

# PLANNING COMMITTEE



**Date: Monday, 17 September 2018**

**Democratic and Members' Services**

Fiona McMillan

Deputy Monitoring Officer

**10:00hr**

Shire Hall

Castle Hill

Cambridge

CB3 0AP

**Council Chamber**

**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>

**PLANNING APPLICATIONS**

**2. S/3372/17/CW Levitt's Field, Waterbeach Waste Management Park, 3 - 234  
Ely Road, Waterbeach, Cambridge, CB25 9PQ**

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*

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**DESCRIPTION: APPLICATION FOR FULL PLANNING PERMISSION FOR THE CONSTRUCTION AND DEVELOPMENT OF A WASTE RECOVERY FACILITY (WATERBEACH WASTE RECOVERY FACILITY – WWRF) AT LEVITT’S FIELD, WATERBEACH WASTE MANAGEMENT PARK (WWMP), ELY ROAD, CAMBRIDGE COMPRISING THE ERECTION AND OPERATION OF AN ENERGY FROM WASTE FACILITY TO TREAT UP TO 250,000 TONNES OF RESIDUAL WASTE PER ANNUM, AIR COOLED CONDENSERS AND ASSOCIATED INFRASTRUCTURE: INCLUDING THE DEVELOPMENT OF AN INTERNAL ACCESS ROAD; OFFICE/WELFARE ACCOMMODATION; WORKSHOP; CAR, CYCLE AND COACH PARKING; PERIMETER FENCING; ELECTRICITY SUB-STATIONS; WEIGHBRIDGES; WEIGHBRIDGE OFFICE; WATER TANK; SILOS; LIGHTING; HEAT OFF-TAKE PIPE; SURFACE WATER MANAGEMENT SYSTEM; HARDSTANDING; EARTHWORKS; LANDSCAPING; AND BRIDGE CROSSINGS.**

**AT: Levitt’s Field, Waterbeach Waste Management Park, Ely Road, Waterbeach, Cambridge, CB25 9PQ**

**APPLICANT: AmeyCespa (East) Limited**

**APPLICATION NO: S/3372/17/CW**

**To: Planning Committee**

**Date: 17 September 2018**

**From: Business Manager, County Planning, Minerals and Waste**

**Electoral division(s): Waterbeach**

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

**Recommendation: That planning permission is granted subject to the applicant entering into a S106 planning obligation and the conditions set out in paragraph 10.1**

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**DEFINED TERMS:**

<b>ACC</b>	Air Cooled Condenser
<b>AOD</b>	Above Ordnance Datum
<b>APC</b>	Air Pollution Control
<b>AQMA</b>	Air Quality Management Area
<b>C&amp;D</b>	Construction and Demolition
<b>C&amp;I</b>	Commercial and Industrial
<b>CEMP</b>	Construction Environmental Management Plan
<b>CEMS</b>	Continuous Emission Monitoring System
<b>CLO</b>	Compost 'Like' Output
<b>CTMP</b>	Construction Traffic Management Plan
<b>CV</b>	Calorific Value
<b>CWS</b>	County Wildlife Site
<b>DAC</b>	Denny Abbey Complex
<b>EfW</b>	Energy from Waste
<b>EA</b>	Environment Agency
<b>ELV</b>	Emission Limit Value
<b>ES</b>	Environmental Statement
<b>FGT</b>	Flue Gas Treatment
<b>FRA</b>	Flood Risk Assessment
<b>HHRA</b>	Human Health Risk Assessment
<b>IBA</b>	Incinerator Bottom Ash
<b>IVC</b>	In-Vessel Composting
<b>JMWMS</b>	Joint Municipal Waste Management Strategy
<b>LVIA</b>	Landscape Visual Impact Assessment
<b>MRF</b>	Materials Recycling Facility
<b>MBT</b>	Mechanical Biological Treatment
<b>M&amp;WCS</b>	Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011
<b>M&amp;WSSP</b>	Cambridgeshire and Peterborough Minerals & Waste Development Plan Site Specific Proposals DPD 2012
<b>NCA</b>	National Character Assessment
<b>NPPF</b>	National Planning Policy Framework
<b>NPPW</b>	National Planning Policy for Waste
<b>PHE</b>	Public Health England
<b>PM</b>	Particulate Matter
<b>SAC</b>	Special Area of Conservation
<b>TA</b>	Transport Assessment
<b>tpa</b>	tonnes per annum
<b>SCDC</b>	South Cambridgeshire District Council
<b>SSSI</b>	Site of Special Scientific Interest
<b>WDI</b>	Waste Data Interrogator
<b>WMP</b>	Waste Management Plan for England (2013)
<b>WPA</b>	Waste Planning Authority
<b>WWMP</b>	Waterbeach Waste Management Park
<b>WWRF</b>	Waterbeach Waste Recovery Facility

## **1.0 BACKGROUND**

- 1.1 The application site is located at the Waterbeach Waste Management Park (**WWMP**), which covers approximately 165 hectares (approx. 408 acres), and is located approximately 6 kilometres (approx. 3.7 miles) north of Cambridge; approximately 3 kilometres (approx. 1.9 miles) to the northwest of Waterbeach village; and approximately 1 kilometre (approx. 0.6 miles) to the south of Chittering.
- 1.2 Since the 1950's land within and surrounding the WWMP has been subject to sand and gravel quarrying, followed by backfilling with waste. In 2001 the County Council granted planning permission for a major waste management facility to serve the needs of Cambridgeshire. It was as part of that application that the site was referred to as the "Waterbeach Waste Management Park".
- 1.3 The 2001 consent (S/01587/99/CW) broke the WWMP down into areas A – G which covered the different uses on the site, each of which had specific planning conditions listed on the Decision Notice. Many of these areas have been subject to further permissions which shall be explained in more detail in how the site operates in section 2 below and also in the planning history (section 4) of this report.
- 1.4 Levitt's Field is an allocated site in the adopted Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan (**M&WSSP**) under reference SSP W1K. It is an allocated site for the following potential proposed waste uses and was subject to review by an independent planning inspector, which is covered in the planning history for the adopted plan (section 4) of this report:
  - Material Recovery Facility;
  - In Vessel Composting;
  - Energy from Waste;
  - Inert Waste Recycling; and
  - New waste management technologies.
- 1.5 This planning application is accompanied by an Environmental Statement (**ES**) as part of the Environmental Impact Assessment Regulations 2011 (using the transitional arrangements in the 2017 regulations – Regulation 76). The applicant's ES has been based on pre-application advice and a Scoping Report issued by Cambridgeshire County Council as the Waste Planning Authority (**WPA**), following consultation with key statutory consultees, on 29 June 2017.

## **2.0 THE SITE AND SURROUNDINGS**

- 2.1 The application site, Levitt's Field, is a grass field located within the WWMP covering an area of approximately 6.3 hectares (approx. 15.6 acres), which is currently an empty, flat, rectangular field, oriented with its long axis running north-west to south-east, and relatively level at 3.6

metres (11.81 feet) Above Ordnance Datum (**AOD**). The application red line area, which includes an internal access road from the public highway, and a route for a heat pipe to be laid to the Research Park roundabout, covers a total of 8.92 hectares (approx. 22 acres) which can be seen in Agenda Plan 1.

- 2.2 The WWMP is located immediately to the west of the A10(T) Trunk Road that forms the main arterial route between the towns of Ely and Cambridge, passing around the village of Milton and Waterbeach to the south, and the villages of Chittering, Stretham and Little Thetford to the north. The 2001 consent (S/01587/99/CW) permitted construction of a dedicated roundabout, connecting the WWMP site to the A10.
- 2.3 The A10 makes up the eastern boundary of the application site, behind an existing belt of deciduous vegetation that the applicant planted around seven years ago in recognition of the site's allocation for waste treatment. The northeast boundary of the application site runs parallel to a WWMP facility, the Mechanical Biological Treatment Facility (**MBT**). Along the northwest boundary is a haul road, via which the applicant plans to access the application site. Over this access road is an area of non-hazardous landfill. To the southwest of the application site is a field of undeveloped land, which is outside the control of the applicant.
- 2.4 Approximately 500 metres (approx. 547 yards) further south along the A10 is the Cambridge Research Park. The Research Park site is over 45 hectares in total (over 112 acres) of development land, which has recently been extended through a significant construction and asset management programme across the site, including the development of an additional 7,432 square metres (80,000 square feet) of office/laboratory/mid tech space across three buildings, together with 7,060 square metres (76,000 square feet) of industrial space across a nine unit scheme called Enterprise 5000, which completed in May this year; before being sold to a new owner in June 2018. Situated between the site and Research Park are a number of self-contained units which collectively are known as the Glenmore Business Park. These units are leased for a variety of uses including; bathroom suppliers, letting agents, builder's merchants and storage/distribution companies.
- 2.5 On the opposite side of the A10 from the Cambridge Research Park, and north of the village of Waterbeach, is a former airfield and barracks, allocated within the emerging South Cambridgeshire Local Plan for the creation of a 'sustainable new town'. A proposal to the western part of the allocated area by the Secretary of State for Defence and Urban & Civic is currently subject to an outline planning application (reference S/0559/17/OL) which is expected to go to South Cambridgeshire District Council's Planning Committee in November 2018. The application broadly contains plans for 6,500 dwellings (including up to 600 residential institutional units), business, retail, community, leisure and sports uses; a hotel; new primary and secondary schools; green open spaces including parks, ecological areas and woodlands; principal new accesses from the

A10 and other points of access; associated infrastructure, groundworks and demolition; with all matters reserved except for the first primary junction from the A10. The emerging South Cambridgeshire Local Plan recognises that the development of the airfield area would provide the opportunity to deliver public transport improvements, and given the capacity limitations of the A10, road improvements would be required, including measures to address capacity at the Milton junction with the A14 further south. The application is currently undetermined and subject to an extension of time until 31 October 2018. An A10 study covering three strands of work has recently been published (between January and February 2018) that looks at the high level improvements required to the A10, which includes a package of measures needed to help support the growth anticipated in this area, which is discussed in more detail in section 8 of this report.

- 2.6 An outline planning application for the eastern part of the emerging allocated area at Waterbeach Barracks by RLW Estates Limited (reference S/2075/18/OL) has also been received by South Cambridgeshire District Council (received 30 May 2018), which broadly seeks permission for the development of up to 4,500 dwellings, business, retail, community, leisure and sports uses; new primary and secondary schools and sixth form centre; public open spaces including parks and ecological areas; points of access, associated drainage and other infrastructure, groundworks, landscaping, and highways works. A separate full planning application for the relocation of Waterbeach Railway Station, as required within emerging allocation Policy SS/5, has also been submitted on behalf of RLW Estates and is currently under consideration (reference S/0791/18/FL).
- 2.7 The WWMP is located in an edge of fen landscape. The area surrounding the WWMP is primarily rural and in arable use. However, the presence of the Research Park and industrial estate to the south of the WWMP, and the Waterbeach Barracks to the east, means that much of the area is now a mix of rural fields, waste related activities and commercial / industrial uses. Possible changes to a residential mix could also be introduced at the Waterbeach Barracks, alongside potential improvements to the A10 as discussed in paragraphs 2.5 and 2.6 above.
- 2.8 The nearest point of Denny Abbey Scheduled Monument (shown in red on Agenda Plan 2) is located approximately 130 metres (approx. 172.2 yards) east from the application site, across the A10; whilst the Denny Abbey Grade I listed building, within the allocated Scheduled Monument area, is approximately 350 metres (approx. 382.8 yards) east of the application site. Associated with the Denny Abbey Scheduled Monument are four listed structures, these are the Grade II listed gate piers at the entrance off the A10 (the closest listed structure to the site); the Grade I listed Denny Abbey including the remains of the 12th Century Benedictine abbey church; the Grade I listed 14th Century Franciscan nunnery (refectory); and the Grade II listed 17th Century barn to the north of Denny Abbey (The Farmland Museum stone building) – hereafter referred to as the Denny Abbey complex (**DAC**). The boundary of the Scheduled Monument

and the positioning of all the listed structures noted above can be seen in Agenda Plan 2. It should also be noted, that a second Scheduled Monument, Car Dyke (between Green End Moor and Top Moor), a roman canal, lies immediately south west by approximately 770 metres (approx. 842 yards) of the WWMP, also shown on Agenda Plan 2.

- 2.9 Causeway Farmhouse is a grade II listed building sited some 1.5 kilometres (approx. 1,640.4 yards) to the north of the refectory. Two further Grade II Listed structures are located on the A10. They are both milestones located within the road verge signalling distances from Goose Hall. The first is approximately 400 metres (approx. 437.5 yards) north of the site entrance; the second is located approximately 600 metres (approx. 656.2 yards) south of the site entrance. These additional listed structures are also shown on Agenda Plan 2, to ensure that members are given the full information to be able to assess setting and historic impact later within this report (see section 8).
- 2.10 A County Wildlife Site (**CWS**) (Beach Ditch & Engine Drain) lies within the North West boundary of the site which is designated for its aquatic and marginal flora. Most of the site is within flood zone 3. However, accounting for existing flood defences the risk to the site from fluvial flooding is considered to be 'low' according to the results of the Flood Risk Assessment (**FRA**) provided as part of this planning application.
- 2.11 The nearest residential properties are Denny Croft to the south, the land of which borders the application site, and Denny Abbey Cottages, (of which there are four terraced dwellings), approximately 20 metres (approx. 21.9 yards) east of the application site across the A10.
- 2.12 The application site is within the electoral division of Waterbeach, which is within the parish of Landbeach. However, as the wider WWMP covers a large area and borders with the electoral division of Cottenham and Willingham, alongside the parishes of Cottenham, Stretham, Wilburton and Waterbeach (with Haddenham connected further afield) these have all been consulted directly as part of the planning application, as reflected in section 5 of this report.
- 2.13 Levitt's Field is located within the wider WWMP under the applicant's control. The 2001 consent (S/01587/99/CW) first broke the WWMP down into areas A – G which cover the different uses on the site, which has been carried through to updated permissions such as S/0013/15/CW (see updated consent areas shown in Agenda plan 3). Immediately adjacent to the entrance to the site off the A10 is 'Area A', the main recycling and treatment facilities, known as the 'the recycling park'. This area includes a MBT facility where recyclable materials are sorted from household waste. Attached to the MBT is an Education Centre to allow visits from schools and the public, as well as offices for administration and staff. To the east of the MBT buildings are two Materials Recycling Facility (**MRF**) buildings that deal with the separated recyclable waste materials, such as paper, plastics, glass and metals.

- 2.14 Areas B and C of the wider WWMP lie to the south-west of Levitt's Field. Area B is a Construction and Demolition (**C&D**) aggregate recycling area, which is a historic definition used by the applicant. The waste materials dealt with within this area are actually more akin to mixed non-hazardous municipal waste, commercial and industrial wastes with the types of material including items collected in small skips from households / commercial properties and bulky items from Household Recycling Centres. Area C is a composting and wood processing area. This includes an In-Vessel Composting (**IVC**) facility, which takes mixed household kitchen and garden waste from Cambridgeshire Councils, and food waste from pubs, restaurants and hotels; an Open Windrow Composting facility which composts household garden waste from household waste recycling centres, and similar waste from landscape gardeners, tree surgeons and grounds maintenance contractors; and a research and development Anaerobic Digestion plant (set up to test the benefits of this type of waste process) which incorporates a Landfill Gas Management plant run by Summerleaze.
- 2.15 The consented landfill to the northwest of Levitt's field and to the west of the recycling park (Area A), is sub-divided into a number of distinct areas (known as "Area D"; "E"; "E1" (Gravel Diggers); "F"; and "G" - (G+/\*)). These include areas which are still to be worked, open and active cells and areas which are fully restored. The 2001 consent (S/01587/99/CW) was superseded by the 2014 Gravel Diggers Section 73 planning application (S/02279/11/CW and S/02575/12/CW) which extended the life / restoration of Area E1 (Gravel Diggers) to 31 December 2019. A new application at Gravel Diggers (reference S/02610/12/CM) also took account of the fact that the original mineral processing plant in Area F was no longer fit for purpose following restoration of Area E so a new area of land was required for this operation. The original Area E, was also split into Area E and Area E1 as part of the 2014 permission to show the area of 'The Lots' already extracted/landfilled/restored and 'Gravel Diggers' which at the time was yet to have the sand and gravel extracted and the landfill area used. Area E1 represents the last remaining consented sand and gravel mineral reserve within the WWMP site. At the time of writing this report, Area E1 (Gravel Diggers) has largely been worked for sand and gravel and preparations are underway to restore the quarry land using clay materials (as noted below). A planning application is also currently being considered at Mitchell Hill (area of land identified on Agenda Plan 3), as a new sand and gravel site to effectively replace the extraction currently being undertaken in Area E1; all such proposals have been assessed cumulatively as part of this planning application and considered in section 8 of this report.
- 2.16 The 2014 permission (S/02279/11/CW and S/02575/12/CW) was superseded on 11 April 2016 by permission S/0013/15/CW which sought to extend the life of the landfilling for Area D and to change the restoration of area E1 to ensure the time limited permission on that area was still capable of being achieved, with the continued use of the WWMP as set out in planning permission S/01587/99/CW (see the planning history in

section 4 of this report). In addition on 29 June 2017 a permission (reference: S/0202/16/CW) for the construction and operation of a Waste Water Treatment Plant, and ancillary works, with a capacity of 75,000 tonnes per annum was also granted.

- 2.17 Additionally there are two restored wetland habitat areas, one to the south-west of the landfill facility (Webster's Field Wetland Habitat Area ref G+) and one located centrally within the site (Grave's Field Wetland Habitat Area ref G\*). The full planning history relevant to the consideration of this planning application, that incorporates the full uses of the wider WWMP discussed above, is covered within section 4 of this report.

### 3.0 THE PROPOSED DEVELOPMENT

- 3.1 The proposed development is for the construction and development of a waste recovery facility, which comprises the erection and operation of an Energy from Waste (**EfW**) facility to treat up to 250,000 tonnes of residual waste per annum. This includes air cooled condensers and associated infrastructure: including the development of an internal access road; office/welfare accommodation; workshop; car, cycle and coach parking; perimeter fencing; electricity sub-stations; weighbridges; weighbridge office; water tank; silos; lighting; heat off-take pipe; surface water management system; hardstanding; earthworks; landscaping and bridge crossings. Within the EfW facility, there is also the proposed inclusion of an education centre. The proposed education/visitor facilities and office space have been designed by the applicant to form an integrated element of the main building and would be located on the southern façade of the building. This area is also proposed to include offices, staff welfare facilities, control room and laboratory. The applicant's planning statement emphasises that the inclusion of an education centre has been designed into the building for the additional benefit of the "creation of an integrated waste management park that provides a complete and comprehensive educational facility to help demonstrate delivery of the Waste Hierarchy objectives and the application of sustainable waste management and renewable energy generation" (source paragraph 4.4.1 of the Planning Statement).
- 3.2 The proposed main building would be 141 metres (154.2 yards) long; between 55 and 91 metres (60.2 and 99.5 yards) in width, and up to 41.7 metres (up to 136.8 feet) in height towards the western end (ranging between 11.7 metres (38.4 feet) at its lowest point at the tipping hall, and 41.7 metres (136.8 feet) at the tallest point at the flue gas treatment (**FGT**) hall). The proposed chimney stack has a 4.5 metre (4.9 yards) diameter and would be 80 metres (262.5 feet) in height, located on the western elevation of the building. A demonstration of the building heights can be seen on Agenda Plan 4. Parts of the building are proposed to be dropped into the ground in an attempt to keep the building roof heights as low as possible and avoid the use of a raised tipping hall. These elements include the waste bunker at approximately 10 metres (approximately 32.81 feet) below existing ground levels, an element of the boiler house at



approximately 2 metres (approximately 6.56 feet) below existing ground levels, and an element of the FGT hall at approximately 4.5 metres (approximately 14.76 feet) below existing ground levels.

3.3 The proposed facility would be used to create energy in the form of electricity and potentially heat, through the treatment of up to 250,000 tonnes of residual waste per annum, which is estimated to produce 27.4MW of electricity (24.4MW for exporting, after 3MW used to support the EfW facility), with the potential to power in the region of 63,000 homes. Based on the waste flows at the WWMP in 2016, the waste that would be accepted to the proposed facility, from within the WWMP, would be around 184,000 tonnes per annum (**tpa**), with the remaining circa 66,000 tpa being sourced directly from third parties 'top-up waste' (and in time from the growth agenda planned within Cambridgeshire). Approximately 5% of the waste accepted at the facility would then require final disposal to landfill.

3.4 The facility has been designed with a nominal mechanical capacity to treat up to 250,000 tpa of residual waste. However, thermal treatment plants such as the proposed development are actually sized on thermal capacity not mass throughput. Once a plant has been constructed its thermal capacity is fixed. The relationship between mass throughput and thermal size is dictated by the Calorific Value (**CV**) of the waste. The plant throughput in any year is a combination of 3 factors, thermal capacity, waste CV and plant availability (number of operational hours). As stated throughout the application submission, the nominal maximum mechanic capacity of the proposed development is 250,000 tpa. However, the facility has currently been designed by the applicant in terms of the thermal capacity of its boiler on the following basis:

- 8,000 operating hours per year (circa 90% of the year); and
- A waste net CV of 11.5MJ/kg.

This is considered by the applicant to comprise a realistic number of operational hours per year and the anticipated average cv for the input of waste material. On the basis of these assumptions the facility would have a waste throughput of 230,000 tpa. However, in order to provide a series of robust assessments the ES in terms of vehicle movements and air quality etc. has assumed a nominal mechanical capacity of the plant of 250,000 tpa. In reality, the volume of waste treated at the facility could be less than this figure based on the aforementioned variables.

3.5 The main building includes a Waste Reception (Tipping Hall); a Waste Bunker (which is proposed to be sunk into the ground as noted in paragraph 3.2 above) with the potential for a shredder to be used on an 'as and when' needed basis and a conveyor link to the existing MBT building); a Boiler House Hall and Demineralisation Plant; a Turbine Hall; a FGT facility; an Air Pollution Control (**APC**) reagent silos and APC residue silos; and an education/visitor and staff facilities. The applicant has also included a diesel tank, water tank, fire water pump room, and an advanced

combustion control with Air Cooled Condenser (**ACC**) building, alongside a gatehouse/weighbridge facility (see Agenda Plan 5). The ACC building is a separate structure immediately to the west of the FGT facility. The applicant has confirmed that the ACC is separated from the main building in order to allow sufficient air flow into the condenser unit. The ACC would be circa 33 metres (circa 36.09 yards) in length, circa 31 metres (circa 33.9 yards) in width and 21 metres (68.9 feet) high; and has been located by the applicant as far as practicable from the nearest residential receptors to reduce noise impacts from the development.

- 3.6 Agenda Plan 5 also shows the 45 staff and visitor car parking spaces for the proposed development, which includes 5 accessible spaces, the dedicated motorcycle and cycle parking, coach parking and turning area, and electricity charging points; as well as the proposed landscaping and reed-bed areas to deliver drainage solutions as well as biodiversity net benefits.
- 3.7 The proposed hours of working for the construction works sought by the applicant are 0700 hours to 1900 hours Monday to Saturday, with no construction work on Sundays or Bank Holidays. The proposed hours of working for the facility once operational are 24 hours a day, 7 days a week within the facility. However, in relation to deliveries and export of materials (which includes removal off-site of Incinerator Bottom Ash (**IBA**) aggregate and APC residue), the applicant has proposed that these are limited to 0600 hours to 1900 hours Monday to Sunday, excluding Christmas Day, Boxing Day, and New Year's Day.
- 3.8 The vast majority of waste deliveries and export movements are expected to take place between the core hours of 10am to 4pm reflecting the wider waste activities on the site.
- 3.9 At the height of the construction phase, the on-site workforce has been estimated by the applicant to be approximately 300 people, whilst noting that employment on a particular project is inherently temporary, lasting for only as long as that particular project (in this instance 36 months) is under construction. During the operational phase, the proposed development will create direct employment for approximately 32 staff members. Staff are to be employed to fulfil a variety of roles including facility operation, plant management, administration and compliance. Regular maintenance activities would require staff on a contract basis, similar to the existing operations on site. This information has been set out in Chapter 12 of the ES for Socio Economics.
- 3.10 The maximum additional vehicle movements (in and out) per day, during the construction period for this project have been estimated by the applicant to be 600 per day (300 in and 300 out); which has taken account of a possible overlap of the completion of site earthworks / remediation, and the initial building construction tasks, over a relatively short period of time. Of the 600 movements, 40 are expected to be the maximum HCVs movements (20 in and 20 out). This will vary during the 6 main phases of

development (site establishment and enabling works; site earthworks and remediation; building structural works; mechanical and electrical installation; main plant installation; and plant testing and commissioning), and the above are the worst case scenarios for a relatively short period of time, that have been assessed by the Transport Assessment Team and the Highway Authority discussed in section 8 of this report.

- 3.11 During the operational phase, the vehicular movements per day for the EfW project would change to take waste from both within the WWMP and from outside the site. However, the Transport Assessment (TA) is only required to assess the impact on the highway network. The applicant has demonstrated that in the short to medium term the net impact of the EfW facility on the highway network is approximately 54 additional HCVs (27 in and 27 out) per day. The applicant has agreed to cap the waste tonnage at the WWMP at 571,000 tonnes of waste, if planning permission is granted for the EfW facility. It is worth noting, that this overall cap is less than the waste volumes that the applicant could currently receive at the site under their wider planning permissions. The above proposed movements are discussed further in section 8 of this report, which for the avoidance of doubt include exports of the IBA aggregate and APC residue discussed in paragraph 3.7 above.
- 3.12 The proposed development includes a lighting assessment that acknowledges that external artificial lighting will *“be required as part of amenity, safe passage, security and health and safety requirements during periods of darkness. The associated potential obtrusive light effects towards surrounding light-sensitive receptors would be minimised through the controlled application of lighting in accordance with best practice”*. This includes integral mitigation measures that include the use of luminaires with minimal to zero direct contribution to upward light; careful aiming and positioning of luminaires; careful selection of luminaires; the use of optimal optics for their specific location and orientation; the use of shields where necessary; optimisation of mounting heights; optimisation of driving current (dimming); the adoption of the lowest intensity LED modules practicable; and minimising the task illuminance level (considered further in section 8 of this report).
- 3.13 The red line boundary of the application site (see Agenda Plan 1) includes provision of space alongside the A10 to the Research Park roundabout for the potential for heat pipes to connect to the proposed new town at Waterbeach (in line with Policy SS/5 of the draft South Cambridgeshire District Council Local Plan), and also for the potential for heat sources to also be supplied to the Research Park.
- 3.14 Whilst not specifically part of the planning application (as such works do not require planning permission and can be carried out using permitted development rights by the utility company in question), members attention is also drawn to the applicant’s assessment of the likely impacts of connecting the facility to the grid (at Arbury Sub Station) which shows a likely optimum route that goes from the WWMP to Landbeach and along

Mere Way to the local grid – see Agenda Plan 6. It is important to note that this is not a fixed route (only a likely optimum route for the purposes of the Environmental Impact Assessment), and is not part of the planning application as noted above. It is also worth members noting that opportunities exist for electricity to be provided to the proposed new town at Waterbeach and/or the Research Park, which is in addition to the heat opportunities noted in paragraph 3.13 above.

## 4.0 PLANNING HISTORY

- 4.1 The following table sets out the relevant full planning history for the WWMP and includes the planning application for Mitchell Hill that is currently yet to be determined. Whilst not specifically mentioned in the planning history table below, cumulative impacts have also been considered for the outline planning application at Waterbeach Airfield and Barracks (Reference S/0559/17/OL) and the Glasshouse application determined in Chittering by East Cambridgeshire District Council (Reference 16/00660/ESF).

Application No:	Proposal:	Decision:
S/01482/81/CM	Gravel extraction at Chear Fen	Granted 08/01/82
S/00906/91/CW	Landfilling with Category 1 & 2 waste	Granted 03/08/92
S/00280/98/CW	Landfilling of existing lake and landscaping of garden.	Granted 07/07/98
S/00314/99/CW	Extension of time landfill site	Granted 24/06/99
S/01587/99/CW	Recycling of Wastes & Aggregates, Treatment of Household Waste, Composting of Waste, Extraction of clay, Extraction of sand and gravel, Landfill of remaining waste, Remediation of old landfill, Restoration of land to agriculture and nature conservation (Wetland Habitat), Tree and hedge planting.	Granted 21/12/01
S/01456/01/CW	Use of land for the storage of green waste and compost material for a period of two years.	Granted 01/10/01
S/00461/02/CW	Variations of Conditions 8, 9, 21 and 22 of planning permission S/01587/99/CW to allow the delivery of additional waste materials from Household Waste Recycling Centres (HWRCs) on Sundays and Bank Holidays.	Granted 04/07/02

S/00685/03/CW	Erection of a building for the reception of material for composting.	Granted 26/06/03
S/02010/03/CW	Vary Condition 1 of planning permission ref: S/01456/01/CW to extend the time period of the consent to allow the use of land for the storage of green waste and compost material for a further two year period.	Granted 21/11/03
S/00120/05/CW	Use of land for the drop off and transfer of bonded asbestos.	Granted 26/04/05
S/02296/05/CW	Variation of Condition 1 of planning permission ref: S/02010/03/CW to allow the use of land for the storage of green waste and compost material on a permanent basis.	Granted 07/02/06
S/01456/06/CW	Variation of Condition 15 of planning permission S/01587/99 to allow the export of Clay for engineering operations.	Granted 09/10/06
S/02438/06/CW	Facility for the mechanical and biological treatment of waste.	Granted 10/09/07
S/00226/08/CW	Revision of existing layout, provision of new organic waste reception building & revised surface water drainage scheme.	Granted 12/08/08
S/00002/09/CW	Construction of an emergency vehicular turning head.	Granted 07/04/09
S/01777/10/CW	Construction of a Materials Recycling Facility including welfare / office building, weighbridge gatehouse, haul roads and associated infrastructure and permanent retention of temporary car park.	Granted 16/12/10
S/00462/13/CW	Variation of condition 3 of permission S/01777/10/CW to extend the hours of operation for the mechanical treatment of recyclable waste to 24 hours use 7 days a week. (Note original S/01777/10/CW dealt with the "Construction of a Materials Recycling Facility including welfare/office building, weighbridge gatehouse, haul roads and associated infrastructure and permanent retention of temporary car park").	Granted 29/08/13

S/02279/11/CW & S/02575/12/CW	Variation of conditions 43, 44 & 45 of S/01587/99/CW to extend the time limit to extract sand gravel and restore the land from 31 December 2011 to 31 December 2019; to allow the landfill restoration information to be supplied prior to landfilling operations commencing. (Note: S/01587/99/CW dealt with the "Recycling of waste and aggregates, treatment of household waste, composting of waste, extraction of clay, sand and gravel, landfill of remaining waste, restoration, remediation of old landfill, restoration of land to agriculture and nature conservation (Wetland Habitat), Tree and hedge planting"; S/00461/02/CW dealt with the "Variation of condition 8,9, 21 and 22 of planning permission S/1587/99 to allow the delivery of additional waste materials from household waste recycling centres on Saturday afternoons, on Sundays and Bank /Public Holidays"; and S/01456/06/CW dealt with the "Variation of condition 15 of planning permission S/1587/99 to allow the export of clay for engineering operations" – these are all incorporated in the new Section 73 permission).	Granted 11/02/14
S/02610/12/CM	Provision of a new aggregate processing plant to process as raised aggregate from the adjoining workings, associated stockpiles of as raised and processed sand and gravel together with clean water and silt lagoons and associated infrastructure, including weighbridge and site office/welfare facility in a different location to that identified in planning permission S/01587/99/CW.	Granted 11/02/14
S/0463/14/CW	Variation of conditions to allow night time operations. (Note original S/02438/06/CW dealt with the "Facility for the Mechanical and Biological Treatment of Waste").	Granted 23/07/14
S/0013/15/CW	Section 73 planning application to develop land without complying with conditions 1D, 3, 38, 39, 42, 43, 44, 44A, 46, 48, 49, 55, and 56A of planning permission reference S/02279/11/CW & S/02575/12/CW for an extension to the operational life of Area D of the existing landfill area from 31 December	Granted 11/04/16

	2015 to 31 December 2036 for the landfilling of non hazardous waste; and to not fill Area E1 (Gravel Diggers) of the landfill with non hazardous waste and to restore that area instead to a lower level with onsite sourced clay material (by 31 December 2019); with the continued use of the Waterbeach Waste Management Park as set out in planning permission reference S/01587/99/CW.	
S/0014/15/CW	Section 73 planning application to develop land without complying with conditions 2, 9 and 12 of planning permission reference S/00462/13/CW for the external storage of recyclable materials in the Materials Recycling Facility (MRF) rear yard and the retention of a litter fence (retrospective) on the western and northern boundaries to secure the external yard area from any wind blown litter; with the continued use of the MRF as set out in planning permission reference S/01777/10/CW.	Granted 18/04/16
S/0202/16/CW	Construction and operation of a Waste Water Treatment Plant, and ancillary works, with a capacity of 75,000 tonnes per annum.	Granted 29/06/17
S/0088/18/CM	Proposed extraction of sand and gravel, inert waste recycling and restoration to agricultural and nature conservation after use using inert material	Received 16/01/2018 and yet to be determined

- 4.2 Noting that Levitt's Field is an allocated site for waste uses, including EfW, in the adopted Cambridgeshire and Peterborough Minerals and Waste Plan, this history section also provides a table of the history of the plan preparation, consideration of the proposal, and final examination in public and adoption of the plan (which excludes any updates provided to the WWMP Community Liaison Group and Parish Councils on request during these periods) to assist members in the background work undertaken for the allocation of the site:

Plan Preparation Stage	Date / Event
Issues and Options 1 (Core Strategy (CS) & Site Specific Proposals (SSP))	Public consultation 6 June - 15 July 2005*
Issues and Options 2 (CS & SSP)	Public consultation 30 January - 13 April 2006*

Preferred Options 1 (CS & SSP)	Public consultation 6 November - 18 December 2006*
Preferred Options 2 (CS & SSP)	Public consultation 8 September - 20 October 2008**  <b><i>Proposed allocation of the Extension to Waterbeach Waste Management Park was included at this stage – under Policy SSP10</i></b>
Additional Sites (SSP)	Public consultation 26 January - 9 March 2009***
Further Additional Sites (SSP)	Public consultation 31 March - 12 May 2009***
Submission (CS & SSP)	Public consultation 15 February - 29 March 2010**  <b><i>Proposed allocation of the Extension to Waterbeach Waste Management Park was included under Policy SSP W1</i></b>  The Submission Plans and all representations received were submitted to the Secretary of State (Planning Inspectorate) for Examination on 28 July 2010
Examination by Inspector appointed by the Secretary of State for Communities and Local Government (CS)	30 November to 15 December 2010
Inspectors Report on the Examination into the CS	15 March 2011 (Incorporating Changes to the Plan)
Adoption of CS	19 July 2011
Examination by Inspector appointed by the Secretary of State for Communities and Local Government (SSP)	28 June to 6 July 2011
Inspectors Report on the Examination into the SSP	20 October 2011 (Incorporating Changes to the Plan)
Adoption of SSP	22 February 2012

\*this consultation was prepared and delivered in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 which required giving notification to Specific and General



consultation bodies i.e. including all district and parish councils in and adjoining the Plan area and relevant statutory bodies.

\*\* this consultation was prepared and delivered in accordance with the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008 which required giving notification to Specific and General consultation bodies

\*\*\* Consultation on the additional and further additional sites was shown on the Councils' websites, along with supporting explanatory information. All statutory consultation bodies were notified, as well as all the district and parish councils; plus all the consultees from both the Issues and Options consultations and both the Preferred Options consultations that requested information at further stages of the Plans preparation.

4.3 Following the adoption of the Core Strategy in 2011, and the Site Specific Proposals Plan in 2012, the Government published its National Planning Policy Framework (**NPPF**) in March 2012. This formed a key part of reforms to make the planning system less complex and replaced previous planning guidance. The NPPF did not contain detailed waste policies, since these were due to be published in the National Waste Management Plan for England (**WMP**), but the NPPF made it clear that local authorities preparing plans and taking decisions on waste planning applications should have regard to the NPPF so far as it was relevant.

4.4 On 6 September 2012 the County Council's Development Control Committee considered the NPPF and concluded that the Cambridgeshire and Peterborough Minerals and Waste Plan was consistent in substance with the NPPF, and that there were no issues arising from the publication of the NPPF which necessitated an early review of the Plan.

#### Cambridgeshire and Peterborough Minerals and Waste Local Plan

4.5 In April 2018 the Town and Country (Local Planning) (England) (Amendment) Regulations 2017 were brought in to force requiring that all local plans must be reviewed every five years. The County Council, in partnership with Peterborough City Council, has recently started a review of the adopted Mineral and Waste Plans. This review is at an early stage and carries very little, if any, weight. The currently adopted policy in the Core Strategy and Site Specific Proposals Plan, is still considered sound; and is the local waste planning policy against which this planning application must be determined. This will be the case until it is superseded by the new Minerals and Waste Local Plan, which will not be adopted until late 2020 at the earliest.

### **5.0 CONSULTATION RESPONSES (SUMMARISED) AND PUBLICITY:-**

5.1 The following paragraphs provide a summary of the consultation responses received from consultees, and have been separated out to show the comments received as part of the initial public consultation undertaken between 2 January 2018 and 6 February 2018; followed by any comments received in relation to the additional environmental information public consultation undertaken between 27 April 2018 and 29 May 2018. This section also includes late submissions received ahead of publication, and these are identified where applicable.

**South Cambridgeshire District Council (including input from their Historic Buildings Advisor; Environmental Health Officers (covering noise & vibration; lighting; air quality; and land contamination); Landscape Officer; and Ecology Officer:**

Initial comments from South Cambridgeshire District Council (SCDC) endorsed by their Planning Committee:

5.2 The following summary was provided by South Cambridgeshire District Council following their Planning Committee meeting by letter:

1. The proposal would have a significant and adverse visual impact on the local character and surrounding countryside due to its prominence, large scale and industrial appearance. This impact would be clearly visible from surrounding public viewpoints and contrary to Policies DP/2 and DP/3 of the South Cambridgeshire Development Control Policies DPD, 2007. Night-time lighting associated with the development also has the potential for adverse visual impacts on both the surrounding landscape and the setting of listed buildings at Denny Abbey. Further information will be required to address lighting and ecological issues.
2. The Denny Abbey heritage site is exceptional and its significance multifaceted, but its setting is a fundamental contributor to that significance including that of each listed building. The sheer size of the EfW facility, and its proximity and harm to the setting and views of Denny Abbey would be contrary to Policy CH/4 of the South Cambridgeshire Development Control Policies DPD, 2007.
3. The proposed development would lead to 'substantial harm' to Denny Abbey, and as paragraph 133<sup>1</sup> of the NPPF states: *"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss."*
4. There are also significant concerns about the future impacts of the proposed facility on local air quality and human health. Although the proposed installation will be subject to regulation through an Environmental Permit issued and enforced by the Environment Agency, the proposed use has the potential to pose a risk to human health and impact the local air quality within South Cambridgeshire and therefore warrants additional consideration beyond the permitting requirements.
5. The proposal would result in public benefits in terms of the reduction in landfill and associated greenhouse gas emissions, displacement of

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<sup>1</sup> Officers acknowledge that this is now NPPF paragraph 195.

fossil fuel generation and the creation of renewable energy. These represent economic and environmental benefits, which we appreciate your authority will need to balance against all other material planning considerations and the tests of sustainable development set out in the NPPF. However, we would fully expect the harmful impacts outlined in this response to be given sufficient weight in the determination of the development proposal.

6. In addition, and prior to determination, should the County Council be minded to approve, the applicant will need to clarify how the proposed heat pipe connection from the EfW facility to the new town will be secured and delivered and by when. This is currently unclear from the submitted documentation and we would expect to be consulted on any conditions or S106 legal obligations in this regard.

