of noise emissions to the closest neighbours. Concrete blocks were used to delineate storage areas for materials which were stacked not higher than the surrounding vegetation as part of the application it was recommended that the blocks should be limited in height so as not to be higher than the surrounding vegetation. Members were also informed that an electrically powered bailing machine had been installed, was relatively quiet and use would be limited as per the yard areas planning permission. The surface water storage pond had been increased in size since the original construction in order that adequate surface water drainage was ensured and provided a source of water in case of fire.

The location of the site in relation to the nearby village of Wimblington and nearby private residences that had submitted representations on the application regarding noise at the site were highlighted to Members.

Attention was drawn to the consultations set out in section 6 of the report. No objections had been received from Fenland District Council, the Environmental Protection Officer, Wimblington Parish Council and the Environment Agency, and the Highway Authority were supportive of the application as it would reduce the number of vehicular movements to transport material to storage sites. Highway improvements mentioned in the report were clarified by the officer to state that a large right hand turn lane had been finished recently, but to date there were no traffic lights. Nonetheless, improvements had been made as a result of other development in the area and the Highway Authority were content with the proposals.

The use of the land for recycling had been permitted for a number of years and planning policy supported plants of that nature. Concerns regarding noise at the site had been managed through a previous planning application and those conditions were replicated in this application.

The presenting officer concluded by drawing to the attention of Members an amendment to the first paragraph of condition 17 of the application, to insert reference to 'including a

timetable for delivery' after the text 'surface water drainage scheme for the site,' and deletion of the last four words in the paragraph i.e. 'before development is completed'.

In response to Member Questions officers:

- Clarified the hours of operation and that only the compounding and separation of material would take place over night within the building.
- Explained that the drainage condition was framed in such a way that allowed flexibility in case only one building was constructed. It was also noted that the pond had already been resized to take account of additional run off from the concrete pads.
- Explained the accurate robust approach to the monitoring of noise emissions from the site and confirmed that the recently installed bailing machine was relatively quiet and its operation was sporadic and ended at 8pm. Control over this was sought through the requirement of a noise management plan.

The Chairwoman acknowledged the concern of Members regarding retrospective planning applications, however Members were reminded that planning guidance did not allow for retrospective and new applications to be differentiated. There was a need for greater understanding of the reasons for business to move ahead with developments without planning permission.

Speaking in support of the application on behalf of the applicant, Mr Chris Walford of Peter Humphrey Associates Ltd addressed the Committee. The two new proposed buildings were for storage purposes in order to meet the demand to provide a covered area. Covered storage was presently being rented locally and the application would reduce the number of vehicular movements to the site as material could be stored on site rather than transported to local storage. Noise from the site would also be reduced as operations that currently take place outside will be covered. Mr Walford drew attention to the retrospective elements of the application regarding noise attenuation measures and the expansion of the concreted area and surface water drainage pond that was necessary through the expansion of the business.

Attention was drawn by officers to condition 15 of the application, in response to Member concerns regarding the noise of forklift trucks reversing alarms.

It was proposed by Councillor Kindersley and seconded by Councillor Hunt that the recommendation be put to the vote. On being put to the vote it was resolved unanimously to grant planning permission subject to the amended conditions attached at Appendix A to these minutes.

#### **45. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWER**

It was resolved to note the decision made under delegated powers. Members noted that the determination of the application regarding the Ely Archives was made under delegated power as no objections had been received and the applicant had demonstrated adequate traffic management and car parking without objection.

Chairman

### Conditions and Reasons

1. This permission comes into effect on the date of this consent.

**Reason:** *In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to set out the implementation of the consent in a given timescale taking account of the retrospective part nature of the proposals approved*

2. This permission shall only relate to the land edged red on the application plan 4960/01K dated March 2017 received by the Waste Planning Authority on 2 May 2018

**Reason:** *To define the site and protect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014)*

3. The development hereby permitted shall not proceed except in accordance with the following approved plans :

- Proposed Site Plan, 4960/01K, dated March 2017 received by the Waste Planning Authority on 2 May 2018;
- Proposed [Granulation] Storage Building, 4960/04B, dated March 2017 received by the Waste Planning Authority on 2 May 2018;
- Proposed [Granulation] Canopy, 4960/04A, dated March 2017 received by the Waste Planning Authority on 2 May 2018;
- Proposed Alterations [floor plan] to existing Building 1, 4960/05, dated March 2017 received by the Waste Planning Authority on 8 March 2018
- Proposed Alterations [Elevations] to existing Building 1, 4960/05, dated March 2017 received by the Waste Planning Authority on 8 March 2018;
- Proposed shed [for finished goods], 4960/02G, dated March 2017 received by the Waste Planning Authority on 8 March 2018; and
- Proposed Shed [changes to maintenance shed], 4960/03A dated March 2017 received by the Waste Planning Authority on 8 March 2018.

**Reason:** *To define the site and development and protect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014)*

### Hours of operation

4. Except where stated below, the hours of use of the site outlined in red on Plan ref 4960/01K are limited to 07.00 to 20.00 hrs each day Mondays to Fridays and 08:00 to 13:00 hrs on Saturdays only other than in accordance with one or more of the following exceptions:

- Processing within the confines of the 'Granulation' building shall only be carried out between the hours of 0700 to 2000 hours each day Mondays to Fridays including on

bank holidays.

- Processing within the confines of the 'Separation and Compounding' building is permitted to be carried out 24 hrs 7 days per week including bank holidays.
- No working in the external yard and other buildings shall be undertaken on Sundays.

**Reason:** *To protect the amenity of surrounding and local residents in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014)*

#### New Building Design

5. The materials to be used in the construction of the finished goods and storage buildings shall be finished in dark grey profile sheet cladding with grey trim pieces to match the other existing industrial buildings on the site.

**Reason:** *To ensure that the development does not adversely affect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

#### Landscaping

6. No trees, shrubs or hedges that form the perimeter of the site shall be removed or cut down without the prior written consent of the Waste Planning Authority. The small gap that exists in the perimeter hedge on the western boundary shall be the subject of a new screen planting scheme which shall be submitted for the approval of the Waste Planning Authority within 3 months of this decision and shall be implemented during the first available planting season following the date of this permission. The new planting shall be maintained and any trees or shrubs that die, become diseased or are removed within 5 years of initial planting shall be replaced during the next available planting season.

**Reason:** *To ensure that the development does not adversely affect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

7. No waste materials awaiting processing or finished goods shall be stored on the external concrete hard standing area in excess of 4 metres in height above ground level.

**Reason:** *To ensure that the development does not adversely affect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

8. The external lighting and security cameras shall comply with Drawing Number 4125/PO1 Rev A dated 21/05/2008, using the design and type identified in the revised Design and Access Statement received by the Waste Planning Authority on 4th August 2008.

**Reason:** *To define the site and protect the amenity of local residents and the character and appearance of the locality in accordance with Policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

9. The layout of the site in respect of emergency access to the pond shall be maintained in accordance with approved Drawing no 4960/01K, dated March 2017 received by the Waste Planning Authority on 2 May 2018.

**Reason:** *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

#### Contractors Arrangements

10. The new building construction shall be undertaken in accordance with the submitted Construction Management Plan set out in the revised Planning Statement and Flood Risk Assessment D, dated May 2017 received by the Waste Planning Authority on 2 May 2018.

**Reason:** *To protect the amenity of surrounding and local residents in accordance with Policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

#### Construction of the new buildings

11. The construction of the new buildings shall only be undertaken within the following hours;

- 07.30 to 18.00 hours Mondays to Friday
- 07.30 to 13.00 hours on Saturdays

There shall be no construction undertaken on Sundays and Bank Holidays

**Reason:** *To protect the amenity of surrounding and local residents in accordance with Policies CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

#### Transport Arrangements

12. Following the completion of the finished product storage building arrangements for internal site vehicular movements and staff and visitor parking the development shall comply with the approved layout plan 4960/01K, dated March 2017 received by the Waste Planning Authority on 2 May 2018.

**Reason:** *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)..*

13. The access to the site shall comply with approved updated Drawings nos 4125/COND1B & 4125/COND02B dated September 2011. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 4.5m x 215m measured from and along respectively the edge of the carriageway.

**Reason:** *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the*



### Site Noise Emissions

14. Between the hours of 0700 to 2000 noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property lying to the east of the site. Between the hours of 2000 and 0700 noise levels from the site, including any corrections for acoustic characteristics, shall not exceed 32dB LAeq, 15 minute, rated noise level of 35dB LAeq, 15 minutes at the nearest residential property lying to the east of the site.

**Reason:** To ensure consistency with other permissions on the site and protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).

15. All forklift trucks shall be fitted with White Noise reversing beepers.

**Reason:** To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)

16. Prior to the commencement of use of the new storage buildings hereby permitted, the buildings shall be fitted with fast opening/closing vehicle access doors in order to minimise noise break out from within the building.

**Reason:** To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)

### Surface Water Drainage

17. Within two months of the date of this decision notice a surface water drainage scheme for the site, **including a timetable for delivery**, based on sustainable drainage principles, shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall subsequently be implemented in accordance with the approved details. ~~before development is completed.~~

The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by MTC Engineering (ref: 974 – DS – Jan 2018) dated January 2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;

- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Full details of the maintenance/adoption of the surface water drainage system; and
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

**Reason:** *To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014) Cambridgeshire and Peterborough*

18. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Waste Planning Authority prior to the first occupation of either of the new storage buildings hereby permitted as shown on drawing number 4960/01K dated March 2017 received by the Waste Planning Authority on 2 May 2018. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

**Reason :***To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework and in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014) Cambridgeshire and Peterborough.*

#### Noise Monitoring and Management Scheme

19. A noise monitoring scheme shall be submitted to the Waste Planning Authority by 17th August 2018. The submitted scheme should constitute a periodic programme of sound monitoring to be carried out by a competent person to demonstrate compliance with the provisions of Condition 14 of this decision notice and designed to encompass any seasonal variation to the local environment and nearby noise sources, daytime and night time monitoring and any seasonal variations in workloads that the business operation experiences.

The frequency of monitoring should be sufficient to demonstrate compliance with the day time and night time noise emission levels from the site. The scheme shall provide for a record to be kept on site of the operational hours of use of the Granulation building together with a register of any noise complaints received together with a record of all operational and mitigation measures taken to prevent an breach of the noise condition. The scheme shall be approved in writing by the Waste Planning Authority and implemented in accordance with the approved details. The results of the noise monitoring and mitigation actions taken shall be provided to the Waste Planning Authority on a periodic basis in accordance with the approved scheme.

**Reason:** To protect the amenity of surrounding and local residents in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).

### Ecology

20. Prior to the commencement of construction of either of the new buildings shown on drawing number 4960/01K dated March 2017 received by the Waste Planning Authority on 2 May 2018 a scheme for the installation of temporary amphibian-proof fencing around the perimeter of the pond shall be submitted for the approval by the Waste Planning Authority. The submitted scheme shall include full details of the fencing, construction and timing of installation and removal. The approved scheme shall be implemented prior to the commencement of construction and shall be retained for the full duration of the works.

**Reason:** Taking an precautionary approach to safeguard biodiversity in accordance with Policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).

21. Within three months of this decision notice a scheme for biodiversity enhancement at the site shall be submitted for the approval of the Waste Planning Authority. The submitted scheme should encompass a timetable for the installation of a range of bird nesting boxes and bat roosting features. The approved scheme shall be implemented in accordance with the approved timetable.

**Reason:** To achieve a net gain for biodiversity in accordance with Policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).



**CONSTRUCTION OF A BIOMETHANE GAS AND ELECTRICITY TO GRID AND BIOFERTILISER AEROBIC DIGESTION PLANT INCLUDING TWO 9.3 METRES HIGH DIGESTER TANKS, COMBINED HEAT AND POWER BIOGAS GENERATOR WITH 10 METRES HIGH EXHAUST PIPE, 6 METRES HIGH FLARE STACK, 3 SEPARATED DIGESTATE LIQUID STORAGE LAGOONS, HARVESTED WATER STORAGE LAGOON, WORKSHOP, ASSOCIATED INFRASTRUCTURE & LANDSCAPING AND ACCESS FROM WHITTLESEY ROAD**

**AT: WEST FEN FARM, WHITTLESEY ROAD, MARCH, PE15 0AF**

**LPA REF: F/2001/18/CW**

**FOR: RH & RW CLUTTON LLP**

*To:* **Planning Committee**

*Date:* **19 July 2018**

*From:* **Assistant Director Environment & Commercial**

*Electoral division(s):* **Whittlesey South**

*Purpose:* **To consider the above planning application**

*Recommendation:* ***That planning permission be GRANTED for the reasons set out in paragraph 10.1***

<b><i>Officer contact:</i></b>	
Name:	Helen Wass
Post:	Development Management Officer (Strategic & Specialist Applications)
Email:	<a href="mailto:Helen.wass@cambridgeshire.gov.uk">Helen.wass@cambridgeshire.gov.uk</a>
Tel:	01223 715522

## **1.0 INTRODUCTION**

- 1.1 In January 2013 planning permission (ref. F/02021/12/CW) was granted for a 500kW anaerobic digestion (AD) plant to treat waste from the applicant's farm. It would have comprised primary and secondary digesters, a digestate storage tank, a combined heat and power unit and associated infrastructure. The permission was not implemented and has expired.
- 1.2 The current application is for an AD plant which would have both farm waste and imported food waste as its feedstock.

## **2.0 THE SITE AND ITS LOCATION**

- 2.1 The site of the proposed AD plant is in a remote rural area 3 kilometres (1.9 miles) north east of the small village of Turves and 3.5 kilometres (2.2 miles) northwest of the westernmost part of March. It is characterised by large, flat arable fields separated by drainage ditches and farm access roads and is in flood zone 3 as defined on the Environment Agency's flood maps. West Fen Farm comprises a mixed arable and beef enterprise served by a range of agricultural buildings for housing cattle, grain and machinery and 2 residential properties. There are 5 other residential properties within 1 kilometre (0.6 mile) of the proposed AD plant, between 500 metres (547 yards) and 600 metres (656 yards) to the southeast on Whitemoor Road. There is access to West Fen Farm from the east via Whitemoor Road, an unclassified public highway which ends approximately 80 metres (87 yards) west of the farm access. There is also access from the south via the C class Whittlesey Road which runs from the A141 March bypass to Turves and is part of the National Cycle Network (NCN) (Route 63 Burton on Trent to Wisbech).
- 2.2 The site is not in a sensitive location as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. There are no scheduled monuments within 6 kilometres (3.7 miles) and no listed buildings within 3 kilometres (1.9 miles) of the site. The closest nationally designated wildlife site is the Nene Washes Site of Special Scientific Interest (SSSI) which is also a Special Area of Conservation (SAC), a Special Protection Area (SPA) and Ramsar site 2.5 kilometres (1.6 miles) to the north. The Nene Washes Counter Drain (East) is a County Wildlife Site.

## **3.0 THE PROPOSAL**

- 3.1 The project is to generate energy by the biological treatment (anaerobic digestion) of organic waste and crops. The thermal output would be in the region of 5 MW. The proposed development site is 7 hectares (17.3 acres). It is proposed that vehicular access would be from Whittlesey Road. Vehicles would then use 1.9 kilometres (1.2 miles) of private access road to join the western end of Whitemoor Road. From there they would use the private access to road to West Fen Farm.
- 3.2 The annual capacity would be 58,500 tonnes (57,579 tons) of which 45,500 tonnes (44,783 tons) would be food and farm waste and 13,000 tonnes (12,795 tons) would be crops grown on West Fen Farm and surrounding farms. 40% of the feedstock would be sourced from West Fen Farm or neighbouring farms. 60% of the feedstock

would be food waste brought to the site in tankers at a rate of 4 loads (8 HGV movements) per day (Monday to Friday 0700 – 1800 and Saturdays 0800 – 1300). It is proposed that this would be mainly from a food processor at Spalding, approximately 45 kilometres (28 miles) by road.

3.3 The main components of the AD plant would be:

- 2 x circular digester tanks (35.25 metre diameter x 9.3 metres (116 feet x 31 feet) above ground level to apex of membrane cover)
- 3 x digestate storage lagoons (61 metres x 83 metres / 201 feet x 273 feet with 2 metre (6 feet 6 inches) high bund wall
- harvested water storage lagoon (50 metres x 50 metres / 165 feet x 165 feet) with 2 metre (6 feet 6 inches) bund wall
- combined heat and power (CHP) biogas generator with a 10 metre (33 feet) high roof-mounted exhaust stack
- 6 metre (20 feet) high flare stack
- 6 x 9.2 metre high (20 feet x 30 feet high) waste intake tanks
- workshop building (15 metres x 10 metres x 8.35 metre high / 48 feet x 33 feet x 27 feet high)
- connections to gas and electricity grids

3.4 Dry feedstock would be stored in a yard immediately to the north of the cattle pens and placed into the digester by a wheeled loader. Liquid feedstock would be delivered in sealed tankers to the reception tanks. It would then be pumped through an underground pipeline to the digester.

3.5 The raw biogas would be fed by an underground pipe to an upgrading plant and would then be pumped to increase the pressure required for export to the gas grid. The biomethane is upgraded to the calorific value required by the gas grid operator by the addition of propane. It would be exported to the gas grid by an underground pipe. A small part of the biogas would be piped to the CHP unit to generate electricity, some of which would be used to power the plant and the surplus would be exported to the grid.

3.6 The solid digestate would be separated from the liquid and stored in a silo before being spread on farmland. The liquid digestate would be transferred to the storage lagoons before being delivered to the farm and adjoining farms by a pipeline system, part underground and part by flexible overground hoses.

3.7 Soil removed to prepare the site for construction would be used to create the bunds around the lagoons. The construction period is likely to take less than 6 months. It is proposed that construction deliveries would be between 0700 and 1800 Mondays to Fridays and 0700 and 1300 on Saturdays. It is proposed that the accesses from Whittlesey Road and Whitemoor Road would be improved to safely accommodate two-way vehicle flow. Native tree and shrub planting is proposed on the northern, eastern and southern site boundaries and between the digestate storage lagoons and the digester tanks

## **4.0 PUBLICITY AND PROCESS**

- 4.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by means of:
- notices at the proposed access from Whittlesey Road and at the junction of the farm access from Whitemoor Road;
  - a notice in the Fenland Citizen on 14 March 2018;
  - notification of local residents including houses along Whittlesey Road.
- 4.2 The proposal was screened against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was concluded that it is not likely to have significant effects on the environment so is not environmental impact assessment development.