### **Further comments on air quality**

7. The potential affect upon air quality, particularly with regards to the strategic development of Waterbeach new town which, when built, would result in dwellings positioned within approximately 500m of the proposed facility, so any uncertainties associated with the emissions from the proposed facility could result in impacts on locally sensitive air quality. The future traffic movements associated with both the construction and operational phase of the proposed facility would also contribute to local air pollution.
8. The proposed use would introduce an industrial source of air pollution. Under Part IV of the Environmental Act 1995, Local Air Quality Management, local authorities in England are expected to report on NO<sub>2</sub>, PM<sub>10</sub> and SO<sub>2</sub> emissions and have a new, flexible role in working towards reducing emissions and concentrations of PM<sub>2.5</sub>. Although the Environmental Permit would include limits for stack emissions to air, there is no evidence to demonstrate with certainty that the residual emissions released to air will have no effects on human health in the long term. The risk associated with this uncertainty is even greater when the proposed facility is to be located near to a new town.
9. In light of comments relating to air quality above, the following draft conditions are recommended to be attached to the application should planning permission be granted. This is to ensure that the future impact of the proposed use on local air quality is closely monitored and managed, and suitable mitigation measures are employed by the operator to keep any detrimental impacts to a minimum in accordance with Policies DP/3, NE/16 and TR/3 of the Local Development Framework (LDF 2007). The final wording will need to be subject to further discussion.
  - a) No development approved by this permission shall commence if the details of the Process Emissions Modelling as described in Appendix 8.2 of the ES by Fichtner Consulting Engineers Ltd, is

subject to design change. Any change should be further assessed by a detailed air quality assessment and approved by the local planning authority. The details particularly important in relation to air quality are as follows:

- i) The proposed 80m stack height to ensure compliance with the Emission Standards (LEVs).
  - ii) The location of the proposed stack within the site boundary and the proximity to A10 and Waterbeach new town to the east.
- b) No development approved by this permission shall commence until an Air Quality Monitoring Plan for the Operational Phase of the proposed plant is submitted to and approved by the local planning authority. The aim of this plan is to ensure that the emissions of the proposed plant are monitored at ground level where sensitive receptors are present near the plant and Waterbeach new town.
- c) No development approved by this permission shall commence until the baseline air quality for NO<sub>2</sub> and SO<sub>2</sub> within the vicinity of the site and sensitive receptors associated with the Waterbeach new town is established, to enable the local planning authority to monitor the future impacts of the proposed plant on the local air quality. This should include:
  - i) Prior to construction, a minimum of six months of baseline monitoring for NO<sub>2</sub> and SO<sub>2</sub> must be undertaken by a suitably qualified independent organisation on behalf of the operator.
  - ii) The monthly results should be provided to the LPA for review and approval in a fully verified/ratified state.
  - iii) The details of the monitoring locations and techniques to be approved by the LPA.
  - iv) The baseline monitoring should be carried forward during the construction phase.
- d) No development approved by this permission shall commence until the details or relevant extracts of the permit documentation is provided to the local planning authority to demonstrate the operator's contingency arrangements for responding to a breach of emission limits, failure of abatement equipment and shut-down procedures.
- e) No development shall commence until a Low Emission Strategy has been submitted to and approved by the local planning authority. This will include measures such as (but not limited to) support for electric vehicle charging for both staff and waste delivery vehicles and sustainable travel planning. It is expected that the nature of the development will support sustainable on-site energy objectives.

- f) In the event of exceeding the statutory air quality objectives near the vicinity of the plant, and the subsequent need to declare an Air Quality Management Area by the local authority, the operator is responsible to undertake and enforce appropriate mitigation measures recommended by the local authority to mitigate those impacts.
- g) It is acknowledged that under the Industrial Emissions Directive (IED) (Directive 2010/75/EU) for the combustion of waste, which will be transposed into UK law through the European Union (Withdrawal) Bill following the departure from the EU, the compliance with these conditions shall be demonstrated through continuous and periodic monitoring requirements during the operational phase of the proposed facility.

SCDC officer response following receipt of additional environmental information:

- 5.3 The following summary was provided by South Cambridgeshire District Council following receipt of the additional environmental information:

**a) Impact on Local Landscape and Heritage Assets**

The applicant's submitted 'Clarification Letter' suggests measures for visual mitigation of the development through external material choice, additional soft landscaping and integral lighting mitigation. The Council has considered these measures and maintains the view that the proposal would have a significant and adverse visual impact on the local character and surrounding countryside due to its prominence, height, large scale and industrial appearance. This impact would be clearly visible from surrounding public viewpoints and is contrary to Policies DP/2 and DP/3 of the South Cambridgeshire Development Control Policies DPD, 2007.

Similarly, the proposed 'Heritage Mitigation Package' for Denny Abbey Farmland Museum would not be sufficient on its own to outweigh the 'substantial harm' to the setting of the listed group at Denny Abbey. The extent of this mitigation package should be confirmed in a S106 'Heads of Terms' document and the Council would want to be consulted on this document.

**b) Ecology**

None of the clarifications SCDC requested in relation to ecology have been addressed by the applicant in the additional information. However, there is no fundamental reason for either an objection or refusal based on ecological constraints; therefore, the following ecological conditions are recommended to specifically deal with the issues raised:

1. A method statement detailing Reasonable Avoidance Measures for reptiles shall be submitted to and approved by the Local Planning

Authority before works commence (including vegetation clearance and site access). This shall include details of Reasonable Avoidance Measures comprising:

- Input by a suitably qualified ecologist including Toolbox Talk and ecological clerk of works;
- Seasonal timing of vegetation clearance;
- A methodology for phased clearance of suitable terrestrial habitat;
- Appropriate measures for storage of waste and materials; and
- A protocol to be followed if reptiles are found.

Works shall proceed in strict accordance with the agreed plan.

2. Prior to the commencement of the development, a water vole survey conducted to industry standards (in this case meaning those set out within the Water Vole Mitigation Handbook 2016 (Dean et al.)) shall be carried out within the site by a suitably qualified ecologist. A report of the findings including a suitable mitigation strategy if required, should water vole be found, shall be submitted to the local planning authority and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.
3. An ecological enhancement scheme will be required to provide at least a 'no net loss' to biodiversity as per paragraph 109 [now paragraph 170] of the NPPF, Adopted SCDC Development Control Policies DPD Policy NE/6, and the emerging SCDC Local Plan Policy NH/4, where developers should look to maintain, enhance, restore or add to biodiversity. Issues such as the dense plantation of poplar trees and compensation for the loss of any features associated with the CWS can be dealt with here. Either an Ecological Design Strategy or Landscape and Ecology Management Plan should be conditioned to secure such features, or at least provide further opportunity for scrutiny. Standardised condition wording for such conditions is available from the Biodiversity - Code of Practice for Planning and Development (BS 42020, 2013); although slight modifications can be made if the planning authority requires specific elements to be included.

## **Noise**

Although a difference of professional opinion exists regarding representative background noise levels, additional mitigation has now been considered. It confirms that the development can be designed, constructed and managed as requested by Section 10.1.1 of the Noise Assessment Review, WWRF prepared for Cambridgeshire County Council by WSP. Additionally, it confirms that the application of planning conditions would be acceptable to secure the mitigation specified in the WSP review. It is also stated in the additional information that operational noise levels will be below or meet the levels of the WSP review.

In view of the above, whilst recognising there are still professional differences of opinion being expressed by consultants, the submitted information is accepted in relation to the types of mitigation and noise levels agreed upon.

### **Air quality**

The submitted information does not remove concerns about the proximity of the proposed facility to the Waterbeach New Town and its potential health impacts on future residents of the new town. The new town will dramatically change the surrounding area from rural and open fields to a densely populated residential area which accounts for most sensitive receptors in relation to air pollution. SCDC maintains its previous recommendation for planning conditions governing monitoring, management and mitigation of air quality impacts from the development.

Although the Environmental Permit will include limits for stack emissions into air, the additional traffic movements associated with both construction and operational phase of the proposed facility will contribute directly to local air pollution. Therefore, should planning permission be granted, no development shall commence until a detailed Low Emission Strategy has been submitted and approved.

The proposed Emissions Monitoring Protocol condition in the 'Clarification Letter' is acceptable. This should facilitate public access to daily emissions information as part of the Continuous Emissions Monitoring.

### **East Cambridgeshire District Council:**

#### **Initial comments from ECDC endorsed by their Planning Committee:**

- 5.4 The following provides a summary of comments provided by East Cambridgeshire District Council following their Planning Committee meeting by letter:

The proposal is allocated in policy (SSP W1K) in the M&WSSP. However, following the National Planning Policy Framework (NPPF) being adopted March 2012, the weight granted to this policy should be based on its compliance with the NPPF. It is noted that the Planning Statement makes due reference to the NPPF.

East Cambridgeshire support obtaining the views of relevant specialists to assess this application in relation to noise, emissions and visual impact.

It is noted that the electrical and heat connections to offsite infrastructure/development will cause short congestion and delay on the A10. It is advised that discussions are had with the Cambridgeshire and Peterborough Combined Authority as it is understood that improvements/road works to the A10 in the next few years are a key priority. The land to the east is covered by Denny Abbey (including

Farmland Museum) and this is an important historical asset to the region and any road expansion/alterations on this side of the A10 could be detrimental to the setting of the historical asset.

It is recommended that the application is refused or additional information sought in order to demonstrate it would not prejudice the bringing forward of a significant piece of infrastructure improvement, namely works to the A10.

It also needs to be confirmed if waste will be brought from out of the county and the impact that this could have on the wider highway network and the road mileage costs.

The impact on Ely Cathedral (Grade I Listed Building) will need to be assessed.

Any light pollution from the building will need to be kept to an absolute minimum and only for health and safety reasons to ensure minimal impact on the surrounding fen dark skies.

The determining body will need to be certain that there will be no emissions that will be detrimentally harmful to human health.

ECDC response endorsed by their Planning Committee following receipt of additional environmental information:

- 5.5 The following provides a summary of comments provided by East Cambridgeshire District Council following receipt of the additional environmental information:

In principle they support the application based on environmental benefits of EfW developments. They wish to reiterate the importance of Cambridgeshire County Council deliberating in assessing the potential impacts of this development with regards to air quality and traffic movements.

No new information has been submitted regarding the A10 so original concerns remain.

The recommended condition by the developer in regards to source of waste material is considered to partially overcome the Authority's concerns but the condition should be amended in order to include a public register in order to demonstrate that the developer is complying with the condition.

In regards to the impact on Ely Cathedral it is now considered that the developer has fully assessed the impact on this Grade I Listed Building. The Authority believes the public benefit will outweigh the harm and for this reason has no objections, as long as Historic England has raised no fundamental objections in its latest comments in regards to the Cathedral.



While it is believed that there will be some light spillage off the site, this is likely to only affect the immediate surrounding countryside which is located within South Cambridgeshire. The Authority will support the view of South Cambridgeshire District Council but does seek for the recommended condition by the developer in regards to limiting any additional lighting to be added to any consent.

### **Environment Agency (EA):**

#### **Initial comments from the EA:**

- 5.6 The following is a summary of comments provided by the EA:

Advised that a bespoke Environmental Permit should be applied for and that a noise survey should be undertaken during commissioning of the facility. It was noted that the granting of planning permission should not be taken to imply that consent will be given for the Environmental Permit.

Confirmed that planning permission should only be granted if conditions are included which address contamination remediation strategies, a maintenance scheme for surface water disposal and piling or any other foundation designs and investigation boreholes which use penetrative methods. They clarified that without such conditions they would object to the application as it would pose an unacceptable risk to the water environment.

They confirm that they are satisfied that the modelling submitted is appropriate to support the Flood Risk Assessment. The modelling indicates that the site is not at risk up to a 1 in 1000 year event and they therefore have no objection to the proposal.

#### **EA response following receipt of additional environmental information:**

- 5.7 The following is a summary of comments provided by the EA following receipt of the additional environmental information:

They have no objection to the additional information but wish to add the following comments to their earlier response

### **Environmental Planning.**

They support the principle of the proposal, an EfW facility would provide an opportunity for both Commercial and Industrial and Municipal residual waste to produce energy and heat. In doing so will reduce the dependency on landfill and assist organisations adhere to the Landfill Directive. The waste hierarchy should also be addressed so that all waste arriving at an EfW facility has previously been treated for reuse and recycling.

Likewise, the proposal to provide a Visitor/Community Centre to promote education on waste issues including the importance of the waste hierarchy is strongly supported as it will encourage a sustainable society.

### **Environmental Permitting (EP).**

They anticipate that the following issues will be included in those needing to be addressed in any subsequent EP application by the applicant.

- The Reception area for wastes and all storage areas for bottom ash should be such that no odours, litter or dust can either be wind-blown or adhered to vehicles that could cause harm to the environment.
- In the event of a breakdown of the facility contingency measures will be required to deal with incoming wastes.
- Controls will need to be in place for the acceptance of waste, particularly Commercial and Industrial, to ensure that it does not contain unacceptable substances and how this waste will be quarantined and disposed.

### **Nature Conservation:**

They acknowledged that there are unlikely to be any conservation objections to the proposed development, provided opportunities for ecological enhancements are sought and incorporated into the plans. The recommendations made in the applicant's submissions in respect of ecology, nature conservation and landscape should be followed. Further opportunities for ecological enhancements should be sought, such as improvements to the Beach Ditch and Engine Drain CWS and improved habitat for water voles which were once present at the site and could return.

### **Landscape Management Plan:**

Any subsequent scheme should include the following elements; to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy:

- *detail extent and type of new planting (planting to be of native species, preferably locally sourced)*
- *details of maintenance regimes*
- *details of new habitat created on site*
- *details of treatment of site boundaries and/or buffers around water bodies*
- *details of management responsibilities*

They advised that the above comments should be read alongside their earlier response to ensure that all matters are given full consideration. They welcome early input into any planning conditions that may be considered in line with their comments.

### **Public Health England (PHE):**

#### **Initial comments from the PHE:**

- 5.8 The following summary was provided by PHE:

PHE provided their position statement on EfW Facilities and explain their involvement at the Environmental Permit stage.

PHE confirm that they have no significant concerns regarding risk to health of the local population from potential emissions associated with the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with relevant technical guidance or industry best practice.

PHE recommended that environmental health at South Cambridgeshire District Council are consulted in relation to noise, odour, dust and other nuisance emissions; and the Director of Public Health for matters relating to wider public health impacts.

#### **PHE response following receipt of additional environmental information:**

- 5.9 The following summary was provided by PHE following receipt of the additional environmental information:

PHE acknowledged the additional environmental information submitted and the cumulative assessment results, and confirmed that they did not have any further comments or concerns to raise. However, they did once again recommend that environmental health at South Cambridgeshire District Council and the Director of Public Health were consulted.

### **Public Health (CCC):**

#### **Initial engagement from Public Health (CCC):**

- 5.10 Public Health colleagues attended the public events and fed into community engagement to assist the planning authority.

#### **Public Health (CCC) response following receipt of additional environmental information:**

- 5.11 The following response was provided by the Director of Public Health following receipt of the additional environmental information:

Noted that the current advice on possible health effects from EfW Facilities as stated by PHE (previously the Health Protection Agency - "The Impact on Health of Emissions to Air from Municipal Waste Incinerators". Advice from the Health Protection Agency 2010 concludes that "*Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions*

*could have an impact on health but such effects, if they exist are likely to be very small and not detectable."*

As PHE are the technical experts on this type of facility it was recommended that they are formally consulted on this application. In addition it was acknowledged that the facility, if granted permission, will be subject to the Environmental Permitting regime which is regulated by the EA to monitor compliance with emission limit values for a range of pollutants and as such they should be consulted as part of the determination process.

Other public health issues of local relevance to this application include potential pollution from noise, dust and light. These are the responsibility of the relevant district council (South Cambridgeshire District Council) under the Environmental Protection Act and associated legislation and therefore the South Cambridgeshire District Council should be consulted on the possible adverse impacts due to pollution from noise, dust and light, and impacts on local air quality.

The Director of Public Health welcomed the comments relating to sustainable travel for staff as included in the submitted "Waterbeach WMP Travel Plan

The Director also supported the commitment that the Construction Traffic Management Plan (**CTMP**) would form part of the Construction Environmental Management Plan (**CEMP**) and that it would encompass travel plans for staff and visitors.

**Clinical Commissioning Group:**

- 5.12 No formal comments received.

**Highway Authority (CCC):**

Initial comments from the Highway Authority:

- 5.13 No objection subject to the inclusion of planning conditions encompassing a Traffic Management Plan that is separate and distinct from the usual Environmental Construction Management Plan. In addition, the Highway Authority recommends a condition that no demolition or construction works shall commence on site until a survey of all the arms and the circumference of the roundabout at the access to the site has been undertaken to ensure that any damage caused by construction deliveries in that area are covered by the applicant at no cost to the Highway Authority.

Highway Authority response following receipt of additional environmental information:

- 5.14 No additional comments received.

**Transport Assessment Team:**

**Initial comments from the Transport Assessment Team:**

- 5.15 No objection subject to conditions and mitigation. Confirmed that sufficient detail had been presented to make a sound assessment. However, should the development go ahead the development should be conditioned to provide a CEMP, the installation of two bus stops on the A10, the submission of the detailed design of the upgrade of the heat pipe route surface to a public footway and the provision of a Travel Plan.

**Transport Assessment Team response following receipt of additional environmental information:**

- 5.16 No comments received in respect of the additional environmental information, subject to imposition of recommended planning conditions from earlier response.

**Major Infrastructure Delivery Team and linked Greater Cambridge Partnership (GCP) Projects:**

**Initial comments from the Major Infrastructure Delivery (MID) Team (re Mere Way) and transport policy input (re A10 study):**

- 5.17 No Objection. Neither MID nor GCP have any plans for a cycle route along Mere Way that would impact on a potential electrical grid connection associated with the proposed development. The Transport Assessment Team should be consulted in relation to any wider aspirations that may be coming forward as part of either the A10 study or the Waterbeach Barracks developments.
- 5.18 The transport policy team confirmed that there were no implications from the proposed development to either the high level A10 study at this stage, or any potential for cycle routes along Mere Way. They confirmed that it is too early to consider the alignment of any A10 dualling proposals, but as this may not be on the alignment of the existing A10, if the works are to be carried out, then the proposed development may not prejudice it. However, noting the A10 study is being progressed by the Combined Authority (CA) they provided a contact to allow representations to be sought from the CA directly.

**Major Infrastructure Delivery (MID) Team and transport policy team following receipt of additional environmental information:**

- 5.19 No comments received.

**Combined Authority (CA) on behalf of the Mayor:**

- 5.20 No formal comments received during either public consultation period; although it should be noted that the direct contact received from CCC

transport policy team was only provided for the additional environmental information [second round] of public consultation, so the original comments were fed through via the CCC transport policy team.

**CCC Noise Consultant:**

Initial comments from the Noise Consultant (WSP) employed to advise the County Planning, Minerals and Waste Team and Members at Planning Committee:

- 5.21 Raised concerns about the suitability of the magnitude and significance criteria adopted for: construction noise, construction vibration, operational site noise and operational site vibration. In particular raised concerns with regards to the night time background sound levels adopted for two of the five monitoring locations, with lower background sound levels proposed at those locations for the quiet night time periods.

Given that the application is a full (i.e. detailed) application, the use of so many assumptions and the lack of firm commitment to specific mitigation measures (those assessed are portrayed as options with the use of alternatives mooted) inevitably undermines confidence in the predicted outcomes in their professional opinion. Generally, it is anticipated that predicted noise impacts resulting from worst case construction operations and site operations has been underestimated at the closest receptors.

Confirmation should be sought from the applicant that the development could be designed, constructed and managed in such a way as to comply with suitable noise limits derived from the background sound levels as set out in the review. Recommended that, if CCC grants permission for the scheme to proceed, suitable planning conditions should be included in connection with site activities, construction and operational phase noise and vibration; to include noise limits set at residential receptors, the need to submit a noise mitigation and management plan for approval, and a condition requiring the operator to undertake compliance assessments for noise under specific circumstances e.g. the WPA receive a legitimate and credible noise complaint. The review sets out why the use of planning conditions for noise were not seen to be a duplication to any noise limits set by the EA's Environmental Permit.

Noise Consultant (WSP) response following receipt of additional environmental information:

- 5.22 Confirmed that they had engaged with the applicant's noise consultant following the submission of their technical appraisal (Noise Assessment Review – WWRF, January 2018) to discuss how their concerns could be addressed.

Following those discussions they confirmed they had now reviewed the following submissions and considered the noise and vibration elements therein:

- ES Volume 5: Additional Environmental Information, dated April 2018;
- Appendix 2.1 Fencing and Gating Plan and 2.2 Updated noise maps to the above;
- Axis Information submitted to provide further clarification, dated 24 April 2018; and
- Appendix G to the above – Noise Clarifications.

In relation to the Noise Clarifications document they noted that it contains a response to many of their comments including justifications for the magnitude and significance criteria adopted within the ES. Whilst there is clearly a significant difference of opinion on what constitutes appropriate criteria; they confirmed that this is not critical to the determination of the application as the substantive issues have been addressed.

Similarly, the Noise Clarifications document includes a commentary which seeks to justify why the background sound levels adopted in the ES were used. Again, there remains a difference of opinion but the applicant has accepted their, more precautionary, background levels as a baseline for design and the framing of planning conditions.

In terms of the assumptions used in deriving noise sources for the ES predictions, and how robust these might be; the applicant's acoustic consultant has explained how these assumptions have been based on his extensive experience in the sector.

Given that the applicant is prepared to agree to noise limit conditions which will provide an overriding control covering the noise levels from the various aspects of the development these assumptions are accepted. This control mechanism also provides reassurance in connection with any unforeseen noise feature rating penalties that may need to be applied to sources once the development is operational.

Confirmed that the additional assessment provided of noise from limited HGV movements between 06:00 and 07:00 is accepted.

Concluded that the additional submissions are therefore considered to be acceptable given that the applicant has committed to:

- Design to ensure that operational rating sound levels do not exceed the background levels proposed by WSP;
- Construct a 3m high noise barrier along parts of the south east and south west site boundaries to provide additional protection to the closest receptors during both the construction and operational phases; and
- Accept planning conditions as recommended in our January 2018 Review.

In connection with the final point above WSP endorse the proposed noise conditions set out in the South Cambridgeshire District Council consultation response.

### **CCC Air Quality Consultant:**

Initial comments from the Air Quality Consultant employed to advise the County Planning, Minerals and Waste Team and Members at Planning Committee:

- 5.23 Despite some issues relating to the suitability of assessment being highlighted, and some requirements for additional information in relation to impacts from construction phase traffic on the A14 Air Quality Management Area (**AQMA**), all the following impacts were identified as not significant: the air quality impact of stack emissions, the air quality impact of road traffic emissions, the construction phase traffic impacts, the construction phase dust impacts, odour impacts, ecological impacts and the Human Health Risk Assessment (**HHRA**). The request for further information in the summary conclusions section of the review was confirmed as clarification points and no further environmental information was required under Regulation 22 of the Environmental Impact Assessment Regulations 2011.

Air Quality Consultant response following receipt of additional environmental information:

- 5.24 Confirmed that they have reviewed the 'Regulation 22, Appendix 3.1 AQ Response to AQC FINAL document', and 'Clarification, Appendix F Air Quality Clarifications', in response to their review of the air quality assessment submitted in support of the application.

Stated that Appendix 3.1 provides further information about the distribution of additional traffic on the local road network. Air Quality Consultants confirmed that this information is appropriate and demonstrates that the impacts of additional traffic during the construction and operational phases is not significant.

Confirmed that Appendix F provides clarification on a number of queries which they raised where text was unclear or appeared to be inconsistent. Whilst they still considered that the assessment lacks full consideration of the combined effect of all sources at worst-case locations, it provides sufficient clarity to allow them to conclude that the air quality impacts of the above application will be not significant.

### **CCC Landscape Consultant:**

Initial comments from the Landscape Consultant employed to advise the County Planning, Minerals and Waste Team and Members at Planning Committee:

- 5.25 Confirmed that the approach to the Landscape Visual Impact Assessment (**LVIA**), methodology and information provided are broadly appropriate for determining the effects on the landscape and views; and were therefore satisfied with the sufficiency of information submitted by the applicant,



based on additional information provided by the applicant's landscape consultant on 9 February 2018.

Agreed with the judgements of the LVIA that there would be significant adverse effects arising from the proposed development, both in terms of effects on landscape character and views, in particularly on Denny Abbey Scheduled Monument as a visitor attraction. Having reviewed the LVIA judgements and undertaken their own site visit, they considered that there were some differences in judgements of other assessed effects and that there are a few additional significant effects that have not been identified within the applicant's LVIA. Nevertheless, they confirmed that they did not consider these to be substantive differences, but were a relevant consideration in the planning balance judgement for the WPA. The difference in judgements were set out in Table 5.1 of their review document and the consultant considered that the following would be additional significant effects: during the construction phase for views from Denny Abbey; during the operation phase on the landscape character up to approximately 2 to 2.5kms (as opposed to Axis' judgement of 1-1.5kms); and on Viewpoints 6, 7, 10, and 24 during the operational phase. They also considered that the cumulative effects of the proposed development and the Waterbeach Barracks development would be significant in terms of the effects on landscape character.

Noted that EfW plants, by their scale and very nature, are likely to have significant effects on their surroundings and views; and were aware that Site Profile W1K of the M&WSSP identifies the site as a potential location for an EfW use. The context of the site is also progressively changing as a result of other development, and potentially will be significantly changed further if the proposed Waterbeach Barracks development is given consent.

Concluded that if, on balance, it is considered that it would be appropriate to grant consent for the proposed development, a number of improvements could be provided to help integrate the proposed development into the landscape and views. Whilst the applicant has clearly demonstrated an intent to provide a well designed facility, they consider that there are further opportunities to enhance the development, as set out in Section 7 of their review document, which could be covered under appropriately worded condition(s) and/or a Section 106 Agreement.

Landscape Consultant response following receipt of additional environmental information:

- 5.26 Confirmed they had reviewed the additional submitted material with regard to landscape and visual effects. The submitted material provided sufficient detail to understand the likely effects in their professional opinion. They broadly concurred with the judgments regarding the anticipated landscape and visual effects. However, with regard to the Mitchell Hill development they considered that there would be additional cumulative effects at Viewpoints 6 and 25. However, they did not consider that this would be

significant. They also considered the proposed Denny Abbey access road to be appropriate, subject to the provision of native mixed hedgerows and trees along the access road.

### **Historic England:**

#### Initial comments from Historic England:

- 5.27 Overall Historic England considers that the development would cause very serious harm to the significance of the designated heritage assets at Denny Abbey, for which they provide an overview of the history and significance for the area. They confirm that Denny Abbey is a Scheduled Monument with buildings also listed at Grade 1, in the guardianship of English Heritage. The proposed plant at Levitt's Field would introduce a building of considerable mass and height into views to, from, and within, the Scheduled Monument in their opinion. Historic England advises that the landscape setting of Denny Abbey contributes to its heritage values and that the proposed development would be a dominant and alien structure in key views from the site which would result in very serious harm to its significance. The NPPF sets out the need to balance the economic, social and environmental roles of planning, attaching great weight to the conservation of irreplaceable designated heritage assets, requiring that any harm or loss should require clear and convincing justification. Historic England recognise that this site has been allocated in the local plan for uses which could include EfW, and that such facilities provide public benefits. However, in this case they advise that the harm which the proposed development would cause to the significance of Denny Abbey would be very serious and object to the development on heritage grounds.

Historic England acknowledged that they had been involved in pre-application discussions for the proposals, and that they recognise that the layout and design intent of the proposals have, in part, been developed in order to try and reduce the visual mass of the new building in views from the east, including views from Denny Abbey, recognising the visual impact the scheme would have from Denny Abbey Scheduled Monument and farmland museum and associated listing buildings and structures; while the associated landscaping scheme is intended to reflect existing landscape character and characteristics of the fenland environment, including a belt of poplar trees to the east to soften the visual impact and screen lower elevations.

Historic England also noted that the construction of the proposed development would also have some impacts on the setting of other designated heritage assets, and would result in the destruction of undesignated buried archaeological remains. The significance, impact and mitigation of harm to the latter through prior archaeological investigation is set out in the ES. However, whilst they do not comment further on these, they do advise the council that the resulting harm should also be weighed against public benefits of the scheme.

In NPPF terms, Historic England acknowledge that this level of harm would be less than substantial. However, paragraph 132 states that any harm or loss, whether substantial or less than substantial, should require clear and convincing justification. They therefore believe that the council should, in weighing whether the harm which would be fully justified and outweighed by demonstrable public benefits, consider whether the most appropriate and sustainable development of the site (in line with para 8 of the Framework) would be another use within the scope of the allocation, which would not erode the setting of the Denny Abbey and would be consistent with the conservation of its significance.

Historic England has recommended that given the severity of harm which would be caused to the significance of the designated heritage asset from the proposed development, they advise the council, in weighing the public benefits of the proposals against the serious harm to irreplaceable designated heritage assets, to consider whether other potential uses identified in the allocation, which would not be harmful, should not be preferred, given that there is significant capacity remaining in the existing MBT plant and alternative sites for the proposed development have not been considered. Accordingly, Historic England objects to the proposed development on heritage grounds and recommend that the council takes these considerations into account when determining the application in line with national and local planning policy. If the development would not provide any wider public benefits that would convincingly outweigh this harm, as required by the NPPF paragraph 132 [now paragraph 193], then they recommend that the application should be refused.

Historic England responses (14 May 2018 and addendum letter dated 29 May 2018) following receipt of additional environmental information:

5.28 The main letter dated 14 May 2018 set out the following:

Historic England confirmed that they had considered the additional information supplied in relation to the landscape and visual assessment, and the proposals for planning requirements to condition draft material samples and landscaping, so as to reduce the visual impact of the proposed development. Whilst it was noted that such a condition would be intended to mitigate the harm which the development would cause to the significance of Denny Abbey, a designated heritage asset, they do not consider that it would not materially reduce the level of harm, when considered against the aims and objectives of the NPPF, and as such their advice of 11 January 2018 therefore remains unaltered.

Their addendum letter dated 29 May 2018 (which commented on the additional environmental information, specifically the heritage mitigation proposals that were missed from their response above) added the following:

Historic England notes that proposals include a number of measures which would enhance the visitor experience and the sustainability of Denny Abbey and the Farmland Museum as a visitor attraction, as well as landscaping measures to reduce the visual impact of the proposed development. They consider that landscaping measures would have a limited ability to mitigate the visual impact of the development, given its proposed height, scale and massing. They recognise that the Mitigation Package has the potential to bring heritage benefits to the site in support of paragraph 131 of the NPPF, which would help to address the concerns of the English Heritage Trust and the Farmland Museum regarding the operational matters – the future management and sustainability of the site. However, whilst they welcome these measures, they would not offset the harm which would be caused to the significance of the Scheduled Monument from the impact of the development on the setting of Denny Abbey, and as originally stated in their original response of 11 January 2018 and supplementary letter of 14 May 2018 they continue to object to the development on heritage grounds.

**English Heritage Trust (note Farmland Museum response is included as a neighbour response in chapter 6 below):**

**Initial comments from English Heritage Trust:**

- 5.29 English Heritage confirmed that they had seen the advice provided by Historic England in their letter to the Council of 11 January 2018 and fully endorsed the grounds of objection set out in it. Notwithstanding the mitigation proposals in the applicant's ES their view is that the proposed development will significantly degrade this resource.

English Heritage Trust confirmed that they are concerned that the harm to the setting and significance of the monument, which is acknowledged by the applicant and analysed in Historic England's advice, will have a significant negative impact on the experience of visitors to Denny Abbey and The Farmland Museum. As well as harming the public enjoyment and appreciation of the site they are concerned that there will be a serious impact on admission numbers and income at the heritage site that will harm its sustainability.

Despite the very strong heritage and other objections to development of a huge facility of this type in such a sensitive location they acknowledge it is possible that consent will be granted. Therefore, they set out their views regarding potential types of mitigation that could reduce the harm of the proposed development. These included:

1. Assistance in the development of a detailed Masterplan that can guide mitigation works in the context of the wider conservation and sustainable development of the heritage site.
2. Relocation of the highway entrance of the heritage site and car parking to reduce the direct views of the incinerator experienced by visitors to the heritage site.

3. Provision of structural planting to help reduce the visual prominence of the incinerator.

Whilst English Heritage Trust acknowledged that the relocation of the highway entrance to the heritage site and structural planting to the east of the A10 is likely to require access to land that is not currently in control of the applicant or the Farmland Museum or themselves, they consider that these works are required for the effective mitigation of the proposed development.

English Heritage Trust response following receipt of additional environmental information:

- 5.30 English Heritage Trust confirmed that in their opinion the Heritage Mitigation Package proposed by the applicant has the potential to be effective in mitigating the negative impact on visitor experience and sustainability that they otherwise expect as a result of the development. This will help to ensure that the heritage site continues to be enjoyed and appreciated by as wide an audience as possible if the proposed development goes ahead in their opinion.

The commitment to provide a Conservation Management Plan and Audience Development Strategy for the heritage site - provided that this work is adequately resourced and carried out to an appropriate standard with the full involvement of English Heritage, The Farmland Museum and other stakeholders – should provide the necessary basis on which robust policies and proposals to secure the optimum viable use of the site can be drawn up and implemented in their view. At this stage they believe that provision of a new access to the site and changes to the car parking arrangements as proposed by the applicant will be required and are therefore pleased that this is included in the Heritage Mitigation Package. However, they confirmed that this will need to be tested through the Conservation Management Plan process and it will be important that any planning agreement allows for this.

The Heritage Mitigation Package also proposes a Landscape Strategy to screen views of the proposed development and an Interpretation Strategy relating primarily to the earthwork remains which are located to the north and west of the Abbey building. It is their view that despite these proposals providing some potentially helpful mitigation, particularly in terms of the perceptions of visitors, it is unavoidable that the introduction of the proposed development into the landscape will have a harmful impact on the setting and significance of the monument.

### **Campaign to Protect Rural England (CPRE):**

#### **Initial comments from CPRE:**

- 5.31 CPRE Cambridgeshire objects to this application for the following 5 reasons and therefore strongly urges the County Council to refuse the planning application:
- The proposal would have significant and adverse visual impact on the local character and surrounding countryside due to its prominence, large scale and industrial appearance. The 80 metre high chimney would be clearly visible from public viewpoints on higher ground such as to be had on the Haddenham ridge and Ely Cathedral tower. It would be visible for miles across the surrounding low-level and open fenland. It would have a serious impact on the Fen Edge District Landscape Character Area.
  - It is noted that the proposed development would require external lighting for safe movement of vehicles and pedestrians. It is also noted that there will be continuous (24 hour/7-day per week) operation. We are therefore very concerned that night-time lighting, including the permanent red light on the stack requested by Cambridge International Airport, will illuminate the main body of the building and the proposed 80 metre chimney stack and thus has the potential to cause light pollution and visual impact on the surrounding landscape, neighbouring settlements and Denny Abbey.
  - The required built form to enable the incinerator to operate will cause significant harm to the Denny Abbey English Heritage site. That site also contains other listed buildings whose setting will be significantly harmed by the proposal. There are other rare historic features within the Abbey that would be significantly compromised.
  - We concur with English Heritage's view, given in its objection letter of 11 January 2018, that "the historic setting of Denny Abbey is that of an historic medieval institution deliberately sited at the fen edge" and "originally sited on a small raised island until the fens were drained". We agree with English Heritage who express the importance of the setting which still has characteristics visible today of its original intention as an Abbey.
  - We submit that the proposed incinerator would overbear, overwhelm and completely destroy the fragile setting in which Denny Abbey dwells.

#### **CPRE England response following receipt of additional environmental information:**

- 5.32 No comments received.

### **Historic Environment Team (Archaeology):**

#### **Initial comments from the Historic Environment Team:**

- 5.33 Noted that their records indicated that the site is located in an area of high archaeological interest. The site is situated at a hub of the Roman transportation network, including the road connection with the Roman town at Cambridge and the Car Dyke water transport network, a section of which to the south west is designated as a Scheduled Monument (SM 1006813). Further evidence of Roman settlement and industry is known from cropmarks and previous archaeological investigations in the vicinity. There is also extensive evidence for medieval activity in the vicinity, including the designated remains of Denny Abbey to the east (SM 1012770). Previous archaeological investigation in the area identified midden deposits relating to the Roman settlement (HER ECB4330) and evaluation of the application site has identified significant archaeological remains of prehistoric and Roman date (HER ECB3438).

The ES (Archaeology and Cultural Heritage chapter) identifies these undesignated heritage assets of archaeological interest as regionally significant. The proposed development would have a severe impact on the assets, resulting in loss of significance. The ES proposes excavation, recording and publication of the results in mitigation of the development impact.

Taking account of the above archaeological interests, the Historic Environment Team consider the approach detailed in the ES to be appropriate and proportionate to the significance of the undesignated heritage assets. Therefore, if the application is successful, they would recommend that the programme of archaeological investigation is secured by planning condition.

Finally they noted that their comments refer to the impact of the development on undesignated heritage assets of archaeological interest only. For advice concerning the impact on designated heritage assets, they referred planning officers to the comments provided by Historic England.

#### **Historic Environment Team response following receipt of additional environmental information:**

- 5.34 No comments received in relation to additional environmental information.

### **Lead Local Flood Authority (LLFA):**

#### **Initial comments from the LLFA:**

- 5.35 No objection in principle, as the applicant proposes to limit surface water discharge to 1.1 l/s/ha in accordance with the requirements of Old West Internal Drainage Board and utilise a variety of SudS features. However,

the Lead Local Flood Authority requires a planning condition relating to the submission of a surface water drainage scheme, should planning permission be granted.

LLFA response following receipt of additional environmental information:

- 5.36 The Lead Local Flood Authority confirmed that they had no further comments beyond those set down in their earlier response.

**Old West Internal Drainage Board (IDB):**

Initial comments from the IDB:

- 5.37 Has no objections to the application so long as requirements relating to water/foul water discharge, consent for the crossings over Beach Ditch, infilling of an on-site ditch and all necessary pollution control measures being put in place are met, taking account of the need for the Board's consent. Also noted that the FRA submitted had included all the Board's main requirements, which was welcomed.

IDB response following receipt of additional environmental information:

- 5.38 Confirmed that the Board had no further comments to make.

**Natural England:**

Initial comments from Natural England:

- 5.39 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Wicken Fen Special Area of Conservation (**SAC**) and Ramsar site and has no objection.

Natural England provided information on Wicken Fen SAC and Ramsar site, to assist officers to meet their requirements of the Habitats Regulations. In line with the Council's duty under the Habitats Regulations, Natural England advised the planning authority to record the final officer decision that a likely significant effect had been ruled out. They also drew attention to the need to have regard to the conservation of biodiversity, for which the council has a duty under the Natural Environment and Rural Communities Act 2006, which can include restoration or enhancement to a population or habitat.

Natural England response following receipt of additional environmental information:

- 5.40 No objection based on the additional information submitted. Natural England welcomed the additional information submitted by the applicant, including Appendix F: Air Quality Clarification (Fitchtner, 24 April 2018) which considers the implications of the recent Wealden Decision for the



assessment of air quality impacts, including impacts to Fenland SAC. Based on the information provided their advice remained unchanged and Natural England is satisfied that the proposed development will not have an adverse effect on the integrity of the Fenland SAC, including impacts to Wicken Fen Site of Special Scientific Interest (**SSSI**) and Ramsar site.

Natural England recommended officers include this additional information submitted by the applicant when finalising their Habitats Regulation Assessment for this proposal, as the relevant competent authority.

**Wildlife Officer (PCC covering ecology and wildlife matters):**

Initial comments from Wildlife Officer:

5.41 Has no objection provided the following actions are undertaken:

- Advises that Natural England is consulted.
- Advises that a condition or survey is included/undertaken to address potential issues relating to nesting birds.
- Also if any evidence of the presence of water voles is established, a water vole mitigation plan should be submitted to the LPA for approval prior to the construction of the two new ditch crossing points and conveyor route.
- Recommends that the proposed Hybrid Poplar trees are substituted for a more appropriate native species.
- In addition the scheme currently lacks detail regarding the meadow area, so advises more comprehensive details are submitted for approval either prior to determination or secured via a suitably worded condition.

The response set out the statutory and non-statutory sites in the area, including an assessment of protected species. It also noted that the ES included an assessment of the grid connection which is outside the red line area, so the comments made above were restricted to the red line area.

The Wildlife Officer confirmed that subject to his recommendations being fully incorporated into the approved scheme, the development would in his opinion result in a net gain in biodiversity, which he was pleased to note was clearly set out in the Biodiversity Checklist to show how this would be achieved.

Wildlife Officer response following receipt of additional environmental information:

5.42 Confirmed that with regards to ecology and nature conservation, he is satisfied with the conclusions of the ES and that there would be no cumulative ecological effects in combination with the Mitchell Hill Site.

He therefore has no additional comments to make.

**Wildlife Trust:**

Initial comments from the Wildlife Trust:

- 5.43 The Wildlife Trust agrees with the conclusion in the ES that the proposals are not likely to have significant impacts on statutory nature conservation sites.

Should permission be granted there would be a direct impact on a non-statutory site: Beach Ditch and Engine Drain CWS, with loss of sections of ditch bank habitat, through the construction of two new road crossings over the ditch. The Wildlife Trust confirmed that they were pleased to see that the proposals have considered potential impacts on connectivity and have incorporated wide box culverts into the crossing designs to help retain habitat connectivity.

Whilst the Wildlife Trust acknowledges the creation and management of habitats proposed on the south-western area of the proposal site, with consideration given to how these enhancements fit in the local ecological context and are supportive of the stated aim to achieve a net gain in biodiversity; they ask that the applicant considers whether there are opportunities for direct enhancement for the remaining section of CWS – measures such as re-profiling of ditch banks to the benefits of water voles, creation of backchannels, or planting of native species may be appropriate. The Wildlife Trust therefore asks the applicant to provide information on what potential enhancements to the CWS itself have been considered and whether any can be incorporated into the final design.

Wildlife Trust response following receipt of additional environmental information:

- 5.44 Confirmed no further comments to add.

**Civil Aviation Authority:**

- 5.45 No formal comments received during either public consultation period.

**Cambridge Airport:**

Initial comments from Cambridge Airport:

- 5.46 No objection, but would like to be informed of any plans for the use of cranes during construction.

[Note: initially suggested that a steady red light be placed on the top of the chimney. However, when further clarification and justification for the red light was sought directly by phone it was confirmed that a red light was not required for safety purposes, as it was not in their flight path, so it was

merely a suggestion – their updated written response is set out below for the public record]:

*“After assessment of the above planning application at the maximum proposed build heights, Cambridge Airport can confirm that it has NO OBJECTION to the above proposal.*

*I can confirm that a red warning light is not required in accordance with Article 222 of the Air Navigation Order 2016 and the CAA policy statement which indicates structures of 150m or less have no requirement to be illuminated.*

*However, we would ask that the Airport be informed of any construction plan for the use of cranes so that they can be assessed to ensure they do not penetrate our safeguarded surfaces.”*

Cambridge Airport response following receipt of additional environmental information:

5.47 No further comments received.

**Defence Estates:**

5.48 No formal comments received during either public consultation period.

**Fire Service:**

Initial comments from the Fire Service:

5.49 Requested current fire strategy information in relation to the proposed development, in addition to more details about the provision of emergency water supplies for the site, and how such emergency water will be supplied to the site, the amount, location and how this should be accessed in an emergency.

Fire Service response following receipt of additional environmental information:

5.50 Confirmed that the information proposed so far regarding the provision of emergency water supplies in principle appears to be adequate to serve the development. However, when a more detailed plan is made for the implementation of a main design and hydrant provision they would expect to see this in line, where relevant with BS 9990:2015 Non- automatic fire-fighting systems in buildings –Code of practice.

They recommended that additional Guidance should be sought from, The Building Regulations, Approved Document B, Volume 2 – Buildings other than dwelling houses, Section B5, Access and facilities for the fire service.

### **CCC Emergency Planning Team:**

#### Initial comments from the Emergency Planning Team:

- 5.51 Proposed that the applicant prepare a flood plan and attached the 'Flood Emergency Plan guidance and template' document that Cambridgeshire Emergency Management Team has adopted to support planning applications that are subject to Planning Policy Statement 25 (PPS25) Development & Flood Risk; and also the EA flood map for the area.

#### Emergency Planning Team response following receipt of additional environmental information:

- 5.52 No further comments received.

### **Landbeach Parish Council:**

#### Initial comments from Landbeach Parish Council:

- 5.53 Landbeach Parish Council **objects** to the application for a Waste Recovery Facility at Waterbeach (S/3372/17/CW) because they believe that the effects of a system breakdown or malfunction have not been fully considered. The toxic nature of the materials being incinerated and the products of incineration mean that in the event of a failure of the exhaust filtering, odour management or similar systems, there could be emissions that are harmful to people. Because of the height of the stack, these toxic emissions could be distributed over a very wide area. They therefore insist that before the application is determined, it should include publically available, legally enforceable and binding requirements on the operator to plan for, monitor, publically acknowledge and rapidly respond to faults, including shut-down of the plant. This requirement should not be the responsibility of 3rd parties (such as the EA) but directly that of the operator.

#### Landbeach Parish Council response following receipt of additional environmental information:

- 5.54 Landbeach Parish Council confirmed that they have already expressed their concerns about air quality in the event of failure due to poor monitoring and unclear responsibility.

They have therefore added to their existing objection with their concerns about the visual impact, by day and night, especially in winter, of such a large plant in the proposed location.

The objections listed by Landbeach Parish Council encompass:

- There would be significant visual impact on the local character of the surrounding countryside. The 80m chimney would be seen for miles

across the open fenland landscape. The 40m building would also be a significant eyesore and any attempts at screening would take years to establish, probably never reaching sufficient height. As a comparison the chimney at Barrington is 60m high and dwarfs the nearby church.

- It would cause significant visual harm to the setting of the historic medieval Denny Abbey.
- Night-time lighting (from 24 hr working) has the potential to cause light pollution and have a visual impact on the landscape, neighbouring communities and Denny Abbey.
- The proposed incinerator would dominate and completely change the character of the fen edge landscape and thus be an inappropriate development.

### **Cottenham Parish Council:**

#### **Initial comments from Cottenham Parish Council:**

- 5.55 Approve the principle of the application but note Landbeach Parish Council concerns regarding that in the event of a failure of the systems there could be emissions which are harmful to people and that toxic emissions could be distributed over a wide area. Noted that it's the bi-products that could be toxic rather than the materials being burnt. New Waterbeach sites will be very close to the development. Cottenham Parish Council therefore recommends approval subject to safety and integrity of the technology – requiring evidence of the proven technology and case history of any incidents near other plants.

#### **Cottenham Parish Council response following receipt of additional environmental information:**

- 5.56 On reconsideration of the application and the additional environmental information at their meeting on 17 May 2018, Cottenham Parish Council recommended that the application should be refused on the grounds that:
- The site is in the open countryside and due to the scale and mass of the building the visual impact will be considerable on the landscape character.
  - The impact of the 80m high chimney on listed buildings namely Ely Cathedral and Denny Abbey.
  - It is already documented that there are traffic problems on the A10 so any increase in traffic would be undesirable. Little consideration has been given to the effect on the wider highway network such as the neighbouring A14 which despite the expansion, is only designed to cope with existing capacity and not to accept additional traffic movements.
  - There has been no guarantee regarding the technology being used.
  - They are mindful of the possible health concerns their residents have. The EA was unable to say categorically that there were no ill effects and the documents state that it is not predicted to affect health. The PHE report is similarly vague and comments that some of the nano particles can't be trapped. Given the close proximity of the proposed Waterbeach

new town the site could have a serious adverse effect on health and amenity in the vicinity.

- Whilst they appreciate that the EA will need to issue an Environmental Permit, there is too much self-monitoring by Amey and Cottenham Parish Council are concerned whether the EA can monitor the site properly and if Amey can run it properly. If approved there needs to be an improved process of monitoring with real-time information available.
- Cottenham Parish Council are concerned about the adverse impact from noise and light emissions on the locality.
- Cottenham Parish Council believe that this location in East Anglia, which has a lower density of population than other parts of the U.K. will require a higher amount of waste to be brought in from outside the local area than would be necessary if the plant had location nearer to major centres of waste production. This will result in a higher level of road miles, traffic congestion and pollution than is necessary. This will occur as high levels of waste will be required to keep this site operating. This application does not minimise the distance that waste travels.

In the event that the application is approved by the County Council, Cottenham Parish Council would like the following conditions put in place:

- Capping the amount of waste coming into the site so that no more than 30% from comes from outside Cambridgeshire/Peterborough.
- Real time environmental monitoring with information publicly accessible to improve transparency (opposed to the current self-monitoring and twice yearly EA checks) to prove they are a well-managed facility.
- Improvements to the Liaison Group process with wider input from external bodies, especially the Internal Drainage Board (to monitor pollution from the site on surrounding ditches and particularly the area bordering Long Drove).
- Traffic times/routing: No traffic to come through Cottenham including APC/pollution control residues. A restriction is required on the timing of vehicle movements to/from the site to outside of peak hours.

On balance Cottenham Parish Council do not consider that the benefits offered by the proposal outweigh the significant and ongoing harm its presence in the landscape and operational impacts would cause to the immediate and wider locality.

### **Waterbeach Parish Council:**

#### **Initial comments from Waterbeach Parish Council:**

- 5.57 Following the Parish Council meeting on 30 January, and informed by discussion of the proposal at its Planning Committee on 16 January, as well as the public meeting on 29 January in relation to the proposal, Waterbeach Parish Council recommended **refusal** for the EfW plant as proposed.

On balance they did not consider that the benefits offered by the proposal outweigh the significant and ongoing harm its presence in the landscape and operational impacts would cause to the immediate and wider locality.

Community involvement - The council considered that the level of engagement that has been carried out by the applicant in respect to such major proposal has been poor for such a significant and evidently contentious application. They noted that this was in contrast to the major developers of the Waterbeach barracks site who both leafleted residents and ran consultation exhibitions in the village. The public meeting, prompted by residents, on the evening of 30 January was too little and too late to be a genuine consultation but was essentially an explanation. Feedback from the public meeting was that the presentations and answers were unhelpful and confusing. The Parish Council therefore considered that the public engagement carried out was not adequate, was inappropriately timed and failed to address the requirements of the Localism Act 2011 and the provisions of the NPPF particularly paragraph 188 [now paragraph 39].

Robustness of data - The Parish Council has significant concerns in relation to the credibility and robustness of the data underpinning the application submission. The importance of the 'the right information' to accompany an application is stressed in the NPPF paragraph 192 [now paragraph 43] particularly in respect to EIA development.

Pollution (effects on health) - The Parish Council is mindful of widespread concerns as to the potential health impacts of incinerators and that these are shared by a significant number of local residents. Without prejudice and notwithstanding the Parish Council's objection, should the development be approved it is crucial that the County Council as WPA and the EA set their conditions at the most stringent level for all the different elements and not only the 10 in the industrial strategy. The Parish Council also noted the fact that the District Council is pursuing a new settlement of up to 9,000 homes north of Waterbeach through the emerging local plan, that the closest dwellings planned are only approximately 1km from the proposed site and as such would be the most vulnerable to emissions. The relationship of a significant new strategic housing development so close to a planned waste site is a material consideration that needs to be balanced in the wider health and amenity interest.

Traffic – The Council would like to see an independent review of the data on creation of traffic to be assured that the figures are valid, particularly noting the recent Ely to Cambridge Transport Study 2018 which concluded that the A10 had significant problems.

Waterbeach Parish Council consider that the increased traffic along the A10, particularly from large lorries servicing the plant, would adversely impact on the flow of traffic along the A10 which is severely congested throughout long periods of the day at this point. Without prejudice and notwithstanding the Parish Councils opposition to the proposal should the

development be approved the Council believe that Amey should be required to make a financial contribution (S106) to ameliorate the additional traffic and effects on the A10, and on local residents especially those close to the site.

Visual Impact - Waterbeach Parish Council's view is that the proposal would be significantly and materially harmful to the surrounding flat Fen landscape due to its scale, design and height. They noted that the LVIA acknowledges that there will be significant local impact on landscape character. Without prejudice, and notwithstanding the Parish Council's objection, should the development be approved the parish requires better visual impact and landscape mitigation measures than those currently proposed. These should be in the form of screening the facility with semi mature trees comprising a mix of native species to protect against the risk of single species disease.

Noise/Light – Waterbeach Parish Council is concerned that the proposal will have an adverse environmental impact by virtue of noise and light emissions from the plant and note that this is contrary to the Minerals and Waste Core Strategy Policy CS2.

Procedural Requests - Waterbeach Parish Council would like to be made aware of any S106 money from this development if it is passed, that would be made available for the parish i.e. improvement to the A10, etc. due to the increase of traffic etc. The Parish Council recognises that S106 contributions for highways are proposed / negotiated by the County Council but asks that the Parish Council is consulted during that process.

Waterbeach Parish Council response following receipt of additional environmental information:

- 5.58 Waterbeach Parish Council continues to recommend that this application is **REFUSED**.

As far as Waterbeach Parish Council can see and understand them, the mitigation measures covered in the supplementary information are not sufficient. In particular, their serious concerns of the impact of the incinerator on Denny Abbey, the Farmland Museum and the surrounding Fenland landscape have not been allayed.

The supplementary information submitted by the applicant is difficult to interpret in Waterbeach Parish Council's opinion and, whilst acknowledging the drop-in event held in Landbeach, and the planning authority resource constraints, the Council would have appreciated more direct assistance to explain the implications. Moreover, the addition of the proposed Mitchell Hill Farm mineral extraction into the assessment has further complicated an already complex issue.



The Parish Council also wishes to reiterate that the comments it has already submitted still stand and ask that they be taken into consideration when the application is being considered.

**Haddenham Parish Council:**

Initial comments from Haddenham Parish Council:

- 5.59 Confirmed that should planning permission be granted, the A10 improvement and dualling works should take place before any construction work begins.

As a village, Haddenham would expect to see a contribution from the Section 106 monies in lieu of the impact to major roads running through the village, the impact on views and any potential pollutants emitted from the plant.

Clarified that whilst the Parish Council was consulted on the above planning application and their Assistant Clerk submitted comments from their planning meeting shortly after 16th January, the Parish Council once again reviewed the application and asked to submit a further comment that they have concerns regarding increased traffic that could be generated through their village by additional waste being imported to the facility.

Haddenham Parish Council response following receipt of additional environmental information:

- 5.60 Haddenham Parish Council confirmed they considered the additional information and they had no further comments to submit.

**Wicken Parish Council:**

Initial comments from Wicken Parish Council:

- 5.61 The Council's opinion was that the need for such a facility could be appreciated and the Council decided to place their reliance on the very stringent environmental monitoring to which the facility will be subject.

Wicken Parish Council response following receipt of additional environmental information:

- 5.62 No comments received.

**Burwell Parish Council:**

Initial comments from Burwell Parish Council:

- 5.63 Burwell Parish Council understand that Burwell is within the fall-out area and therefore are concerned about and would like to be informed of any environmental issues which may affect the village. They consider that

parishes within the fall-out area should be included in the official consultation and to allow this to happen, that the date for comments should be extended.

**Burwell Parish Council response following receipt of additional environmental information:**

- 5.64 Burwell Parish Council registered their concerns. It was noted that Burwell could be affected by pollutants depending on wind direction, which could be a concern for the parish wildlife sites at Spring Close and Pauline's Swamp. The chimneys may also be visible from a distance.

**Stretham Parish Council:**

**Initial comments from Stretham Parish Council:**

- 5.65 No comments received.

**Stretham Parish Council response following receipt of additional environmental information:**

- 5.66 No comments received.

**Wilburton Parish Council:**

**Initial comments from Wilburton Parish Council:**

- 5.67 No comments received.

**Wilburton Parish Council response following receipt of additional environmental information:**

- 5.68 A late response was received that confirmed that Wilburton Parish Council has concerns about air pollution; traffic congestion (with additional heavy traffic going through their village to get to the site); visual aspect (particularly the height of the stack); and the management of the site (noting there had been two fires at the site recently).

**Histon and Impington Parish Council:**

**Initial comments from Histon and Impington Parish Council:**

- 5.69 No comments received.

**Histon and Impington Parish Council response following receipt of additional environmental information:**

- 5.70 Histon and Impington Parish Council (HIPC) registered concerns over the proposed waste incinerator planned for the Waterbeach site.

HIPC's first concern is over potential pollution. They acknowledged that the incinerator will inevitably produce some dioxins and heavy metal in the effluent gas. HIPC understand that properly operated and controlled this should be contained within safe limits; and that the application is for a facility, irrespective of who operates it. They acknowledge that the operation is regulated through the EA within an "Environmental Permit" which in their view has the same conditions as for all 31 similar existing plants in the UK. The testing of compliance is a biannual measurement of the effluent gases in the chimney stack requiring a week's notice of the test date in order to install the test equipment.

HIPC also noted that another inevitable pollutant is particulates. The application claims a 99.9% capture rate by the filters whereas measurements on similar plants elsewhere report that for especially the ultra fine particulates that the capture rate can be as low as 60%. HIPC believe that the discrepancy arises from the former claim being based on total weight and the latter on numbers of particulates. The weight is dominated by the PM10 and above particulates (weight per particulate goes as the cube of the radius). Recent opinion is that it is the smaller (PM2.5 and the smaller ultra fine) particulates that are the most dangerous as they more readily enter the bloodstream once ingested into the lungs. Considerable research is now focussed on these small particulates created in traffic pollution. The absorbed chemicals on the particulates (and it is these that cause the threat to health) are likely to be different from those absorbed on the particulates from the incinerator: they have different combustion and cooling regimes leading to re-combination of the simple chemicals into more complex ones and thus the chemicals absorbed could be different for incinerator. HIPC therefore believe that there is insufficient knowledge at this stage. HIPC would expect a "safety first" consideration of this issue.

Finally on the issue of pollution, HIPC is concerned that the populations to be affected most by this proposed plant include the residents of the up to 10,000 houses on the Waterbeach airfield development. These people will not have a chance to comment on the potential hazard.

However, HIPC is well aware that all of the above (both the pollution generated and the standard of operation of the plant) are outside the considerations allowed by the Planning Committee at Cambridgeshire County Council: the EA is the lead authority and other authorities are excluded from "second guessing" their role. Furthermore, it is entirely natural for the populations near this plant to be concerned at the apparently weak testing regime and oversight of the operator, and the lack of some relevant research. Hence HIPC recommends that if the County Council are minded to approve the application that a condition is added to the effect that the operator must install at least three monitoring stations in the directions of the major nearby populations and that these monitoring stations include monitoring telemetry and the results are instantly publicly available, preferably on line. HIPC understand that such monitoring

stations cost about £5000 each and will be a significant contribution to reassuring the neighbouring populations.

HIPC's second area of concern is the increase in lorry traffic on the A10. In their view not only will this affect the A10 itself but traffic will divert to other routes, including the B1049. The applicant expects the peak lorry traffic to be around midday that is away from the peak times. HIPC again recommends that if the County Council is minded to approve the application that a condition is added to the effect that lorry traffic to the site of lorries carrying waste from out of the County is not permitted during defined peak traffic times. This condition could be lifted once the A10 is dualled completely from Stretham to the A14.

Finally, HIPC recommends that CCC keep a watching brief on the research and emissions data and report on a regular basis.

**Heidi Allen MP:**

**Late representation (received on 27 July 2018):**

- 5.71 Heidi Allen MP submitted comments on behalf of her constituents, many of whom had contacted her to share their concerns about this proposal.

She recognised that the applicant had gone to great lengths to allay concerns about the effect of this facility on human health and welcomed the Air Quality Emissions Document (produced by the Applicant) and Human Health Risk Assessment (produced by independent consultants). The latter document concluded that this proposal 'will not result in appreciable health risks'. However, she highlighted that the report was prefaced with the statement 'damage to health from emissions from incineration and co-incineration is likely to be very small and probably not detectable'.

These reports utilise the AQAL's set by various authorities based upon current best practice guidance and existing legislation. Particulate Matter (PM) emitted by many industrial processes; including waste incineration comes in various sizes: PM10, less than 10 micrometres; PM2.5, up to 2½ micrometres in diameter, and PM0.1, particles up to one-tenth of a micrometre.

She acknowledged that the report submitted by the Applicant takes into account the measurement systems for PM10 – PM2.5, yet a recent Parliamentary question submitted by David Drew, MP showed that 'there is no specific limit set for PM1 emissions from incinerators.' These particulates are therefore not subject to measurement. This is of concern because PHE state 'PM is inhaled into the lungs and ultrafine PM0.1 is thought to pass into the blood, causing many adverse outcomes including systemic inflammation' [reference *Air Quality in England: A Briefing for Directors of Public Health* (PHE, DEFRA and LGA, March 2017)]. Furthermore, DEFRA states 'Exposure to airborne PM is associated with a

range of adverse effects on human health including effects on the respiratory and cardiovascular systems, leading to hospital admissions and mortality. There is increasing evidence that fine (PM2.5) and ultrafine (PM0.1) PM plays a more significant role than previously thought'. As a result of this, the Treasury have published the 'costs to society' figures for some of the pollutants released by waste incinerators.

On 24th February 2018 the government published 'A Green Future: Our 25 Year Plan to Improve the Environment'. The plan explains (on page 129) the polluter-pays principle, as one of the 'key underlying principles of existing policy' that will be maintained after Brexit by the European Union (Withdrawal) Act. Heidi Allen confirmed that she recently wrote to the Treasury to enquire about a waste incineration tax and was told that they intend to consider the merits of such a tax in order to determine how best the Government can deliver positive environmental outcomes.

She does not believe the potential for a waste incineration tax has been sufficiently considered in this application and suspects that this could impact the business case put forward by the Applicant in regards to this facility.

Taking account of the questions still arising out of the impacts on human health and the possibility of a waste incineration tax impacting the economic viability of this facility, she would like to voice her formal objections to this proposal and requests that the Committee take into account these considerations when determining this application.

#### **Girton Parish Council:**

##### **Late representation (received on 31 August 2018):**

- 5.72 Girton Parish Council submitted a late representation which stated that their objection was based on the proposed size/height, sustainability in the light of potential government disincentives, (e.g. 'incineration tax'), lack of consideration of sustainable alternatives and potential for new ones, and significant health risks due to diminished air quality. In their view to establish such a large intrusive building and chimney on what is substantially a flat terrain will have a detrimental effect on the landscape over a very substantial area and is quite out of keeping with a rural setting.

They also considered that a sound financial case had not been made for incineration as a sustainable means of waste treatment and that it does not take into account the changing nature of public attitudes to control and management of plastic waste in particular. They noted that the local MPs Heidi Allen and Lucy Frazer had both commented on the likelihood of government introducing an incineration tax at some future time and we are likely to see the introduction of further disincentives to the use of plastics in packaging in the foreseeable future.

The analysis by the applicant (Amey Cespa) of the positive consequences of incineration in terms of carbon footprint is self-serving and Girton Parish Council would urge that an independent analysis is carried out giving consideration to the comparative merits of all existing and potential alternative methods of waste treatment. The analysis should also examine the consequences of collection of waste from a much greater area than currently proposed as this might well become necessary to maintain economic viability in the face of changing circumstances.

Finally, of particular concern to Girton Parish Council was the issue of effects of the development on air quality. The location of the A14 passing through the village and the close proximity of the Girton Interchange linking to the M11 motorway means that this subject has been raised more or less continuously with the Highways Agency and they have often expressed their concern that while monitoring of particulates of size 10 and 2.5 micron (PM10 and PM2.5) is routine, no monitoring of particulates of size 1.0 or 0.1 micron is being considered (PM1.0 and PM0.1). Recent publicity in relation to diesel engine emissions has highlighted the need for such monitoring and they feel that collection of such data is essential in all the areas affected by this proposed development. Additionally Girton Parish Council were alarmed that control of toxic emissions is to be according to the principle of 'as low as reasonably practicable', (ALARP). The EU Commission has challenged use of this principle and some Directives disallow its use on the grounds that cost is not a factor to be taken into account. The possibility of release of toxic elements and dioxins must be eliminated before approval of such an incinerator can be granted. Limiting them to whatever levels the developer feels they can afford is quite unacceptable.

### **Publicity:**

- 5.73 The planning application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A Press notice was published in the Cambridge News on 2 January 2018 to identify that the planning application was accompanied by an ES and was for development that affected the setting of a listed building. This was in addition to 3 site notices being put up on 29 December 2017 (one at the site; one across the road from the site at the access to Denny Abbey; and one at the roundabout at the point the red line finishes for the proposed heat off-take pipe). Additionally, adjacent neighbours and statutory consultees were notified of the planning application in advance of the consultation period starting in January 2018, which was delayed until after the New Year break to ensure that local residents did not lose time to comment as a result of the public holiday period.
- 5.74 Noting the concerns raised during the public consultation period, and the request from a local councillor for a public meeting, the timescale in which to make comments was extended from 23 January 2018 to 6 February 2018. During this period, the Business Manager (supported by colleagues

from Public Health, the EA, and PHE) attended the evening public meeting on 29 January 2018. The Business Manager also attended Parish Council meetings at Haddenham, Waterbeach, Cottenham, and Landbeach (on request – three in December and one in January), with the applicant's Planning Manager, to discuss the proposals put forward.

- 5.75 Following concerns raised by local residents as part of the first round of public consultation, the applicant set up three additional public information drop-in events (19 – 20 March 2018), that took place ahead of the second round of public consultation and outside of purdah, that were supported by the main regulators (Cambridgeshire County Council (CCC) planners; EA, PHE, and CCC Public Health colleagues). These events were hosted by the applicant and included a range of consultants who were on hand to provide expert information on the key environmental issues such as air quality and traffic issues etc. These events were advertised by the applicant on their website, through correspondence with local councillors and Parish Councils, and also a full postal distribution to the villages of Cottenham, Landbeach and Waterbeach. The applicant also set up a site tour for interested parties at the WWMP, and noting a clash of events, also sent along four specialist consultants to take part in a public meeting that overlapped with one of their public drop-in sessions, to ensure that any resident questions could be answered. A Liaison Group Meeting was also held on Thursday 8 March 2018 where additional feedback was provided by local residents and interested groups / councillors on the application.
- 5.76 The additional environmental information submitted was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A Press notice was published in the Cambridge News on 8 May 2018 to identify that the additional environmental information submitted under Regulation 22 of the Environmental Impact Assessment Regulations 2011 (using the transitional arrangements in the 2017 regulations – Regulation 76) had been received for consultation. This was in addition to a further 3 site notices being put up, in the same locations as noted above, on 4 May 2018. Additionally, everyone that had written in as part of the initial consultation, or had requested inclusion on the list when further additional environmental information was received, was notified of the additional environmental information on Friday 27 April 2018. This allowed just over one month (and two bank holidays) for comments to be submitted. Clarification on how to view the information and confirmation that all original responses would be carried forward (meaning there was no need to repeat comments already made) was also publicised.
- 5.77 Whilst not part of the additional environmental information, the clarification response letter and related figures and appendices received from the applicant were also published on the County Council's website during the timescales set out in paragraph 5.76 above, to assist consultees and neighbours with their responses. This covered clarification on fire water and a fire strategy; energy statistics and how the calculation for the number of homes had been made by the applicant; clarification on the

deliverability of the direct heat pipe; a response to the concerns raised about the Carbon Assessment by UKWIN; an update to the Statement of Community Involvement; a response to landscape and visual comments raised by The Landscape Partnership commissioned to review the Landscape and Visual Impact Assessment for the Council; details of the lighting assessment in light of comments raised by East Cambridgeshire District Council and South Cambridgeshire District Council; a response to the location of waste following comments raised by East Cambridgeshire District Council; air quality and human health questions raised in relation to monitoring; questions raised in relation to the transportation of Bottom Ash and APC residues; clarification on use of a shredder and the waste types to be used in the facility with specific reference to 'C&D' waste within the mass balance information; and queries in relation to background noise. A further Liaison Group Meeting was also held by the applicant on Thursday 14 June 2018, where additional feedback was given and an opportunity for further questions was provided.

- 5.78 In addition to attending the additional public drop-in events arranged by the applicant as set out in paragraph 5.75 above; during the second round of consultation officers also set up a public regulator-run event for members of the public to attend at Landbeach (which was supported by officers from the EA and PHE). The Business Manager also attended evening Parish Council meetings at Wilburton, Landbeach, Waterbeach, Cottenham, and Histon & Impington at their request.
- 5.79 Furthermore, as noted above a Community Liaison Group (CLG) is also set up for the WWMP, which meets regularly and involves adjacent residents and community representatives. The CLG received presentations and updates on the Minerals and Waste Plan when the site was being considered for allocation, and members of the CLG were also included in early design considerations and community events by the applicant as part of this planning application.
- 5.80 Finally, as noted in paragraph 2.12 of this report, although the site only falls in the electoral division of Waterbeach and the Parish of Landbeach; as the wider WWMP covers a large area and borders with the electoral division of Cottenham and Willingham, alongside the parishes of Cottenham, Stretham, Wilburton and Waterbeach (with Haddenham connected further afield), these were all consulted directly by the Council at both stages of public consultation.

## **6.0 REPRESENTATIONS (SUMMARISED):-**

- 6.1 The following representations were received (in summary) as a result of the first public consultation, and are listed in no particular order in relation to the objections, support or points raised. It should also be noted that some of the points raised are not material planning reasons, which will be covered in the planning considerations section of this report (Chapter 8).



6.2 For the avoidance of doubt, the following objections are summarised, in addition to a petition response that members of the Planning Committee had been made aware of separately by both officers and Cambridge Without Incineration (CBWIN):

- Air Quality (particularly concerns surrounding smog from the burning of waste, more harmful emissions around start up and close down of facility, release of toxic fumes and dioxins, release of carcinogens, release of fine particulate matter (PM2.5), and impact of airborne particles as well as through ingestion via crops);
- Health Risks (particularly mortality, cancer, respiratory complications and reproductive health);
- Poor operator performance, including odour issues and enforcement legal action;
- No meaningful / lack of public consultation;
- Lack of emergency procedures;
- Waste coming from outside of the area / large distances;
- Increased traffic on the A10 and A14;
- Impact on widening the A10;
- Not a suitable location;
- Not the right solution / technology, and sized far too large contrary to national policy (NPPF) and Green Plan;
- Visual impact from mass and height of building and stack;
- Chimney too tall standing at 80 metres in an open fenland landscape;
- Impact on setting of Denny Abbey; contrary to NPPF;
- Proposed landscaping won't screen it, so more needs to be done;
- Petition needs to be respected and given great weight in decision making process;
- Noise impacts and lighting pollution;
- Impact on wildlife / ecology / nature conservation;
- Pollution to environment including groundwater seepage and watercourses such as Beach Ditch;
- Construction impacts, including traffic implications of 300 construction workers;
- Impact on recycling – will reduce recycling including less composting and more should be spent to increase / encourage recycling through education for residents and businesses;
- CCC should not determine this application as they have an interest in the waste PFI;
- There should be a council referendum like Norfolk had;
- Contravention of human rights;
- Concerns about movement of Bottom Ash and APC residues, with queries to transport figures and also why it can't be processed on site in relation to the Bottom Ash?;
- No clear indication of increased carbon dioxide emissions from the proposals and studies submitted on carbon savings have flaws in calculations, so no clear climate change benefits as opposed to landfill;
- Impact on soils;

- Large amount of water needed for the facility, as well as possible fire fighting water;
- Query over insurances held by the operator and who would residents sue in the event of health implications;
- Decreasing of property values;
- Impact on archaeology;
- Electricity figures overstated and not in line with other facilities so applicant overstating their case;
- Question the deliverability and viability of the heat off-take, so shouldn't be given any weight;
- Impact on the viability and sustainability of Denny Abbey and also other local tourism;
- Premature until Public Health England publish their air quality results;
- Committee Chairman conflict, based on other EfW plan allocation in Whittlesey;
- Benefits negligible and don't outweigh the harm;
- CCC noise assessment shows findings incorrect;
- Support objection made by Historic England;
- Impact on Wicken Fen, particularly to endangered animals and plants;
- Concerns over monitoring, particularly frequency of monitoring and self-monitoring;
- Credibility of data submitted challenged;
- Cumulative impact with Corvanta facility in Bedfordshire not considered in air quality impacts or need etc.;
- Impact on food chain;
- Cycle parking and safe cycle routes not sufficient for proposal;
- No engagement with under 16's;
- Circular economy not considered;
- Lack of answers at public meeting; and
- No information supplied in relation to the filters or use of a shredder.

6.3 Two letters of support were also received. One noting that other planning applications in the area have been granted that already have an impact on Denny Abbey, and other modern buildings have been placed next to historic buildings that can be seen as an enhancement and reminder that there needs to be progress. Considered that the proposal will reduce greenhouse emissions and contamination for landfill; and there will be more vehicle movements on the A10 if the proposal doesn't go ahead. The second notes that although they have some concerns about the location of the facility, owing to the already heavily congested A10 and close proximity to Waterbeach / other villages, they can also see that we cannot keep filling the ground with landfill waste. They already endeavour to do as much as they can to reduce / recycle their waste, but once our landfill is full our waste will end up going to somebody else's land or another incinerator. There will also be the benefits of energy production and reported reduction in greenhouse gasses. They therefore support the incinerator so long as everything possible can be done to prevent emissions / road access problems. Having looked at the Suffolk incinerator website, they felt that something similar would be very useful to

keep people in the vicinity informed and any funding for community and environment projects to the nearby affected villages would be very welcome.

6.4 Whilst not in support of the application, the following issues were also raised as points for officers to consider in relation to the concerns raised:

- S106 improvements should be sought for the A10;
- S106 monies for a new swimming pool where the heat off-take could be used should be sought; and
- The building should be sunk into the ground to help mitigate visual impact.

6.5 The following representations were received (in summary) as a result of the additional environmental information public consultation, and are once again listed in no particular order of priority in relation to the objections, supports and points raised. It is once again noted that some of the points raised are not material planning reasons, which will be covered in the planning considerations section of this report (Chapter 8).

6.6 The following objections are once again summarised, in addition to the petition from CBWIN raising the same points but updating the number of signatories assigned to it [**2,230** signatories registered when submitted on 1 May 2018]:

- Air quality and health concerns (covering the same concerns highlighted in Para 6.2 bullet point 1 above);
- Impacts to plants and wildlife from emissions, as well as to food grown on farms in the area;
- Concerns about Mere Way route for cable and not going deep enough to protect cultivation in the area;
- Visual impact, particularly to Ely Cathedral, Denny Abbey and American Cemetery – should be given considerable weight in determination as will have a considerable impact on flat land and open skies;
- Not the right location or solution;
- Impact on recycling;
- Recycling education needed, particularly for businesses;
- Impact of traffic on A10 and highway safety, with related air quality concerns;
- Should not be able to go ahead until the A10 improvements have been carried out;
- Concerns raised about lorries through villages, and the implications of the construction traffic;
- Traffic on the Twentypence Road has not been considered in the transport or air quality modelling;
- Air Quality modelling did not take account of existing waste facility in Cottenham (Malary facility);
- Inadequate monitoring of air emissions – should take account of emerging guidance that is likely to be stricter on emissions;
- Issue of additional emissions around start up and shut down of facility;

- Air Quality modelling does not take account of waste coming further afield;
- Contrary to Government Clean Air policy;
- Contravention of human rights;
- Traffic movements do not take account of bottom ash or empty vehicles;
- Heritage mitigation package may address some of the viability and sustainability issues, but it does not address the impact to the setting of Denny Abbey, which is contrary to the NPPF;
- Concerns regarding light pollution;
- Concerned about operator performance, with evidence of articles demonstrating the concerns being raised, including breaches at the North Yorkshire EfW facility operated by the company;
- Height of chimney, 80 metres going to have a huge impact;
- contrary to Location and Design SPD - no planting can stop alien feature so close to important heritage assets;
- Location not suitable based on stand-off distance of 250 metres to sensitive receptors in the Location and Design SPD, plus too close to new communities and research park;
- Building should be sunk into the ground to reduce visual impacts;
- EA permit should run in parallel to allow true consideration;
- Confusion over why the Mitchell Hill mineral planning application was added – plus should cover the Barracks development as well;
- Documentation too complex, should do a plain English text and re-consult;
- Proposed mitigation fence proposed will not address the serious harm to local residents and Denny Abbey;
- Amey's offer of money to Farmland Museum will not mitigate the impact;
- challenge the savings on landfill tax and cheap electricity for homes at Waterbeach Barracks noting potential incinerator tax;
- Challenge to the electricity figures based on the lack of information surrounding feedstocks, noting the electricity calculations could be flawed like the carbon assessment;
- should use precautionary principle and not approve this application;
- New waste plan only just being consulted on, which sets out the council's policy on waste facilities – consider this application is premature even though the Council officers don't agree;
- Current local plan is out of date;
- Concern about waste from outside of the area, and also the over provision of facilities taking account of permissions such as Stewartby in Bedfordshire being built;
- Facility is sized too large;
- Amount of waste to the site needs to be capped;
- Query over insurance policies held by the operator;
- Should be more monitoring for the air quality, with feeling that too much self-regulation or notice of checks being made to facility make the infrequent checks not meaningful;
- Air quality data should be publically accessible;
- Located too close to existing and proposed new homes and schools;
- Decrease of house property prices and implications of selling new houses at Waterbeach Barracks;

- Waste PFI implications mean that the Council should not be dealing with the planning application; particularly with bias for short term economic gain of reducing waste to landfill thus reducing landfill tax paid;
- Impact to Wicken Fen and Wicken Fen vision; as well as Anglesey Abbey;
- Impact on wildlife including rare birds;
- Lack of public meetings, especially in Waterbeach;
- Purdah advice given to CBWIN has not been followed by the Council;
- Health implications, particularly to unborn children – should wait for more research findings to be published;
- Impact on local water courses and soils for food growing;
- Newcastle example given about hazardous fly ash implications;
- Carbon assessment challenged, identifying three flaws in the assessment produced by the applicants and then maintaining their objection following an updated carbon assessment submitted by the applicant;
- Open letter sent to members and substitutes of the Planning Committee, as well as local MPs referring to consultation by stealth - note full open letter published and summarised in rep 257;
- Council has not allowed balanced public meetings to take place and shows a bias to the applicant;
- Impartiality of Chairman covering the Whittlesey area where another EfW allocation is made in the adopted plan;
- Benefits to the public do not outweigh the harm;
- Lack of public consultation, including with key bodies such as the National Trust at Wicken Fen; and
- A letter of support stating that the proposals make the best use of resources and recovers energy rather than sending waste to landfill. Visual intrusion over its working life of less than 50 years should be balanced against the permanent raised landscape feature that a capped landfill represents.

6.7 Copies of the neighbour and interested parties representations (anonymised) have been published on the County Council's website for this planning application. The two neighbour response documents set out all the representations received between 22 December 2017 and 29 May 2018, which covers the full amount of time from the start of the first round of public consultation until the close of the second round of public consultation. These full comments will be placed in the Members Lounge five working days before Planning Committee for inspection by members of the Planning Committee. Late representations received after 29 May 2018 have also been acknowledged and checked to see if any additional points have been raised that need to be taken into account, which includes the further carbon assessment challenge by UKWIN. These will also be anonymised and added to the website in the interests of openness and transparency, and have been added to the paper copies provided to members of the Planning Committee to show the full details submitted.

## 7.0 PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and section 70(2) of the Town and Country Planning Act 1990 (as amended) require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 7.9 to 7.12 below.
- 7.2 The NPPF (July 2018), the WMP (December 2013), and National Planning Policy for Waste (October 2014) (**NPPW**) are also material planning considerations.

### The National Planning Policy Framework:

- 7.3 The NPPF, sets out the Government's planning policies and how these are expected to be applied. At the time of submission, the NPPF published in 2012 was the relevant document against which to assess the proposed development. However, members' attention is drawn to the publication of an updated NPPF document on 24 July 2018, which when published superseded the earlier policy with immediate effect. The 2018 NPPF is a material consideration in planning decisions, and it should be noted that it still does not contain specific waste policies. Paragraph 4 of the policy states that "...when making decisions on applications for these types of development [traveller sites and waste] regard should also be had to the policies in this Framework, where relevant". The overarching three dimensions to sustainable development 'economic, social and environmental' is still relevant. In particular, ensuring that waste is minimised under the environmental element (paragraph 8c), that the right development is available in the right place at the right time under the economic element (paragraph 8a); and taking into account the elements of each should not be considered in isolation, but instead in "mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives" (paragraph 8).
- 7.4 Other relevant considerations for this planning application in the NPPF are the presumption in favour of sustainable development where proposals that accord with development plan should be approved and as noted in NPPF paragraph 11 point c) for decision-taking means "*approving development proposals that accord with an up-to-date development plan without delay*"; sustainable development should be pursued in a positive way, which is seen to be at the heart of both plan-making and decision-taking (paragraph 10); good design is a key aspect of sustainable development (paragraph 124); significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80); focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval

under pollution control regimes (paragraph 183); consideration of any noise, air quality, human health, or light impacts on night skies etc. (paragraphs 180 and 181); impacts on heritage assets (paragraphs 189 - 202); and the use of planning conditions to ensure the development is acceptable (paragraph 54).