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 Fenland District Council – (Planning) No objection subject to Cambridgeshire County Council as the relevant planning authority giving careful consideration to the following:
- the traffic implications of this proposal and its potential impact on residents and the road network. A traffic management plan may assist in mitigation;
  - the height of the individual elements of the proposal and in particular the 9.3 metre high digester tanks, 10 metre high exhaust pipe and 6 metre high flare stack in the context of the flat landscape and the long views to the proposal; and
  - the Fenland District Council's Environmental Protection section's advice with regard to the potential impact of odour and noise disturbance on local residents.
- 5.2 Fenland District Council - (Environmental Protection) The odour report and management plan are noted and accepted. They demonstrate that if adequately controlled the plant will not have an impact upon residents in the area. The noise data that has been submitted is noted. Simple calculations to determine the worst case scenario at the nearest properties, given the distance then noise should not be at a level that should cause an issue, if the applicants are implementing the measures stipulated in the supporting information. A condition to put a limit on noise from the site at the boundary of any noise sensitive premises in existence at the time of the permission could be considered, along the lines of:
- The rating level of noise emitted from the site shall not exceed the background noise level or 35dB(A), whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of any nearby residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.*
- 5.3 As the site is going to be permitted by the Environment Agency something like the following could be considered:

*At the reasonable request of, and following a complaint to, the waste planning authority, the operator of the development shall measure and assess at its own*



*expense the level of noise or odour emissions from the development in accordance with methods approved in writing by the waste planning authority prior to assessment.*

- 5.4 March Town Council – Has no objections and recommend approval.
- 5.5 Environment Agency – Initially objected to the proposal because they considered that insufficient information had been submitted to enable the potential risks to the environment to be fully considered. The objection was withdrawn when the applicant provided sufficient construction details. Irrespective of any planning approval, this site will require an Environmental Permit (EP) under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. The Lead Local Flood Authority (LLFA) should be consulted in respect of its statutory consultee role on planning, specifically sustainable surface water drainage. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.
- 5.6 In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk.
- 5.7 Middle Level Commissioner (for Internal Drainage Board) – No comments received.
- 5.8 Natural England - Natural England has assessed this application using the Impact Risk Zones data (IRZs). The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Nene Washes SAC, SPA and Ramsar have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Nene Washes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
- 5.9 Standing advice should be followed in respect of protected species. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 5.10 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example

through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

- 5.11 Fire and Rescue Service: No comments received.
- 5.12 CCC Highways Development Management - No objection subject to the following condition and an informative about works on the public highway:
- Prior to the commencement of the development, the accesses onto Whittlesey Road and Whitemoor Road shall be laid out in accordance with plan No's V971- 200 Rev A and V971\_201 and constructed in accordance with details to be submitted and approved in writing by the Local Planning Authority. Submitted details should include levels, drainage and methods of construction.
- 5.13 CCC Transport Assessment Team – It is noted that an average of 5 vehicles per day with a daily peak of 7 two way vehicle movements, currently use the farm access to West Fen Farm. The proposed development is projected to increase daily vehicle movements at the farm access to a maximum daily peak of approximately 15 two way vehicle movements. As vehicle traffic is anticipated to be spread throughout the day, it is concluded the development will not cause significant detriment to the local highway network. The application proposes to widen the existing access point to facilitate a two-way access at the junction with Whittlesey Road. The application is not expected to have any significant impact on the local highway network therefore the Highway Authority does not wish to object to the application as submitted.
- 5.14 Peterborough City Council Wildlife Officer – No ecological assessment has been carried out, however given that the application site is dominated by intensively managed arable farmland, and no existing structures appear to be directly affected by the proposal the proposed development is likely to result in an overall net gain in green infrastructure provision (and no net loss to biodiversity).
- 5.15 Details set out in the Proposed Site Layout Drawing and associated Landscape & Biodiversity Mitigation, Enhancement & Management Plan appear acceptable in terms of the planting schedule/species selections as detailed in appendices 1 and 3 of the LBMEMP. The management proposed with regards to the areas of wild-flower grassland and other habitats also appear acceptable. The bat and bird box specifications and numbers as detailed in section 12 of the LBMEMP appear acceptable. The lighting proposals set out in section 14 appear broadly acceptable, being limited to the hours of operation specified.
- 5.16 There is no objection to the proposal being carried out in strict accordance with the details submitted including the Landscape & Biodiversity Mitigation, Enhancement & Management Plan. The development will result in a net gain in biodiversity.
- 5.17 Lead Local Flood Authority (CCC Flood and Water Team) – Initially objected to the proposed development because of lack of justification of attenuation volumes and concerns about infiltration and pumping. Following further correspondence with the

applicant and the submission of additional information, it has been demonstrated that surface water can be dealt with on site. There is no objection in principle to the proposed development. The drainage strategy includes the use of a clean water storage lagoon and swale system. Additional information regarding the attenuation volumes, infiltration and pump risk has been provided, however detailed designs are required and should be secured by a pre-commencement condition.

- 5.18 CCC Historic Heritage Team – It is recommended that a pre-commencement condition is placed on any planning consent to secure a programme of archaeological investigation, commencing with trench based evaluation at this site. This is due to the proximity of prehistoric and Roman archaeological evidence in the near vicinity of West Fen Farm, which is in turn built on the roddonised form of a large Neolithic river channel that provided topographic relief in the fenland marsh.
- 5.19 Individual representations – Have been received from 11 local households, most of which object to the application or raise concerns which are summarised below:
- impact of the proposed traffic on Whittlesey Road in terms of safety including conflict with cyclists using the NCN
  - the condition of Whittlesey Road and its potential deterioration
  - increased volume of traffic at A141 roundabout
  - Whitemoor Road is unsuitable and should not be used
  - distance from which the feedstock would be sourced
  - noise from traffic and operation of the plant
  - hours of operation
  - flood risk – development not appropriate in flood zone 3
  - odour
  - impact on tourism
  - cumulative impact with other development
- 5.20 Copies of the full representations will be placed in the Members' Lounge one week before the Planning Committee meeting.

## **6.0 PLANNING HISTORY**

- 6.1 F/02021/12/CW - 500kW agricultural waste anaerobic digester comprising primary and secondary digesters, digestate storage tank, combined heat and power unit and associated infrastructure. Granted on 2 January 2013. Not implemented and has expired.

## **7.0 PLANNING POLICY AND GUIDANCE**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies from the development plan are set out in paragraphs 7.3 and 7.4 below.

7.2 The National Planning Policy Framework (March 2012), the National Planning Policy for Waste (October 2014), the Overarching National Policy Statement for Energy (EN-1) (July 2011), the National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011) and Planning Practice Guidance are also material planning considerations.

7.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (the MWCS)

CS2 - Strategic Vision and Objectives for Sustainable Waste Management Development

CS15 – The Location of Future Waste Management Facilities

CS18 – Waste Management Proposals Outside Allocated Areas

CS22 – Climate Change

CS24 – Design of Sustainable Minerals and Waste Management Facilities

CS29 – The Need for Waste Management Development and the Movement of Waste

CS32 – Traffic and Highways

CS33 – Protection of Landscape Character

CS34 – Protecting Surrounding Uses

CS35 – Biodiversity and Geodiversity

CS36 – Archaeology and the Historic Environment

CS38 – Sustainable Use of Soils

CS39 – Water Resources and Water Pollution Prevention

The Location and Design of Waste Management Facilities Supplementary Planning Document (adopted July 2011) (the Design SPD)

7.4 Fenland Local Plan (adopted May 2014) (the FLP)

LP1 A Presumption in Favour of Sustainable Development

LP 2 Facilitating Health and Wellbeing of Fenland Residents

LP14 Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 Delivering and Protecting High Quality Environments across the District

LP18 The Historic Environment

LP19 The Natural Environment

7.5 Supplementary Planning Documents

- The Location and Design of Waste Management Facilities (Adopted July 2011)

- The Cambridgeshire Flood & Water Supplementary Planning Document (adopted 14 July 2016)

7.6 Cambridgeshire County Council and Peterborough City Councils have started a review of the Minerals and Waste Development Plan which will be known as the Minerals and Waste Local Plan. It is currently at the first consultation stage in the form of the Minerals and Waste Local Plan Preliminary Plan (May 2018) so currently

carries very limited weight. The MWCS and the MWSSP remain in force until the new Local Plan replaces them.

## **8.0 PLANNING CONSIDERATIONS**

8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At its heart is a presumption in favour of sustainable development (para 14). It states that:

- Proposed development that accords with the development plan should be approved without delay;
- Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
- Proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

8.2 The National Planning Policy for Waste (NPPW) refers to the Waste Management Plan for England (published in December 2013). The NPPW sets out the national planning policies for waste development and is to be read in conjunction with the NPPF. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. Paragraph 7 sets out specific considerations to be taken into account in determining planning applications. These include only expecting applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan; and ensuring that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

8.3 This National Policy Statements (NPS) referred to in paragraph 7.2 above set out national policy for energy infrastructure, primarily for decisions by the Infrastructure Planning Commission (IPC). They are also a material consideration in decisions made by local planning authorities. The main thrust of the NPS's is to help deliver the Government's climate change objectives by setting out the need for new low carbon energy infrastructure. EN-3 is of limited relevance because it states at paragraph 2.5.8 that "Methane gas produced through anaerobic digestion (AD) of biodegradable waste, when injected into the gas grid, may also be used as a renewable fuel source. However, AD plant is not anticipated to have a generating capacity greater than 50MW and is not, therefore, described separately in this NPS."

8.4 The key issues are the principle in planning policy terms of producing energy from waste by means of anaerobic digestion; the suitability of the proposed location; and whether the processes can be undertaken without causing unacceptable harm to

recognised interests such as the local environment or residential amenity. These matters are addressed in more detail in later sections of this report.

#### Principle of the proposed development

- 8.5 The purpose of the proposed development is to convert food and farm waste and a smaller proportion of farm crops into energy and a beneficial by-product, the digestate. The development would be self-sufficient in its energy requirements. The principle of recovering energy from waste is supported by national and local planning policies. For these reasons it is considered that the proposed project would contribute towards addressing climate change in compliance with national policies and with MWCS policies CS2 and CS22 and FLP policy LP14. It would form part of a network of waste management facilities in compliance with MWCS policy CS15.
- 8.6 The principle of the proposal is, therefore, consistent with these broad policy aims. It must now be considered whether the proposed site is acceptable and, if it is, if the impacts are significant enough to outweigh the acknowledged benefits of AD.

#### The proposed location

- 8.7 The proposed development site is not allocated in the MWSSP. MWCS policy CS18 deals with waste management proposals outside allocated areas and states that they will be considered favourably where this is consistent with the spatial strategy for waste management and it can be demonstrated that they will contribute to sustainable waste management, moving waste up the waste hierarchy. These matters have been dealt with in paragraph 8.5 above.
- 8.8 Policy CS18 goes on to identify the types of site where waste recovery and recycling facilities may be permitted and includes on farm holdings to facilitate agricultural waste recycling and co-located with complementary activities (including existing permanent waste management sites). Planning permission (ref. no. F/02021/12/CW) was granted on 2 January 2013 for a 500kW agricultural waste anaerobic digester comprising primary and secondary digesters, digestate storage tank, combined heat and power unit and associated infrastructure. A revised layout of the site was approved under non-material amendment on 20 September 2013. Planning permission F/02021/12/CW was not implemented and has expired. The main differences between the 2012 scheme and the current proposal are:
- The footprint of the 2012 scheme was 0.53 hectares (1.3 acres) compared to 7 hectares (17.3 acres) for the current proposal;
  - The thermal capacity of the proposed plant would be 10 times larger than the 2012 scheme;
  - The feedstock for the 2012 scheme was 18,000 tonnes (18,288 tons) per annum sourced entirely from within the farm holding; the current proposal is for 58,500 tonnes (59,436 tons) per annum of which 35,000 tonnes (35,560 tons) would be imported food waste;
  - Access to the 2012 scheme would be from Whitemoor Road; under the current proposal it would be from Whittlesey Road
  - The current proposal includes lagoons for storing liquid digestate; and
  - The 2012 proposal was to supply electricity to the grid whereas the current proposal

would primarily supply gas.

- 8.9 A proportion of the proposed AD plant's feedstock would be manure and straw from the applicant's farm and a smaller amount would be manure from a neighbouring farm and silage grown by the applicant. The remainder (60% excluding water) would be food waste from local processors. Insofar as it would treat farm waste it is considered that the proposed development would meet MWCS policy CS18 locational criterion (e) for non-landfill waste management uses. It is considered that although the majority of proposed feedstock would be imported food waste, it would be complementary to the treatment of farm waste and crops.

#### Flood risk

- 8.10 The NPPF at paragraph 100 states that "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere*". Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

- 8.11 The proposed development site is in flood zone 3 so should be accompanied by a site-specific flood risk assessment. FLP policy LP14 Part (B) states that:

"All development proposals should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk from any form of flooding will only be permitted following:

- a) the successful completion of a sequential test (if necessary), having regard to
- b) actual and residual flood risks,
- c) an exception test (if necessary),
- d) the suitable demonstration of meeting an identified need, and
- e) through the submission of a site specific flood risk assessment, demonstrating appropriate flood risk management and safety measures and a positive approach to reducing flood risk overall, and without reliance on emergency services."

- 8.12 The key requirements for an AD plant of the type proposed within the current application are, according to the applicant's sequential test:

- proximity to the gas network
- gas injection capacity year round
- a farmer willing to diversify into energy crops

- land nearby where the liquid digestate can be used
- proximity to the feedstock

- 8.13 As advised by the Environment Agency (see paragraph 5.6 above), the NPPF (paragraph 101) states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The applicant has provided the results of their sequential test which notes that West Fen Farm and the neighbouring farms are within flood zone 3. It goes on to list 5 AD plants in the general area which are within flood zone 3. Of these 2 were granted planning permission for treating waste by Cambridgeshire County Council (Local Generation at the Fenmarc Produce site at Westry some 3 kilometres (x miles) east of West Fen Farm and Somersat Farm near Murrow). The applicant also lists 8 potential sites in flood zone 1 that were considered. Most of these were not in Cambridgeshire and did not have both sufficient gas injection capacity and a willing landowner. A site at Spalding in flood zone 3 has been granted planning permission.
- 8.14 The fenland area in general is a suitable location for an AD plant on the basis of the proximity of the feedstock (farm waste, food waste and energy crops) and the potential to use the liquid digestate on farmland. It is, however, mostly within flood zone 3. The availability of the gas network and capacity limit potential locations.
- 8.15 Paragraph 102 of the NPPF requires that *“If following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in a zone with a lower probability of flooding, the Exception Test must be passed.”* This requires the wider sustainability benefits to the community to outweigh the flood risk and a site-specific flood risk assessment which demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall. FLP policy LP14 goes on to say applications for relevant developments must include a drainage strategy to demonstrate that:
- (a) suitable consideration has been given to surface water drainage;
  - (b) appropriate arrangements for attenuating surface water run-off can be accommodated within the site; and
  - (c) issues of ownership and maintenance are addressed.
- 8.16 It is considered that the treatment of farm waste near its source and the treatment of food waste from within a local catchment area to create energy and the use of the digestate on nearby land in place of chemical fertilizers would be consistent with wider sustainability objectives which would outweigh the flood risk. The applicant's flood risk assessment acknowledges the site's location in flood zone 3. It goes on to highlight the Middle Level Commissioners advice that *“The entire [IDB drainage] District is at some risk of flooding but that risk is substantially controlled by the Board who through operation and maintenance of the pumping stations and channel system seek to maintain a general SoP [standard of protection] capable of providing flood protection to agricultural land and developed areas of 2 - 3% AEP [annual exceedance probability] (1 in 35 – 50 year) and 1% AEP (1 in 100 year) respectively.”* The risk of the proposed AD plant being affected by flooding would be no greater than the adjacent farm buildings and infrastructure. The equipment would be designed to withstand inundation and there would only be 3 or 4 personnel on site



who may need to evacuate the premises in the event of a flood. In the context of the exception test the Environment Agency provides guidance on flood risk vulnerability and flood zone 'compatibility'. Waste treatment sites are considered to be "less vulnerable" (second lowest of 5 categories of vulnerability) and appropriate in all but zone 3b, the functional flood plain. The site is not in the functional flood plain.

- 8.17 Information provided by the applicant in response to the LLFA's initial objection have demonstrated that the proposed means of managing surface water run-off from the new buildings and impermeable areas within the site is a sustainable surface water drainage strategy which means the proposed development would not increase the risk of flooding elsewhere and would comply with NPPF paragraph 102 and FLP policy LP14 Part (B) Flood Risk and Drainage. It is recommended that the detailed design of the drainage scheme be secured by pre-commencement condition.

### Design

- 8.18 MWCS policy CS24 states that all proposals for waste management development will be required to achieve a high standard in their design and mitigation of environmental impacts including climate change and must be consistent with the guidance provided in the SPD. The SPD recommends that in rural locations the design of the facilities should reflect the scale and design of agricultural buildings. However, the design of digester tanks and digestate storage lagoons is limited by their function but attention should be paid to their position within the site, their height, external construction materials and mitigation in the form of screening bunds and/or planting. This is discussed further in paragraphs 8.19 – 8.23.

### Visual impact

- 8.19 MWCS policy CS33 states that waste development will only be permitted where it can be demonstrated that it can be assimilated into its surroundings and local character area. FLP policy LP16 (d) and (i) have similar aims. The proposed digester tanks with the gas capture membrane cover dome would be 9.3 metres (30 feet) above ground level and the CHP plant would have a 10 metre (33 feet) high roof-mounted exhaust stack. The largest existing farm building is 8.23 metres (18 feet) high and other existing buildings are up to 6.19 metres (20 feet) high.
- 8.20 The planning application was accompanied by a landscape and visual impact assessment (LVIA) undertaken by a chartered member of the Landscape Institute in accordance with recognised methodology. This work informed the design and layout of the proposed plant within the site resulting in the digester tanks being repositioned and reduced in height by setting them 2.65 metres (9 feet) below existing ground level. This has reduced their visual impact when viewed from the cottages 570 metres (623 yards) to the southeast on Whitemoor Road. The digestate storage lagoons will be surrounded by a 2 metre (6 feet) high grassed bund and belts of native trees and shrubs will be planted along most of the southern, northern and eastern boundaries of the site.
- 8.21 Some of the proposed structures would be between 1 and 2 metres (3 and 6 feet) higher than the tallest existing farm building. This is not considered to be significant and the LVIA assessment shows that, in the short to medium term (prior to the

growth of trees within the development), most views of the development would be 'edge-on' as an extension of the existing group of buildings and structures. It would be seen against or within the ribbon of features coalescing to form the horizon. Visualisations from nearby locations demonstrate that the new plant would be viewed beyond the buildings and structures that make up the existing farm complex. The proposed planting to the south of the existing cattle pens would provide long-term screening and result in an overall beneficial effect, screening both the new plant and existing farm infrastructure. The impact upon these properties is considered to be minor, with the nature of the impact becoming beneficial with the establishment of the boundary planting.

8.22 The largest components of the 2012 scheme would have been the 6 metre (19 feet) high digester tanks which would have been lower than some of the existing farm buildings. The current scheme includes tanks up to 9.3 metres (30 feet) high in a similar location. The visual impact of the proposed AD plant site on properties over 500 metres (547 yards) from the site has been assessed as none, negligible or minor. This due to a combination of distance, existing vegetation and the proposed mitigation planting.