#### The Waste Management Plan for England:

- 7.5 The WMP is a high level document which is non-site specific. It provides an analysis of the waste situation in England and refers to the national policy for waste (as updated) and the NPPF, with emphasis on driving waste up the waste hierarchy. The WMP promotes the move away from disposing of waste through landfill and states that 'The Government supports efficient energy recovery from residual waste – of materials which cannot be reused or recycled – to deliver economic benefits, reduce carbon impact and provide economic opportunities'.

#### The National Planning Policy for Waste:

- 7.6 The NPPW published in October 2014 refers to the WMP (published in December 2013) in which the Government supports efficient energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities. 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.
- 7.7 Paragraph 7 of the NPPW 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.
- 7.8 Additionally, Waste Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. The NPPW in paragraph 7 provides they should assume that the relevant pollution control regime will be properly applied and enforced.

Cambridgeshire and Peterborough Minerals and Waste Development Plan  
Core Strategy Development Plan Document (adopted July 2011) (the  
**M&WCS**)

- 7.9 The M&WCS sets out the spatial vision for the mineral and waste development within Cambridgeshire and Peterborough. The following M&WCS policies are of particular reference to this planning application:

Policy CS2: Strategic vision and objectives for sustainable waste management development;  
Policy CS14: The Scale of Waste Management Provision;  
Policy CS15: The location the future waste management facilities;  
Policy CS17: Waste water treatment works;  
Policy CS18: Waste management proposals outside allocated areas;  
Policy CS22: Climate change;  
Policy CS23: Sustainable transport of minerals and waste;  
Policy CS24: Design of sustainable minerals and waste management facilities;  
Policy CS27: Mineral Consultation Areas;  
Policy CS29: The need for waste management development and movement of waste;  
Policy CS30: Waste consultation areas;  
Policy CS32: Traffic and highways;  
Policy CS33: Protection of landscape character;  
Policy CS34: Protecting surrounding uses;  
Policy CS35: Biodiversity and geodiversity;  
Policy CS36: Archaeology and the Historic Environment;  
Policy CS39: Water resources and water pollution prevention;  
Policy CS40: Airport Safeguarding;  
Policy CS41: Ancillary Development.

Cambridgeshire and Peterborough Minerals and Waste Development Plan  
Site Specific Proposals Development Plan Document (adopted February  
2012) (the **M&WSSP**)

- 7.10 The M&WSSP sets out the mineral and waste allocations within Cambridgeshire and Peterborough. The following M&WSSP policies are of particular reference to this planning application:

Policy SSP M1: Site Specific Allocations for Sand and Gravel Extraction (M1A);  
Policy SSP M9: Mineral Consultation Areas (M9E);  
Policy SSP W1: Waste Recycling and Recovery Facility Allocations (Non Landfill) – (W1K);  
Policy SSP W8: Waste Consultation Areas (W8K).



South Cambridgeshire Core Strategy adopted January 2007 (SCCS)

- 7.11 The following Core Strategy overarching objectives are of particular reference to this planning application:

ST/f: To provide and enable provision of enhanced infrastructure to meet the needs of the expanded population.  
ST/g: To ensure development addresses sustainability issues, including climate change mitigation and adaptation issues, maximising recycling and reuse of resources, and reduce waste and pollution.  
ST/k: To locate development where it will ensure maximum use of previously developed land and minimise loss of countryside and the best and most versatile agricultural land.

South Cambridgeshire Development Control Policies adopted July 2007 (SCDCP)

- 7.12 The following Development Control Policies are of particular reference to this planning application, particularly when considered in light of the energy linkages to the Waterbeach Barracks developments:

Policy DP/1: Sustainable Development  
Policy DP/2: Design of New Development  
Policy DP/3: Development Criteria  
Policy DP/4: Infrastructure and New Development  
Policy DP/6: Construction Methods  
Policy DP/7: Development Frameworks  
Policy NE/3: Renewable Energy Technologies in Development  
Policy NE/6: Biodiversity  
Policy NE/8: Groundwater  
Policy NE/9: Water and Drainage Infrastructure  
Policy NE/10: Foul Drainage – Alternative Drainage Systems  
Policy NE/11: Flood Risk  
Policy NE/12: Water Conservation  
Policy NE/14: Lighting Proposals  
Policy NE/15: Noise Pollution  
Policy NE/16: Emissions  
Policy CH/4: Development within curtilage or Setting of Listed Buildings  
Policy TR/1: Planning for more sustainable travel  
Policy TR/2: Car and Cycle Parking Standards  
Policy TR/3: Mitigating Travel Impact

- 7.13 The Location and Design of Waste Management Facilities Supplementary Planning Document (adopted July 2011).

- 7.14 South Cambridgeshire LDF Supplementary Planning Documents as follows:

Trees and Development Sites SPD (adopted January 2009);

Listed Buildings SPD (adopted 2 July 2009);  
 Biodiversity SPD (adopted July 2009);  
 Landscape in New Developments SPD (adopted March 2010);  
 District Design Guide (adopted March 2010); and  
 Health Impact Assessment (adopted 8 March 2011).

Emerging South Cambridgeshire Local Plan 2011- 2031: Submission of Local Plan (LP)

- 7.15 On 28 March 2014, South Cambridgeshire District Council submitted their Local Plan and supporting documents to the Secretary of State for Communities and Local Government for independent examination. The Inspector's Report on the Local Plan was published on Monday 3 September 2018. Therefore the policies in the emerging Local Plan should now be afforded considerable weight. The following emerging planning policies are of particular relevance to this planning application and have been updated to take account of the Inspector's report:

Policy HQ/1:	Design Principles
Policy NH/2:	Protecting and Enhancing Landscape Character
Policy NH/4:	Biodiversity
Policy NH/14:	Heritage Assets
Policy CC/1:	Mitigation and Adaption to Climate Change
Policy CC/2:	Renewable and Low Carbon Energy Generation
Policy CC/3:	Renewable and Low Carbon Energy in New Developments
Policy CC/6:	Construction Methods
Policy CC/7:	Water Quality
Policy CC/8:	Sustainable Drainage Systems
Policy CC/9:	Managing Flood Risk
Policy SC/2:	Health Impact Assessment
Policy SC/10:	Lighting Proposals
Policy SC/11:	Noise Pollution
Policy SC/13:	Air Quality
Policy SC/15:	Odour and other fugitive emissions to air
Policy TI/3:	Parking Provision
Policy TI/8:	Infrastructure and New Developments
Policy S/1:	Vision
Policy S/2:	Objectives of the Local Plan
Policy S/3:	Presumption in Favour of Sustainable Development
Policy S/5:	Provision of New Jobs and Homes
Policy S/6:	The Development Strategy to 2031
Policy SS/5:	Waterbeach New Town

National Energy Policy

- 7.16 Wider national policy documents are also a material consideration when assessing individual proposals of this nature. The following are seen to be relevant to the consideration of this planning application:

- Government's Waste Strategy Review 2011 - outlining ambitions to create a 'zero waste economy' where the amount of waste being sent to landfill is reduced in favour of reuse, recycling or waste-to-energy infrastructure;
- Energy from Waste a Guide to the Debate 2013 (as amended) – DEFRA guidance to aid discussion and general understanding of the role that Energy from Waste has to play in residual waste management, with the update in 2014 covering future policy direction for Energy from Waste;
- Overarching National Policy Statement for Energy (EN-1) 2011 – although principally for nationally significant infrastructure projects (NSIPs) it recognises that there is a pressing national need to move away from out-dated carbon technology and develop forms of renewable energy generation, that can be used for non NSIPs projects;
- National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011 – designed to be read in conjunction with EN-1 it recognises that the "recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs";
- Clean Growth Strategy updated 16 April 2018 - clarifies that the UK Government supports technologies which contribute towards the UK achieving its renewable energy obligations, cutting greenhouse gas emissions, and working towards the ambition for zero avoidable waste by 2050; maximising the value we extract from our resources, and minimising the negative environmental and carbon impacts associated with their extraction, use and disposal. This will link to a new Resources and Waste Strategy to make the UK a world leader in terms of competitiveness, resource productivity and resource efficiency;
- Industrial Strategy, Building a Britain fit for the future 2017 – recognises the need to enable more efficient use of energy and resources, noting that around 80 percent of global energy use still comes from fossil fuels that needs to change fast to preserve a safe and stable climate. It also looks at a regenerative circular economy that effectively looks at waste as a product for energy recovery;
- The Renewable Energy Strategy 2009 – Covers how the UK Government's binding target that 15% of the UK's energy consumption will come from renewable sources by 2020 will be met;
- The Low Carbon Transition Plan 2009 – This White Paper sets out the UK's first ever comprehensive carbon reduction plan to 2020, with aims to deliver emission cuts of 18% on 2008 levels by 2020 (and over a one third reduction on 1990 levels);
- The Renewable Heat Incentive 2011 - it provides the UK Government's perspective with regards to the proposed technology in the context of renewable heat;
- The Renewable Energy Roadmap 2011 (as amended) – identifies that renewables are expected to play a key part in the growth of the economy;
- The Carbon Plan: Delivering Our Low Carbon Future 2011 - In June 2011, the Coalition Government enshrined in law a new commitment to halve greenhouse gas emissions, against 1990 levels, by the mid-2020s. This plan sets out how the UK Government will meet this commitment in a way

that protects consumer bills and helps to attract new investment in low carbon infrastructure, industries and jobs; and

- Planning our Electric Future: A White Paper for Secure, Affordable and Low Carbon Electricity & Technical Update 2011 - The White Paper recognises the role that proposals can have in securing affordable low carbon electricity (and heat).

### Neighbourhood Plans

- 7.17 Whilst there are no adopted neighbourhood plans for the proposed development area, it is acknowledged that the neighbouring communities of Cottenham and Waterbeach do have emerging neighbourhood plans being prepared, with the Cottenham Plan being by far the most advanced. Officers have reviewed the updates and progress being made on both of these documents from the South Cambridgeshire District Council website alongside the relevant Parish Council websites and have not identified any conflicts that members should be made aware of. The Cottenham Plan has been subject to pre-submission consultation that closed on 7 August 2018 and the Waterbeach Plan appears from minutes of council meetings to being worked up with the community, with most recent discussions making reference to a character assessment and working up a Village Design Statement. As these neighbourhood plans are not yet adopted very little weight, if any, could be afforded to them at this stage.

## **8.0 PLANNING CONSIDERATIONS**

### **Policy assessment including location, waste hierarchy and consideration of need**

- 8.1 The starting point has to be the NPPF's presumption in favour of sustainable development (NPPF, paragraph 11), which should be seen as the heart of both plan-making and decision-taking (NPPF, paragraph 10). This presumption in favour of sustainable development for decision-taking (set out in NPPF, paragraph 11) means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
  - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.2 In paragraph 183, the NPPF also establishes that local planning authorities should focus on '*whether proposed development is an*

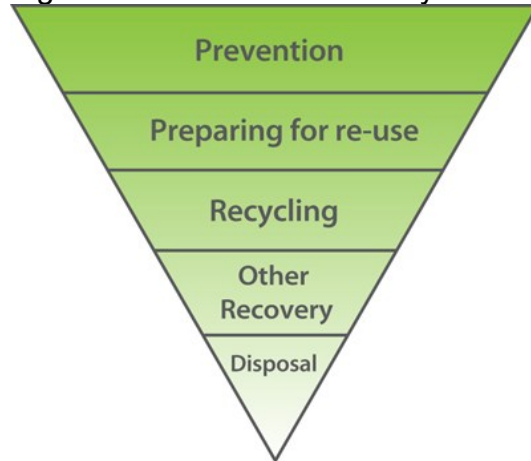
*acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes)' and should assume that 'these regimes will operate effectively'. Whilst the NPPF does not form part of the development plan, it is a significant material consideration in the determination of all planning applications. Members should note that the NPPF and its presumption in favour of sustainable development doesn't change the statutory status of the 'development plan' (as identified and discussed in paragraphs 7.9 to 7.12 above) as the starting point for decision making (NPPF, paragraph 12). Indeed, it states that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise' (NPPF, paragraph 2).*

- 8.3 As an allocation in the adopted development plan for an EfW use (Policy SSP W1 reference W1K), which is allocated in an up-to-date local plan, this needs to be the starting point for consideration. As an allocated site there is no requirement for the applicant to assess alternative locations within their ES, but it is worth noting that the applicant provided an assessment of alternative technologies and design solutions considered ahead of submission (see Chapter 3 of the applicant's ES), which can be used when assessing the comments made by Historic England later within this report (see Appendix 1 for Historic England's full responses). Once the allocation is taken as a starting point, the following sections of this report then need to address all other material planning considerations, before balancing everything up to reach a conclusion. The planning policy identified in section 7 of this report demonstrates the overwhelming policy support, both locally and nationally, for the movement of waste up the waste hierarchy. However, as already noted, it is necessary to consider this in light of all the other material planning considerations before any conclusions are reached.

#### International and National Need

- 8.4 There is a raft of legislation, policy, and targets which all seek to deliver more sustainable waste management. These drivers range from national to local; and include European Union (EU) legislation (such as the Landfill Directive 1999/31/EC and revised Waste Framework Directive 2008/98/EC); national policy (including WMP (2013), and the NPPW (2014)); and local planning policies M&WCS (2011), and M&WSSP (2012).
- 8.5 A common thread is the key mechanism for the delivery of sustainable waste management which is through the application of the Waste Hierarchy (see below). This is a guide in order of preference, from the top down, of sustainable waste management, which gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).

Figure 1: the Waste Hierarchy



- 8.6 At a strategic level, in order to deliver more sustainable waste management there is a need for new facilities to drive waste management up the waste hierarchy. An EfW facility lies in the category 'other recovery' and thus diverts waste up from the last category of 'disposal' (i.e. either by landfill or through incineration without energy recovery).
- 8.7 However, the need for an EfW facility can be measured not just in terms of delivering more sustainable waste management, but also in terms of its contribution to renewable energy generation (offsetting the need for fossil fuel in power generation), and climate change objectives (by preventing greenhouse gas emissions from landfill). Again there is a raft of legislation which serves to drive these objectives at a European and a national level. This includes the UK's renewable energy generation targets derived from the EU Renewable Energy Directive which seek to achieve 15% of total energy generation from renewable sources by 2020; and the Climate Change Act which sets a target to reduce CO<sub>2</sub> emissions by 80% by 2050).
- 8.8 There are therefore significant strategic objectives and drivers which support the provision of EfW facilities which can contribute to the sustainable management of waste, and the achievement of climate change and renewable energy objectives. In the light of the latter, both the Clean Growth Strategy (updated 16 April 2018) and the Industrial Strategy (2017) seek to support technologies which contribute towards the UK achieving its renewable energy obligations, cutting greenhouse gas emissions and seeking to move away from fossil fuels to enable more efficient use of energy and resources. The Industrial Strategy looks for a regenerative circular economy that effectively looks at waste as a produce for energy recover.

#### Local Need

- 8.9 At the local level when a planning application for a new EfW facility comes forward national planning policy in the NPPW makes it clear that a demonstration of need is not required unless proposals are not consistent with an up to date development plan (NPPW, paragraph 7). However,

notwithstanding this, if need can be shown then this can be taken into account as a material planning consideration, along with other material factors, in reaching a decision on a proposal.

- 8.10 The proposal is to treat 250,000 tonnes per annum (tpa) of residual waste, with the majority (184,000 tpa) to be sourced from the WWMP; and a lesser amount (66,000 tpa) to be sourced from elsewhere. Dealing with this waste through an EfW facility will move it up the waste hierarchy by diverting it away from landfill. In addition the facility will have an electricity generating capacity of 27.4 MW per annum (24.4 MW for exporting); and provide heat which could be extracted for use by local heat users.
- 8.11 The local need for waste management facilities is identified in local plans (previously termed development plan documents), which are in this instance produced by the County Council as the WPA. The adopted M&WCS sets out the level of provision that was forecast to be needed up to 2026; and the associated M&WSSP that made allocations which carried forward the need identified through the Core Strategy. The County Council is also part of the Recycling for Cambridgeshire and Peterborough Partnership (RECAP) which prepared the Joint Municipal Waste Management Strategy for Cambridgeshire and Peterborough 2008 – 2022 (**JMWMS**), which sets out how municipal waste will be managed over the period to 2022.
- 8.12 The adopted M&WCS and the County Council's JMWMS share the same overarching principle i.e. that waste should be considered and treated as a resource. M&WCS Policy CS2 states:

*'the value of 'waste' as a resource will be recognised, and a network of different types of facilities will be developed over the Plan area. This network will manage the wide range of waste arising from the Plan area, contributing to the self-sufficiency of the wider area.'*

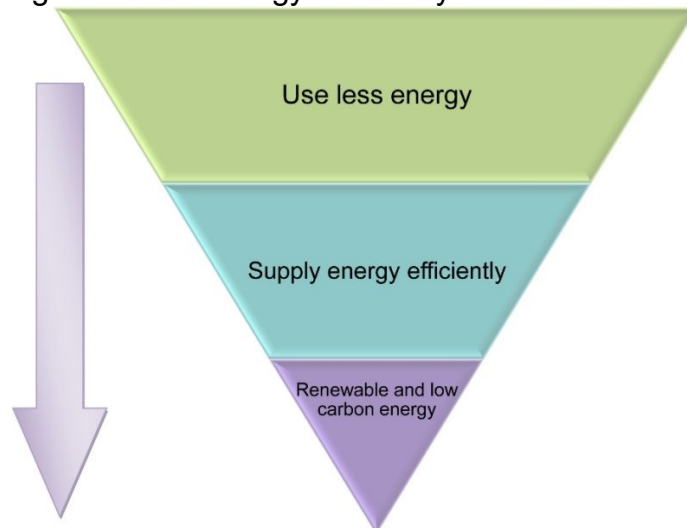
The JMWMS, Objective 15, states:

*'we will aim to ensure that residual waste is treated as a resource recovering both energy and value where possible at every stage'.*

- 8.13 M&WCS Policy CS2 sets out the County Council's Strategic Vision and Objectives for Sustainable Waste Management Development. In the context of need this policy outlines the high level of growth that will take place over the plan period, which needs to be supported through sustainable waste management. The vision is for the provision of a network of facilities to meet the forecast requirements; and it allows for these to be standalone, or co-located in modern waste management eco-parks, capitalising on the synergies between different types of waste management techniques. It acknowledges that a flexible rather than prescriptive approach will be taken in regard to the types of waste management technology suitable for different waste management sites, and that indicative uses will be suggested.

- 8.14 Policy CS2 also supports operational practices which will contribute towards addressing climate change; and Policy CS22 requires proposals to set out how this will be achieved. This includes through the limitation of greenhouse gases (e.g. through the diversion of waste from landfill); the use or opportunities to generate energy from waste (e.g. MW per annum); and emissions reduction measures based on the principles of the energy hierarchy, shown below (e.g. through the supply of energy).

Figure 2: The Energy Hierarchy



- 8.15 Policy CS14 The Scale of Waste Management Provision sets out the forecast waste arising over the Plan period to 2026, and this is summarised below for the period 2011 to 2026.

<b>TABLE 1: CORE STRATEGY ESTIMATED WASTE TO BE MANAGED 2011 TO 2026 (MILLION TONNES)</b>				
<b>Waste Type</b>	<b>2011</b>	<b>2016</b>	<b>2021</b>	<b>2026</b>
Municipal	0.513	0.541	0.570	0.598
Commercial & Industrial (C&I)	1.326	1.531	1.777	2.053
Construction, Demolition & Excavation (C,D&E)	2.719	2.825	2.908	2.985
Hazardous	0.045	0.049	0.049	0.049
Agricultural	0.243	0.181	0.181	0.181
Imported non-hazardous waste for disposal	0.308	0.166	0.166	0.166
<b>TOTAL</b>	<b>5.154</b>	<b>5.293</b>	<b>5.651</b>	<b>6.032</b>



- 8.16 In forecasting the waste arising and making provision for the resulting scale of waste management provision required (set out in M&WCS Policy CS14), various assumptions were made around targets for different waste streams. Fundamental to this is the principle of 'self-sufficiency', in that the Plan seeks to make provision to manage the amount of waste which will be arising in the Plan area, albeit that it is recognised that this provision will be an 'equivalent' figure as in reality waste moves across artificial boundaries such as local authority areas.
- 8.17 In addition, it was also assumed that the Peterborough Renewable Energy Limited (PREL) energy park proposal (now known as Peterborough Green Energy Ltd – PGEL) would be on stream in 2013, with a capacity of 650,000 tpa. However, whilst the 2008 planning permission (08/01081/ELE) has been implemented (by virtue of a car park being built circa 2011) this proposal has yet to commence; albeit a Scoping Opinion has been issued by Peterborough City Council (Ref: 18/00001/SCOP) on 21 May 2018 and two condition submission applications were received in July 2018 as a result of this Scoping opinion. Furthermore, it should be noted that Government policy now also makes it clear that local plans, in identifying sufficient opportunities to meet identified needs of their area should consider the extent to the capacity of *existing* facilities would satisfy any need (NPPW, paragraph 3). This suggests that in the context of the M&WCS's level of provision there may be a shortfall giving rise to a greater need for new facilities.
- 8.18 In terms of the waste which has arisen over the period 2011 to 2016, the following information has been drawn from the EA's Waste Data Interrogator (**WDI**). Reliable waste data is notoriously difficult to obtain, especially for the Commercial and Industrial (**C&I**) waste stream, and even the data from the WDI is subject to discrepancies. The most reliable data tends to be that for the municipal waste stream, which is collected and monitored by local authorities. Nonetheless, the data below suggests that the amount of waste arising is less than that which was forecast in the Core Strategy. The reasons for this are not known, but the recent recession may be one factor.
- 8.19 The waste streams that the proposed EfW facility will deal with are municipal; commercial and industrial (that part of the C&I waste stream which shares the characteristics of municipal waste); and construction and demolition waste, and the quantities to be managed per annum are set out in Table 2 below. The waste is residual i.e. that which remains after taking practicable measures to remove material which is suitable for recycling. Thus, the proposed EfW is not designed to remove waste from the waste hierarchy which might otherwise have been dealt with at a level higher than 'Other Recovery'.

<b>TABLE 2: ESTIMATED WASTE ARISING 2011 TO 2016 (MILLION TONNES)</b>						
<b>Waste stream</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Municipal	0.392	0.397	0.404	0.414	0.417	0.426
C&I	0.519	0.476	0.431	0.710	0.640	0.663
CD&E	0.714	0.638	1.036	1.285	1.287	1.501
Hazardous	0.037	0.034	0.038	0.042	0.038	0.044
Imported HIC waste for disposal to non-hazardous landfill	0.318	0.316	0.169	0.177	0.206	0.354

**Table: 3 Waste Sources to be managed through the WWRF (based on 2016 data)**

Waste Source	Tonnes per annum (tpa)
MBT reject	34,700
MBT outputs (CLO)	38,600
Invessel Composting oversize fraction/rejects	15,700
MRF Rejects	12,400
Wood Waste	7,400
C&D – Bulky Waste	40,600
C&D Trade Waste	43,700
Third Party Waste	56,900
<b>Total</b>	<b>250,000</b>

Source: Planning Statement, Table 4.2, page 43 (Amey, December 2017).

8.20 Although the data suggests that waste arising is less than forecast, in considering the need for the EfW facility, it is important to recognise that the majority of the waste that will be dealt with by the proposed facility (184,000 tpa), and which is shown in Table 3, is already managed at the WWMP through existing facilities. The MBT plant at WWMP produces a Compost 'Like' Output (**CLO**) which owing to regulatory controls currently goes to landfill, and it is proposed that 38,600 tpa of CLO will go from the MBT plant to the EfW facility. The remaining proportion of the 184,000 tpa waste which also comes from the WWMP would comprise other pre-treated waste from the WWMP coming from the MBT plant, the IVC facility; as well as pre-treated wood waste and construction and demolition waste (shown in Table 3).

8.21 The role of the proposed facility will therefore be to bring forward new capacity for the further treatment of the waste which will divert it from landfill, and move it up the waste hierarchy whilst also generating

renewable energy and mitigating against climate change. This builds upon synergies at the WWMP, and is consistent with the need for more waste management facilities in order to achieve objectives, targets and requirements set out in international, national and local policy. It will also husband the landfill resource of the local area, reducing the input rate to non-hazardous and inert landfill sites. At present the applicant has confirmed that they currently have around 2,500,000m<sup>3</sup> of consented void space remaining for landfill in the WWMP, and if current trends continue, this would last for around 10 to 15 years. However, on the variable nature of waste volumes year on year, and the allocation of an EfW plant in the adopted Cambridgeshire and Peterborough Minerals and Waste Plan, the applicant sought permission until the end of 2036.

- 8.22 The remainder of the waste (66,000 tpa) is termed ‘third party waste’ or ‘top-up waste’. This waste, which will be residual waste, which at present will need to be drawn from sources other than the WWMP. However, like the waste drawn from the WWMP, it will be subject to further treatment in order to divert it from landfill, and move it up the waste hierarchy whilst also generating renewable energy and mitigating climate change. Again, this is consistent with international, national and local objectives and policy. However, it should also be noted with an average of 1.190 tonnes of municipal waste arisings per household (taken from actual municipal waste arisings per household in 2017/2018 provided by the Waste Disposal Authority; which is broadly consistent with section 5.7 of the adopted JMWMS for Cambridgeshire and Peterborough where 1.339 tonnes of municipal waste arisings were predicted per household in 2019/20), if the growth agenda in Cambridgeshire follows the required levels in the current adopted plans, the population growth in the area could give rise to a further 89,173 tonnes of municipal waste to be managed, based on the 2017/18 levels noted above. This is based on the proposed housing rates set out for each city / district area in Cambridgeshire alone, without taking account of growth in neighbouring areas as shown in Table 4 below:

**Table: 4 Waste Sources to be managed through the WWRF (based on 2016 data)**

City/District Council	Proposed housing growth*	Likely Municipal Waste tonnages created**
Cambridge City	14,000	16,660
South Cambridgeshire	19,000 <sup>2</sup>	22,610
East Cambridgeshire	10,835	12,894
Huntingdonshire	20,100	23,919
Fenland	11,000	13,090
<b>Total</b>	<b>74,935</b>	<b>89,173</b>

*\*Source: From CCC Research Group based on the following City (2011 – 2031) Submission LP 2014; East Cambridgeshire (2016 – 2036)*

<sup>2</sup> Note: since this table was produced the Inspectors report on the SCDC Local Plan has been published that identifies 19,500 houses rather than the 19,000 assessed here.

*Submission LP 2018; Fenland (2011 – 2031) Adopted LP 2014; Huntingdonshire (2011 – 2036) submission LP 2018; and South Cambridgeshire (2011 – 2031) Submission LP 2014.*

*\*\*Based on 1.190 tonnes of municipal waste arisings per household (taken from actual municipal waste arisings per household in 2017/2018 provided by the Waste Disposal Authority and rounded where necessary).*

- 8.23 With regard to third party waste ‘top-up waste’ coming from sources other than the WWMP, Government advice set out in the NPPW (paragraph 4) states that in identifying sites and / or areas for new and enhanced waste management facilities, the WPA should:

*‘...plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant’*

Whilst this advice postdates the allocation of land at WWMP for a waste facility which could include EfW (M&WSSP, Policy SSP W1K); the principles expressed in this advice are considered relevant, including in respect to M&WCS Policy CS29.

- 8.24 M&WCS Policy CS29 concerns the need for waste management development and the movement of waste. This policy states:

*‘Proposals for new waste management development or an extension of existing waste development will be permitted where they meet a demonstrated need within Cambridgeshire and Peterborough. To ensure that excessive provision is not made within the Plan area, which could result in unacceptable importation of waste, planning permission will be dependent upon applicants entering into binding restrictions on catchment area, tonnages and / or types of waste.*

*Permission may be granted for waste development involving the importation of waste from outside the Plan area where this is demonstrated to maximise recycling and recovery of waste materials and be the most sustainable option, taking into account the principle of self-sufficiency, the Regional Spatial Strategy [this has since been revoked], proximity to the point of waste arising, and the waste hierarchy.’*

- 8.25 The proximity principle and catchment restrictions are matters which are considered further below (see paragraphs 8.28 to 8.31 and 8.32 to 8.35 respectively). In relation to the initial part of the policy this has been considered above; and the proposed EfW facility will contribute to local objectives in relation to moving 184,000 tonnes per annum of locally derived waste up the waste hierarchy, as well as generating renewable energy and mitigating climate change (discussed further in paragraphs 8.213 to 8.234 below). It is therefore concluded that the need for the facility has been demonstrated.

- 8.26 In terms of the treatment of the third party waste 'top-up waste' by the EfW plant, this would also maximise recovery from this residual waste and drive it up the waste hierarchy, thus contributing to the same objectives at a strategic level. Management of this waste through the proposed EfW facility will also go to ensuring the viability and deliverability of a facility so that locally derived waste can be more sustainably managed. This would be consistent with the advice from Government in this respect (see paragraph 8.5 above). It is therefore concluded that the proposals are compliant with Core Strategy Policy CS29 in terms of demonstrating a need for the EfW facility.
- 8.27 It is acknowledged that the adopted M&WCS and M&WSSP are currently being reviewed. This process will take around 3 years to complete, and the preliminary stage commenced with a public consultation between 16 May and 26 June 2018. Supporting the Minerals and Waste Local Plan Preliminary Draft Document were a number of papers, including a Waste Needs Assessment. This document proposed a worked through methodology for calculating future waste needs over the period to 2036. However, given the early stage in the plan preparation process little weight, if any, can be given to this document; it was itself subject to representations, and may therefore be revised prior to publication of a Draft Local Plan in Spring 2019. The development therefore has to be considered against the adopted M&WCS and M&WSSP, the policies for which should be given great weight.

#### Proximity Principle

- 8.28 The Proximity Principle, derived from European legislation, says that waste should in general be treated and disposed of in the nearest appropriate installation by means of the most appropriate technology (Waste (England and Wales) Regulations 2011). This in turn works to minimise the environmental impact of waste management through reducing the need to transport waste over long distances. Core Strategy Policy CS29 (see paragraph 8.24), advises that the proximity principle should be taken into account when considering proposals which potentially involve the importation of waste.
- 8.29 The applicant has indicated that in respect of the source of the third party waste 'top-up waste', the first priority would be to draw this from the local area. This accords with the proximity principle and reflects the fact that, whilst delivering the wider benefits, the transport of waste is a key cost and sourcing local waste will keep this cost to a minimum. The submitted Planning Statement draws upon data from the EA's WDI to illustrate that locally generated waste suitable for the proposed EfW is available. Table 4.4 of the Planning Statement, for example, shows that currently (2016) there is around 206,000 tonnes of waste which is landfilled in Cambridgeshire (and generated in Cambridgeshire) that would be suitable for diversion to an EfW facility; and the amount available and generated in the wider area i.e. including adjoining Authority areas and Milton Keynes, is 986,600 tonnes.

- 8.30 Furthermore, the applicant has concluded, having reviewed the provision of EfW facilities in the wider area, that there is little capacity in existing EfW facilities i.e. in Suffolk, Peterborough and Milton Keynes to deal with the residual waste. Also, whilst there are other proposals outside the A14 catchment area (Milton Keynes through to Norfolk / Suffolk) such as those in Essex and Bedfordshire; these have yet to become operational and in accordance with Government policy in the NPPW cannot be taken into account (NPPW, paragraph 3). Indeed since the applicant reviewed the position in 2016 the proposed facilities at Essex and Bedfordshire have both received set backs. The Essex facility at Rivenhall, whilst implemented, has needed to seek planning permission for a taller chimney as a result of the EA Environmental Permit (the applications for which are still being considered at the time of writing this report by Essex County Council); and the Bedfordshire facility at Rookery South Pit near Stewartby, has had a legal challenge on its Environmental Permit which is now proceeding to the Royal Courts of Justice with the 2 day substantive court hearing dates currently programmed for 10 and 11 October 2018. The decision for a facility in Hertfordshire (Ratty's Lane, Hoddesdon) has also been called in by the Secretary of State and was subject to a public inquiry running between 19 June and 3 August 2018. At the time of writing this report the Inquiry had been adjourned on Friday 3 August 2018 after hearing Closing Submissions for all the main parties. It was adjourned, rather than closed, to allow final items to be submitted. It is anticipated that the Inquiry will be closed in writing on receipt of the outstanding documents.
- 8.31 The data sourced from the EA and provided by the applicant also goes to illustrate the availability of local waste within Cambridgeshire and Peterborough and the surrounding counties; as well as the need for facilities to divert waste from landfill in the local and wider area.

#### Catchment Area Restrictions

- 8.32 M&WCS Policy CS29 (see paragraph 8.24 above) states that in order to prevent excessive importation of waste any planning permission may be dependent on applicants entering into binding restrictions on catchment areas. As noted above third party waste 'top-up waste' would also be treated by the EfW plant, which may be sourced locally, or from further afield.
- 8.33 The existing WWMP operates under a catchment area restriction imposed on the landfill consent. The existing catchment area for the landfill (S/0013/15/CW) encompasses Cambridgeshire and Peterborough and 45 km (approximately 28 miles) radius of the site. This catchment area includes parts of Lincolnshire, Norfolk, Suffolk, Essex Hertfordshire, Bedfordshire and Northamptonshire.
- 8.34 The proposed Catchment area for the EfW Plant, which has always been proposed in the planning application and assessed as part of the

applicant's ES, encompasses Cambridgeshire and Peterborough and the counties of Lincolnshire, Norfolk, Suffolk, Essex, Hertfordshire, Bedfordshire (including unitary areas of Bedford and Luton), Northamptonshire, Rutland, and Milton Keynes. Such a catchment area would increase the surrounding counties to include Rutland (which is currently not touched by the existing catchment restriction for the landfill), as well as the inclusion of Milton Keynes which is approximately 80.5 km (approximately 50 miles) from the site. Concern has been expressed in the representations regarding the size and location of the potential catchment area for waste. The proposed catchment area is obviously greater than the existing catchment areas applied to the WWMP for the landfill, as the EfW development needs to ensure that it can avoid restricting the waste to make the proposal viable. However, this does not mean that the waste will not derive from the Cambridgeshire and Peterborough area, as from a commercial perspective the closer the waste arisings, the greater the profitability for the operator, which is why national policy prefers to leave it to the market to decide rather than imposing a set area. Indeed, whilst it is acknowledged that by including the whole of the surrounding counties in question, this would increase the greatest distance to a total of approximately 185 km (115 miles) when the furthest part of Lincolnshire is taken into account (with the furthest point of the other main counties being nearer 116 km / 72 miles on average), this has been assessed in environmental terms, and in reality, based on current contracts and waste received within the WWMP, the majority of the waste is likely to arise within Cambridgeshire and Peterborough.

- 8.35 Notwithstanding that the NPPW (paragraph 4) recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant, and that national policy does not advocate the use of catchment areas to restrict waste origin preferring instead to rely on market forces; discussions have taken place with the applicant in respect of a catchment restriction should this proposal be granted planning permission. Noting the concerns raised, it has thus been agreed that not less than 70% of the waste imported to the site shall originate from a catchment area which shall comprise of Cambridgeshire and Peterborough, their Adjoining Counties and Milton Keynes (see draft condition 7), to ensure that this can be monitored by the WPA. The applicant is keen to promote that in the first instance waste is sourced as locally as possible, as this makes economic, social and environmental sense given that following initial capital investment, one of the most significant costs and environmental emission contributors in running an EfW facility is the physical transport of waste to and from a site. In reality, some of the areas included in the proposed catchment would be unlikely to travel to the facility on economic grounds, which is once again why the national steer is to leave it to the market. Nonetheless the applicant has entered confirmed they are agreeable to the imposition of a planning condition for a catchment restriction (as draft condition 7 sets out) which meets M&WCS Policy CS29.

### Location

- 8.36 Another important consideration of this development proposal in terms of its assessment is its location, both in terms of the recycling facilities already on the site and where the site is located in terms of the road infrastructure / location to waste arisings. The WWMP, as the applicant has emphasised in their submission, is a unique example in the country that provides a number of benefits in this regard. Not only does the site already have several recycling facilities on site, alongside a landfill for final disposal, but it is also an allocated site for an EfW use that would allow an opportunity to move waste up the hierarchy and only use landfill where necessary. The allocation was considered in terms of access to the highway network, opportunities for co-location of facilities and a spatial strategy for waste needs before being adopted, so its unique opportunity for waste management uses placed adjacent to the A10 and close to the main sources of waste arisings in Cambridgeshire is consistent with the strategic objectives of M&WCS Policy CS2.

### Transport and highway safety issues

- 8.37 Many of the concerns raised by objectors, as noted in Section 6 of this report, link to the impact the proposal would have on the A10. These relate to concerns surrounding the TA carried out by the applicant being unclear and underestimating the situation; impacts in relation to both the construction and operational phases of development (including links to sustainable transport); number of car and cycle parking spaces on site; highway safety; the implications this proposal could have to the proposed A10 upgrade works being put forward by the Mayor as part of the Combined Authority; and the routes taken by HCVs with concerns about routes through villages. The following paragraphs therefore address each of these areas of concern in turn, whilst considering the comments put forward by both the Highway Authority and the Council's Transport Assessment team, and assessing the proposals in relation to both local and national planning policy.

### Transport Assessment (TA) and modelling / assessment undertaken:

- 8.38 Based on pre-application advice from the Council's Highway Authority and Transport Assessment team, the applicant's TA considered 5 scenarios, as summarised below:
- Scenario 1: Existing Operation of WWMP based on 2016 operational figures;
  - Scenario 2: Maximum consented WWMP operations – residual waste exported to on-site landfill (this covers a potential future 'short term' baseline / Do Nothing position from having no EfW);
  - Scenario 2b: Maximum consented WWMP operations – residual waste exported to off-site landfill (this covers a potential future 'long term' baseline / Do Nothing position when the landfill is full from having no EfW);



- Scenario 3: WWMP at existing (2016) levels plus new 250,000 tonnes per annum for the EfW proposed development (this covers a short term / Do Something position with EfW); and
  - Scenario 4: Maximum consented WWMP operations, plus new 250,000 tonnes per annum for the EfW proposed development, and on-site landfill continuing to import 93,000 tonnes per annum.
- 8.39 Scenario 1 was based on 2016 actual movements; Scenario 2 and 2b were set up as a planning base line (where 2b assumed the landfill was full) which were produced using a breakdown of tonnages for each of the facilities on the site; Scenario 3 takes Scenario 1 with the proposed development in place, but with the assumption that only the amount going straight to landfill in 2016 would continue going to landfill; and Scenario 4 takes Scenario 2 and adds the EfW facility to try to create a worst case scenario. Therefore, with this in mind, Scenarios 1 and 3 are linked and Scenarios 2 and 4 are linked.
- 8.40 Whilst it is acknowledged that the 5 different scenarios can appear complicated to the lay person and have therefore attracted comments that the applicant is trying to hide or underestimate the real impact, these scenarios were undertaken at the request of the TA team with a view to ensuring a robust assessment and to understand the true potential impacts of the development.
- 8.41 The TA team has confirmed that the modelling and statistics provided by the applicant in their TA has met their requirements and sufficient detail was provided to allow them to make a sound assessment. Appendix TA1 of the applicant's TA highlights the pre-application discussions that were undertaken directly with the TA team, to ensure that the information produced was fit for purpose. As part of these discussions, the timing of the assessments was also agreed. As such whilst some objections have been raised in relation to some school leavers having already left education at the time of the applicant's TA assessment, the correspondence in Appendix TA1 (dated 24 October 2017 from the applicant and 30 October 2017 in response by the TA team) notes that the applicant has compared their traffic flows with those undertaken from the Barracks development and Research Park TA's undertaken for their planning applications to demonstrate that the levels were representative. Ultimately what this comparison showed was that the am peaks were higher (busiest peak) but the pm peak was slightly lower; but in the sense of the Amey traffic this was not adding to it, as the WWMP peak hours are outside these busy periods on the A10.
- 8.42 Concerns have also been raised by objectors about the number of Heavy Commercial Vehicles (HCVs) that this development will generate and the impact they may have on the A10. Using the applicant's total HCV traffic demand associated with each of the five scenarios set out in paragraph 8.38 above, the applicant produced Table TA5.1 in their TA which is included below for ease of reference:

*Applicant's TA Table TA5.1 – Recorded 2016 Waste Input / Export at WWMP reproduced:*

	Inputs	Outputs	Total
Scenario 1: 2016 Existing WMP Operation	487	47	534
Scenario 2: Maximum Consented WMP Operation (Export to Landfill)	567	51	618
Scenario 2b: Maximum Consented WMP Operation (Export via HGV)	559	134	693
Scenario 3: 2016 Existing WMP Plus 250,000tpa EfW	522	65	587
Scenario 4: Max Consented WMP Plus 250,000tpa EfW (Landfill 93,000tpa)	603	67	670

8.43 Using the two way figures recorded for input movements (incoming HCV deliveries) and output movements (output HCV departures) to gain a total for the whole WWMP site, the effective net daily HCV traffic effects of having the EfW development are expected to be as follows:

- Most likely scenario in the immediate term (i.e. Scenario 1 v Scenario 3) would be an additional 54 HCV movements per day (27 in and 27 out) – which is rounded up from the difference of 53; or
- Medium term scenario including for maximum operation at WWMP (i.e. Scenario 2 v Scenario 4) would be 52 HCV movements per day (26 in and 26 out).