8.23 It is considered that the proposed development has been well designed and would have only a minor visual impact when viewed from a very small number of residential properties. It is considered that subject to the proposed landscape mitigation being secured by planning condition it would comply with MWCS policy CS33, FLP policy LP 16(d) and the SPD.

#### Sustainable transport of waste

8.24 MWCS policy CS29 seeks to avoid overprovision of waste facilities which could result in the unsustainable importation of waste over long distances by requiring applicants to enter into binding restrictions on catchment area, tonnages and /or types of waste. It is proposed that the agricultural waste would be sourced from West Fen Farm itself and a neighbouring farm. The food waste would primarily be sourced from a food waste processing facility in Spalding. The County Council usually considers an appropriate catchment area to be the administrative areas of Cambridgeshire and Peterborough or a 45 kilometre (28 mile) radius of the site, whichever is the greater. Spalding would fall within such a catchment area which could be secured by the recommended planning condition.

#### Traffic impact and parking

8.25 MWCS policy CS32 states that minerals and waste development will only be permitted where:

- a. it is demonstrated that opportunities for the use of alternative methods of transport have been evaluated and the most appropriate pursued where practicable;
- b. access and the highway network serving the site are suitable or could be made suitable and able to accommodate any increase in traffic and / or the nature of the traffic associated with the development;
- c. any associated increase in traffic or highway improvements would not cause

unacceptable harm to the environment, road safety or residential amenity; and

d. binding agreements covering lorry backloading, routeing arrangements and HCV signage for mineral and waste traffic may be sought. In Cambridgeshire this will be informed by the Cambridgeshire Advisory Freight Map.

- 8.26 FLP policy LP15 (C) states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.
- 8.27 Access to the site would be from the A141 Wisbech Road and the C class Whittlesey Road to a private farm road just west of the level crossing between Australia Farm and Prospect House Farm. Whittlesey Road is part of the Sustrans National Cycle Route 63. The private farm road re-joins the public highway (the unclassified Whitemoor Road) at a point approximately 80 metres (87 yards) west of its junction with the access to West Fen Farm. The design of the proposed improvements at the junctions of the private farm roads with Whittlesey Road and Whitemoor Road have been approved by the highway development management engineer and could be secured by the recommended planning condition. The construction details would be secured through the separate requirements under S278 of the Highways Act 1980.
- 8.28 Most of the objections to and concerns about the proposed development relate to traffic and highways. There is no objection from the highway authority on grounds of highway capacity or safety or on the condition of Whittlesey Road. It is considered that Whittlesey Road is a typical fenland road that is suitable for agricultural traffic. The type of vehicle movements that are associated with this development are typical of the type/frequency of vehicle movement that could be generated by a farm. Having reviewed the accident statistics along Whittlesey Road there is no evidence to suggest there is an existing highways safety issue that would be exacerbated by the proposed development. The modest increase in traffic movements by this development do not justify any improvements to the highway network other than to the accesses proposed onto the public highway.
- 8.29 Based on the advice from the highway authority it is considered that provided the proposed junction improvements and vehicle routeing are secure by planning condition the proposed development would comply with MWCS policy CS32 and FLP policy LP15.

#### Water pollution prevention

- 8.30 The proposed development site is not within a groundwater source protection zone. MWCS policy CS39 and FLP policy LP16 (m) seek to protect surface and groundwater from pollution. The Environment Agency is now satisfied that the design of the lagoons shows appropriate containment measures and that the proposed would not be a risk to the environment. There is no reason to believe that the development would have an unacceptable impact on the water environment. With relevant conditions in place it is considered that the proposal would comply with MWCS policy CS39.

## Ecology

- 8.31 The proposed development site is 2.5 kilometres (1.6 miles) from the Nene Washes Site of Special Scientific Interest (SSSI) which is also a Special Area of Conservation (SAC), a Special Protection Area (SPA) and Ramsar site. Natural England has advised that the proposed development is not likely to have a significant effect on the interest features for which the Nene Washes have been classified.
- 8.32 The NPPF at paragraph 109 states that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. At paragraph 118 the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.
- 8.33 The proposed development site is intensively farmed arable land with no trees or hedgerows. Although the proposed AD plant would not have an adverse impact on ecology MWCS policy CS35 supports biodiversity enhancement and FLP policies LP16 (b) and LP19 require that beneficial features for biodiversity are incorporated into development proposals. It is considered that the proposed landscape planting, wildflower grassland and bird and bat boxes would result in a net gain in biodiversity. These measures are shown on submitted plans and could be secured by planning condition. It is therefore considered that the proposed development complies with MWCS policy CS35 and FLP policies LP16 (b) and LP19.

## Historic environment

- 8.34 The NPPS (paragraph 135) states that the effect of the proposed development on the significance of a non-designated heritage asset should be taken into account in determining the application. MWCS policy CS36 states that waste development will not be permitted where there is any significant adverse impact on a site of local architectural, archaeological or historic importance. The policy goes on to say that "waste development may be permitted on a site of local archaeological importance where satisfactory mitigation measures (including preservation in situ of archaeological remains through appropriate, monitored management plans and/or archaeological investigation followed by publication of the results in accordance with agreed written schemes of investigation) have been defined following consideration of the results of prior evaluation." FLP policy LP18 also seeks to protect designated and undesignated heritage assets.
- 8.35 There is known to be archaeological evidence close to the site. For this reason it is possible that there is a non-designated heritage asset within the proposed development area. The County Council's Historic Environment Team has advised that a programme of archaeological investigation is needed. Provided that this is secured by planning condition it is considered that the proposed development would comply with the NPPS, MWCS policy CS36 and FLP policy LP18.

## Odour

- 8.36 MWCS policy CS34 and FLP policy LP16 (e) and (l) seek to protect residential and other amenity. It is acknowledged that the operation of the site would be controlled by an environmental permit issued and enforced by the Environment Agency. The planning application was accompanied by an odour impact assessment and odour management plan. The environmental protection officer is satisfied that if the mitigation measures contained within the latter are implemented odour from the proposed development would not have an adverse impact on local residents. It is considered that provided these measures are secured by condition the proposed AD plant would comply with MWCS policy CS34 and FLP policy LP16 (e) and (l) in respect of odour

#### Noise

- 8.37 NPPF paragraph 123 states that “Planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”

PPG paragraph 30-001-20140306 state that “Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved”.

- 8.38 MWCS policy CS34 and FLP policy LP16 (e) and (l) seek to protect residential and other amenity. AD is a continuous process and that would operate 24 hours per day. The plant would be loaded and managed during daytime working hours (0700 – 1800 Mondays to Fridays and 0800 – 1300 on Saturdays). Emergency repairs may need to be undertaken outside these hours. From the environmental protection officer’s analysis of the applicant’s noise data it is considered that provided the developer implements the mitigation measures set out in the supporting information noise from the operation of the proposed AD plant is unlikely to be at a level that would adversely affect the quality of life of the occupants of nearby properties to an unacceptable degree. Provided the mitigation measures are secured by planning condition it is considered that the proposed development would comply with MWCS policy CS34 and FLP policy LP16 (e) and (l) in respect of noise.

#### Sustainable use of soils

- 8.39 The proposed development site is classified as grade 1 agricultural land - best and most versatile in planning policy terms. MWCS policy CS38 requires the proposal to demonstrate the sustainable use of soils. This would be achieved by incorporating them into the screen bunds.

## **9.0 CONCLUSION**

- 9.1 It is considered that the principle of generating energy from waste is consistent with national and development plan policy as set out in paragraphs 8.2 to 8.5 above. It is considered that the proposed AD plant and associated infrastructure has been well designed in respect of its position within the development site and the proposed mitigation measures as discussed in section 8 of this report. It is considered that provided the proposed mitigation measures are carried out the proposed AD plant would be operated without causing unacceptable adverse impacts on highway capacity or safety, landscape, or human health or amenity so the proposal should be supported.

## **10.0 RECOMMENDATION**

- 10.1 It is recommended that planning permission be granted subject to the following conditions:

### Commencement date

1. The development hereby permitted shall be commenced no later than three years from the date of this decision notice. Within seven days of the commencement the operator shall notify the waste planning authority in writing of the exact commencement date.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act and Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.*

### Site Area

2. This permission relates to the land outlined in red on drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018 (received 20 February 2018) and referred to in these conditions as “the site”.

*Reason: To define the permission for the avoidance of doubt.*

### Approved Plans and Documents

3. The development hereby permitted shall be carried out in accordance with the application dated 19/02/2018 and in accordance with the following drawings and documents (received 20/02/2018 unless otherwise specified), except as otherwise required by any of the conditions set out in this permission:
- drawing no. 09-50-01 West Fen Farm Biomethane AD Plant Proposed site layout dated February 2018
  - drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018
  - drawing no. L17-WF-ELV-01 - 1. Anaerobic Digester Tanks dated 30/01/2018
  - drawing no. L17-WF-ELV-02 - 2. Slurry Intake Tank dated 30/01/2018
  - drawing no. L17-WF-ELV-03 - 3. Dry Feeding System dated 30/01/2018
  - drawing no. L17-WF-ELV-04 - 4. Waste Intake Tanks dated 30/01/2018

- drawing no. L17-WF-ELV-05 - 5. Pump & Manifold Housing dated 30/01/2018
- drawing no. L17-WF-ELV-06 - 6. O2 Generator Container dated 30/01/2018
- drawing no. L17-WF-ELV-09 - 9. CHP Biogas Generator dated 30/01/2018
- drawing no. L17-WF-ELV-10 - 10. Raw Biogas Compressor Housing dated 30/01/2018
- drawing no. L17-WF-ELV-11 - 11. EnviThan Gas Upgrading System dated 30/01/2018
- drawing no. L17-WF-ELV-12 - 12. Flare Stack dated 30/01/2018
- drawing no. L17-WF-ELV-13 - 13. Gas Network Entry Unit dated 30/01/2018
- drawing no. L17-WF-ELV-20 - 20. Digestate Separation System dated 31/01/2018
- drawing no. L17-WF-ELV-21-R1 - 21. Workshop Building dated 11/04/18 (received 13 April 2018)
- drawing no. L17-WF-ELV-24 - 24. Administration Building dated 19/02/2018
- drawing no. L17-WF-ELV-25 – Existing Barn 2 – Hirundine Roost Ledges dated 11/04/2018 (received 13 April 2018)
- drawing no. 20329 Issue D Generic Biomethane Compound for 3 x 8000L A/G Vessels Type 433 (Sheet 1 of 2) dated 03/11/14
- drawing no. V971\_200 Rev A Proposed Widened Access to Accommodate Two-way HGV Movements at Junction with Whittlesey Road dated 18/01/18
- drawing no. V971\_201 Proposed Widened Access & Farm Track to Accommodate Two-way HGV Movements at West Fen Farm with Whitemoor Road dated 1/05/18 (received 1 May 2018)
- drawing no. 23550/100 Rev A Digestate Storage Lagoon Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/101 Rev A Tank Containment Bund Section and Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/102 Rev A Surface Water Storage Lagoon Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/201 Rev 0 CHP Gas Biogas Generator Slab GA Details dated 08-05-18 (received 10 May 2018)
- drawing no. 23550/202 Rev A Typical Leachate Tank & Pump Chamber Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/203 Rev 0 Existing Concrete Silo Improvement Details dated 08-05-18 (received 10 May 2018)
- drawing no. 23550/204 Rev 0 Proposed Feedstock Storage Area Details dated 08-05-18 (received 10 May 2018)
- Details of Landscape and Biodiversity Mitigation, Enhancement and Management (RH & RW Clutton Douglas Rule Associates) dated February 2018 (received 20 February 2018)

*Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS33, CS34 and CS35 and Fenland Local Plan (May 2014) policies LP16 and LP19*

#### Vehicular Access

4. There shall be no vehicular access to the site other than from Whittlesey Road at the point shown as Access track widening at junction with highway on drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018 (received 20 February 2018) and the existing farm track which forms part of the application area and is shown outlined in red on drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018 (received 20 February 2018).

*Reason: In the interests of highway safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS32 and Fenland Local Plan (May 2014) policy LP15 (C).*

#### Highway Improvements:

5. No development shall commence until the works shown on the following drawings has been carried out in full:
- drawing no. V971\_200 Rev A Proposed Widened Access to Accommodate Two-way HGV Movements at Junction with Whittlesey Road dated 18/01/18
  - drawing no. V971\_201 Proposed Widened Access & Farm Track to Accommodate Two-way HGV Movements at West Fen Farm with Whitemoor Road dated 1/05/18 (received 1 May 2018).

*Reason: The access to the site is not in a suitable condition to accommodate the proposed traffic generated by the development in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS32 and Fenland Local Plan (May 2014) policy LP15 (C). This is a pre-commencement condition because the access improvements are required for the construction traffic.*

#### Archaeology

6. No development shall commence until a Written Scheme of Investigation (WSI) for an archaeological programme of works has been submitted to and approved in writing by the waste planning authority. No development shall take place other than in accordance with the agreed WSI which shall include:
- the statement of significance and research objectives;
  - the programme and methodology of site investigation and recording
  - the nomination of a competent person(s) or organisation to undertake the agreed works
  - the programme for post-excavation assessment and subsequent analysis, reporting, publication & dissemination, and deposition of the resulting archive.

*Reason: The site in the proximity of prehistoric and Roman archaeological in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS36 and Fenland Local Plan (May 2014) policy LP18. This is a pre-commencement condition because the archaeological investigation must be carried out before any development takes place.*

#### Feedstock input limits



7. No more than a total of 58,500 tonnes of feedstock (excluding water) shall be accepted at the site in any 12 month period. Of that no more than 35,000 tonnes shall be food waste. The operator shall maintain a record of the type, quantity (in tonnes) and origin of the feedstock delivered, and the date of delivery. These records shall be kept on the site and the results collated within a report to be supplied to the waste planning authority within 10 working days of a written request.

*Reason: It has not been demonstrated that the local public highway network is capable of safely accommodating higher number of vehicle movements and in the interest of the amenity of occupiers of nearby properties in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS32 and CS34 and to enable compliance with condition 23 to be monitored.*

#### Prevention of mud on the Public Highway

8. No HGV shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

*Reason: In the interests of highway safety and safeguarding local amenity in accordance the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34.*

#### Surface Water Drainage Scheme

9. No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the waste planning authority. No waste or other feedstock shall be brought onto the site until the approved scheme has been implemented in full.

*Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with National Planning Policy Framework paragraph 103; the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS2 and CS39; Fenland Local Plan (May 2014) policy LP14 (B). This is a pre-commencement condition because the surface water drainage arrangements need to be agreed before construction work starts.*

#### Hours of Vehicle Movements

10. No HGVs including construction vehicles shall enter or leave the site outside the hours of:

0700 - 1800 on Mondays to Fridays (except bank and public holidays); and  
0800 - 1300 on Saturdays.

*Reason: To minimise disturbance to residents and users of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan*

*Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.*

#### Hours of Operation

11. Except for emergency maintenance which has previously notified to the waste planning authority no mobile plant, equipment and machinery including for construction shall be used on the site outside the hours of:

0700 - 1800 on Mondays to Fridays (except bank and public holidays); and  
0800 - 1300 on Saturdays.

*Reason: To minimise disturbance to residents and users of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.*

#### Maintenance, Silencers, and Reversing Alarms:

12. All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with effective silencers that shall be used at all times. All vehicles that are fitted with reversing alarms shall be fitted with "white noise" type or similar, reversing alarms.

*Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34; Fenland Local Plan (May 2014) policy LP16.*

#### Noise Limit

13. The rating level of noise emitted from the site shall not exceed the background level or 35dB (A), whichever is the higher, at the boundary of any noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142.

*Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.*

#### Noise monitoring

14. No feedstock shall be accepted at the site until a scheme for measuring noise from the development hereby permitted has been submitted to and approved in writing by the waste planning authority. The scheme shall include the expertise of the person(s) who will carry out the measuring; the frequency of measuring; mitigation that will be undertaken in the event that the noise level in condition 13 is exceeded; and details of the operator who members of the public may contact to report noise events. The results of any measurements and assessment shall be submitted to the waste planning authority within 10

working days of the measurements taking place.

*Reason: To enable compliance with the noise limit in condition 13 to be monitored to protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.*

#### Odour

15. No development shall take place other than in accordance with the Odour Management Plan ED 11027116 Issue Number 1 Date 03/05/2018 (received 4 May 2018).

*Reason: To minimise the impact of the development on the occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34; Fenland Local Plan (May 2014) policy LP16.*

#### Materials

16. The external finishes of the fixed plant and buildings shall be carried out and retained in accordance with paragraph 8.2 of the Landscape and Visual Assessment dated 19 February 2018 (received 20 February 2018).

*Reason: To minimise the impact of the development in the landscape in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS34 and Fenland Local Plan (May 2014) policy LP16.*

#### Soil protection

17. No topsoil or subsoil shall be removed from the site.

*Reason: All soils are required for the landscaping of the land in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS38.*

#### Landscape planting

18. The “*Details of Landscape and Biodiversity Mitigation, Enhancement and Management*” dated February 2018 (received 20 February 2018) shall be carried out in full no later than the first planting season following the date of this permission.

*Reason: For the avoidance of doubt and to ensure that the site has adequate screening in the interest of visual amenity, in accordance with policies CS24, CS33 and CS34 of the Cambridge and Peterborough Minerals and Waste Core Strategy (July 2011).*

#### Replacement planting

19. If within a period of five years from the date of planting any tree or shrub fails, that

tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place in the first available planting season, unless the waste planning authority gives its written consent to any variation.

*Reason: In the interests of visual and residential amenity in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011)*

#### Biodiversity enhancement

20. No waste or other feedstock shall be brought onto the site until the bat boxes shown on drawing no. L17-WF-ELV-21-R1 - 21. Workshop Building dated 11/04/18 (received 13 April 2018) and the bird boxes shown on drawing no. L17-WF-ELV-25 – Existing Barn 2 – Hirundine Roost Ledges dated 11/04/2018 (received 13 April 2018) have been installed.

*Reason: In order to improve the biodiversity of the site in accordance with policy CS35 of the Cambridge and Peterborough Minerals and Waste Core Strategy (July 2011) and policies LP16 (b) and LP19 of the Fenland Local Plan (May 2014).*

#### Lighting

21. No lights other than those shown on drawing no. 09-50-01 West Fen Farm Biomethane AD Plant Proposed site layout dated February 2018 (received 20 February 2018) shall be installed on the site. The lights shall be installed and operated in accordance with the details set out in section 14 (page 49) of the Planning Statement dated February 2018 (received 20 February 2018).

*Reason: In order to minimise the impact of the development on wildlife in accordance with policy CS35 of the Cambridge and Peterborough Minerals and Waste Core Strategy (July 2011).*

#### Routeing Agreement:

22. The site shall not be operated except in accordance with the Traffic Management Scheme: Undertakings by the Developer dated 1 June 2018 and the plan entitled Planning Application F/2001/18/CW – West Fen Farm Waste Food HGV Routing (received 1 June 2018).