Furthermore, as highlighted in the applicant's TA, in the long-term with the delivery of an EfW, it should actually provide the opportunity for a net decrease in overall HCV numbers, when compared against the ultimate baseline scenario as shown in the bullet point below:

- Long term scenario including for maximum operation of WWMP (i.e. Scenario 2b v Scenario 4) would be -24 HCV movements per day (-12 in and -12 out) – which is rounded up from the difference of 23.

8.44 Officers do understand the concerns being raised by objectors about traffic flows and the need for transparency in the way the modelling has been undertaken by the applicant. It is for this reason that officers sought confirmation of the total tonnage (571,000 tonnes per annum) modelled in Scenario 4 as reflecting the maximum likely impact on the local highway network arising from HCV movements entering onto the A10 at the

roundabout. As the waste recycling treatment and disposal operations at the WWMP do not currently operate under a total tonnage limit it is recommended that if members are minded to grant planning permission for this proposal, it would be appropriate to secure an upper limit on tonnage throughput to act as a control on HCV movements entering onto the public highway. This should be secured by a planning obligation providing the opportunity for the WPA to monitor the situation over time and ensure that traffic impacts remain acceptable to the Highway Authority. In the event the applicant needed to increase these limits, they would need to come back in to the WPA to seek an amendment that would need to be accompanied by the relevant TA modelling to support it together with any mitigation proposed. Taking into consideration the purpose of such a restriction, the other recommended planning conditions and noting both the Highway Authority and TA team's comments raising no objections to the development, there is insufficient evidence of material harm that would justify withholding planning approval on the grounds that the development would result in unacceptable traffic impacts and that the development should be considered as being contrary to M&WCS Policy CS32.

#### Impacts in relation to the construction phases

- 8.45 Both the applicant's TA and ES have looked at the impacts associated with the construction phases of the proposed development, which includes a cumulative assessment with other projects.
- 8.46 The applicant's highway analysis, as set out in their TA, included for a detailed consideration of construction traffic matters. In line with the recommendations made by the Council's TA team, and to ensure the most robust assessment of traffic network operational effects, the applicant's TA considered 'peak' overall construction traffic demand. This was noted as likely to occur towards the end of 2020 and would be characterised by 300 construction staff on site and approximately 40 HCV movements per day (20 in and 20 out). Whilst other elements of the construction project could involve temporarily higher levels of peak demand movements (up to approximately 40 in and 40 out), such peak HCV periods would not coincide with high staff numbers and would therefore not represent the 'worst case' construction traffic impacts.
- 8.47 Section 8.5 of the applicant's TA sets out the nature of the construction traffic assessment undertaken and Appendix TA18 sets out the hourly and daily traffic numbers anticipated to take place under peak construction traffic demand periods. This illustrates that over the course of the day (allowing for contingency 'ad-hoc' staff and visitor movements not solely related to 'commuting trips'), the site could be expected to generate approximately 560 car trips between 06:00 and 19:00 hours (280 in and 280 out) and 40 HCV trips (20 in and 20 out). The applicant's TA then assigned these traffic levels to the local network, and it concluded that such peak traffic levels would not give rise to material operational effects at the A10 Waterbeach roundabout and that total increases on local

sections of the A10 would not exceed 5.5% in peak hours or 2.6% across the core 12hr day, with HCV impact less than 2.5%; all of which are well below the Institute of Environmental Management and Assessment (IEMA) impact thresholds.

- 8.48 Whilst the above predicted construction movements were not seen to be a problem to highway capacity, the Highway Authority did have concerns about the timings of some of these deliveries, especially those that would require the transportation of large items of equipment. As part of the Highway Authority's response noted in paragraph 5.13 of this report, they sought to include a condition that would keep the Traffic Management Plan 'separate and distinct' to the CEMP (see draft conditions 13 and 12 respectively). The Highway Development Management Engineer has confirmed that with the imposition of these draft conditions he is content that the construction phase movements can be adequately controlled on the public highway and therefore has no objection to the proposed development.
- 8.49 Proposed draft condition 12 (CEMP) requires the applicant to amongst other things submit a Travel Plan for construction staff, and draft condition 36 requires a Travel Plan for operations. As part of these documents, the applicant will need to set out arrangements that have been put in place to encourage car sharing or where appropriate use of sustainable methods of transport to try and reduce the impact that has been assessed on a worst case scenario under their TA. In relation to the sustainable modes of transport, a planning condition has been added to address the installation of two bus stops on the A10 (see draft condition 14), and in the event that the heat pipe is laid by the applicant that details are obtained in relation to design, to allow the opportunity for the Council to seek opportunities for an upgrade on this land to a shared pedestrian/cycle facility in the future (see draft condition 34). Taking account of the proposed planning conditions, and that even with the worst case modelling that has taken place by the applicant neither the TA team nor Highway Authority has raised any concerns, then subject to the imposition of a planning condition covering mitigation of impacts associated with the construction phase, it is considered that the construction phases of the development are compliant with M&WCS Policy CS32.

#### Impacts in relation to the operational phase of development

- 8.50 From an operational perspective, the proposed EfW facility is anticipated to generate 124 (62 in and 62 out) car / light vehicle movements per day, which the applicant has based on anticipated staff demand and ad-hoc visitor movements. This assessment is identified in paragraph 5.4.5 of the applicant's TA and table TA5.4.
- 8.51 As the applicant's TA acknowledges, the operational HCV increases will depend on which baseline scenario that is being tested against. It is not straightforward and there is a need to understand that the existing WWMP facility still has the potential to generate significant additional traffic

volumes in its own right, as there is no overall WWMP tonnage throughput restriction on the site as a whole at present. Nonetheless, when looking at the proposed EfW facility on its own, the development could be expected to result in only a strictly limited level of additional operational HCV traffic demand when compared to the relevant baseline position, owing to the scheme effectively providing an opportunity for effective on-site treatment, and the potential for a waste throughput limit for the whole site to be set (as set out in the applicant's TA Table TA5.1 reproduced in paragraph 8.42 above).

- 8.52 Opportunities for sustainable methods of transport have already been discussed in paragraph 8.49 above, which are equally as important, if not more so, for the operational phase of development. Therefore, with the imposition of the proposed throughput restriction on the WWMP as a whole, alongside the conditions to cover sustainable transport matters, whilst noting both the Highway Authority and TA team's comments, it is considered that this development would be compliant with M&WCS Policy CS32 at the operational phase.

Car / Bus and Motorcycle parking spaces on site

- 8.53 As noted in paragraph 3.6 of this report, Agenda Plan 5 shows the 45 staff and visitor car parking spaces for the proposed development, which includes 5 accessible spaces, 5 dedicated motorcycle parking spaces, 1 coach parking bay / turning area, and 3 electricity charging points in the car park and 1 by the workshop for use on site. This provision has been submitted on the basis of 35 additional staff on a three shifts per day pattern once operational, and is in addition to the other parking on the wider WWMP site.
- 8.54 Paragraph 8.49 of this report acknowledges that proposed draft condition 12 (CEMP) requires the applicant to amongst other things submit a Travel Plan for construction staff and draft condition 36 requires a Travel Plan for operations, in addition to sustainable transport options being explored. Concerns have been raised by some objectors that the detail of the construction management parking should already have been set. Whilst acknowledging these concerns, officers have noted that it is not uncommon for applicant's to wait to enter into a construction contract before finalising this level of detail, and the TA has assumed a worst case scenario. Subject to the imposition of draft condition 12 (CEMP), then the TA team is content with the provision and scope of assessments provided by the applicant.
- 8.55 Using the car parking standards in the emerging South Cambridgeshire District Council Local Plan, Policy TI/3 provides for provision through a design-led approach in accordance with the standards set out in their linked Figure 12 table, which this application has been designed to be consistent with. Figure 12 sets an indicative car parking provision, which for Sui Generis (noting that waste is not covered by the District and therefore isn't listed in either of the Sui Generis boxes noted), either

proposes 7 spaces per 10 employees, which would suggest an indicative parking provision of 24.5 spaces; or a mixture of 1 space per staff and 1 per set metre square depending on the use, which would set a base of 35 staff spaces and could then vary depending on the floor space calculations. Neither calculation really suits this type of facility, but based on staff numbers alone, without taking account of visitors and spaces designed for disabled use, the proposed 45 parking spaces, of which 5 would be to disabled standard, is not unreasonable. Paragraph 4.2.7 of the applicant's TA establishes that the 45 parking spaces have been designed to accommodate proposed staff levels (including a requirement for some additional spaces to reflect short term parking demand 'surges' during shift change-over periods), a level of visitor provision and an element of site flexibility (for example to accommodate additional staff parking during site maintenance periods). A review of anticipated staffing and visitor levels at the site by the applicant suggests that a regular daily parking demand of approximately 33 spaces could be anticipated to take place during the main daytime shift change period.

- 8.56 Furthermore, when considering the proposed onsite facilities in terms of local district council emerging policies, having put forward the charging points (to be secured by draft condition 37), in addition to the air quality modelling and other assessments within the applicants ES, it is considered that the applicant has met the requirements of the Low Emissions Strategy in emerging policy SC/13(4). Therefore, taking into account the proposed planning conditions, and that the parking provision and sustainable features are broadly consistent with both existing and emerging SCDC policies, with no objections from the TA team, then it is considered that the proposed car, bus and motorcycle provision is broadly compliant with local development plan policies and should be supported.

#### Cycle parking spaces on site

- 8.57 Agenda Plan 5 shows the 10 cycle stands (20 pedal cycles) to demonstrate their proposed layout. This provision has been submitted on the basis of 35 staff on a three shifts per day pattern once operational, and is in addition to the other cycle parking on the wider WWMP site.
- 8.58 Concerns have been raised about the lack of access to the site by cycle and also the provisions for cyclists put forward by the applicant. Whilst the concerns about cycle provision on the A10 is acknowledged (and are probably most relevant to the A10 study section of this report in paragraphs 8.63 to 8.68), this is outside the remit of this planning application. However, where linkages do exist these are to be explored e.g. paragraph 8.49 of this report refers to the possibility of a future shared pedestrian/cycle facility if the heat pipe is implemented to appropriate standards by the applicant, which is reflected in the terms of draft condition 34.
- 8.59 Using the cycle parking standards in the emerging South Cambridgeshire District Council Local Plan, Policy TI/3 provides for provision through a

design-led approach in accordance with the standards set out in their linked Figure 12 table, which this application has been designed to be consistent with. Figure 12 sets a minimum cycle parking provision, which for Sui Generis (noting that waste is not covered by the District and therefore isn't listed in either of the Sui Generis boxes noted), are both based 'on merit'. Paragraph 4.2.8 of the applicant's TA establishes that the covered 10 cycle stands (20 pedal cycles) has been provided in addition to the 6 motorcycle bays and car parking provision noted above. Acknowledging the likely demand for cycle parking spaces at this facility, this level of provision is supported by both the TA team and planning officers. Should in the future further provision be required, this would be identified and delivered through the operational Travel Plan secured through draft condition 36.

- 8.60 The cycle parking provision is considered to meet both existing and emerging SCDC policies and should therefore be supported.

#### Highway safety

- 8.61 Concerns have been raised about the proposed development and the impact this would have on highway safety. This included a concern from a local resident that based on a Freedom of Information (FOI) response they received from the Police, they had obtained different figures and therefore the applicant's assessment was flawed. Officers investigated this point and it was established that the FOI had not covered the same stretch of the A10 that was agreed with the TA team. Therefore it is considered that the baseline information supplied by the applicant is correct and has considered the relevant stretch agreed with the TA team at the pre-application stage.
- 8.62 Even taking into account the worst case movements modelled by the applicant and assessing the accident statistics produced, there is nothing to suggest that the proposal would have an unacceptable impact on highway safety to recommend refusal, in line with NPPF paragraph 109. Neither the Highway Authority nor the TA team has raised any concerns or objections in relation to highway safety and officers therefore consider that the proposal is compliant with M&WCS Policy CS32.

#### Implications on the Ely to Cambridge (A10) Transport Study

- 8.63 Concerns have been raised about the implications the proposed development may have on the Ely to Cambridge (A10) Transport Study. This study is a wide-ranging multi modal study which has made recommendations on the transport schemes needed to accommodate the major development planned at a new town north of Waterbeach, Cambridge Northern Fringe East (CNFE) and the Cambridge Science Park (CSP). The study has three strands which are captured below:
- Strand 1 looks at the overall transport requirements on the corridor
  - Strand 2 looks at the specific requirements for growth at Waterbeach

- Strand 3 looks at the specific requirements for growth at CNFE/CSP
- 8.64 The study, commissioned by the Greater Cambridge Partnership (GCP), the County Council and other partners, was carried out by Cambridgeshire County Council and consultants Mott MacDonald and as set out on the GCP website the commission has delivered the following:
- An options study and Strategic Outline Business Case for the overall package of interventions on the Ely to Cambridge corridor;
  - A transport study that identifies the infrastructure package and phasing of that package to provide for the transport demand of the development of a new town north of Waterbeach,
  - A transport study supported by modelling which provides evidence for the level of development which could be supported in the CNFE/CSP area and its phasing, in transport terms.
- 8.65 The study has confirmed the existing policy position that a multi-modal package of measures will be needed for the whole corridor. This will include a package of measures to encourage a mode shift away from car, including a high quality, segregated public transport route between Waterbeach and Cambridge, the relocation of Waterbeach station, significant investment in cycling and walking measures around the new development north of Waterbeach and a new Park and Ride facility.
- 8.66 The study, published on the Greater Cambridge Partnership website, says a whole range of transport improvements are needed to ease congestion and bring forward tens of thousands of new jobs and homes right along the route and beyond. The A10 north is a key transport route for economic growth in the region, linking Ely, and other towns and villages to the north, with the city and wider transport network.
- 8.67 The study looked at current transport challenges and future opportunities to support growth and the recommendations include:
- Dualling or part dualling of the A10 between Ely and Cambridge.
  - A new Park & Ride north of Waterbeach
  - Relocation and expansion of Waterbeach Railway Station.
  - A new segregated public transport route between Waterbeach and Cambridge, together with new cycling and walking facilities.
- 8.68 At this stage, no options or routes have been put forward as the best solution as only preliminary desktop modelling has been undertaken. Further, detailed work needs to take place, which is likely to include a full public consultation in due course. Officers have liaised with transport policy colleagues and have also consulted the Combined Authority to ensure that the proposed development will not impact on any proposed solutions, including the possible dualling works. Whilst no formal responses have been received to prove otherwise, discussions with colleagues have acknowledged that no decisions have been made and as such there is nothing to suggest that the use of the application land for the



proposed development will prejudice any of the planned improvements to the A10 taking place in the future.

#### HCV routeing arrangements and concerns about HCVs through villages

- 8.69 Concerns have been expressed, particularly by some local Parish Councils that access should only be taken from the existing A10 roundabout, and that no access should be taken through local villages, particularly access or egress from Long Drove into Cottenham. Officers have noted these concerns and have confirmed to concerned residents that in 2010 Amey (formerly Donarborn) agreed with Cambridgeshire County Council's Planning Authority that they would divert HCV traffic along the strategic highway network and away from towns and villages, unless collecting locally or in an emergency (road closures) along a suitable signed diversion route. This informal agreement has been successful and Amey will apply this commitment to the new facility if permission is granted – which has been confirmed in a letter of comfort from the applicant dated 21<sup>st</sup> August 2018.
- 8.70 Draft condition 3 also confirms that access to and from the site for HCVs will only take place via the purpose built roundabout onto the A10 and no vehicular access for any vehicle associated with this application will take place via Long Drove.
- 8.71 Taking account of the HCV traffic agreement already in place with the company, and the imposition of draft condition 3 in relation to use of the main purpose built roundabout onto the A10 and no vehicular access on Long Drove, it is considered that the proposal is compliant with M&WCS Policy CS32.

#### Landscape

##### Landscape Character

- 8.72 Chapter 15 of the NPPF acknowledges that the planning system should protect valued landscapes, sites of biodiversity value and contribute to and enhance the natural and local environment by, inter alia, *“recognising the intrinsic character and beauty of the countryside protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified in the development plan)”*.
- 8.73 In determining planning applications paragraph 127 of the NPPF requires the decision maker to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting while not preventing appropriate innovation or change. Developments should function well be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 8.74 A national Landscape Character Assessment was first put forward by the Countryside Commission in the early 1990's. In 1996 this work was subsequently combined with data from English Nature (now Natural England) and English Heritage (now Historic England) to create a map of National Character Areas (**NCA**) being formally adopted by English Nature in 2005 and updated thereafter by Natural England. NCA's are a widely recognised national spatial framework and provides a systematic assessment of how the countryside is changing and to what degree change is affecting landscape character. Such information can inform decision making and policies for achieving sustainable development.
- 8.75 In 1991 Cambridgeshire County Council published the Cambridgeshire Landscape Guidelines for the County, based on earlier Countryside Commission assessment, which puts forward a series of ways in which more diverse landscapes and landscape character can be developed. The Guidelines have been taken into account in the determination of past planning applications. For both the Western Claylands and the Fens the landscape would benefit from more tree planting. In the fens the impact of large buildings can be partly reduced by planting to soften the harsh outlines of buildings to enable these to become an acceptable element in distant views. However, planting cannot be relied on to provide a complete screen for very tall buildings, so careful siting and choice of colour cladding is also important.
- 8.76 The land which is the subject of the planning application just falls within the eastern boundary of NCA 88 Bedfordshire and Cambridgeshire Claylands. It is however close to a transition area leading into NCA 46 The Fens which lie to the north and east.
- 8.77 The profile produced for NCA 88 Bedfordshire and Cambridgeshire Claylands characterises the landscape character as being gently undulating lowland plateau divided by shallow river valleys that gradually widen as they approach The Fens NCA in the east. The area consists of predominantly open, arable land bounded by open ditches and trimmed hedgerows which contrast with those fields that are irregular and piecemeal with gappy hedgerows. There has been significant development within the NCA and it continues to be the focus of new growth and expansion of development. Consequently transport infrastructure, business and commercial development, including temporary mineral extraction and permanent waste management, are now major components of the NCA's character. Further changes are anticipated as former wartime airfields (e.g. Waterbeach) are redeveloped for new uses. This NCA sets out Statements of Environmental Opportunities (SEO) for enhancement encompassing planting woodlands and hedgerows and protecting and enhancing cultural heritage and tranquillity by improving interpretation and educational opportunities to increase people's enjoyment and understanding of the landscape (see SEO 4).
- 8.78 In respect of the changing character of the landscape close to the site, as mentioned in paragraph 8.76 above, it is relevant to highlight that

immediately to the west of the application site lies a large landfill site that is still in the course of development. The landfill site has been tipped, capped, soiled and restored at its northern section and infilling and ground raising is underway on its southern section. The resultant domed landform of the permitted landfill does and will continue to provide a significant contrast in relation to the extensive flatlands of the Bedfordshire and Cambridgeshire Claylands lying to the west. The domed landfill would create a notable change to the character of the landscape to the west and north and also creates a backdrop to the application site when viewed from nearby land to the east. The existing land level on the application site is 3.6 metres AOD (11.81 feet). The domed landfill has maximum finished contours of 17 metres AOD (55.77 feet) at its highest elevation (land west of the application site) the landfill will create a landform 13.5 metres (44.29 feet) above the level of nearby land to both the west and east of the site respectively. Because the landfill landform is being created by the deposit of untreated/partially treated waste such deposited materials will degrade further over time lowering land levels. Consequently in order to achieve the approved post settlement land level of 17metres AOD (55.77 feet) it is practice to surcharge the landfill land levels to a higher pre settlement land level prior to capping and spreading of restoration soils. It is anticipated therefore that the highest point of the domed landfill would be a pre-settlement level circa 19 metres AOD (62.34 feet) albeit the final settled level will drop slowly over time to the approved post settlement levels.

- 8.79 Land lying a short distance to the east of the A10 road and northwards along the A10 forms part the NCA profile 46 The Fens which covers an extensive area of land in north and north eastern parts of the County. This area is notable for its large scale, flat, low lying, open landscape with many drainage ditches, dykes and rivers that provides typically large open panoramas and enormous skies. The area has a long history of human occupation on fen islands and at the fen edges prior to drainage of the fens when the current predominant agricultural land use was created.

#### Local Planning Policy on Landscape

- 8.80 South Cambridgeshire Development Control Policies (2007) Policy NE/4 deals specifically with landscape character areas and states that:  
*"Development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located"*
- 8.81 The District Council has produced a District Design Guide as Supplementary Planning Guidance, to provide more detailed guidance to ensure that development respects the local distinctiveness of these landscape character areas.
- 8.82 Emerging South Cambridgeshire Local Plan Policy has a very similar theme in that it looks to protect and enhance landscape character. Policy NH/2 states that:

*“Development will only be permitted where it respects and retains, or enhances the local character and distinctiveness of the local landscape and of the individual National Character Area in which it is located.”*

- 8.83 M&WCS Policy CS33 is concerned about the protection of Landscape Character. The policy states:

*“Mineral and waste management development will only be permitted where it can be demonstrated that it can be assimilated into its surroundings and local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Character Assessments and related supplementary planning documents.”*

- 8.84 The emerging South Cambridgeshire Local Plan (LP) recognises that there are pressures on landscape character as a result of existing and new development. Noting the pressures on landscape character, South Cambridgeshire District Council has also published supplementary planning guidance to assist in retaining the distinctive nature of the district's landscape to ensure that development respects both the distinctiveness of NCA's and the more detailed local landscapes.
- 8.85 Landscapes in New Development Supplementary Planning Document (SPD) was adopted by South Cambridgeshire District Council in 2010 and it expects that planning application submissions on landscape should seek to preserve and enhance the local landscape character wherever possible, in relation to the layout, scale, planting and materials chosen in respect of the individual site.
- 8.86 Also in 2010 the District Council adopted a District Design Guide to ensure delivery of sensitively and appropriately designed developments by setting out design principles to expand on development control policies DP/1 and DP/2. The land to which the application relates is identified as lying within the 'Fen Edge' being based on Countryside Agency Countryside Character for East of England which has subsequently been superseded by the Natural England NCA's. The key characteristics of the Fen Edge are identified as an area of low lying, flat open landscape where slightly elevated 'fen islands' have a higher proportion of grassland cover, large skies, trees and hedgerows and where church towers and spires create landmarks.

#### Landscape and Visual Impacts

- 8.87 The visual impact of the scheme, including its effect on the setting of the DAC, is illustrated by the applicant by the use of photomontages and assessment within the submitted LVIA. The applicant has supplied a number of photographs from 20 viewpoints to describe the possible visual effects of the development to receptors. Seven of these have then been worked up into a photomontages showing the building and exhaust stack in the context of the landscape on completion, and also after 15 years where some mitigation of harmful visual effects would be expected. Three

of the viewpoints are considered to have significant adverse effects, all of which are taken from the Denny Abbey complex (viewpoints 1 (A10, Denny Cottages), 17 (Denny Abbey Driveway) and 20 (Causeway East of Denny Abbey).

- 8.88 The LVIA assessments take account of the existing waste management park structures, heritage assets, surrounding buildings, existing vegetation and infrastructure such as the Cambridge Research Park, and state where the viewpoints have been taken and why some were excluded from the final assessment (see Agenda Plans 7 and 8). The LVIA assessments also take account of the changing nature of the domed landfill lying to the west of the proposed development and the landscaping proposed to help to screen the building from key viewpoints.
- 8.89 The existing landscape character has a major bearing on the setting of nearby heritage assets and the locations where the setting can be experienced. These are therefore two very important material planning considerations for the decision-maker to take into account and on which specialist advice should be taken. In order to obtain independent professional advice on visual impact on landscape character the WPA has engaged The Landscape Partnership (TLP) to assess the landscape assessments undertaken for the scheme, in addition to any comments made by South Cambridgeshire District Council (SCDC). The work has been undertaken by an associate of the company who is a qualified landscape architect with experience in reviewing infrastructure projects for local authorities.
- 8.90 The conclusions of TLP's initial report on the information contained in the submitted ES are set out below:

*"The approach to the LVIA, methodology and information provided are broadly appropriate for determining the effects on the landscape and views. We are satisfied with the sufficiency of information submitted by the applicant, based on additional information provided by the applicant's landscape consultant on 9 February 2018.*

- 8.91 *TLP agree with the judgements of the LVIA that there would be significant adverse effects arising from the proposed development, both in terms of effects on landscape character and views, in particular on Denny Abbey Scheduled Monument as a visitor attraction. Having reviewed the LVIA judgements and undertaken our own site visit, we consider that there are some differences in judgements of other assessed effects and that there are a few additional significant effects that have not been identified within the LVIA. We do not consider these to be substantive differences, but are nevertheless a relevant consideration in the planning balance judgement. The difference in judgement are set out in Table 5.1 and TLP consider that the following would be additional significant effects:*

- *during the construction phase for views from Denny Abbey;*

- during the operation phase on the landscape character up to approximately 2 to 2.5kms (as opposed to Axis' judgement of 1-1.5kms);
- on Viewpoints 6, 7, 10, and 24 during the operational phase.

We also consider that the cumulative effects of the proposed development and the Waterbeach Barracks development would be significant in terms of the effects on landscape character.

- 8.92 It should also be noted that energy from waste plants, by their scale and very nature, are likely to have significant effects on their surroundings and views. We are also aware that Site Profile W1K of the Cambridgeshire and Peterborough Minerals Waste Development Plan, Site Specific Proposals Development Plan Document (Adopted 22 February 2012) identifies the site as a potential location for an energy from waste use. The context of the site is also progressively changing as a result of other development, and potentially will be significantly changed further if the proposed Waterbeach Barracks development is given consent.
- 8.93 If on balance, if it is considered that it would be appropriate to grant consent for the proposed development, a number of improvements could be provided to help integrate the proposed development into the landscape and views [see design paragraph 8.113 below that notes these recommendations that are capable of being delivered by planning condition]. Whilst the applicant has clearly demonstrated an intent to provide a well designed facility, we consider that there are further opportunities to enhance the development which could be covered and secured under appropriately worded condition(s) and Section 106 Agreement.”
- 8.94 Reproduced TLP Table 5.1 provides a summary of the judgements between TLP and the applicant's agent Axis (green indicates where there is agreement on assessed effects; yellow highlights where there are differences in assessed effects, but agreement as to whether the effect is significant or not; and orange highlights where there are differences in assessed effects and whether they are significant or not).

TLP Table 5.1: Summary of Judgements

Table 6.1: Summary of Judgements				
Effects	Distance	Significant effect?		Assessment of Significance of Effect
		TLP	AXIS	
Landscape Character				
Claylands	Effects up to 1.5kms	Yes	Yes	Moderate to Major Adverse
Claylands	Effects between 1.5-	Yes	No	TLP find <b>Moderate to Major adverse</b> – Axis find that the effects are more generally <b>Minor adverse</b>

	2.5kms			
Fenlands	Effects up to 1.5kms	Yes	Yes	<b>Moderate to Major Adverse</b>
Fenlands	Effects between 1.5-2.5kms	Yes	No	TLP find <b>Moderate to Major adverse</b> – Axis find that the effects are more generally <b>Minor adverse</b>
<b>Views</b>				
VP 1	140m	Yes	Yes	TLP find <b>Major adverse</b> – AXIS <b>Moderate to Major adverse</b>
VP 3	870m	No	No	<b>Moderate adverse</b>
VP 5	2050m	No	No	<b>Moderate adverse</b>
VP 6	1740m	Yes	No	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Moderate adverse</b>
VP 7	1780m	Yes	No	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Moderate adverse</b>
VP 8	1130m	No	No	<b>Minor adverse</b>
VP 9	1500m	No	No	<b>Moderate adverse</b>
VP 10	2150m	Yes	No	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Minor to Moderate adverse</b>
VP 11	1620m	No	No	TLP find <b>Minor to Moderate adverse</b> – AXIS <b>Minor adverse</b>
VP 12	3210m	No	No	<b>Minor adverse</b>
VP 13	3640m	No	No	<b>Minor adverse</b>
VP 14	5520m	No	No	<b>Minor adverse</b>
VP 15	6330m	No	No	<b>Moderate adverse</b>
VP 16	6180m	No	No	<b>Moderate adverse</b>
VP 17	530m	Yes	Yes	<b>Major adverse</b>
VP 20	700m	Yes	Yes	TLP find <b>Major adverse</b> – AXIS <b>Moderate to Major adverse</b>
VP 22	2080m	No	No	<b>Minor adverse</b>
VP 24	1130m	Yes	No	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Moderate adverse</b>
VP 25	3030m	No	No	TLP find <b>Moderate adverse</b> – AXIS <b>Minor to Moderate adverse</b>
VP 26	5040m	No	No	TLP find <b>Moderate adverse</b> – AXIS <b>Minor adverse</b>

8.95 The conclusions of TLP's further report following the submission of additional environmental information are set out below:

*TLP have reviewed the additional submitted material with regard to landscape and visual effects. The submitted material provides sufficient detail to understand the likely effects. We broadly concur with the judgments regarding the anticipated landscape and visual effects. With regard to the Mitchell Hill development we consider that there would be*

*additional cumulative effects at WWRF Viewpoints 6 and 25, but do not consider that this would be significant. We consider the proposed Denny Abbey access road to be appropriate, subject to the provision of native mixed hedgerows and trees along the access road.*

- 8.96 In general the methodology followed by the applicants and described in Chapter 5 of the ES, landscape figures, Appendices and photomontages is considered acceptable and follows the Guidelines for Landscape and Visual Assessment 3rd edition.
- 8.97 It is acknowledged by both the applicant and objectors that it will not be possible to totally screen the proposed development in a fen edge landscape although the impact of the main building when viewed from the west would be reduced by the raised contours of the landfill site (see Paragraph 8.78). However, the exhaust stack would remain a potential prominent landmark feature in the landscape from all viewpoints.
- 8.98 The siting of the proposed development will impact the views from the DAC to the west. The applicant proposes to establish a tree screen between the building and the A10 to soften the visual impact although it would take some years to grow to a height where it made a significant impact on mitigating the visual impact. The most important photomontage views in relation to the DAC (Viewpoints 17 Denny Abbey Driveway and 20 Causeway East of Denny Abbey) are demonstrated in Agenda Plans 9 and 10. These show how the screening proposed to the frontage of the A10 will assist in progressively screening the building from these viewpoints, with the western horizon view also reflecting the progress towards completion in the landform of the domed landfill behind the proposed development. However, it is clear that the stack (and any resultant visible plume) would be clearly visible even with the establishment of the tree screening proposed.
- 8.99 Officers have no reason not to accept TLP's assessments and recommendations and concur that the scheme as assessed may have more significant landscape implications than set out by the applicant, namely in respect of the following :
- during the construction phase for views from Denny Abbey;
  - during the operation phase on the landscape character up to approximately 2 to 2.5kms (as opposed to the applicant's consultant judgement of 1-1.5kms); and
  - Viewpoints 6, 7, 10, and 24 during the operational phase.



## Design

- 8.100 The design of the proposed development has a major bearing on how successfully it can be assimilated in the landscape and such impacts mitigated. The NPPF has a chapter on achieving well-designed places (Chapter 12) which acknowledges *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...'*<sup>3</sup> and that *'Design quality should be considered through the evolution and assessment of individual proposals' with 'Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests'*<sup>4</sup>.
- 8.101 In July 2011 the County Council adopted as supplementary planning guidance a design guide for waste management facilities. This document entitled 'The Location and Design of Waste Management Facilities' Supplementary Planning Document (SPD) is aimed at improving the standard of design and management of waste management facilities and provide a benchmark to guide development and design in respect of scale, layout, integration, access and environment.
- 8.102 It is acknowledged within the above SPD that the nature of the industrial processes (waste reception, furnace/boiler and turbine hall) within EfW facilities requires the use of large and high buildings (max 42 metres (137.8 feet) in the case of the proposed development) with associated use of conveyors, steam pipes, overhead cranes, vertically mounted FGT and abatement equipment and arrangements for IBA removal below the combustion chamber. Such plants have a high chimney (80 metres (262.47 feet) in the case of the proposed development) for the discharge of treated combustion flue gases arising from burning waste materials at high temperature. Heat generated by the process to generate electricity or heat water as part of a wider utilisation scheme. The SPD identifies the location of the urban edge or new developments as sites where new sustainable technologies are needed to address the challenges of climate change. EfW plants (heat and power) have a role to play.
- 8.103 The SPD document sets out guidelines for various forms of waste management development. In respect of EfW facilities the guidelines point to the need for good accessibility to the main road network to accommodate traffic flows together with provision for sustainable transport facilities for operating staff. In respect of visual impact it is recognised that structures will be large and the design should take an appropriate form, massing and size with attention paid to the use of appropriate building materials, colours and detailing. Additional tree and hedgerow planting is supported together with appropriate ground profiling. Further guidance is also provided on the need for dust suppression, odour abatement and noise mitigation and protection of the water environment.

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<sup>3</sup> NPPF paragraph 124.

<sup>4</sup> NPPF paragraph 128.

- 8.104 The SPD document also provides a design checklist and in respect of the submitted proposals it is considered that in respect of siting the proposal has been the subject of necessary surveys and assessments, including the impact on the setting of heritage assets.
- 8.105 The siting is in close proximity to major buildings at the WWMP to which there are operational linkages and where the proposed thermal technology is designed to complement the range of mechanical and biological waste treatment processes already undertaken. The applicant has submitted a 'Design Evolution Document' as part of their submission to draw out the early design work undertaken and illustrate how they discussed early proposals with heritage bodies, the local planning authority and the local community in line with NPPF paragraph 128. This document includes details about the siting and separation of the proposed development from the heritage assets at the DAC and also takes account of the proposed separation with the Waterbeach Barracks developments.
- 8.106 In relation to built form and design the proposed development adopts a number of curved roofs on the buildings with light coloured cladding picking up design themes first incorporated on the adjacent major existing buildings on the WWMP. The applicant submitted a 'Design Evolution Document' as noted in paragraph 8.105 above to illustrate what was considered in designing the new facility and how they endeavoured to integrate the facility into the existing buildings on the WWMP, with regard to the impacts on the wider landscape and views from sensitive receptors, including the Scheduled Monument and listed buildings at the DAC. It also took account of operational opportunities, such as a possible conveyor from the MBT to try and reduce the need for feedstock to need to be moved to the facility by internal vehicles.
- 8.107 With 24 hour working, lighting to ensure a safe working environment will be required both inside the building and for the external car park and other roadways. A lighting scheme has been submitted and assessed for the proposed development.
- 8.108 On site landscaping includes tree screen planting and a channel of open water and new reedbeds to enhance biodiversity. Visual mitigation proposals are included within the application area helping to help screen the buildings and operational activity from views from the A10 and the site is proximate to major future areas of development on the former airfield where the opportunity could exist to utilise waste heat from the process.
- 8.109 There is a good quality access from the site out onto the adjacent A10 main road whilst adequate provision is made for large vehicle access and circulation to the rear of the building and operational parking for staff and visitors within the site.
- 8.110 The site does not lie within any existing air quality management areas and abatement technologies provided within the buildings, including

electrostatic precipitator filters, will be used to ensure that local air quality stays within standards as regulated by the EA. All of the waste treatment processes are to be located within buildings which will aid noise mitigation.

- 8.111 In finalising their proposals, the applicant worked with local stakeholders and key consultees such as Historic England, alongside the established Community Liaison Group (CLG) and feedback from public events. Changes made as a result of this process included the following:
- A curved roof was added to the majority of the building to complement the existing adjacent buildings and wider landscape;
  - Colours and materials used to help try and reduce the perceived size of the building and deliver a high-quality finish;
  - Orientation and positioning within the allocated site chosen to help reduce the impacts on nearby sensitive receptors; with the proposed layout designed to provide the required circulation, with a separation of HCV and staff/visitor traffic; and
  - The landscape and biodiversity features at the front of the site that will provide biodiversity, water management and educational opportunities, whilst providing a belt of poplar trees to help screen some of the views of the facility from nearby receptors.
- 8.112 As the heritage section of this report acknowledges, it is common ground that you cannot hide a facility such as this, and that it will have a significant impact on the DAC (refer also to the impact on the setting and assessment of harm), that needs to be balanced against the other material planning considerations. The changes that were made above have demonstrated the applicant's attempt to, as far as possible, reduce the impact of the facility on its surrounding landscape (particularly the DAC) and take account of the design objectives in the adopted Location and Design of Waste Management Facilities SPD.
- 8.113 The design amendments have taken account of M&WCS Policy CS24 and the Council's adopted SPD, in so far as possible. In particular the applicant has looked at mitigation by way of colour and landscaping, alongside ensuring the scale of the building is moved as far back from the DAC as possible on the allocated site, on an axis that is most favourable in trying to reduce the height impact from views from the historic setting. As such, officers are satisfied that the applicant has made changes to try and ensure that the impact is reduced. Therefore, other than further small amendments that may be possible to the palette of materials on the north-east and north-west elevations suggested by the Council's Landscape Consultant (see draft condition 33), and to the mitigation planting proposed as part of the landscaping for the scheme (see draft condition 29), officers consider that the design has been brought forward in line with M&WCS Policy CS24 and the linked SPD, and in the spirit of the NPPF.
- 8.114 Overall it is considered that the proposed development has responded positively to M&WCS Policy CS24 and the adopted Cambridgeshire and Peterborough Location and Design of Waste Management Facilities SPD

(2011). Having had regard to the functions that the proposed development is to perform and having due regard to published guidance, the proposed design of the plant is considered appropriate for its setting within the WWMP complex.

#### Landscape and Visual Considerations

- 8.115 Noting the presence of the domed landfill site it is considered that the 'Fen' edge type landscape character is more typical of the locality around the site than the Claylands type with a small scale, detailed landscape to be found across the A10 around Denny Abbey. South of the DAC, the landscape has been heavily influenced by existing development – the former wartime airfield, golf course and Barracks. There is the strong likelihood of further development in this area as the airfield has been identified for a large scale housing development and outline planning applications have been received for up to 11,000 new homes (Up to 6,500 for S/0559/17/OL and up to 4,500 for S/2075/18/OL). If permitted, it is clear that major change in the local landscape will take place in the future.
- 8.116 The landscape immediately adjacent to the application site, to the north, south and west has changed in the past and now contains significant areas of development in the form of landfill north and west, waste treatment and recycling units to the north and the buildings collectively known as Glenmore Business Park, Cambridge Research Park to the south and road lighting on the roundabout that provides its access onto the A10.
- 8.117 Notwithstanding the partial screening effect of the domed landfill and proposed hedgerow planting along it, the proposed development will introduce a large highly visible and significant industrial feature and there would be no avoiding the presence of the development in the landscape. The issue is whether the development has particular characteristics that are so damaging as to render it unacceptable. Whilst the proposed mitigation planting will help to mitigate the visual impact from local receptors over time, in the wider landscape the proposed development will remain obvious and highly visible in the rural landscape. Moderate to large significant adverse landscape and visual effects will thus result in many locations.
- 8.118 Representations have also expressed concern about the potential visibility of the exhaust plume in addition to the height of the exhaust stack. Visible appearance of a plume would not be a regular or necessarily frequent occurrence but when the plume is visible it would tend to draw the eye to the plant and thereby increase the apparent visual impact. Plume visibility has been assessed by the applicant and was taken into account by TLP in their assessment of the proposed development.
- 8.119 Potential night time visual effects have been assessed by the applicant which has focussed on suggested designs limiting light-spill at mid and low levels, and the proposed development in the context of existing buildings

at the WWMP and infrastructure e.g. roundabout lighting on the A10, which are also lit at night. The conclusion reached is that night time effects will not be significant in that the scheme is compliant with ecological and heritage criteria and that the upward light ratio or 'skyglow' is also below the criterion and that consequently no specific mitigation is necessary. Successful mitigation of lighting relies on the careful implementation of best practice techniques and it is recommended that in the event that permission is granted that a suitably worded planning condition is included to secure the objectives of NPPF paragraph 180(c) to safeguard visual amenity and ecology whilst acknowledging the need for appropriate arrangements of lighting for safety reasons at the point of operation (see draft condition 21).