*Reason: In the interests of limiting the effects on local amenity to control the impacts of the development and to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34.*

#### Waste Catchment Restriction:

23. No feedstock arising from a distance greater than a 45 kilometre radius of the site as shown on the plan entitled Planning Application F/2001/18/CW – West Fen Farm Waste Catchment Area (received 1 June 2018) shall be received at the site. Waste from a waste transfer station within the defined catchment area shown on the plan

entitled Planning Application F/2001/18/CW – West Fen Farm Waste Catchment Area (received 1 June 2018) shall be regarded as arising from within the catchment area.

*Reason: To ensure that the facility is managing waste from the local area to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS29.*

## **Informatives**

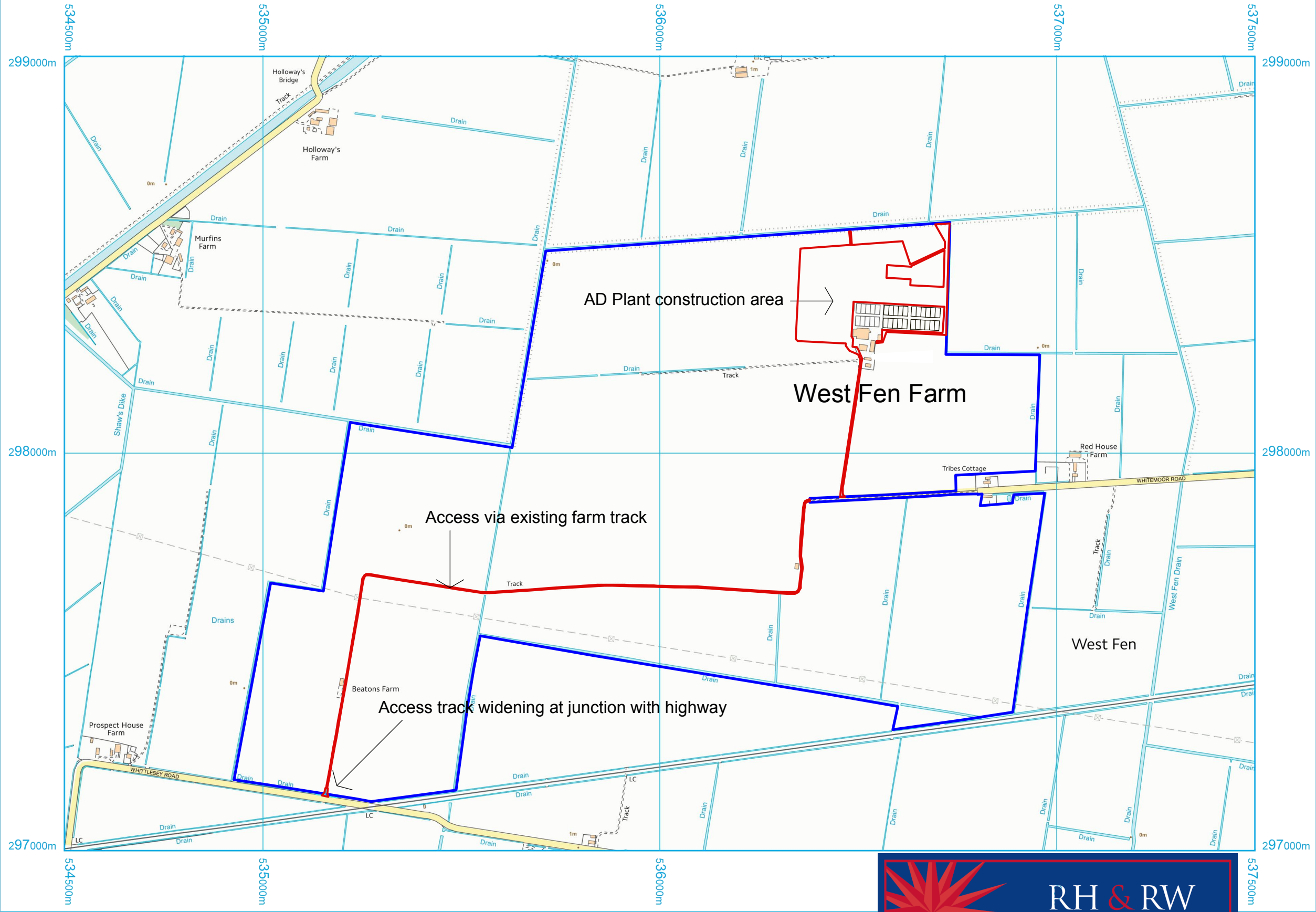
The surface water drainage scheme referred to in condition 9 shall be based upon the principles within the agreed Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers (ref: CCE/V971/FRA-02) dated February 2018 and shall also include:

- a) Full results of the proposed drainage system modelling in the 1% AEP plus climate change critical storm event , inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of system performance;
  - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - c) Full details of the proposed attenuation and flow control measures;
  - d) Site investigation and test results to confirm infiltration rates;
  - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - f) Full details of the maintenance/adoption of the surface water drainage system;
  - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

## Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

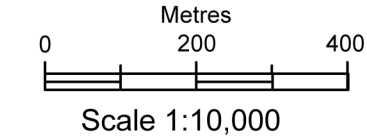
The applicant sought and received pre-application advice from the waste planning authority. The development would result in the generation of gas and a small amount of electricity from food and farm waste and crops. This would contribute to the Government's aspiration to move towards sustainable sources of energy. It would contribute to the recycling of waste and sustainable use of resources thereby improving the economic, social and environmental conditions of the area.

Source Documents	Location
<p>Link to the National Planning Policy Framework:  <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy:  <a href="http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7">http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</a></p> <p>Link to the Fenland Local Plan:  <a href="http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&amp;p=0">http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&amp;p=0</a></p>	



Produced 23-11-2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2017.

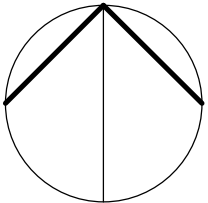
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.



Licence number: 100038864



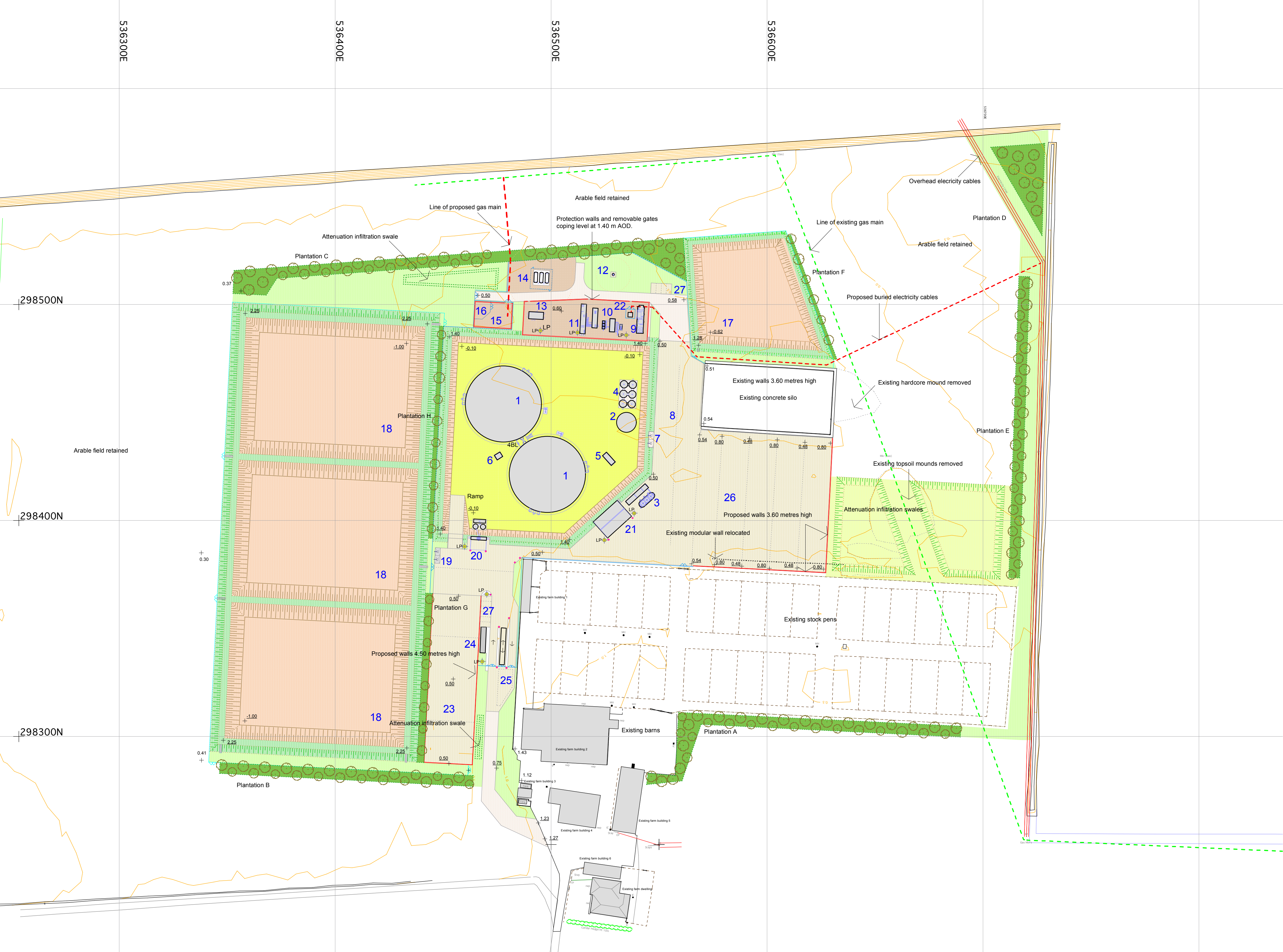
West Fen Farm Biomethane AD Plant  
Location at 1:10,000



February 2018
1:10,000 at A3
09-50-03







KEY TO SURFACES:

- Impermeable membranes and top covers for digestate storage (drainage to harvesting lagoon).
- In-situ concrete slab surfacing to falls (drainage to harvesting lagoon).
- In-situ concrete slab surfacing (drainage to attenuation/infiltration swale).
- Loose stone surfacing on permeable membrane on compacted stone base.
- Seeded (grass) topsoil covered embankments.
- Seeded (grass) topsoil covered level areas.
- Seeded (wildflower) screened topsoil on impermeable membrane (drainage to harvesting lagoon).
- Seeded (wildflower) subsoil within main drainage swales.
- Planted areas (native tree plantations or trees with native shrubs).

For details on the specification of seeded and planted areas refer to the report 'Schedules and specifications - landscape and biodiversity mitigation and improvement February 2018'.

KEY TO LEVELS:

- Contours as existing levels related to OSGB. Refer topographic survey drawing 09-50-02.
- Existing spot levels.
- Proposed spot levels.
- Proposed embankments with 1:2 gradient.

KEY TO SITE FURNITURE, FENCING AND LIGHTING:

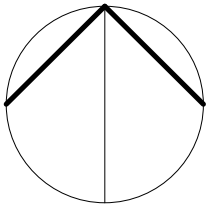
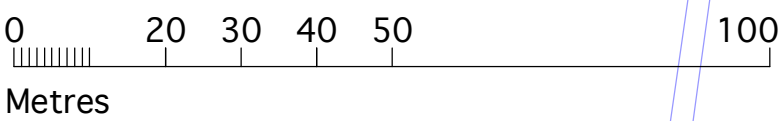
- Timber post and rail fence and matching gates 1.4 metres high.
- Galvanised steel welded mesh panel fence and matching gates 2.2 metres high.
- Column fixed downlighter 4.5 metres high PIR activated.
- Bulkhead lights PIR activated.
- Wheel deflection bell bollard.
- Freestanding walls for storage or protection (heights as notes on plan).

KEY TO PLANT AND EQUIPMENT:

Refer to detailed plans and elevations numbered as this key.

- Anaerobic Digester Tank
- Slurry Intake Tank
- Dry Feeding System (1No. Vertical Mixer, 1No. Feed Process Container)
- Waste Intake Tanks
- Pump and Manifold Housing Container
- O2 Generator Container
- 2No. Inlet/Outlet Stations
- Concrete apron, vehicle access and turning.
- CHP Biogas Generator (Containerised, Coolers and Exhaust Stack Roof Mounted)
- Raw Biogas Compressor Housing (c/w Chillers and Active Carbon Filters)
- EnviThan Gas Upgrading System
- Flare Stack
- Gas Network Entry Unit
- Above Ground Propane Tanks
- Biomethane Compressor Compound
- Remotely Operated Valve (ROV) Compound
- Harvested Water Storage Lagoon
- Separated Digestate Liquid Storage Lagoons
- 2No. Digestate Inlet/Outtake Stations
- Digestate Separation System
- Workshop building
- 11kV to 400V Electrical Transformer Compound
- Concrete yard with walls for storage of separated solids
- Administration building
- Weighbridge and wheelwash facilities
- Concrete yard with walls for storage of feedstock material
- Car parking spaces

Whitemoor Road







**To: Planning Committee**

**From: Deborah Jeakins, Principal Enforcement and Monitoring Officer**

**Date: 19 July 2018**

**Enforcement updates:**

**1. Application to court for Injunction - importation of waste at First Drove and Black Bank, Little Downham**

On 12 June 2018 a Case Management Conference took place at the High Court in London in respect of the Council's application for an Injunction to prevent any further importation of waste onto agricultural land at Black Bank and First Drove, Little Downham. A hearing was set for 23 and 24 July 2018 for the High Court to decide whether to grant the Council's request for an injunction with an additional penal notice in the event that the injunction is breached.

At the case management conference, the defendants agreed to a formal undertaking that *'until conclusion of the trial or further order they shall not whether by themselves, or instructing, encouraging or allowing another import any material on to the Land'*. The signed and sealed undertaking is a legally binding agreement, breach of which is contempt of Court that is taken very seriously.

We were fortunate that the hearing has been listed so soon, particularly as the judge had mentioned possible court dates in February to April 2019.

**2. Appeal against service of Enforcement Notices – EARL, Whittlesey**

On 7 November 2017 and 4 May 2018, Enforcement Notices were served on East Anglian Resources Limited (EARL) wood waste processing yard at Benwick Road, Whittlesey for the breach of planning conditions that restricted hours of operation at the site. The breach that the Notices intended to address was the overnight movement of HGVs to and from the site, which is having a detrimental effect on residential amenity.

EARL appealed the service of the Notices to the Planning Inspectorate who scheduled a Public Inquiry for 10 July 2018 to hear the evidence relating to the Grounds for Appeal.

The planning permissions that the Notices relate to were for a temporary period, which expired on 30 June 2018. On 23 May 2018, EARL submitted new planning applications to extend the life of the wood waste development for a further 5 years until June 2023. These applications do not seek to change the working hours conditions at the site and so, if they are granted, the issue of working hours may still need to be addressed.

Taking into account the fact that the planning permissions to which the Notices relate have now expired (and therefore the recipients cannot be made to comply with the conditions), the Inspector has decided to cancel the Inquiry and proceed to a written decision.

**Summary of Decisions Made Under Delegated Powers**

*To:* **Planning Committee**

*Date:* **19<sup>th</sup> July 2018**

*From:* **Head of Growth and Economy**

*Electoral division(s):* **All**

*Purpose:* **To consider the above**

*Recommendation:* **The committee is invited to note the report**

<b><i>Officer contact:</i></b>	
Name:	Vikki Etheridge
Post:	Planning Co-ordinator
E-mail:	vikki.etheridge@cambridgeshire.gov.uk
Tel:	01223 715518

## 1.0 INTRODUCTION

- 1.1 At the committee meeting on 31 January 2005 it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning under delegated powers would be provided.
- 1.2 The Scheme of Delegation set out in Part 3D of the Council's Constitution describes the extent and nature of the authority delegated to the Executive Director: Economy, Transport and Environment to undertake functions on behalf of Cambridgeshire County Council. The delegations are made either by the Full Council or one of its committees. The Executive Director, has considered it necessary and expedient, to authorise the Head of Strategic Planning (now Head of Growth and Economy) to undertake functions on his behalf. These authorisations are included within a written schedule of authorisation published on the Council's website which is available at the following link:  
<https://www.cambridgeshire.gov.uk/council/council-structure/council-s-constitution/>.

## 2.0 SUMMARY OF DECISIONS

- 2.1 Six applications have been granted planning permission under delegated powers during the period between 29/05/18 and 06/07/18 as set out below:

1. **H/5006/18/CC** – Section 73 Planning Application to retain the temporary 5 bay mobile classroom until 31 August 2023 without compliance with condition 2 of planning permission H/05013/12/CC

Location: Eastfield Infant & Nursery School, Pig Lane, ST. IVES, PE27 5QT

Decision granted 11/6/18

For further information please contact Will Laing on 01223 706731

2. **H/5009/18/CC** – Section 73 planning application for the retention of mobile classroom until 31 August 2023 without compliance with condition 1 of planning permission H/5008/16/CC

Location: Westfield School, Ramsey Road, ST. IVES, PE27 5RG

Decision granted 11/6/18

For further information please contact Will Laing on 01223 706731

3. **C/5000/18/CC** – Section 73 planning application for the retention of 7 bay mobile classroom canopy and external play areas until 31 August 2023 and the already permitted permanent all weather outdoor play area without compliance with condition 3 of planning permission reference C/05003/13/CC.

Location: Abbey Meadows School, Galfrid Road, CAMBRIDGE, CB5 8ND

Decision granted 13/6/18

For further information please contact Jack Millar on 01223 703851

4. **E/3002/18/CC** – Section 73 planning application to retain two temporary mobile buildings until 31st August 2023 without compliance with condition 1 of planning permission E/03003/12/CC.

Location: Burwell House Centre, Silver Street, Burwell, Cambridge, CB24 0EF

Decision granted 26/6/18

For further information please contact Kirsty Carmichael on 01223 703216

5. **F/2000/18/CW** – Demolition of existing office accommodation, erection of two-storey office and storage building and installation of a car park both ancillary to waste management site.

Location: Lodge Farm, Knights End Road, March, Cambridgeshire, PE15 0YN

Decision granted 27/6/18

For further information please contact Will Laing on 01223 706731

6. **H/5008/18/CC** – Section 73 planning application to develop land without complying with condition 1 of planning permission H/5007/16/CC to allow the retention of existing 22 bay modular terrapin building to remain on site for a further temporary period until 31st August 2023 for use as a residential environmental education centre.

Location: Stibbington Outdoor Centre, Church Lane, Stibbington, Peterborough, PE8 6LR

Decision granted 3/7/18

For further information please contact Jack Millar on 01223 703851

Source Documents	Location
Applications files	SH1315, Shire Hall, Cambridge, CB3 0AP