- 8.120 With regard to the exhaust stack the civil aviation interests have advised that in respect of aircraft safeguarding considerations operating from Cambridge Airport there is no requirement for the exhaust stack to display any high intensity red obstruction lights. This will assist in reducing the visual impact of the exhaust stack, particularly at night.
- 8.121 The applicants do acknowledge that even after mitigation, significant adverse landscape and visual effects will remain. It is considered that the impact of the size and scale of the proposed development on the local landscape is a significant disbenefit. Whilst over time the proposed mitigation would help to reduce its impact to a degree from some viewpoints, overall its appearance would nonetheless remain dominating. It is therefore recommended that significant weight be given to the adverse impact of the development on landscape character.
- 8.122 Consequently the proposal is considered to conflict with adopted development plan policies in relation to its impact on local landscape character i.e. M&WCS Policy CS33 and SCDP Policy NE/4 which will count against the proposal in the overall planning judgement. It is also considered to conflict with Policy NH/2 in the emerging South Cambridgeshire Local Plan (LP). Whilst full weight cannot be attached to the emerging policies until adopted, significant weight has been given to them by officers based on the publication of the Inspector's report on Monday 3 September 2018 and the imminent publication of the Local Plan, anticipated on 27 September 2018.

## **Impact upon Heritage Assets**

### **The Development Site and Buried Heritage Assets**

- 8.123 The Historic Environment Team (HET) of the County Council has advised that the application site is located in an area of high archaeological interest with cropmarks and previous investigations showing evidence of Roman settlement and Industry. Paragraph 197 of the NPPF requires planning authorities to take account of the "*effect of an application on the significance of a non-designated heritage asset*" when determining planning applications. As acknowledged by HET the location is also at the

hub of the Roman transportation network including the road connection with the Roman town of Cambridge and the Car Dyke water transport network a section of which lying to south west is a Scheduled Monument. There is also extensive evidence of medieval activity including the designated remains of Denny Abbey to the east of the application site.

- 8.124 The proposed development would have an adverse impact on buried heritage assets (non-designated) on the site, which through construction *'would result in the destruction of undesignated buried archaeological remains'* as acknowledged by Historic England in their objection letter dated 11 January 2018. The applicant has considered this heritage impact within their ES and therefore proposes excavation, recording and publication of results in mitigation of the development impact in line with NPPF paragraph 189. The County Archaeologist has advised that the applicant's approach is appropriate and proportionate to the significance of the undesignated heritage assets, which is in accordance with paragraph 199 of the NPPF. However, in line with Historic England's advice set out in their letter dated 11 January 2018, officers have acknowledged *'that the resulting harm should be weighed against public benefit of the scheme'*.
- 8.125 Should planning permission be granted, a planning condition will need to be attached to secure the implementation on-site of a detailed scheme of archaeological work and preparation of post excavation assessment and archive report to be deposited in the Cambridgeshire Archive in line with the recommendations made by HET (see draft conditions 10 and 11). Even with the proposed planning conditions, any remaining potential harm, when the mitigation measures have been taken into account, will need to be weighed against the public benefits to meet the requirements of NPPF paragraph 196 (see paragraphs 8.148 to 8.154 for further guidance on assessing the harm and paragraphs 8.293 to 8.309 on the public benefits considered by officers).

### **Heritage Assets - Impact on the Denny Abbey Complex**

#### Key legislation and guidance for assessing the heritage impact

- 8.126 Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.127 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty for the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty needs to be given considerable importance and weight in the decision making process as discussed in paragraphs 8.174 to 8.177 of this report.

- 8.128 The scope of the Section 66 duty is also clearly set out in paragraph 192 in the recently amended NPPF which encompasses the desirability of sustaining and enhancing the significance of the heritage asset, taking note of the positive contribution they make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.129 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation irrespective of the level of harm judged to be caused. Paragraph 194 of the NPPF requires that any harm to, or loss of, significance of a designated asset should require clear and convincing justification. The application of the legal and policy tests are set out later in this section (see paragraphs 8.174 to 8.183).

Key distances to note

- 8.130 As noted in paragraph 2.8 of this report, the nearest point of Denny Abbey Scheduled Monument (shown in red on Agenda Plan 2) is located approximately 130 metres (172.2 yards) to the east of the application site, across the A10; whilst the Denny Abbey Grade 1 listed building within the allocated Scheduled Monument area, is approximately 350 metres (approximately 382.8 yards) east of the application site. Paragraph 2.8 also lists the four listed structures associated with the Denny Abbey Scheduled Monument that range from Grade I to Grade II and are also shown on Agenda Plan 2, which illustrates the extent of the DAC.

Historic England's role and summary of their objections raised in their letter dated 11 January 2018

- 8.131 Historic England is the government's statutory heritage advisor and their views should therefore be accorded significant weight. In their letter dated 11 January 2018 Historic England object to the proposed development on the basis that it will impact on the setting and therefore significance of the heritage asset by causing '*very serious harm*'. They advise that the proposed plant would '*introduce a building of considerable mass and height into views to, from and within the scheduled monument*', that the '*landscape setting of Denny Abbey contributes to its heritage values*' and that '*the proposed development would be a dominant and alien structure in key views from the site*'.
- 8.132 The proposed development would in their opinion '*result in the introduction of a large structure of uncompromising massing, with its 80m high stack, of alien character and materials*' which '*would predominate in views both from the extant monastic buildings and from within south/west views from the western side of the monastic precinct*'. As such, Historic England consider this '*would dramatically detract from the current views west of Denny Abbey, introducing an industrial character, not only arising from the*

*plant buildings, but also from the chimney plume and from internal/external lighting*'. Consequently the proposal would therefore *'result in very serious harm'* to the significance of the heritage site by adversely affecting its setting.

- 8.133 Historic England set out the significance of the DAC in their objection letter to ensure that officers and Members of the Planning Committee are aware of its unique nature and importance from a heritage perspective. The history of the site, including the changing ownerships and use, were explained to Members of Planning Committee during a visit to the site in July 2018, which aligns with the history set out in Historic England's first paragraph on the significance of the site. Historic England has confirmed that *'The buildings which survive today are of particular interest. Standing remains of Templar preceptories are rare and Denny is the only example of an existing monastic site being adapted for Franciscan Use. Furthermore, the surviving buildings form the only substantial architectural remains of the Order of St Clare to remain in the country. All the historic components are designated as a scheduled monument with the monastic buildings additionally listed at grade I and II\*'*. The historic setting, including historic landscape setting has also been noted by officers and is used to assess the impact on the setting in paragraphs 8.148 to 8.154 below.
- 8.134 In their letter dated 11 January 2018 Historic England advise that the level of harm, in NPPF terms, would be *'less than substantial'*. Officers acknowledge that this means that the tests set out in paragraph 195 of the NPPF relating to substantial harm are not relevant in this instance and that consequently it is for the local planning authority to carefully weigh the harm in the context of the public benefits of the proposal as set out in paragraph 196 of the NPPF (see paragraphs 8.148 to 8.154 in this report that consider the assessment of harm and paragraphs 8.174 to 8.183 that relate the tests to case law).
- 8.135 In recognition that the land in question is an allocated site in the Development Plan, Historic England consider that alternative development should be pursued within the local plan allocation which would not erode the setting of the DAC, especially as they *'note that there is significant capacity remaining in the existing mechanical biological treatment plant'*.
- 8.136 Historic England in their letter dated 11 January 2018 do acknowledge that *'there have been a number of developments flanking the western side of the A10, principally the Cambridge Research Park and the Amey WWMP'*. However, they advise that the *'buildings associated with these schemes are not materially evident in views from Denny Abbey'*. They advise that even the close proximity of the existing buildings on the WWMP has had *'a negligible impact on views from Denny Abbey'* Complex. Historic England has reviewed the applicant's visual impact statement and there appears to be common ground in the results of Chapter 5 of their ES in that the



development would generally be clearly visible on the western skyline, above existing vegetation and would be a prominent addition to the view. Visual effects would be significant and within approximately 1 - 1.5 kilometres (0.62 – 0.93 miles) of the site (notwithstanding the landscape consultants view that this would be a greater distance – see paragraph 5.25 of this report), the proposed development would be a large scale and prominent addition to the existing corridor of development and would increase the influence of built development on local character. Significant visual effects would be experienced at locations within the grounds of the DAC.

- 8.137 Historic England does not accept the applicant's consultant approach to the subsequent assessment of the setting of Denny Abbey and the harm to its significance which these impacts would cause. They take issue with the apparent primacy given to an 'inner setting', which whilst exploring the relationships between designated assets within the precinct concludes, that these assets are less sensitive to change beyond the Abbey precinct boundary.
- 8.138 Historic England also do not accept that in seeking to distinguish between views to the fens to the north-east, east and south and the land to the west it can be concluded that the land to the west does not contribute to its cultural value or understanding or appreciation and that consequently the land to the west has a medium sensitivity to changes to other elements and the wider landscape that do not contribute directly to cultural value. Historic England is of the view that such distinctions are not valid and does not accept that views from the west of the Abbey are not amongst those which are key to the appreciation of its setting and therefore there is no lessening of the contribution which they make to its significance in national policy terms.
- 8.139 Historic England consider that the applicant's assessment of a 'moderate level of effect' considerably underplays the level of harm which they consider would be caused to the significance of the Scheduled Monument (see Appendix 1 for the full objection letters from Historic England covering their responses dated 11 January 2018 (summarised above); alongside additional letters received on 14 May 2018, and 29 May 2018 summarised below). This underplaying of the level of harm is a view shared by the Heritage Officer at South Cambridgeshire District Council, and one in which planning officers have taken into full account in assessing the heritage impacts and the planning balance undertaken later within this report.

Historic England's letter dated 14 May 2018

- 8.140 Historic England acknowledged in their letter dated 14 May 2018 that they had *'considered the additional information supplied in relation to the landscape and visual assessment and the proposals for planning requirements to condition draft material samples and landscaping, so as to*

*reduce the visual impact of the proposed development'. Whilst they noted 'that such a condition would be intended to mitigate the harm which the development would cause to the significance of Denny Abbey, a designated heritage asset, [they] do not consider that it would not materially reduce the level of harm, when considered against the aims and objectives of the NPPF'. As such their 'advice of the 11 January 2018 therefore remains unaltered' (sic).*

- 8.141 The above comments are based on the applicant's clarification submission rather than the additional environmental information submitted, which led to an additional response from Historic England being received as set out below.

Historic England's letter dated 29 May 2018

- 8.142 In their letter dated 29 May 2018, Historic England provided advice to assist the authority in determining the planning application. In addition to their conclusions set out in their letter dated 14 May, they commented specifically on the Heritage Mitigation Package, contained within the ES Volume 5: Additional Environmental Information.
- 8.143 Historic England noted that *'proposals to include a number of measures which would enhance the visitor experience and the sustainability of Denny Abbey and the farmland Museum as a visitor attraction, as well as landscaping measures to reduce the visual impact of the proposed development'* were put forward by the applicant. Whilst they considered that *'the landscaping measures would have a limited ability to mitigate the visual impact of the development, given its proposed height, scale and massing'*, they did *'recognise that the Mitigation Package has the potential to bring heritage benefits to the site in support of para 131 [now para 192] of the NPPF, which would help to address the concerns of The English Heritage Trust and the Farmland Museum regarding operational matters – the future management and sustainability of the site'*. Nonetheless, whilst these measures were welcomed, Historic England remain of the view that the proposals would *'not offset the harm which would be caused to the significance of the scheduled monument'* and therefore *'continues to object to the development on heritage grounds'*.

Other heritage concerns raised in relation to harm to the Denny Abbey Complex

- 8.144 English Heritage Trust, Campaign to Protect Rural England (CPRE) and Cambridge Past, Present and Future (CPPF) all strongly supported Historic England's objection letter dated 11 January 2018, much of which concurred with their own objections in relation to the scale and mass of the proposals which would be large scale and an industrial appearance, in close proximity to the heritage assets at the DAC. These heritage related bodies made reference to the objections raised by Historic England and in the case of English Heritage Trust went a stage further to talk about

impacts to the viability and sustainability of the site (discussed further in paragraphs 8.164 to 8.169). The Farmland Museum also objected to the proposal on the grounds that it will have a detrimental effect on the visitor experience and the viability of the Museum and English Heritage site (discussed in paragraph 8.169 below).

- 8.145 South Cambridgeshire District Council's Planning Committee Members also went against their officer's advice in paragraph 36 of their committee report, and the professional view of Historic England, stating that they felt that the proposal resulted in 'substantial harm'. Whilst this may be down to a misunderstanding of the term 'less than substantial harm' and 'substantial harm' in NPPF standards, this nonetheless has been considered by officers in the preparation of this report. The South Cambridgeshire District Council officer committee report stated in paragraph 36 that *'Officers are of the view that the proposal is at the upper limit of 'less than substantial harm' and would cause serious harm to the setting of Denny Abbey's setting as highlighted by Historic England. Consequently, the level of public benefit would need to be very high to outweigh such harm'*. Consideration of the legal tests associated with these definitions is discussed further in paragraphs 8.174 to 8.183 of this report).
- 8.146 In addition to the consideration of the South Cambridgeshire District Council officer committee report and member comments at their meeting, discussed in paragraph 8.145 above, it should also be noted that their Heritage Officer also made reference to the Secretary of State's refusal of an EfW scheme at Hatfield in their comments. The comments stated *'The sheer size of the EfW facility, and its proximity to Denny Abbey must be emphasised. The refusal of an EfW facility proposed at New Barnfield, Hatfield, was upheld by the Secretary of State in July 2015; significant harm to a number of heritage assets contributed to the decision. The facility was less bulky and at a greater distance from the designated heritage assets than the proposed EfW facility is from Denny Abbey'*<sup>5</sup>. Officers have considered this appeal decision reference in paragraphs 8.182 to 8.183 of this report.
- 8.147 Many of the responses received from objectors have also made reference to concerns about impacts on the heritage assets, particularly the DAC. These objections vary from the impacts on the setting and visual implications of a large alien structure of substantial scale and mass that is not in keeping with the wider landscape; to objections that consider that the mitigation measures put forward by the applicant do not reduce the harm to the setting of the DAC. In particular some have commented on the mitigation measures put forward by the applicant, with one specifically stating that neither the Audience Development Strategy nor Interpretation

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<sup>5</sup> Heritage comments from SCDC part 3 of 3 'Consultee Comments'

Strategy will do anything to reduce the impact of the proposed EfW<sup>6</sup>. Similarly, other objection responses have made reference to the new Waterbeach development and the need for the applicant to create a buffer to the heritage asset and also respect the height of structures etc. One response in particular stated that *'The proposed scheme represents a structure that is completely out of scale with the surrounding area. Apart from the environmental management issues addressed later the location of the buildings to the A10 is too close particularly with the potential of duelling the A10 in the future. Significant efforts were made to ensure that the environs to Denny Abbey were protected when the planning for the development on the Barracks was considered and this facility would go against the spirit of that'*<sup>7</sup>, which is considered in the design section of this report (see paragraphs 8.100 to 8.114).

#### Impact on the setting and assessment of harm

- 8.148 The setting of a heritage asset is a matter of qualitative and expert judgement. Historic England Setting Guidance (2<sup>nd</sup> edition published 22 December 2017) requires the assessor to consider where the significance of the heritage asset has been compromised in the past by unsympathetic development affecting its setting and, to accord with national planning policy, consideration needs to be given to whether additional change will further detract from, or can, enhance, the significance of the heritage asset.
- 8.149 As already noted in paragraph 8.127, National planning policy as set out in the NPPF states that the emphasis lies on the desirability of sustaining and enhancing the significance of the heritage asset and when assessing the impact of proposed development on the significance of the heritage asset, great weight should be attached to the assets conservation<sup>8</sup>. National planning policy as set out in NPPF paragraph 194 states that the significance can be harmed by affecting the asset's setting and any harm should require a clear and convincing justification. The definition of "significance" in the NPPF (for heritage policy) is:
- "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting".*
- 8.150 Paragraph 195 of the NPPF advises that where a proposed development will lead to substantial harm to the significance of a heritage asset, then the local planning authority should refuse planning permission unless it

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<sup>6</sup> Anonymous neighbour response number 320 on page 32 of the Neighbour responses received 7 Feb to 29 May 2018

<sup>7</sup> Anonymous neighbour response number 108 on page 53 of the Neighbour responses received to 6 February 2018

<sup>8</sup> NPPF paragraph 193.

can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

- 8.151 It may be noted that the distinction between NPPF paragraph 195<sup>9</sup> and 196<sup>10</sup> relates to the degree of harm to the significance of the asset as a whole. The High Court in *Bedford BC v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin) (a wind turbine case) considered the meaning of “substantial harm”, and held that:

*“Significance may be harmed through alteration of the asset [listed building], i.e. physical harm, or development within its setting, i.e. non-physical or indirect harm. Significance may be lost through the destruction of the asset or, in a very extreme case, development within its setting. ... What the inspector was saying was that, for harm to be substantial, the impact on significance was required to be serious such that very much, if not all, of the significance was drained away.”*

- 8.152 The Court accordingly accepted the formula adopted by the inspector in that case, namely that for harm to be “substantial” in the terms of the NPPF, it would have to be “*something approaching demolition or destruction*” – in the context of non-physical or indirect harm, it would have to be an impact that would have such a serious effect on the significance of the asset that its significance was spoiled altogether or very much reduced.

- 8.153 National Planning Practice Guidance notes that ‘substantial’ harm is a ‘high test’ and that as such it may not arise in many cases<sup>11</sup>. However, both NPPF paragraphs require that the decision-maker balance the public benefit arising from a proposal against the harm to the significance of any heritage assets affected – paragraph 195 requires a substantial benefit, to outweigh substantial harm; whereas paragraph 196 requires benefit, to outweigh less than substantial harm. So, either way, there needs to be a balancing exercise. This is considered further in the ‘Relevant Case Law’ section of this report where consideration of the relevant legislative provisions in respect of heritage considerations are set out (see paragraphs 8.174 to 8.183 below).

- 8.154 The NPPF makes it clear in its definition of setting of a heritage asset, that the “*extent [of the setting] is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, [and] may affect the ability to appreciate that significance or may be neutral*”. Setting is the surroundings in which an asset is experienced and can therefore be more extensive than the actual boundary of the asset. The extent and importance is often expressed by reference to visual considerations, although other factors can also be relevant.

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<sup>9</sup> Previously paragraph 133 in the 2012 NPPF.

<sup>10</sup> Previously paragraph 134 in the 2012 NPPF.

<sup>11</sup> Paragraph: 017 Reference ID: 18a-017-20140306

### Wider context of Denny Abbey Complex

- 8.155 In the context of the DAC, they all sit on a small fen edge island (5 metres (16.4 feet) AOD) surrounded by slightly lower land (3.5 – 4 metres (11.48 – 13.12 feet) AOD). To appreciate the significance of the fen island, which the DAC occupy, the setting must include the low lying land which surrounds the DAC. This lower land used to be open marshland before being drained and brought into full agricultural use through field enclosures. However, the lateral extent of low lying land to the west of the monument is limited by the presence of the rising landform of the permitted landfill site located some 475 metres (519.47 yards) to the west. The land on which runs the A10 road (including passing traffic), the roundabout, and the existing large buildings of the WWMP thus all lie within the setting of the DAC. Clearly significant change has taken place within the setting of the DAC on land to the west, but Historic England has advised that the form and location of the WWMP buildings have only had a negligible impact on views from the Denny Abbey complex, which is accepted. The land to which the application relates does therefore form part of the setting of the heritage asset, albeit lying to the west of the A10 and in front of the significant contrast provided by the rising land levels of the landfill site, which will become more pronounced in the future as the land raising continues up to its initial pre-settlement level of 19 metres (62.34 feet) AOD.
- 8.156 Such infrastructure activity and industrial buildings to the west of the DAC provide a marked contrast to the tranquillity of the agricultural landscape and extensive low lying agricultural land rural outlook bordering the DAC to the north, east and south. These agricultural areas also form part of the setting of the DAC. The land which influences the appreciation of the setting and significance of the DAC is thus significantly wider than the actual curtilage of the Scheduled Monument, as was highlighted to members of the Planning Committee during a site visit undertaken in July 2018.
- 8.157 The modern curved steel roof profiles of the Cambridge Research Park are visible above the line of vegetation which borders the A10 when viewed from the front of the Grade 1 Listed Denny Abbey from within the Scheduled Monument, which officers consider detracts from the otherwise rural panorama to the south. Similarly the road lighting column heads on the roundabout are also discernible and will be more noticeable when illuminated at night.
- 8.158 It is considered by officers that there is some substance to the applicant's opinion that the view to the south west and west of the heritage asset does not make a full contribution to the quality of other panorama views obtainable looking out from within the heritage asset and that it is a landscape that has accepted change in the past (Cambridge Research Park and WWMP etc.) with some potential to accept further change.

- 8.159 It is recognised that the contribution that setting makes to the heritage asset does not depend on there being statutory public rights of way to experience that setting as they can change over time.
- 8.160 In certain circumstances development that introduces significantly higher noise emissions can also adversely affect the setting of a heritage asset. The location of the application site close to the A10 and adjacent to the other activities of the WWMP places it in an existing environment where noise levels are already elevated. To protect the amenity of local nearby residents it is common practice for noise limits to be imposed on new development. It is therefore considered that subject to the imposition of strict noise limits on any grant of consent that safeguard residential amenity (see draft condition 23), the noise controls and mitigation at source associated with the proposed development, taken in combination with the existing environment, would not lead to a situation whereby noise emissions from the application site would adversely affect the setting of the heritage asset and its significance.
- 8.161 As highlighted by Historic England in their letter dated 11 January 2018, Denny Abbey [Complex] has a unique and important historic character, with its significance lying '*in it being the only one of the three English houses of the Poor Clares to retain substantial architectural and archaeological remains*'. Officers acknowledge this importance, even though its relationship between it and other heritage assets nearby may not be that distinct given the wartime development of the airfield to the south. In terms of likely future change the potential for the former airfield land to be developed for major urban uses is acknowledged and due consideration of the impact on the setting of the DAC will also be required.
- 8.162 Given the proximity of the application site, the potential impact of the proposed development will be clearly visible in views to the west from the DAC from certain areas within the complex (particularly viewpoints 17 and 20), which needs to be considered from a setting perspective. Whilst the applicant's proposal to establish a tree screen to the east of the main buildings is commendable in the opinion of officers, this will take a number of years to become established and contribute meaningfully to the reduction of the visual impact of the main building when viewed from the heritage asset. Furthermore, it is acknowledged that such a tree screen may ultimately create a noticeable contrast with other existing vegetation in the local area when viewed from the heritage asset, which again needs consideration in relation to the setting of the DAC.
- 8.163 Very little can be done on the application site to reduce the visual prominence and dominance of the exhaust stack when viewed from the setting of the heritage asset. However, it is accepted that the use of a light coloured finish to the chimney and lack of aircraft warning lights will be of assistance in mitigating its impact when viewed against the skyline in both middle distance and long distance views. In respect of its impact on

landscape character, which has a major influence on the significance of the setting of the heritage asset, it appears that there is common ground that there would be significant adverse effects on the setting of the DAC as a heritage asset. Officers agree with the heritage comments provided by South Cambridgeshire District Council that this impact should be judged to be at the upper limit of 'less than substantial' harm, whilst also agreeing with Historic England's advice in their letter dated 11 January 2018 that the potential resultant harm to the setting is 'less than substantial' in national policy terms.

Viability and sustainability concerns with objection from English Heritage Trust

- 8.164 English Heritage Trust has responsibility for the DAC, which includes the listed structures noted in paragraph 2.8 of this report, with the site being opened to the public and managed on their behalf by the Farmland Museum. English Heritage Trust and the Farmland Museum fully endorse the grounds of objection raised by Historic England (Historic England letter dated 11 January 2018), particularly in terms of the significance of the impact to the setting. However, they are also concerned that harm to the setting and significance of the DAC will have a significant negative impact on the experience of visitors to both Denny Abbey and the Farmland Museum. They also consider the presence of an overbearing industrial development would act as a deterrent and lead to a decline in visitor numbers and income in their opinion that will harm the future sustainability and viability of the site.
- 8.165 In the event that the Planning Authority was minded to grant permission, the Trust set out some views on the scope of potential mitigation that could reduce the harm of the proposed development in their letter dated 6 February 2018, highlighted in paragraph 5.29 of this report. Whilst mitigation measures should consider the immediate negative impacts, any initiative should contribute to the wider objective of supporting a sustainable future for the heritage site. As such, the Trust proposed that the scope of potential mitigation encompassed provision of structural planting east of the A10 to lessen impact of views from parts of the heritage site and from pedestrian access when approaching the asset along the medieval causeway from Waterbeach; relocation of the current vehicular access to the heritage site by creating a fourth arm of the existing roundabout; and creation of a new car park to reduce current direct views of the proposed development site. The Trust was clear that such a package of mitigation works should take the form of a Masterplan which should incorporate a marketing and conservation strategy to help increase visitor numbers and overall sustainability, whilst also acknowledging that to achieve this land would need to be provided outside the control of the applicant.



8.166 In recognition that the appreciation of a heritage asset may be influenced by the way it is interpreted or mediated in some way, the applicant has put forward some outline proposals which encompass the following heritage mitigation measures (which are also discussed in the Section 106 Heads of Terms section of this report where officers consider how such mitigation measures would be capable of sustaining and enhancing the significance of the heritage assets – see paragraphs 8.310 to 8.336):

- **Conservation Management Plan** – to incorporate a detailed assessment of the significance of the DAC, including a condition survey to establish any current vulnerabilities / conservation needs, which once agreed between relevant stakeholders would be used to test the compatibility between any future proposals for maintenance, repair, interpretation or development, and the conservation of and enhancement of the Abbey's significance;
- **Audience Development Strategy** – to explore potential opportunities to increase the use of the Farmland Museum and all the component parts<sup>12</sup> of the Denny Abbey Scheduled Monument by public visitors and educational groups. This strategy would set out intended goals and aspirations for the heritage asset in the medium and longer term, recognising future developments that could occur in the local area such as the proposed EfW facility, Waterbeach New Town, and A10 improvements etc.;
- **Landscape Strategy** – to seek opportunities to screen views of the proposed development from locations within the DAC, to complement the proposed landscaping within the application site. This strategy would be developed in consultation with Historic England, English Heritage Trust, the Farmland Museum and the landowner to provide a detailed planting specification including species, age class and planting density; as well as a short, medium and long term management regime;
- **Interpretation Strategy** – to increase the understanding and appreciation of the significance of the DAC. This strategy would primarily relate to the earthwork remains which are located to the north and west of the Abbey building, on the basis that it is views across these remains that would be most impacted by the proposed development. The strategy would be informed by detailed topographic surveys / 3D laser scanning of the earthwork remains located in these areas. The information would then be gathered and used, along with other historical records of the site, to develop interpretation materials to better reveal the historic setting and significance of the site to visitors; and

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<sup>12</sup> The component parts are comprised of: Grade II listed gate piers at the entrance of the A10; Grade I Listed Denny Abbey including the remains of the 12<sup>th</sup> century Benedictine abbey church; Grade I Listed 14<sup>th</sup> century Franciscan nunnery; and Grade II Listed 17<sup>th</sup> century barn to the north of Denny Abbey (The Farmland Museum stone building).

- **Access Road and Car Park** – to deliver a new access road from the A10 to the DAC, alongside a contribution to improve car parking provision for the heritage asset.

- 8.167 The heritage responses to the proposed mitigation measures set out above, designed to address the sustainability and viability concerns raised by English Heritage Trust, have not been dismissed entirely by the main heritage bodies. As already captured in paragraph 8.143 above, Historic England in their letter dated 29 May 2018 noted that the *'proposals included a number of measures which would enhance the visitor experience and the sustainability of Denny Abbey and the Farmland Museum as a visitor attraction, as well as landscaping measures to reduce the visual impact of the proposed development'*. They recognise that *"the Mitigation Package has the potential to bring heritage benefits to the site in support of Paragraph 131 [now paragraph 192] of the NPPF, which would help to address the concerns of the English Heritage Trust and the Farmland Museum regarding the operational matters – the future management and sustainability of the site"*.
- 8.168 Noting that the NPPF was updated and adopted on 24 July 2018, officers can confirm that the principle of paragraph 131 referred to by Historic England in their response above, is still the case for NPPF paragraph 192, as the text in the bullet points for this paragraph have not changed. However, whilst Historic England welcomed these potential mitigation measures, as already noted in paragraph 8.143 above, they consider that landscaping measures would have a limited ability to mitigate the visual impact of the development, given its proposed height, scale and massing and that such measures do not offset the harm which would be caused to the significance of the DAC from the impact of the development on the setting, and as stated in their original response of 11 January 2018 and supplementary letter of 14 May 2018. As such, Historic England continue to maintain their objection to the development on heritage grounds.
- 8.169 In addition to the response from Historic England, English Heritage Trust and the Farmland Museum took a similar stance. The Trust confirmed that in their opinion the Heritage Mitigation Package proposed by the applicant had the potential to be effective in mitigating the negative impact on visitor experience and sustainability that they otherwise expect as a result of the development. They confirmed that such measures would help to ensure that the heritage site continues to be enjoyed and appreciated by as wide an audience as possible if the proposed development goes ahead. Subject to the heritage mitigation proposals being adequately resourced and to an appropriate standard, with the involvement of all key heritage stakeholders, they were content that the strategies to secure the optimum viable use of the site could be drawn up and implemented. However, like Historic England, whilst they acknowledged the proposed mitigation

measures addressed their sustainability and viability objections, they are still of the view that despite these proposals providing some potentially helpful mitigation, particularly in terms of the perceptions of visitors, it is unavoidable that the introduction of the proposed development into the landscape will have a harmful impact on the setting and significance of the DAC.

#### Summary of impacts to the Denny Abbey complex and policy assessment

- 8.170 The proposed impact of the new buildings and structures on the setting of the heritage asset of the DAC is regarded as very significant. Notwithstanding the proposed planting of a landscaping screen to the east of the application site, which is designed to help screen the main buildings in the medium term, the presence of the new structures, including the exhaust stack, will result in harm to the setting of the DAC. The proposed screen planting is however not considered to result in an unacceptable intrusive effect on the setting of the DAC in its own right, although more detailed consideration would be given to species selection and spacing of planting through draft condition 29.
- 8.171 It is accepted by officers that the economic viability of a heritage asset can be reduced as a visitor attraction if the contribution made by its setting is diminished by the impact of new development of significant dimensions, scale and massing. Whilst the proposed mitigation package put forward by the applicant has the potential to materially support the viability of the development and enhance the understanding and visitor enjoyment of the monument and farmland museum and could result in a new and improved access to serve the visitor attraction, these benefits will not fully compensate for the harm created to the setting of the DAC. Furthermore, as discussed in the public benefits section of this report (see paragraphs 8.293 to 8.309) the heritage mitigation package put forward by the applicant cannot be taken into account when balancing the harm to the significance of the heritage asset under paragraph 196 of the NPPF, but will instead be considered under the Section 106 Heads of Terms section (see paragraphs 8.310 to 8.336) as other benefits.
- 8.172 The level of permanent harm to the setting of a heritage asset is an important material consideration and one that should be afforded considerable importance and weight. It is therefore considered that the proposed development is in conflict with M&WCS Policy CS36 in that it will have an adverse impact on the setting of the heritage asset. M&WCS Policy CS36 makes it clear that in such circumstances planning permission should be withheld unless there are substantial public benefits that outweigh the harm. Similar policies exist in both the adopted and emerging South Cambridgeshire District Council plans that strive to protect heritage assets, which also need to be considered when balancing all the material considerations ahead of any decision being made. In particular full consideration has been given by officers to the South

Cambridgeshire District Council SPD on Listed Buildings (July 2009), where the following guidance (written by the Council to expand upon policy) has been considered, in addition to M&WCS Policy CS36:

*“There is a presumption that the Council will resist any application that:*

- *Would dominate the Listed Building or its curtilage buildings in scale, form, massing or appearance,*
- *Would damage the context, attractiveness or viability of a Listed Building,*
- *Would harm the visual, character or morphological relationship between the buildings and its formal or natural landscape surroundings, or built surroundings,*
- *Would damage archaeological remains (above or below ground) of importance unless some exceptional, overriding need can be demonstrated, in which case conditions may be applied to protect and preserve particular features or aspects of the archaeology,*
- *Would impact adversely on a Conservation Area.*

8.173 In addition to the policy conflicts acknowledged in paragraph 8.172 above, officers also recognise a need to take account of the Council’s statutory duties held under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as referenced in paragraph 8.127 and discussed further in paragraphs 8.174 to 8.177 below; and the requirement of NPPF paragraph 196 to balance the harm to the DAC against the public benefits. The assessment under NPPF paragraph 196 is provided in the conclusion section of this report (paragraphs 9.7 to 9.9) to pull together the assessments carried out under this section of the report, considered against the public benefits section of the report (paragraphs 8.293 to 8.309). For the avoidance of doubt, the applicant’s mitigation proposals will not be included in this assessment by officers for the reasons set out in paragraph 8.296 of this report.

### **Relevant Case Law**

8.174 In line with National Planning Practice Guidance<sup>13</sup> consideration needs to be given to the Ancient Monuments and Archaeological Areas Act 1979, that provides special protection for scheduled monuments (albeit it is acknowledged that no direct impacts are identified to the scheduled monument); alongside particular attention to the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 66 (noting s.16 for Listed Building Consent, and s.72 for Conservation Areas are not relevant to the application site).

8.175 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the following requirement:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, a local planning authority or as the case may be, the Secretary of State, shall have special regard for the*

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<sup>13</sup> Paragraph: 002 Reference ID: 18a-002-20140306.

*desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

There have been a number of cases in the courts considering the meaning and implications of Section 66, in particular:

- *South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141;
- *East Northamptonshire DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137 (the Barnwell Manor case, considering the effect of a proposed wind turbine on the setting of a nearby Grade I listed building; which has been followed by *R (Williams)* below, but the law remains good);
- *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin);
- *R (Williams) v Powys CCC* [2017] EWCA Civ 427; and
- *Catesby Estates Ltd and Secretary of State for Communities and Local Government v Steer* [2018] EWCA Civ 1697.

8.176 In *South Lakeland*, it was held that ‘preserving’ means doing no harm; and in *Catesby Estates* the court held that having ‘special regard’ to the desirability of preserving the setting of a listed building under section 66, involves more than merely giving weight to those matters in the planning balance.

8.177 It follows that when an authority finds that a proposed development would harm the setting of a heritage asset the duties in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require it must give that harm “considerable importance and weight”. However, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

8.178 The Court of Appeal emphasised in *East Northamptonshire*, that a finding of harm to the setting of a listed building does give rise to a strong presumption against the grant of planning permission. The presumption is a statutory one, although it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption and if it demonstrably applies that presumption to the proposal it is considering. Where the authority concludes that a proposed development will cause harm to the setting of a heritage asset, a grant of permission can only be justified if there exist other material considerations of comparable importance and weight, sufficient to override that strong presumption. This view was not challenged in the more recent *R (Williams) v Powys CCC* decision in 2017.

- 8.179 Noting that Historic England has advised that the proposed development would result in 'less than substantial harm', the decision in *East Northamptonshire* makes it plain that there is still a presumption against the grant of planning permission (unless outweighed by material considerations); and the more recent decision in *Forge Field* emphasises the strength of that presumption.
- 8.180 The judgement handed down in *Catesby Estates* (2018) re-affirmed the position that in considering the setting of heritage assets the decision maker must take account not only the visual effects of the proposed development but also its effects on the historic value of the asset, the historic relationship between places and social and economic connections. The effect of development on the setting of a heritage asset is thus not necessarily confined to visual impact. In another case (*R. (on the application of Palmer v Herefordshire County Council* [2016] EWCA Civ 1061) Lewison L.J. considered it was common ground that in principle harm to the setting could potentially be caused by noise and odour.
- 8.181 Case law confirms the presumption in favour of preventing harm to a heritage asset and the local planning authority's duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be carefully weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.182 In relation to the New Barnfield, Hatfield appeal decision referred to by the South Cambridgeshire District Council Heritage Advisor within paragraph 8.146 of this report, officers have assessed this decision to check its relevance to this planning application. Primarily the decision relates to a facility in the Green Belt and as such much of the Secretary of State's decision relates to the consideration of harm in this respect. Paragraph 25 of the decision relates to effect on heritage assets and states '*In determining this application, the Secretary of State attaches considerable importance and weight to the desirability of preserving any listed buildings and their settings, any listed historic parkland and any conservation areas that may be affected by the proposed building. He has therefore given very careful consideration to the Inspector's assessment of impacts on heritage assets as well as to post-inquiry representations on this matter in response to his letter of 1 May. For the reasons at IR778-839, he agrees with the Inspector that the development would result in significant harm to a number of heritage assets, themselves recognised as being of exceptional significance, although the harm would be to the setting of the assets, and would in no case vitiate altogether or very much reduce the significance of the assets (IR840). He agrees with the Inspector that the harm would be less than substantial in all cases, and that the applicable*

*test is therefore that set out in paragraph 134 of the Framework (IR840)*<sup>14</sup>. As this applies the same tests for the planning balance as officers are considering, officers are content that this appeal decision does not introduce anything new.

- 8.183 Having read the planning balance and overall conclusion section of the Hatfield decision letter (paragraphs 50 – 55) the Secretary of State does acknowledge that *‘there would be significant (though less than substantial) harm to the setting of the ensemble of heritage assets at Hatfield House and Park, and he attaches considerable weight and importance to this harm*<sup>15</sup>. However, he also acknowledges that *‘there are also a number of material considerations which weigh in favour of the proposal, of which substantial weight should be attached to the need for additional treatment capacity in Hertfordshire which would enable the movement of waste up the hierarchy, the increase in self-sufficiency within Hertfordshire that would result, the climate change benefits, and the ability to deliver 26 MW of dispatchable energy to the grid. He accepts that there are no available sites or proposals in the pipeline which would deliver comparable benefits in a similar time frame, and that the delay in the achievement of climate change and other benefits which would arise from a refusal of planning permission also weighs substantially in favour of the scheme (IR1073)*<sup>16</sup>. Ultimately the proposal was refused as the Secretary of State considered that the strong case for the development on waste management grounds did not *‘clearly outweigh the harm to the Green Belt and other harm identified*’ and he therefore agreed with the Inspector’s conclusion that *‘the very special circumstances necessary to justify the development do not exist (IR1076)*<sup>17</sup>. Therefore whilst the tests for heritage are relevant and are being applied to this planning application in relation to the planning balance, it should be noted that the main reason for refusal was impact to the Green Belt.

### **Heritage Assets - Impact on Ely Cathedral**

- 8.184 At the request of Historic England, the applicant included Ely Cathedral (Cathedral of the Holy Trinity – Grade I) as a potential visual receptor that was visited by the landscape architect during the LVIA site survey. Whilst the Cathedral was not included as a viewpoint location in the LVIA, as it was established that there are no views available south towards to the proposed development from the ground level owing to intervening buildings, and the public tower tour undertaken by the landscape architect ascended the north side of the Octagon tower and afforded very limited

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<sup>14</sup> Veolia Environmental Services Limited Secretary of State Decision – Appeal reference APP/M1900/V/13/2192045.

<sup>15</sup> Paragraph 52 of the Hatfield Secretary of State Decision – Appeal reference APP/M1900/V/13/2192045.

<sup>16</sup> Paragraph 53 of the Hatfield Secretary of State Decision – Appeal reference APP/M1900/V/13/2192045.

<sup>17</sup> Paragraph 55 of the Hatfield Secretary of State Decision – Appeal reference APP/M1900/V/13/2192045.

opportunity to experience views to the south; the assessment process did consider the potential for effects being experienced.

- 8.185 Following initial concerns raised by East Cambridgeshire District Council that the impact on Ely Cathedral would need to be assessed, particularly in relation to views from the top of the West tower; the applicant reassessed the potential impact to the Cathedral. They set out their findings in their additional environmental information submitted under Regulation 22 of the Environmental Impact Assessment Regulations 2011. This assessment took account of paragraph 10.4.27 of the ES that set out the baseline setting of the Cathedral and established its sensitivity to changes to its setting, and paragraph 10.5.31 of the ES that set out the potential magnitude of impact upon the setting of the Cathedral as a result of the proposed development.
- 8.186 In addition to the concerns raised by East Cambridgeshire District Council, many objections received to this planning application have compared the height of Ely Cathedral with the proposed development and have therefore raised serious concerns. Whilst the concerns about the scale and massing of the building are acknowledged, it should be noted that Ely Cathedral is 66 metres (216.54 feet) at its highest point (The West Tower). However, the Cathedral sits on a hill which is around 20 metres (65.62 feet) AOD, unlike the proposed EfW facility that would sit at 3.6 metres (11.81 feet) above AOD. The changing land levels of the area have been considered when assessing this planning application, and taken into account as part of the assessment of harm.
- 8.187 Paragraph 8.1.9 of the applicant's additional environmental information submission (April 2018) quotes the original ES, where it acknowledges that the towers of the cathedral were primarily designed to be seen from the wide distances, rather than to afford panoramic views across the landscape from within them. However, the ES acknowledged that views from the towers contribute to the modern aesthetic appreciation of the asset and also contribute to an understanding of the breadth of views that are and would have been possible prior to the later development of Ely.
- 8.188 Paragraph 8.1.10 of the applicant's additional environmental information submission (April) 2018, goes on to acknowledge that the proposed development would be visible from the top of the towers and also that an alternative tour of the West tower may indeed enable views south, noting that the assessor only experienced the Octagon Tower tour. Nonetheless, using Historic England Guidance on setting (2<sup>nd</sup> edition published 22 December 2017) the applicant established the importance of understanding the setting of the asset that contributes to its significance and an observer's ability to appreciate their significance.
- 8.189 The applicant concluded that the proposed development would "*thus be visible in some views from the Cathedral towers, however it would form a distant, albeit tall, feature in an expansive panorama which already includes a number of modern structures. It is maintained that the proposed*



*development would not diminish the understanding or appreciation of the Cathedral, including its significance, to any material degree for the reasons already set out in the ES”.*

- 8.190 This view is accepted by officers, and the response from East Cambridgeshire District Council also demonstrates their acceptance of the above conclusions. As such, the proposed development is considered to be compliant with East Cambridgeshire District Council policies that seek to protect Ely Cathedral and also M&WCS Policy CS36.

#### **Heritage Assets - Impact on wider heritage assets assessed**

- 8.191 Following pre-application advice and early engagement with heritage bodies, the applicant also assessed the following heritage assets not already discussed above:

- Car Dyke between Green End and Top Moor (list Entry 1006813) [Site 5];
- Shrunk medieval village at Landbeach (List Entry 1006870) [Site 6];
- Long Barrow 650m NNW of Lythel's Farm (List Entry 1020843) [Site 7];
- Romano-British Settlement at Chittering (List Entry 1012359) [Site 8];
- Romano-British Settlement on Bullocks Haste Common (List Entry 1006897) [Site 9];
- Church of All Saints (List Entry 1127339) [Site 10];
- Causeway Farmhouse (List Entry 1267187) [Site 11];
- Milestone half a mile north of Goosehall (List Entry 1127381) [Site 12];
- Gate piers (List Entry 1127361) [Site 13];
- Waterbeach Conservation Area [Site 14];
- Landbeach Conservation Area [Site 15];
- Cottenham Conservation Area [Site 16]; and
- Tithe Barn to the East of Number 14 (The Old Rectory) (List Entry 1127382) [Site 18].

A map showing the location of all the heritage assets assessed can be seen in Agenda Plan 12.

- 8.192 It should be noted that all heritage assets identified within 5 kilometres (3.11 miles) of the application site were considered by the applicant, but not all were taken through to assessment. The applicant justified the reasons for this in Appendix 10.2 of their submission, which also listed all the heritage sites considered. No statutory bodies subsequently raised any major concerns over the scope of the heritage asset assessments undertaken. However, South Cambridgeshire District Council's response did raise concerns about the assessment of Causeway Farmhouse (a Grade II property), and its separation from the Denny Abbey assessment, which is considered further in paragraphs 8.196 to 8.199 below.
- 8.193 The summary of the applicant's setting effects can be seen in Agenda Plan 13. This table demonstrates that the main effects that need to be considered are in relation to the DAC, which have been extensively

considered in paragraphs 8.126 to 8.173 above. However, noting the sensitivity of Long Barrow [Site 7], the proximity of the Scheduled Monument at Car Dyke [Site 5], and the concerns raised by South Cambridgeshire District Council in relation to the Causeway Farmhouse [Site 11], these have been given their own section below, to ensure that Members can understand the heritage features and results considered.

*Car Dyke between Green End and Top Moor (List Entry 1006813) [Site 5]*

- 8.194 Paragraphs 10.4.12 and 10.4.13 in Chapter 10 of the applicant's ES on Archaeology and Cultural Heritage set out the background to Car Dyke (and its status as a Scheduled Monument) and acknowledge the relationship between the dyke and the pasture fields immediately to its west, as well as with remaining agricultural land to the north. Acknowledging the use of the WWMP, alongside a number of modern waste, industrial and research facilities, the applicant considers that any connection the dyke had with the wider landscape to the east has already been lost. As such their assessment states that land to the west are highly sensitive to changes to the setting, but views to the east are considered to have low sensitivity.

*Long Barrow 650m NNW of Lythel's Farm (List Entry 1020843) [Site 7]*

- 8.195 Paragraph 10.4.16 in Chapter 10 of the applicant's ES on Archaeology and Cultural Heritage sets out the location of this site and acknowledges that the monument has sustained extensive plough damage, which means it is currently on the Heritage at Risk Register. The alignment of the Barrow (ENE-WSW) is discussed, alongside its location on prehistoric fen edge where it met the River Cam. The assessment acknowledges that it was likely placed on a rise on the fen edge to be visible from the surrounding landscape and to overlook it. As such, the assessment considers it to be highly sensitive to changes to its setting.

*Causeway Farmhouse (List Entry 1267187) [Site 11]*

- 8.196 Paragraphs 10.4.23 and 10.4.24 in Chapter 10 of the applicant's ES on Archaeology and Cultural Heritage set out the location and history of the farmhouse, which includes its previous connection with the Denny Abbey complex, which was connected to the Abbey by means of a causeway. The applicant's assessment notes that the causeway has been truncated by the excavation of a gravel pit, which is now extant as a pond, at Bannold Lodge.
- 8.197 The applicant's assessment, once establishing the link to the DAC, goes on to state that the farmhouse is considered to be highly sensitive to changes that would intrude upon its immediate agricultural setting and also to changes that would further damage the physical, and historically contextual, link between the farmhouse and the DAC. However, they consider the setting to be of low sensitivity beyond those elements.

- 8.198 Paragraph 10.5.23 in Chapter 10 of the applicant's ES sets out the conclusions in relation to Causeway Farmhouse. This acknowledges that the Grade II listed building is located 1.52 kilometres (0.94 miles) from the site and is surrounded by mature vegetation. It also acknowledges that the elements of setting which contribute to the understanding of the asset and its value, are its immediate agricultural setting and its physical link to Denny Abbey (now truncated).
- 8.199 Officers acknowledge the concerns raised by South Cambridgeshire District Council, and the perceived bias of visual considerations on the impact on the setting in the applicant's assessment of harm. However, when considering the planning balance on the harm to the DAC, for which great weight has been placed, officers have considered this link, albeit acknowledging that the causeway to the north is now truncated. The agricultural land around Causeway Farmhouse and the former truncated causeway is not directly impacted by the development but views of the higher elements of the development will be visible in middle distance views from the Causeway Farmhouse. Some potential for harm does therefore exist and should be taken into account in the assessment of harm to heritage assets when balanced against public benefits.

#### Overview of wider heritage impacts

- 8.200 Having assessed the applicant's heritage submission for the wider heritage sites set out in paragraph 8.191 of this report, officers consider that the applicant has provided the information required by NPPF paragraph 189 to allow a full assessment of the impacts to be considered. On the basis that Causeway Farmhouse is considered in the planning balance with the DAC, then it is considered that the wider heritage assets have been fully considered and would not lead to significant impacts in Environmental Impact Assessment (EIA) terms.

#### **Ecology**

- 8.201 As noted in paragraph 2.10 of this report, a CWS lies within the North West boundary of the site, Beach Ditch & Engine Drain. The Beach Ditch & Engine Drain CWS is designated for its submerged, floating, wet bank, and emergent plant species such as Tubular Water-dropwort. Development to be undertaken within the site includes the construction of two vehicular access routes (each approx. 16 metres / 17.5 yards wide) across Beach Ditch to link to an existing internal haul road in the WWMP. In addition a new vehicular route is to be created across an existing open drain which runs the length of the MBT building and has a connection with Beach Ditch but this feature does not support submerged aquatic vegetation although some emergent bulrushes are present.
- 8.202 The applicant has considered the impact of the development on identified valued ecological resources through the characterisation of potential impacts, undertaking ecological surveys and assessing the ecological significance of any identified impacts as set out in Chapter 6 of their ES. In

addition to considering sources of published ecological data the scope of site and adjacent land survey work has encompassed plants, birds, badgers, water voles, great crested newts, reptiles and trees (as potential bat roosts).

- 8.203 In addition to Beach Ditch & Engine Drain CWS there are two other CWS's within 2 kilometres (1.24 miles) of the site at Landbeach Pits Willow wood and Twenty Pence Pit. Worts Meadow Local Nature Reserve (LNR) is located adjacent to the proposed electricity grid connection route, where it passes to the west of Landbeach village, around 3.6 kilometres (2.24 miles) south of the site; albeit it is acknowledged that whilst this has been assessed by the applicant as part of their ES this is outside the scope of this planning application. One European conservation site at Wicken Fen lies within 10 kilometres (6.21 miles) of the site, whilst Fenland SAC is located 5.4 kilometres (3.36 miles) from the site at its closest boundary.
- 8.204 Most of the current application land comprises improved grassland being managed by mowing and as such is relatively species poor. From surveys undertaken by the applicant, no bat roosts are located on or close to the site. Whilst water vole burrows were recorded in 2014 by the applicant on Beach Ditch, with some use of the existing water management ditch, a later survey of the ditch undertaken by the applicant did not record any usage of these areas.
- 8.205 Biological records indicate that the nearest known population of Great Crested Newts (GCN) is over 800 metres (874.89 yards) from the site and do not require targeted mitigation measures. The ecology officer of the District Council has advised that work on the Waterbeach New Town has identified GCN closer than this but the GCN population is still separated from the site by the A10 and should not affect the habitat assessment for the application site. Surveys have not identified GCN within the site with ponds and watercourses having poor suitability to support GCN populations. Data searches did not return any reptile records within 2 kilometres (1.24 miles) of the site. Based on habitats present the applicant's assessment did not consider the site was likely to support an invertebrate fauna of significant conservation interest.
- 8.206 Whilst surveys indicate that the site does not support a water vole population at present their close proximity suggests a need for mitigation measures during construction as well as being an appropriate target for enhancement measures during the operational phase of the development. Whilst the Wildlife Officer considers that the proposal is unlikely to have an impact upon features for which Beach Ditch was designated, he recommends that prior to the construction of the proposed bridges over Beach Ditch then a further water vole survey should be carried out. This should be secured by a suitably worded planning condition (see draft condition 31). In the event that the presence of water voles is found, then full details of a water vole mitigation plan should be submitted for approval and the agreed scheme implemented.

- 8.207 The Wildlife Trust whilst welcoming the applicant's proposals to minimise impacts on the construction of bridges over Beach Ditch by the use of wide box culverts to help maintain habitat connectivity they recommend a requirement for direct habitat enhancement works on the remaining section of Beach Ditch such as bank re-profiling and planting of native species. Noting the applicant's intention to create and manage habitats on the south western area of the site then such works will assist in the objective to secure a net gain in biodiversity. This can be secured by planning condition (see draft condition 28).
- 8.208 Overall the ecological assessment of evaluated habitats and species within the site indicate that these are of no more than site-level significance and therefore not regarded as important ecological features. The Ecology Officer at South Cambridgeshire District Council has advised that there is no fundamental reason for either an objection or refusal based on ecological constraints on the site subject to the imposition of a number of safeguarding conditions to secure a further water vole survey/mitigation, ecological enhancement to provide 'no net loss of biodiversity' as part of a Landscape and Ecology Management Plan and detailed mitigation of impacts associated with vegetation clearance, storage of materials and a protocol to be followed if reptiles are found. All these elements would be covered by draft condition 28 (Ecology Mitigation, Compensation and Enhancement Strategy).
- 8.209 In respect of the applicant's proposals for a tree screen to help screen the buildings there has been a suggestion that the species to be used might merit review to see if a different species might provide the screening whilst securing more biodiversity benefits. Consideration of this matter could form part of the Ecology Mitigation, Compensation and Enhancement referred to in the paragraph above, alongside the landscaping conditions (see draft conditions 29 and 30).
- 8.210 Paragraph 175 of the NPPF requires that important habitats such as SAC and SSSI's should be protected. Having reviewed the plans and assessments submitted, including information on emissions to air and ground deposition rates, Natural England has advised that it considers that the proposed development will not have a significant adverse impact on the integrity of Fenland SAC including impacts to Wicken Fen Site SSSI and Ramsar site. Consequently they have advised that they have no objection to the proposed development. They further advise the council as WPA, as Competent Authority under the Habitats Regulations, to record that a likely significant effect can be ruled out.
- 8.211 The WPA has a duty to have regard to conserving biodiversity, particularly under the Natural Environment and Rural Communities Act 2006, including enhancement to a species population or habitat. Due consideration has been given to the potential ecological impacts of the development and the views of nature conservation interests have been sought. The development of the site will not result in demonstrable harm to ecology on the land in question. There is also potential to achieve some

biodiversity gains on the application site in line with NPPF paragraph 175(d) and these can be secured through planning conditions (see draft conditions 28 (Ecology Mitigation, Compensation and Enhancement Strategy), 29 (Hard and Soft Landscaping) and 30 (Implementation of Soft Landscaping)).

- 8.212 On the advice of Natural England, officers consider the proposed development will not result in significant adverse impacts on designated ecological sites locally. It is therefore considered that, having considered information on air quality, noise and lighting and subject to the imposition of appropriate safeguarding conditions linked to these matters e.g. draft conditions 12 (CEMP), 21 (External Lighting (operation)), 24 (Noise Management and Mitigation Plan), 28 (Ecology Mitigation, Compensation and Enhancement Strategy), 30 (Implementation of Soft Landscaping), and 31 (Bridge Works), that the proposed development will not conflict with M&WCS Policy CS35 nor be in conflict with SCDGP Policy NE6 or emerging LP policy NH/4. The development would not have a significant impact either on designated biodiversity sites or the functioning of the CWS within the red line boundary. Biodiversity will be enhanced by the proposal to create a wetland reedbed habitat, justified by priorities in habitat and species biodiversity plans, and new tree planting on the site. Additional biodiversity gains using land management techniques on other open parts of the development site can similarly be secured by draft planning condition 28.

### **Energy and Climate Change**

- 8.213 The proposed facility will process up to 250,000 tonnes of Municipal Solid Waste (MSW) per year to generate electricity and heat. The facility has been designed to export 24.4 MW of electricity and up to 10.0 MW<sub>th</sub> of heat. The applicant considers that this is important in terms of securing energy generation from local sources, renewable and low carbon energy generation and associated climate change benefits. The applicant has drawn attention to governments stated support for energy generation in various publications including the view that the use of the biodegradable fraction of the waste is considered renewable.
- 8.214 The applicant advises that the approach of government policy is characterised as one of urgency in order to secure energy security and supporting growth by increasing the use of renewable energy and the significant challenges to be faced in the transition towards a low carbon system. The applicant therefore considers that the proposed development would assist in meeting the national renewable energy target and providing security of supply using residual waste and lessening dependence on imports of fuel for energy.

### **National and Local Policy Considerations**

- 8.215 Wider national policy documents and statements are a material planning consideration when assessing individual proposals of this nature. The 13

energy documents listed in paragraph 7.16 of this report are seen to be relevant to the consideration of this planning application.

- 8.216 From the documents listed in paragraph 7.16, the Clean Growth Strategy updated on 16 April 2018, clarifies that the UK Government supports technologies which contribute towards the UK achieving its renewable energy obligations, cutting greenhouse gas emissions, and working towards the ambition for zero avoidable waste by 2050. The strategy also seeks to maximise the value we extract from our resources, whilst minimising the negative environmental and carbon impacts associated with their extraction, use and disposal.
- 8.217 Furthermore the Industrial Strategy, Building a Britain fit for the future 2017 recognises the need to enable more efficient use of energy and resources, noting that around 80 percent of global energy use still comes from fossil fuels that needs to change fast to preserve a safe and stable climate. It also looks at a regenerative circular economy that effectively looks at waste as a product for energy recovery, which aligns with this development.
- 8.218 In respect of the policy approach to climate change, M&WCS Policy CS22 requires developers to set out how greenhouse gas emissions can be minimised and measures to ensure adaption to future climate changes. Applicants are required to quantify the reduction in carbon dioxide and other relevant greenhouse gases associated with the proposal and how this will be monitored and addressed over time.

#### Carbon Assessment

- 8.219 In support of the development proposal, the applicant has carried out a carbon assessment in order to demonstrate the carbon benefit of thermally treating the waste compared to disposal in a landfill. The analysis also considered the carbon benefit of exporting heat to offset natural gas emissions.
- 8.220 The combustion of waste generates direct emissions of carbon dioxide as well as small emissions of nitrous oxide and methane which are potent greenhouse gases. Government's renewable and decentralised energy policies along with finance incentives have supported the decarbonisation of grid electricity and major carbon improvements have been achieved. However, there is still the need to provide low carbon decentralised electricity supplies to the grid to continue to reduce the carbon intensity of grid electricity. Exporting electricity to the grid from this project will offset greenhouse gas emissions from existing fossil fuel power generation and the export of heat will offset emissions from natural gas boilers.
- 8.221 In order to ascertain the thermal capacity of the EfW facility, the CV of the waste to be combusted needs to be considered and it is usual for a 'blend' of fuel to be produced from a variety of waste streams. Approximately 70% of the potential feedstock for the proposed facility will be sourced from

waste materials already received at the WWMP. Consequently it has proved possible for the applicant to calculate the carbon content of wastes received from the existing range of waste sorting (manual and mechanical) and biological treatment at the WWMP. Assumptions have been used in respect of the CV attributable to the 'top-up waste' (typical MSW) to be imported into the site. The fuel consumption and emissions from auxiliary gas oil burners used during start up and shut down has also been considered.

- 8.222 When wastes go to landfill the material degrades and produces landfill gas which is comprised of carbon dioxide (43%) and methane (57%). Both these gases contribute to global warming although methane emissions are however around 25 times as damaging as carbon dioxide. Emissions therefore consider release of carbon dioxide, methane and methane captured and combusted in landfill gas engines and bypass flares, which also produce carbon dioxide.
- 8.223 In response to representations received from UKWIN the calculations undertaken by the applicant have incorporated two scenarios reflecting changes in parameters with potential reductions in and composition of food waste collected, increase in 'top-up waste' and reductions in plastics collected responding to current government focus on reducing the use of plastics. Even with these amended calculations, UKWIN still strongly object to the planning application and in their response received 22 August 2018 they state *'UKWIN does not believe that the points raised in our earlier submissions have been adequately addressed by the applicant's most recent submissions and we do not agree with the applicant's approach to the various issues identified'*<sup>18</sup>.
- 8.224 The calculations undertaken by the applicant all show that the operation of the proposed EfW plant would result in a net reduction in greenhouse gas emissions when compared to landfill. These calculations have taken account of the challenges made by UKWIN and a range of carbon savings (lower than originally submitted) have been supplied. Officers have noted UKWIN's closing paragraph that states *'In the absence of such information from the applicant, the Waterbeach proposal should, for the determination of the planning application, be assessed on the basis that the facility would be considerably less efficient than claimed by the applicant, and more in line with the lower end of the range of typical efficiencies as set out at Paragraph 74 of the Government's EfW Guide, i.e. 15%-20% overall efficiency'*. However, they disagree with the challenge made by Mr Downen on behalf of UKWIN in his e-mail dated 22 August 2018 14:41 which states that *'if the Authority wishes to proceed with the meeting as planned [without requesting the additional environmental information they seek] then this needs to be on the basis that the applicant has failed to provide adequate information on the environmental impacts of the proposal, specifically with regards to climate change impacts of the development,*

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<sup>18</sup> Paragraph 1 of the UKWIN objection submission document dated August 2018.



*and therefore the only lawful basis is to proceed to refuse planning permission on the basis that the Environmental Statement is incomplete’.*

- 8.225 In the context of M&WCS Policy CS22, the applicant has calculated the carbon emissions associated with road transport of waste. Because 70% of the anticipated feedstock already enters WWMP the calculation has primarily focussed on the impact of road haulage associated with the ‘top-up waste’ although account has also been taken of transport of process residues such as furnace bottom ash etc. Emissions of carbon dioxide would increase as the ‘top-up waste’ would travel longer distance to the facility rather than utilise local landfill.
- 8.226 The applicant sets out how the proposed development will provide an opportunity for generating energy from waste for use beyond the boundaries of the site itself and the positive benefit in terms of carbon of exporting both electricity and heat.
- 8.227 Having analysed a series of different scenarios / sensitivities put forward by the applicant, it is clear to officers that whilst the precise amount of carbon savings can be debated (as noted in paragraph 8.224 above), the proposed development will ultimately result in carbon reductions when compared to landfill, even when considering the lower end of the calculations advised by UKWIN. This finding would be consistent with those of other decisions for similar schemes, including decisions by the Secretary of State (SoS), where weight has been given to the climate change benefits and carbon savings e.g. the Biffa Waste Services at Newhurst Quarry, Shepshed, Leicestershire (SoS decision on Inspector’s recommendation)<sup>19</sup>; Sita UK Ltd at Sevenside, South Gloucestershire (SoS decision on Inspector’s recommendation)<sup>20</sup>; and Urbaser Balfour Beatty at Javelin Park, near Haresfield, Gloucestershire (SoS decision on Inspector’s recommendation)<sup>21</sup>. In those decisions the Secretary of State applied great weight to the overall energy policies and climate change benefits of facilities, such as the one being proposed, which will be considered in the public benefits section of this report (see paragraphs 8.293 to 8.309). In a similar vein to the challenge made about the calculations used for electricity generation (discussed in paragraphs 8.231 to 8.233 below), officers acknowledge that carbon calculations are equally as contentious; but in both examples of electricity generation and carbon calculations, an overall benefit is capable of being demonstrated and based on similar decisions should be afforded considerable weight.

#### Opportunities for heat off-take

- 8.228 As set out in paragraph 3.13 of this report, the proposed development includes a heat off-take pipe from the facility to the A10 Research Park roundabout (see Agenda Plan 6 for the proposed route) which is within the red line boundary shown on Agenda Plan 1. The applicant’s Clarification

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<sup>19</sup> Appeal reference APP/M2460/A/11/2150748

<sup>20</sup> Appeal reference APP/PO119/A/10/2140199

<sup>21</sup> Appeal reference APP/T1600/A/13/2200210

Submission dated April 2018 provides further detail on the opportunities on direct heat and likely timescales for implementation, in response to concerns raised by objectors about the likelihood of such a scheme ever coming forward. It also covers officer requests on the distance that heat can travel to remain economically viable to allow consideration of the amount of weight such a proposition could be afforded.

8.229 In summary, the applicant's Clarification Submission document noted that if the proposed developments at Waterbeach were brought forward i.e. a '6500-house development promoted by the developer Urban & Civic and a 4,400 house development promoted by the developer RLW', the two developments would have 'a total heat demand estimated to be 81,750 MWh/year'; which was seen by the applicant to be a strong opportunity for the delivery of direct efficient and sustainable heat from the WWMP. Furthermore the Clarification Submission document covered opportunities for designing the heat off-take pipe to minimise heat loss, whilst also acknowledging that EA guidance means that the applicant is obliged to consider heat export opportunities within 10 kilometres (6.21 miles) of the proposed development; thus at a distance of under 2 kilometres (1.24 miles) both the new growth site at Waterbeach and the Cambridge Research Park were in the feasible export limits.

8.230 Although the installation of the heat pipe will be dependent upon future commercial agreements, which is further acknowledged in the public benefits section of this report (see paragraph 8.304), officers are content that this is quite normal and should be accepted. Officers have discussed the opportunities for both heat off-take and electricity generation with the planning team at South Cambridgeshire District Council and have ensured a joined up approach in relation to planning conditions to address this renewable energy opportunity in line with emerging LP policy CC/2 (e.g. ensuring how delivery can be obtained (draft conditions 34 and 40) and de-commissioning (draft condition 39)). Officers have also considered other EfW decisions with this regard to ensure a consistent approach. From the inspector / SoS decisions read by officers, it is accepted that where there is considerable potential for heat off take given the proximity of the user, the possibility of commercial contracts to come forward, and that a facility has been designed to be able to provide heat as well as electricity in an area close to heat users, then it should be afforded significant weight e.g. Resource Recovery Solutions (Derbyshire) Ltd at Sinfen (Inspector's Decision)<sup>22</sup>; Urbaser Balfour Beatty at Javelin Park, near Haresfield, Gloucestershire (SoS decision on Inspector's recommendation)<sup>23</sup>; and at Mercia Waste Management Limited at Hartlebury, Worcestershire (SoS decision on Inspector's recommendation)<sup>24</sup>.

#### Opportunities for electricity generation

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<sup>22</sup> Appeal reference APP/C1055/A/10/2124772

<sup>23</sup> Appeal reference APP/T1600/A/13/2200210

<sup>24</sup> Appeal reference APP/E1855/V/11/2153273

8.231 As set out in paragraph 3.14 of this report, the applicant has demonstrated a likely route to connect the facility to the energy grid to be able to export electricity (see Agenda Plan 6), which has been considered as part of their ES. Whilst the electricity connection to the grid falls outside the remit of this planning application as explained in paragraph 3.14, the applicant has shown their ability to provide the generated electricity to the grid, which as touched upon in paragraph 8.230 above, has sought to be conditioned (see draft condition 40) in line with emerging LP policy CC/2. The applicant's Clarification Submission document dated April 2018 provides further detail on the energy statistics used within the submission, in response to concerns raised by objectors that the figures used had changed over time and were overestimated based on statistics provided by other operational EfW facilities. The information provided by the applicant in the Clarification Submission document also provided officers with a breakdown of how the figures had been calculated for their consideration.

8.232 In summary, the applicant's Clarification Submission document noted that export information in relation to the number of homes equivalent was set out in Section 12.4.23 of Chapter 12 (Socio Economic Effect) of their ES. However, what they usefully described was the values that were used to estimate the potential number of homes for electricity generation at the pre-application stage (approximately 45,000 homes), and the assumptions used to estimate the potential number of homes for electricity generation at the final submission stage (approximately 63,000 homes). Officers are content that the changes are based on the operating hours and new OFGEM "Typical Domestic Consumption Values of a Profile Class 1 Domestic user" published in 2017. The following table was provided by the applicant in their Clarification Submission document to show the equivalent number of homes to be provided, where they took the 'Medium' range for their submission calculation:

OFGEM 2017 – Typical Domestic Consumption Values of a Profile Class 1 Domestic user	Number of equivalent homes supplied	Number of equivalent homes supplied (rounded)
Low (1,900 kWh)	102,737	103,000
Medium (3,100 kWh)	62,968	63,000
High (4,600 kWh)	42,435	42,000

*Table reproduced from the Applicant's Clarification Submission document page 4*

8.233 Taking the above figures, it would be possible for officers to note that new build properties would require less energy consumption and could therefore reasonably use the 'Low' range thus increasing the equivalent homes up to 103,000 homes when rounded from the applicant's table above. However, if the electricity used was for Victorian homes for example then the equivalent could be 42,000 homes when rounded. On the same basis as the carbon assessment, officers acknowledge whilst there could be debate about whether a high or low figure would be a better gauge of the 'homes equivalent' estimate for the electricity produced, the

important consideration is that electricity would be produced providing a benefit to a considerable number of users. Such calculations will always vary depending on hours of operation and type of waste calorific values (as touched upon in paragraph 3.4 of this report), technology type, and public energy consumption, and officers consider that the applicant's choice of the 'Medium' range is not unreasonable in these circumstances.

#### Energy conclusions

- 8.234 When the carbon savings and opportunities for electricity and heat off-take discussed above are considered against the national energy strategies and policies set out in paragraph 7.16 of this report, the NPPF as a whole, and M&WCS Policy CS22, officers consider that the applicant has demonstrated how their scheme would support the Government's move away from reliance on fossil fuels and landfill, in line with climate change objectives. On this basis, officers consider that positive climate change benefits have been demonstrated and that the proposal is in compliance with both local and national planning policies.

#### **Air Quality and Human Health;**

- 8.235 Many of the local representations received, supported by a petition submitted on 1 May 2018 signed by 2,230 signatories, express concern about the potential adverse impact on air quality arising from the operation of the proposed EfW plant. They are concerned that the operation of the plant will result in the emission of toxic fumes, dioxins, carcinogens and ingestion of fine PM. Citing a number of sources, those making representations consider waste incinerators are associated with direct causal links to all-cause mortality, cancer, respiratory complications and reproductive health. Such potential impacts associated with emissions, in their opinion, potentially puts the health of all residents in neighbouring villages and across Cambridge at significant risk, especially in the most vulnerable members of society i.e. young and elderly, and those not yet born. The representations consider that waste incineration in Cambridge will produce an unprecedented health risk for people living in and around the city, with an increase in air pollution with significant and predictable health consequences, placing unnecessary burden on local healthcare.
- 8.236 Some representations also consider that an increase in emissions could adversely affect areas of ecological interest owing to acidification; cause impacts to soil and crops for both human and animal consumption; and exacerbate air quality problems in areas already experiencing poor air quality. Furthermore, concerns surrounding emissions of very fine particles (less than 0.1 µm) through the inefficiency of the bag filters and the testing regimes for PM, particularly PM2.5 and PM1 have also been raised, as much of the process is seen as 'self-regulation' from an operator they have no confidence in.

- 8.237 The incineration process, and the emissions which incinerating waste releases into the air, are tightly regulated and controlled by laws under the Industrial Emissions Directive (IED) (Directive 2010/75/EU), and the Environmental Permitting Regulations (EPR) 2016 by the EA. Under these European Directives, the plant must at least fully meet or go beyond and improve on the strict emission limit level controls by reflecting modern best practice standards so that human health and the environment will be protected. The EA closely regulate the operation of EfW plants through the application of conditions and requirements imposed on Environmental Permits to ensure that operations do not lead to harm to the environment and human health.
- 8.238 Noting the concerns raised by many local residents from the surrounding villages, the applicant set up three public information drop-in events, as discussed in paragraph 5.75 of this report. Much of the applicant's focus at these events was on air quality impact, as a direct response to the concerns raised. As evidenced in their updated Community Involvement Statement, the applicant produced a handout on Air Quality and Emissions for residents to take away and / or view information on their website. This sought to explain that the release of particulates from the plant would be controlled by the use of bag filters and that combustion gases would be subject to the Continuous Emissions Monitoring System (**CEMS**) which would be required by the EA through the Environmental Permit. It also sought to explain that the Environmental Permit will include an Emission Limit Value (**ELV**) for total dust – which consists of all fractions i.e. PM10 (particles which have a diameter less than 10µm) and PM2.5 (particles which have a diameter less than 2.5µm), which by definition includes those less than 2.5µm; recognising that the abatement system and CEMS is required to capture 99.5% of particulates above 0.3 microns. The applicant's handout also sought to explain how the flue gas bag filters work and the separation principles that mean that the smaller particles are adsorbed through a 'filter cake'. This was to address the concerns raised that the bag filters had not been identified as a form of mitigation as the applicant had not yet submitted their application for an Environmental Permit to the EA as it awaited the outcome of the planning process.
- 8.239 Whilst officers acknowledge the concerns raised about details such as the final bag filters proposed, it is common practice that developers of such combustion plants seek to obtain planning permission first before considering applying to the EA for an Environmental Permit. Thus the regulation of such facilities fall to two regulatory bodies, namely the WPA and the EA. It is government policy in Paragraph 183 of the NPPF that the focus of planning decisions should be on whether proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these other regulatory regimes will operate effectively.

- 8.240 Section 7 of the government's NPPW (2014) advises that WPA's should avoid carrying out their own detailed assessment of epidemiological and other data taking into account advice from relevant health bodies and that they should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 8.241 When determining an application for an Environmental Permit, the EA will take advice on health from PHE (formerly The Health Protection Agency). Although the proposed EfW plant has not submitted an application for a bespoke Environmental Permit and thus the scope and detail operating and regulatory conditions are unavailable, the WPA has undertaken a consultation with PHE on the planning application.
- 8.242 PHE has advised that operators of waste incinerators are required to monitor emissions to ensure that they comply with the emission limits stated in the EU Industrial Emissions Directive 2010/75/EU (IED). Compliance includes satisfying ELV for a range of pollutants and any Environmental Permit application must demonstrate that plant operation will use Best Available Techniques (BAT) in order to control emissions to air, land and water. PHE advise that, following a review of research, they have published a position statement on the impact on health of emissions to air from municipal incinerators. The former Health Protection Agency study summary (adopted by PHE) states:

*"While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living nearby is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.*

*The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measureable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable studies of public health around modern, well managed municipal waste incinerators are not recommended."*

The study concluded that:

*"Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact but such effects, if they exist, are likely to be very small and not detectable. The Agency, not least through its role in advising Primary Care Trusts and Local Health Boards will continue to*

*work with regulators to ensure that incinerators do not contribute significantly to ill health.”*

- 8.243 Based solely on the information contained in the planning application, PHE has advised that it has no significant concerns regarding risk to health of the local population from potential emissions associated with the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with relevant technical guidance or industry best practice. PHE will provide detailed comments to the EA as part of the consultation requirements of the environmental permitting regime.
- 8.244 On the suggestion of PHE, the WPA has consulted the Director of Public Health on wider public health impacts. Whilst noting that PHE are the technical experts on this type of facility, the Director has advised that other local public health issues include pollution from noise, dust, light and local air quality management. Consultation with the Environmental Health Officer of the District Council was therefore advised. The Director has indicated support in principle for the applicants approach to appropriate mitigation of impacts encompassing the CEMP and the encouragement of sustainable travel for staff.
- 8.245 Whilst recognising that the proposed EfW plant will be regulated through an Environmental Permit issued and enforced by the EA, the Environmental Health Officer (EHO) of the District Council for air quality considered that the development proposal ‘does have the potential to pose a risk to human health and evidently impact local air quality within South Cambridgeshire’. It therefore warrants additional consideration beyond the permitting requirements in their view. The EHO for air quality drew attention to the close proximity (500 metres / 546.81 yards) to the proposed plant of the new residential development planned for the Waterbeach New Town. The local context of the plant will dramatically change with the current rural open aspect making way for a densely populated area with a large increase in local sensitive receptors.
- 8.246 The initial air quality response from South Cambridgeshire District Council’s EHO considered that the introduction of an industrial source of air pollution would increase the need for monitoring air quality in the local area. To ensure that the air quality impact was closely monitored, managed and mitigated, the EHO for air quality therefore recommended the imposition of safeguarding planning conditions in order to protect human health and the environment to encompass the pre-commencement establishment of baseline air quality and on-going monitoring at sensitive receptors in the vicinity and at Waterbeach New Town; prior to plant operation verification of modelling results; revised emission modelling should design change be sought either to the height of the 80 metre (262.47 feet) exhaust stack or its location within the site; approval prior to

commencement of plant operation of an Air quality Monitoring Plan; enforcement mitigation of impacts if the air quality objectives in the vicinity become an air quality management area; contingency measures and procedures in the event of a breach of emission limits or failure of abatement equipment and shut down measures; and approval of a Low Emissions Strategy as the additional traffic movements will contribute to local air pollution. Furthermore, as part of the initial consultation response, the EHO for noise, dust and vibration also sought planning conditions on the investigation of noise complaints; compliance testing on noise emission limits; timescales for remedial action for noise complaints; and controls in relation to construction activities through a CEMP.

8.247 As part of the second consultation the EHO for air quality confirmed that the applicant's proposal to facilitate public access to daily emission information as part of a CEMS was considered acceptable, but the concerns surrounding the distance from the New Town and the related conditions from their previous response still stood, especially the need for a Low Emissions Strategy prior to development. Whilst the concerns of the EHO for air quality were acknowledged, CCC officers approached the planning officer co-ordinating the responses for South Cambridgeshire to discuss the proposed air quality planning conditions and the cross over with the EA's Environmental Permitting regime, to ensure that the Council was compliant with NPPF paragraph 183. These discussions included the air quality modelling that had already taken place (and assessed by an air quality specialist consultant on behalf of the Council), which when added to the other cumulative assessments undertaken in the applicant's ES, including the implementation of charging points on the site, CCC planning officers considered the requirements of the Low Emissions Strategy in emerging Local Plan policy SC/13(4) had already been covered. Furthermore, the assessment of air quality is best considered when measured at source and the imposition of draft condition 35, which was supported by the EHO on air quality, would ensure that this information was publically available in addition to the controls under the EA Environmental Permit. As such, the wider conditions sought by the EHO on air quality were considered to properly fall within the remit of the EA Environmental Permit, rather than consideration of the land use and imposition by planning condition risks breaching national planning policy.

8.248 The WPA commissioned an independent consultant, Air Quality Consultants, to review the submitted ES in respect of the assessment of impacts on air quality and cumulative impacts, including potential impacts on the A14 AQMA. It focussed on the potential impacts of the development on local residential properties (including those planned, but not currently there yet, i.e. the Waterbeach New Town) and nearby designated ecological sites. The adequacy of the assessment encompassed its methodology, the use of appropriate criteria, findings of overall significance, cumulative impacts and the appropriateness of



mitigation measures. In summary the specialist consultant report concluded that in matters of the air quality impact of stack emissions, air quality of road traffic emissions, construction traffic impacts, construction phase dust impacts, odour impacts, ecological impacts and Human Health Risk Assessment (HHRA), the suitability of the assessments were considered broadly acceptable. Noting that an existing AQMA is located on the A14 having reviewed the additional information provided by the applicant, the consultant advised that the impacts of additional traffic associated with the development during the construction and operational phases is not significant. The specialist independent consultant report on air quality therefore concluded that the air quality impacts of the application, even taken cumulatively with other planned developments, will not be significant.

- 8.249 In respect of any potential impacts of changes to air quality on areas of nearby ecological significance, the views of Natural England have been sought. Natural England has considered the potential impact of changes in air quality on Wicken Fen SAC and Ramsar Site. In respect of the Habitats Regulations they advised that a likely significant effect on the site can be ruled out. Having reviewed the submitted information Natural England generally supports the conclusion of the ES that no significant effects arising through air quality impacts are predicted on statutory designated sites alone, or in combination. They also acknowledge that the Council has ruled out the need for a Habitats Regulation Assessment<sup>25</sup> and is supportive of this approach.
- 8.250 Based on the submitted information Natural England considers that the proposed development will not damage or destroy the interest features for which the Wicken Fen SSSI has been notified.
- 8.251 M&WCS Policy CS34 seeks to protect surrounding land uses. Development will only be permitted where it can be demonstrated that there would be no significant harm to the environment, human health or safety on existing or proposed neighbouring land uses. In minimising impacts appropriate mitigation will be required. In the case of the proposed development such mitigation will be designed in at source (abatement equipment) whilst the high chimney will ensure that the treated products of combustion are discharged into the atmosphere at a height to provide adequate dispersion and dilution in air so that ground level concentrations of pollutants do not give rise to unacceptable adverse impacts on human health and the environment. Clearly primary responsibility for regulating the plant falls to the waste permitting regime administered by the EA who in considering any application for an Environmental Permit will have regard to the requirements of the Industrial Emissions Directive (IED). A

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<sup>25</sup> The Council's HRA screening exercise took account of recent case law e.g. Judgement of 12.4.2018 – Case 323/17 People Over Wind and Sweetman.

modern, well managed waste incinerator will only make a very small contribution to background levels of air pollution provided it complies with modern regulatory requirements, such as the IED, and should contribute little to the concentrations of monitored pollutants in ambient air.

- 8.252 Government policy confirms that WPA's must work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is appreciated that local residents are fearful that the stringent standards set by the EA might not be met resulting in potential for adverse impacts on health and the environment. It is also acknowledged that such widely held fears could in themselves result in stress and be detrimental to health and well-being and is capable of being a material consideration in the determination of a planning application.
- 8.253 However, there is no evidence to support the hypothetical view that the EA would be unable or unwilling to monitor and, if necessary, enforce compliance with the terms of any such Environmental Permit. Indeed the earlier successful prosecution of the operator of the WWMP for adverse environmental impacts associated with composting operations at the wider site indicates that the EA is fully prepared to use its enforcement powers in appropriate circumstances.
- 8.254 Draft condition 35 does include a requirement for a scheme to be submitted for an Emissions Monitoring Protocol to display emission data for the plant and the corresponding limits in the Environmental Permit within the visitor centre and on a website for wider scrutiny. Other regulatory reporting arrangements would form part of the EA's Environmental Permit.
- 8.255 It is concluded that there is no evidence that any significant adverse consequences of operating an EfW plant at this site on air quality, noise at source, human health and the environment will take place that cannot be the subject of controls within the applicable standards applied and enforced by EA under the Environmental Permitting Regulations. Furthermore, it is noted that no objections have been received from the key environmental body in relation to air quality i.e. the EA, nor from PHE or the independent consultant employed to advise the Council on the technical data submitted, when assessed against national air quality guidance. Indeed, the Council's independent air quality consultant concurs with the findings of the applicant's air quality modelling and human health assessment, which officers have considered alongside Planning Practice Guidance on air quality<sup>26</sup> at the various stages of construction and operation, before reaching a balanced conclusion.

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<sup>26</sup> Paragraph: 005 Reference ID: 32-005-20140306.

- 8.256 It should also be noted that whilst any planning permission runs with the land rather than the operator, the processing of an Environmental Permit includes consideration of the plant operator as a “fit and proper person” having suitably qualified personnel with appropriate management procedures, practices and controls to safely operate such a plant. Thus the efficacy of the operator whilst a material consideration at the Environmental Permitting stage, cannot be a material consideration of any weight in the determination of a planning application.
- 8.257 In relation to M&WCS Policy CS34 and having considered the assessments provided with the proposed development, including planned mitigation, the results of consultations with statutory consultees, together with the scope of potential controls available under planning conditions and also those available separately to the EA under the environmental permitting regime; it is considered that there is insufficient evidence of any significant adverse effects that could justify a finding that the proposed development would result in adverse impacts on the air quality that would harm human health and the environment. As such the development consequently cannot be considered as contrary to M&WCS Policy CS34.

### **Noise Emissions and Vibration Assessments**

- 8.258 In support of the planning application the applicant has included noise and vibration assessments within the ES Chapter 7 Noise and Vibration and associated Appendices. To assist in considering the adequacy of the baseline surveys and noise and vibration assessments the WPA has engaged WSP (consultants) to prepare a report on such matters having had regard to the scope of the submitted information. During preparation of the application the applicant noted in paragraph 7.2.3 of the ES that they had been in contact with the Environmental Health Officer (EHO) at South Cambridgeshire District Council (SCDC) with regards to the scope, identification of receptors, baseline surveys and assessment criteria.
- 8.259 Based on the available evidence WSP advise that the baseline monitoring locations, instrument siting and deployment are considered appropriate and fit for purpose. There was good weather during the survey duration and the results are generally considered to be reliable. The raw survey data has been re-analysed by WSP which has produced similar, but not identical results. In considering the background noise levels adopted for the assessments at the nearest properties (Denny Croft Cottage and Denny Lodge Cottages) WSP recommend that more precautionary background noise levels of 35dB and 32dB respectively are adopted as more representative of quiet night time periods. The reported inclusion of the low level plant noise in the derived background level for one monitoring point (2B) is considered to be legitimate on the basis that the origin of the noise (the MBT) is an established and legitimate source, which operates, more or less continuously throughout the night time period.

- 8.260 The noise assessment includes the use of certain assumptions, which is not unusual, but does introduce some uncertainties and highlights the need to secure appropriate detailed controls to secure optimum mitigation in the interests of amenity in relation to the various phases of the development should planning permission be granted. In respect of construction noise impacts the assumed plant and associated sound power levels appear reasonable and the distance attenuation calculations are credible. Concerns have been raised by some objectors that the assumptions do not take account of specific equipment or the potential for a shredder to be used within the facility. Whilst noting these concerns, officers are content that the noise limits, recommended by WSP, will ensure that residential amenity can be appropriately protected whatever equipment is used.
- 8.261 With the exception of Denny Croft Cottage and Denny Abbey Cottages, noise levels predicted at receptors in the ES are generally compliant with standards. However, WSP initially considered that the potential impact from construction noise at these two receptors has been underestimated and was likely to result in a significant adverse impact in EIA terms during the construction phase without further mitigation. This was addressed as part of the additional environmental information by the applicant and WSP now consider this is capable of being acceptable, subject to the imposition of planning conditions restricting noise levels as discussed in paragraph 8.269 below. Owing to the high existing traffic levels on the A10 any additional noise impact from construction traffic is accepted as extremely small.
- 8.262 The applicant has carried out a qualitative consideration of the likelihood of adverse vibration impacts from the anticipated construction and WSP advise that the overall conclusions are well founded in that construction phase impacts are highly unlikely to be an issue at residential properties.
- 8.263 In respect of predicted daytime operational impacts these have been assessed at eight receptors and the results are indicative of a low impact in respect of a change in noise emissions. In respect of night time noise WSP advise that the noise assessment for Denny Croft Cottage underestimates the likely impact and is likely to result in a significant adverse impact.
- 8.264 Given the relatively high existing and predicted future traffic flows on the A10 only negligible increases in noise levels are predicted owing to traffic associated with the operation of the development. Based on measurements and experience from comparable sites and activities levels of vibration experienced at receptors would be very low and would be of negligible significance. Impacts associated with the potential installation of the off-site electricity and heat offtake pipe alongside the A10 will be of a nature commonly associated with short term highway maintenance and repair and any such impacts are regarded as minor.

- 8.265 Cumulative noise impacts of the development with the Chittering CHP facility and Waterbeach Barracks have been assessed in respect of the assessed receptor locations and no increase in noise from cumulative emissions has been found at the two critical receptors.
- 8.266 In summary, WSP has identified potential issues with the assessment of noise emissions at the two closest receptors in respect of worst case construction noise and night time operational phase noise the latter owing to the adoption of a higher background noise level than is justified in their professional opinion. They consider that both construction and operational impacts could be adequately mitigated via engineering and management solutions although no feasibility/buildability information has been provided in terms of proposed mitigation measures at this stage.
- 8.267 WSP recommended that should the WPA be minded to grant permission then suitable planning conditions should be included to encompass noise limits applicable at residential properties; a requirement to submit a noise mitigation and management for approval; requiring the developer to undertake compliance assessments under specific circumstances, including receipt of complaints. It should be noted that noise controls are likely to be included in permit conditions issued by the EA, as part of the Environmental Permit, but planning conditions are still considered necessary to safeguard residential amenity by securing compliance with noise limits. WSP has provided specific advice on representative background day time and night time sound levels to be used at five local receptors using BS 4142:2014 methodology for the derivation of any noise limits secured by planning condition and future noise assessments.
- 8.268 The EHO at SCDC has recommended that in order to provide the necessary confidence and to ensure that the proposal can be acceptable on noise and vibration grounds, the imposition of planning conditions will be required. In the event that planning permission is granted then the applicant should be required to submit a Construction Phase Noise Management Plan for approval (see draft condition 12). The Plan will need to encompass the construction methods, phasing and working hours together with the physical and management controls to minimise noise by reference to specified levels not to be exceeded at sensitive receptors.
- 8.269 The EHO has recommended the imposition of noise limits secured by planning condition at five locations reflecting the spatial distribution of the existing receptors (see draft condition 23). The noise level limits put forward are the same as those recommended by WSP. The setting of noise limits should be supplemented by another planning condition which requires the submission of a Noise Mitigation and Management Plan for approval (see draft condition 24). The plan will need to demonstrate how the development will achieve the noise limits specified for the five sensitive receptors by detailing the mitigation measures to be provided by buildings, structures, plant specifications, enclosures, barriers, design and

performance requirements. It will also include details of noise management of all noise sources in line with the proposed hours of operation (see draft condition 9) of the various operational elements. Such controls are consistent with NPPF paragraphs 170 and 180, alongside National Planning Practice Guidance<sup>27</sup>, which determines noise impact in line with the Noise Policy Statement for England.

- 8.270 It is also important that the site operator is responsive to any complaints received and that timely action is taken by appropriately qualified independent personnel to identify and assess the noise emissions in relation to the limits set at sensitive receptors. The result of investigations should be reported to the WPA together with details of proposed mitigation which if approved should be implemented within a specified period (see draft condition 24).
- 8.271 CPM&W Policy CS34 'Protecting Surrounding Uses' states that mineral and waste management development will only be permitted where it can be demonstrated that there would be no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss to residential or other amenities. Mitigation measures will be required, including where appropriate a buffer zone, between the proposed development and neighbouring existing or proposed sensitive land uses. The advice offered by both WSP and SCDC EHO in respect of permissible noise limits and the scope of mitigation necessary has been taken into account and it is considered that subject to the imposition of appropriate safeguarding planning conditions, as recommended by the EHO and referenced above, then the proposed development is not in conflict with CPM&W Policy CS34.

### **Flooding and Surface Water Drainage**

- 8.272 In support of their planning application the applicant has prepared a FRA. The majority of the application site falls within Flood Zone 3 near its outer edge. It is however located in an area which benefits from flood defence embankments along the River Great Ouse located some 3 kilometres (1.86 miles) northwards from the application site. The eastern and western extremities of the site lie in Flood Zone 1 on mapping produced by the EA. Following advice from the EA flood modelling has been undertaken of the Beach Ditch which runs within and along the western side of the site. The results of modelling essentially confirms that the application site is free from flooding. The EA has reviewed the modelling and advise that the modelling submitted is appropriate to support the FRA and that the site is not at risk up to a 1 in 1000 year event and therefore they have no objection to the proposal.
- 8.273 The Council's Emergency Planning officer advises that there would be no immediate threat of flooding from the river as levels are monitored and all

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<sup>27</sup> Paragraph: 003 Reference ID: 30-003-20140306.

properties that fall within a Flood Zone are now automatically entered into the EA Flood Warning Information Service. They recommend that the development has a Flood Plan in the event that they receive alert/warning from the regulatory authorities, which has been added as an informative.

- 8.274 The application site falls within the Old West Internal Drainage Board (IDB) District, and the proposed development lies adjacent to the Board's Beach Ditch Main Drain. The Board note that its main requirements have been addressed in the FRA and the Board has no drainage objections subject to the applicant requiring prior consent from the Board for any surface water/foul water discharge (which will be at a limited rate); the two road crossings across Beach Ditch and infilling of an on-site ditch . The Board requires all necessary pollution control measures to be put in place to minimise the risk of pollution to watercourses within its district.
- 8.275 The applicant has produced an outline surface water strategy for the proposed development site. The majority of the site is underlain by sand and gravel overlying clay. The proposed single surface water drainage system within the development will be served by a network of gullies, combined kerb drains, carrier drains and a ditch that will ultimately discharge to the existing Beach Ditch watercourse. The discharge rate would be controlled by a hydrobrake to meet the requirements of the IDB. Natural attenuation in the form of two reedbeds is proposed that will also provide water quality benefits as will the provision of bypass separators to minimise contaminants entering the attenuation system.
- 8.276 The outline surface water scheme has been the subject of consultation and the Lead Local Flood Authority (LLFA) has reviewed the submitted documents and have no objection in principle as the applicant proposes to limit surface water discharge in accordance with the requirements of the IDB and utilise a variety of Sustainable Drainage Systems (SuDS) features. Noting that the drainage submission is one in outline the LLFA request imposition of a condition to require prior approval of a detailed surface water drainage scheme that reflects sustainable drainage principles (see draft condition 18).
- 8.277 In terms of the control of pollution through surface water run-off, the site will be the subject of the separate environmental permitting regime administered by the EA. The Environmental Permitting Regulations make it an offence to cause or knowingly permit a discharge that will result in the input of pollutants to surface water. Detailed controls on this matter can therefore be left to the Environmental Permit.
- 8.278 Paragraphs 155 – 164 of the NPPF sets out government policy in respect of flood risk, whilst Paragraph 165 of the NPPF addresses SuDS. Having taken into account the responses from consultees the applicant's submissions have satisfactorily addressed these policy considerations, subject to the imposition of a safeguarding condition requested by the LLFA discussed above.

- 8.279 In respect of M&WCS Policy CS39 it is considered that subject to the imposition of the safeguarding condition discussed above and subsequent implementation, then there would be no significant adverse impact or risk to the quantity or quality of surface water resources. It is therefore considered that the proposed development would not be in conflict with M&WCS Policy CS39, whilst also satisfying NPPF paragraphs 155 -164.

### **Groundwater and Contamination**

- 8.280 In relation to potential contamination on the site and any related risks to groundwater etc. the applicant's Phase 1 Desk Study site survey has identified the potential presence of made ground and together with the adjacent landfill could be potentially contaminative. The site is considered to be of high sensitivity and the proposed use could present potential pollution linkages to controlled waters. Concerns have been raised by objectors in relation to possible contamination issues for both the groundwater and the surface water discussed above.
- 8.281 M&WCS Policy CS39 requires that consideration is given to groundwater and pollution control matters. The EA has advised that in part of the site the presence of sand and gravel acts as a shallow secondary aquifer whilst the remainder consists of clay with beds of fractured limestone, which would allow movement of water. In the southern part of the site there is a principal aquifer formed by the Woburn Sands. The site is not located within a Groundwater Protection Zone (SPZ).
- 8.282 The NPPF at paragraph 178(a) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. NPPF paragraph 178(c) also sets out that adequate site investigation information is prepared by a competent person is made available to inform these assessments. The EA has advised that they are satisfied that the risks to controlled waters can be addressed through appropriate measures and that planning permission could be granted provided appropriate planning safeguarding conditions are imposed. These would encompass prior approval and implementation of a Groundwater and Contaminated Land Remediation Strategy and prior approval of any Piling needed as part of construction (see draft conditions 15 and 17) which would enable the development to comply with paragraph 178(a) of the NPPF.
- 8.283 In terms of the control of pollution, the site will be the subject of the separate environmental permitting regime administered by the EA. The Environmental Permitting Regulations make it an offence to cause or knowingly permit a discharge that will result in the input of pollutants to surface or groundwater. Detailed controls on this matter can therefore be left to the Environmental Permit. The EA also regulates the dewatering of land which may be necessary during the construction phase.



- 8.284 In respect of M&WCS Policy CS39 it is considered that subject to the imposition of safeguarding conditions discussed above and subsequent implementation, then there would be no significant adverse impact or risk to the flow of groundwater at or in the vicinity of the site. The incorporation within the development of adequate water pollution controls and monitoring measures will be determined through the Environmental Permit. It is therefore considered that the proposed development would not be in conflict with M&WCS Policy CS39 and has satisfied NPPF paragraph 178(a).

### **Cumulative Impacts Assessment**

- 8.285 The applicant's ES included an assessment of likely cumulative significant effects associated with other major projects in the vicinity of the proposed development. The methodology for their assessment was described in Chapter 4.0 of their ES and each technical chapter included a section on cumulative effects. Whilst it was not necessary for the applicant's planning application to assess the cumulative impacts of the Mitchell Hill proposal (S/0088/18/CM) submitted after their proposals, as the Mitchell Hill planning application should have included the EfW proposals as part of their submission; in the absence of this assessment the applicant submitted a full cumulative assessment of the Mitchell Hill project in their Additional Environmental Information Submission Document dated April 2018.
- 8.286 The applicant's cumulative assessment has therefore taken account of the wider uses on the WWMP, the Mitchell Hill application, the Barracks application, and the permitted glasshouse development at Chittering approved by ECDC. The applicant's ES has also taken account of the most likely route of the grid connection (noting that this is outside the scope of this planning application as it will be carried out using PD rights, as acknowledged in paragraph 3.14 of this report) and an assessment of the potential for the use of combined heat and power generated by the facility and the route for a heat connection pipe.
- 8.287 Many of the objections raised have expressed concerns about the cumulative impacts this development would have on the A10 and implications for the A10 improvement works discussed in paragraphs 8.63 to 8.68 of this report; but also the implications of cumulative impacts arising for a new housing development being placed so close by, with likely impacts on A10 movements and also wider matters such as air quality, landscape visual impacts and noise when taken all together.
- 8.288 Whilst matters relating to air quality, landscape and noise have all been discussed in other sections of this report, one concern that officers did share with objectors was the need to ensure that the traffic modelling undertaken in relation to movements on the A10 etc. were controlled to the levels assessed if permission was granted; alongside the types of waste accepted and the catchment area from which they would derive etc. Such measures would ensure that the cumulative impacts assessed, particularly

in relation to the applicant's TA, were capable of being controlled and monitored by the WPA. To address these concerns officers have recommended conditions that limit the throughput of the facility (see draft condition 4), the waste types (see draft condition 5), the need for priority to be given to residual waste already arising on the WWMP (see draft condition 6) and the catchment area for the site in line with the applicant's ES (see draft condition 7), alongside the S106 requirement for an overall waste cap on the WWMP to match the overall waste figures used in the applicant's TA (see paragraph 8.329 of this report that sets out officer's consideration of the proposal in the applicant's draft S106 Heads of Terms under Schedule 8).

- 8.289 Officers consider that the applicant has gone further than required to assess all the likely cumulative significant effects associated with other major projects in the vicinity of their proposed development. Therefore it is considered by officers that subject to the recommended planning conditions discussed above, the proposal, in combination with other schemes in the area, is capable of meeting both local and national planning policy requirements in this regard.

#### **Perceived impact on recycling**

- 8.290 One of the concerns raised by local residents and public groups has been the impact such a facility would have on recycling within Cambridgeshire. The applicant's education team are already working with the Recycling Cambridgeshire and Peterborough (RECAP) partnership to engage with community groups and schools, particularly in areas of Cambridgeshire that have been identified as having some of the worst contamination or recycling rates to raise awareness of the problem. In a bid to broaden the audience the applicant has also created partnerships with a variety of community organisations, including libraries, youth groups and local charities. From March 2018, the applicant has also set up a partnership with Anglian Water and the not for profit organisation 'Garden Organics' to promote home composting to Cambridgeshire residents. Initially this has concentrated on residents of March in Fenland, and Cherry Hinton in Cambridge, but they hope to widen this initiative to become county wide within the next two years.
- 8.291 The proposed EfW facility includes an education suite as noted in paragraph 3.1 of this report, which the applicant is keen to use as a further educational tool to assist with awareness of the waste hierarchy in order to meet recycling targets in the County. The applicant is also keen to ensure that the existing complementary waste recycling facilities (e.g. the MBT, MRF and IVC facilities) are still used on site, with the EfW facility being proposed as the final piece in the jigsaw to push waste up the hierarchy and away from landfill (see draft condition 38 that addresses the requirement for an Education Benefits Delivery Scheme to ensure the educational benefits from the waste hierarchy are achieved). There is no evidence to suggest that EfW facilities stop people from recycling, and in other European counties with some of the highest recycling rates, for

example Germany, they also utilise energy from waste to divert waste from landfill, whilst still being one of the top performers for recycling.

- 8.292 Noting the concerns raised about recycling on the WWMP, the applicant has proposed a condition to show their commitment with dealing with the waste residues from other recycling processes, in this case the MBT, to demonstrate that they do not propose to stop recycling and only take waste to burn (see draft condition 6), in addition to the Education Benefits Delivery Scheme (draft condition 38) discussed in paragraph 8.291 above. This is in line with both national policy on the waste hierarchy and also M&WCS policy CS29.

### **Public Benefits Assessment**

- 8.293 This section has been created to try and draw together all the public benefits considered by officers throughout this report into one place, for ease of reference, and to assist members in the balancing of the public benefits against the designated heritage harm test set out in paragraph 196 of the NPPF, ahead of a decision being made. It will still require the reader to cross refer to earlier consideration sections of this report, but where relevant these will be referenced.

- 8.294 For ease of reference paragraph 196 of the NPPF has been reproduced below:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

- 8.295 Furthermore, for the avoidance of doubt the National Planning Practice Guidance<sup>28</sup>, in the context of conserving and enhancing the historic environment, states the following in relation to what is meant by the term public benefits:

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in National Planning Policy Framework (paragraph 7) [now paragraph 8]. Public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

*Public benefits may include heritage benefits, such as:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting;*

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<sup>28</sup> Paragraph 020 Reference ID: 18a-020-20140306.

- *reducing or removing risks to a heritage asset;*
- *securing the optimum viable use of a heritage asset in support of its long term conservation'*

8.296 Officers have placed their own emphasis on 'flow from the proposed development' in the guidance quoted above, as whilst the applicant's heritage mitigation measures will be discussed in the Heads of Terms section of this report (see paragraphs 8.310 to 8.336), and it will be made clear where such proposals can be given weight as material planning considerations, they do not flow from the proposed development and as such should not be given any weight in the balancing of the public benefits exercise for the purposes of NPPF paragraph 196.

8.297 Each of the following sections are titled as the main public benefit themes considered by officers, and note the weight (limited, moderate or significant) that officers have given to these considerations when weighed against the heritage impacts in line with NPPF paragraph 196. The following public benefits, alongside the balancing exercise undertaken by officers, have taken account of both local and national planning policy guidance before reaching a decision on their attributed weight. The assessment of the public benefits and weight attributed to them within this section of the report is based on officer assessment and it will be for members of the Planning Committee to apply their own planning judgements ahead of reaching a decision.

#### Planning policy (allocated site)

8.298 The application site is allocated in the adopted M&WSSP under reference SSP W1 reference W1K for waste uses, which includes EfW as discussed in paragraph 8.3 of this report. The history of the plan allocation is set out in paragraph 4.2 of this report to assist members with the stages undertaken to make the allocation, ahead of the Examination in Public in front of an independent planning inspector. Noting that the UK planning system endorses a 'plan led' system, the public benefit for use of an allocated site is that this planning use has already been endorsed in principle subject to the detail of a planning application. Whilst an allocated site does not mean that planning permission is guaranteed, it does provide communities with some certainty the nature and location of future waste management development, which includes the proposed development on the WWMP, and helps to reduce the chances of major unassessed sites coming forward elsewhere.

8.299 NPPF paragraph 11 (c) states that decisions should apply a presumption in favour of sustainable development, which for decision-taking means '*approving development proposals that accord with an up-to-date development plan without delay*'. The application site has already been tested through the plan making process and was considered as an appropriate location for an EfW facility to meet the waste needs of the area. Therefore in line with both local and national planning policy guidance, this public benefit should be given significant weight.

### Moving waste up the hierarchy and meeting a waste management need

- 8.300 As set out in paragraphs 8.4 – 8.35 of this report, officers have assessed the need for the facility (also considering the proximity principle, waste catchment areas and location and accessibility), alongside the benefits of moving waste up the hierarchy and away from landfill (disposal). Furthermore, as acknowledged in paragraph 8.4, there is a raft of legislation, policy and targets which range from national to local (e.g. the WMP (2013), and the NPPW (2014); and M&WCS (2011), and M&WSSP (2012)), and international policy (e.g. the Landfill Directive 1999/31/EC and revised Waste Framework Directive 2008/98/EC) that strongly supports the move away from landfill and the use of waste as a resource to generate electricity or heat (further touched upon in the energy public benefit theme below). As such, and noting the support in principle for the development offered by the EA, officers have given significant weight to the potential to move waste up the hierarchy, with the associated climate change benefits, in accordance with both local, national and international policies.

### Location and co-location

- 8.301 As noted in paragraph 8.36 of this report, the WWMP is unique, in that it is not only located close to the source of arisings, and in good proximity of much of the planned growth in the County, but is also on a main road network that enables the facility to access the A10 and A14, thus avoiding local villages. The proposed facility is to be co-located with other existing waste management facilities, where the applicant already has the ability to deal with a wide range of waste using the principles of the waste hierarchy to provide greater levels of recovery. Thus the proposed facility has been sought to complement the other existing uses on the site and avoid waste needing to go to landfill and instead be used as a resource to provide greater levels of recovery.
- 8.302 Officers are unaware of another waste site in the country that contains all the different waste uses that exist here e.g. using the hierarchy as a guide and starting at the bottom – landfill, Anaerobic Digestion (trial site), composting, MBT, and MRF. Whilst many waste sites across the UK hold some of these facilities, the application site would provide an opportunity for waste to be managed in line with the principle of pushing waste up the waste hierarchy i.e. disposal, other recovery, and recycling / composting. In addition to this, the site is located in close proximity to one of the major urban growth areas being considered at Waterbeach (see paragraphs 2.5 to 2.6 of this report), which as well as being ideally placed for the management of waste arisings, it also provides the opportunity for electricity and/or heat to be provided to the new developments. As such, officers consider the location and co-location opportunities to be a benefit that should be given significant weight.

### Energy and Climate Change

- 8.303 As discussed in paragraphs 8.213 – 8.234 of this report, the proposed EfW facility would result in carbon benefits when compared to landfill, the principle of which has been given significant weight in numerous decisions, including decisions by the Secretary of State (see paragraph 8.227 of this report). When considering some of the decisions made on other similar plants, the proposed technology is considered by officers to be more dependable than wind and solar (which are only powered in the right climatic conditions); offers diversity to the alternatives for fossil fuels (rather than the UK only seeking wind and solar power); allows a key location / distribution to be used (e.g. not just based on climatic conditions); and is capable of being delivered by the applicant as a proven technology (subject to the necessary permissions and contracts).
- 8.304 Whilst the applicant has not yet entered into a contract to provide either electricity or heat to the new Waterbeach housing developments or secured other opportunities such as the Cambridge Research Park (as discussed in paragraph 8.230), officers are content that this is entirely to be expected and should therefore be accepted. The important consideration in the weighing up of the public benefit in this instance should therefore be based on the opportunity to deliver electricity and/or heat to these areas. Officers consider that there are few other facilities in the UK that have had such a good opportunity as this proposal, to be progressed at an early enough stage to allow both the heat and electricity off-take to be a real potential and possibility. The applicant has demonstrated a connection to the electricity grid (which also goes past the entrance to the new Waterbeach developments should some electricity need to be diverted to the growth site); so whilst the connection to the grid sits outside the remit of this planning application, officers are content that the connection is possible and the associated benefits and potential impacts have been fully considered (see draft conditions 34 and 40). Furthermore the application includes a heat pipe connection to the roundabout for the Waterbeach development that will be implemented if a contract is signed. The ability to provide electricity and/or heat has been seen as a real public benefit that also meets the national objective to move away from fossil fuels as an energy source that should be given significant weight.

#### Socio-economics

- 8.305 The applicant has demonstrated a number of different socio-economic benefits that can be attributed to the proposed development in Chapter 12 of their ES. This includes educational benefits (with accessible tours), permanent jobs and construction jobs, linked supply chain jobs for both construction and operation, apprenticeships, and the potential for access to a heat source for residents and businesses, alongside the potential for electricity generation for the equivalent of 63,000 homes in the area if heat is not exported (see paragraphs 8.231 to 8.233 for the electricity calculations and considerations). The applicant's socio-economics chapter in their ES (paragraph 12.4.20 and table 12.11 of the ES) provides a figure

of £1,838,429 per annum once operational, in relation to the predicted benefits 'additionality' from the jobs and linked benefits that the development would create.

- 8.306 Officers consider the opportunities identified by the applicant in relation to socio-economic advantages to be fair. Whilst not all can be equated to a direct economic value e.g. the opportunity to educate people in better waste management and the benefits of recycling, officers consider they are all equally important and therefore have provided moderate weight in the balancing exercise. In attributing weight officers have noted the strong support expressed by the EA for the proposal to provide a Visitor Centre to promote education on waste issues, including the importance of the waste hierarchy to guide waste management practice.

#### Restoration of the ecology

- 8.307 The applicant has proposed biodiversity benefits on the application site as part of this planning application. The creation of a wetland reedbed habitat, justified by priorities in habitat and species biodiversity plans, and new tree planting have been set out in Chapter 6 of the applicant's ES to create net biodiversity gains in line with new NPPF paragraph 175(d). The ecological restoration of the site (without taking account of any planting off-site proposed under the heritage mitigation package considered below) is seen to be key to the future ecology in the area.
- 8.308 Officers are content with the applicant's surveys, and subject to the imposition of planning conditions discussed in paragraphs 8.206 – 8.212 of this report (to ensure that the ecological benefits are delivered), then moderate weight has been given to this net gain of biodiversity to support the local ecological network as a public benefit.

#### Summary

- 8.309 In summary, the above paragraphs have clearly set out the public benefit considerations that officers have taken into account in their balanced judgement of the scale of the heritage harm compared to the public benefits of the proposal. The weight attributed has also been shown in a transparent way to provide members with the opportunity to review each of these ahead of making their final decision. In officers opinion the weight afforded to each of the above public benefits has been based on local, national and international policies / guidance and has been provided to help assess these benefits against the harm to the heritage asset at the DAC discussed in paragraphs 8.126 to 8.173 of this report. This assessment is pulled together in the planning balance exercise for NPPF paragraph 196 in the conclusions section of this report (paragraphs 9.7 to 9.9).

## **Draft Heads of Terms**

8.310 The Town and Country Planning Act provides for a power for a legal agreement to be entered into between the planning authority and an applicant in order to help mitigate the impacts of a development proposal. Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 states that such planning obligations may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

8.311 The above is also reinforced in paragraph 56 of the NPPF where it accurately captures the above CIL regulations.

8.312 Planning obligations are additional to the imposition of planning conditions which in themselves must also be necessary, precise, relevant, enforceable and reasonable in all other respects<sup>29</sup>.

### Draft Heads of Terms put forward by the applicant:

8.313 In response to concerns by planning officers that there should be a waste throughput cap for the wider WWMP, the applicant proposes a limit of 571,000 tonnes per annum (to match the TA assessment as discussed in paragraphs 8.45 and 8.52 of this report) for treatment and/or disposal at the WWMP in any one calendar year to be complied with on Service Commencement of the EfW facility i.e. operation of the facility to accept waste following the issue of the takeover certificate to the operator (see Schedule 8 of the draft Heads of Terms in paragraph 8.315 below).

8.314 Taking account of the heritage concerns on sustainability and viability raised by English Heritage Trust and the Farmland Museum, the applicant proposes a heritage mitigation package that could be addressed through a planning obligation secured under S106 of the Town and Country Planning Act.

8.315 The following is a summary of the scope of the applicant's draft Heads of Terms that have been considered by officers. These have been subject to discussion by the applicant with the landowner, interested heritage bodies and the WPA to provide a basis for the deliverability of such initiatives:

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<sup>29</sup> Paragraph 55 NPPF.



- **Schedule 1 (Plans)** to define the following:
  1. Plan 1: Site Plan comprising the DAC, Interpretation Strategy, Access Road and Landscape;
  2. Plan 2: Preliminary Design Layout of the Access Road;
  3. Plan 3: Preliminary landscape planting locations; and
  4. Plan 4: The Waterbeach Waste Management Park.
- **Schedule 2 (Access Covenants)** to confirm access arrangements to the Access Road Land to undertake surveys, construction and planting of the Access Road and upon completion of the construction to provide uninterrupted access to staff and visitors (to the DAC).
- **Schedule 3 (Conservation Management Plan)** – in consultation with English Heritage Trust, Historic England and the Farmland Museum, prepare and submit for approval, a Conservation Management Plan for the DAC.
- **Schedule 4 (Landscape Strategy and Planting Fund)** – in consultation with English Heritage Trust, the Farmland Museum and JH Martin (Landowner), prepare and submit for approval, a Landscape Strategy Plan for the Landscape Strategy Planting Land.
- **Schedule 5 (The Audience Development Strategy)** – in consultation with English Heritage Trust, Historic England and the Farmland Museum, prepare and submit for approval, an Audience Development Strategy for the Farmland Museum to explore potential opportunities to increase the use of the DAC by public visitors and educational groups.
- **Schedule 6 (Interpretation Strategy)** – in consultation with English Heritage Trust, Historic England and the Farmland Museum, prepare and submit for approval, an Interpretation Strategy which shall seek to increase the understanding and appreciation of the significance of the DAC, primarily relating to the earthwork remains which are located to the north and west of the Abbey building. The Interpretation Strategy Delivery Fund (£8,000) will be paid to enable the Interpretation Strategy displays to be implemented.
- **Schedule 7 (Alternative Access Road and Car Park)** – in consultation with English Heritage Trust, Historic England, the Farmland Museum and JH Martin, will:
  1. Take reasonable endeavours to secure planning consent and construct a new Access Road (to Denny Abbey and the Farmland Museum) off the A10 roundabout.
  2. Pay the future Car Park Allowance Fund (£291,000) for 50 cars and 2 coach parking spaces within 6 months of completion of the construction of the Access Road.

- **Schedule 8 (Throughput limit)** – at Service Commencement of the facility i.e. operation of the facility to accept waste following the issue of the takeover certificate to the operator, no more than 571,000 tonnes of waste shall be imported for treatment and/or disposal at the WWMP in any one calendar year.

8.316 A number of representations have drawn attention to the desirability of certain off-site improvements or facilities that could be provided by the proposed development which encompass potential upgrade works to the A10 to increase highway capacity; provision of a community swimming pool taking advantage of any heat offtake from the EfW plant; village contributions in lieu of road traffic impact, on views, and emissions of pollutants; and remote air quality monitoring points. Both the applicant's proposed draft Heads of Terms for the S106 noted in paragraphs 8.313 – 8.315 above, and the other calls for off-site improvements, fall to be considered under the tests of Regulation 122(2) of CIL as outlined in paragraph 8.310 and officers considered it relevant to review relevant case law in this respect.

#### Relevant Case Law and Legislation to be considered

8.317 The most relevant case law in considering whether the draft obligations offered or sought by others complies with the relevant legislative and policy requirements to ensure that such obligations cannot be seen as an illegitimate attempt to “buy” planning permission includes the following:

- *Forest of Dean DC v Wright* [2017] EWCA Civ 2102, [2018] J.P.L. 675;
- *Good Energy Generation Ltd v Secretary of State for Communities and Local Government* [2018] EWHC 1270 (Admin); and
- *Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Co Ltd* [2017] UKSC 66; [2017] P.T.S.R. 1413.

8.318 The following propositions can be drawn from the cases and that the planning decision-maker has a statutory duty to have regard to all material considerations; and to have no regard to considerations which are not material. Whilst the weight to be given to a material consideration is a matter for the decision-maker, what amounts to a material consideration is a question of law for the court to determine.

8.319 The fact that a matter may be regarded as desirable (for example, as being of benefit to the local community or wider public) does not in itself make that matter a material consideration for planning purposes. For a consideration to be material, it must have a planning purpose (i.e. it must relate to the character or the use of land, and not be solely for some other purpose no matter how well-intentioned and desirable that purpose may be); and it must fairly and reasonably relate to the proposed development (i.e. there must be a real – as opposed to a fanciful, remote, trivial or de minimis – connection with the development). These criteria are known as

the ‘*Newbury criteria*’, which arises from *Newbury District Council v Secretary of State for the Environment* [1981] AC 578.

- 8.320 Financial considerations may be relevant to a planning decision. For example, something which is funded from the development or otherwise offered by the developer will not, by virtue of that fact alone, be sufficiently related to, or connected with, the development to be a material consideration.
- 8.321 Off-site benefits are not necessarily immaterial. An off-site benefit may be material if it relates to the character or the use of land, and fairly and reasonably relates to the proposed development.
- 8.322 As regards the *Newbury criteria* ‘planning purpose’ officers have assessed whether the applicant’s S106 proposals and suggestions for off-site planning obligations:
- Relate to the character or use of land, rather than being solely for some other purpose no matter how well-intentioned and desirable that purpose may be; and
  - Fairly and reasonably relate to the permitted development (so there is a real – as opposed to a fanciful, remote, trivial or de minimis – connection with the development).

Consideration of each of the schedules proposed in turn

- 8.323 Taking account of the relevant case law and legislation discussed in paragraphs 8.317 to 8.319 above, the applicant’s proposed draft planning obligations have each been considered in turn:
- 8.324 **Schedule 1** deals with the necessary reference plans that would link to a S106 planning obligation agreement. As these plans are only relevant to define the specific locations associated with the wider proposed schedules, set out in the first main bullet point of paragraph 8.315, it is not considered necessary to discuss this schedule in any depth.
- 8.325 **Schedule 2** deals with the access covenants to be able to undertake surveys, construction and planting of the Access Road initially and then upon construction to provide uninterrupted access to staff and visitors to the DAC. In a similar way to the plans discussed in Schedule 1, this is associated with wider proposed schedules, and as such it is not considered necessary to discuss this schedule in any depth.
- 8.326 **Schedule 3** deals with a Conservation Management Plan (CMP). The purpose of the CMP is to create the overarching document that will guide the proposals for changes to or developments at the DAC to ensure that its significance is acknowledged and if possible further revealed or enhanced. One of the key outcomes for the CMP will be to develop sound policies that have the support of key stakeholders. The CMP policies would help guide investment and improvement of the DAC in order to

realise its potential to provide a key cultural resource in South Cambridgeshire. Officers consider the CMP has a key role to play in the heritage mitigation measures proposed by the applicant and that the overarching plan would not only be fairly and reasonably related to the development, but also have a clear planning purpose that seeks to enhance the significance of the DAC. It is therefore considered that this meets both Regulation 122(2) of the CIL regulations and also the *Newbury* criteria.

8.327 **Schedule 4** deals with a Landscape Strategy and Planting Fund. The potential for this to mitigate some of the harm to the significance of the DAC caused by the scheme is evident and is fairly and reasonably related to the development. It has a clear planning purpose and relates to the character and use of the land. It is therefore considered that this meets both Regulation 122(2) of the CIL regulations and also the *Newbury* criteria.

8.328 **Schedule 5** deals with an Audience Development Strategy (ADS). Officers acknowledge that this has attracted concerns about it not reducing the impact of the proposed development as discussed in paragraph 8.147 of this report, which has challenged whether the ADS can ameliorate any material planning considerations. Its purpose and ability to sustain and enhance the significance of the heritage asset is also less obvious than some of the other mitigation proposals put forward. Officers have discussed the purpose of this strategy with the applicant, in light of the discussions undertaken with the interested heritage bodies, and are content that the purpose of the strategy is to better reveal and so enhance the significance of the DAC by developing the viability and enjoyment of the heritage assets to public visitors and educational groups. Whilst acknowledging that the ADS is not being put forward to address the harm to the setting or reduce the impact of the proposed development from a landscape perspective, it is being proposed to address the viability and sustainability concerns raised that have a bearing on the significance of the heritage asset. Therefore whilst the ADS is not being placed into the planning balance for the assessment of harm in line with NPPF paragraph 196 (nor any of the wider heritage mitigation measures), it is linked to the wider management plan for the site and is therefore considered capable of having a clear planning purpose that relates to the use of the land and an improvement to the viability of the visitor facility as set out by both English Heritage Trust and the Farmland Museum. With this additional explanation it is considered by officers that this meets both Regulation 122(2) of the CIL regulations and also the *Newbury* criteria.

8.329 **Schedule 6** deals with an Interpretation Strategy. Officers acknowledge that this has also attracted concerns about it not reducing the impact of the proposed development as discussed in paragraph 8.147 of this report, which has challenged whether the Interpretation Strategy, like the ADS, can ameliorate any material planning considerations. The purpose of this strategy is to seek to increase the understanding and appreciation of the significance of the DAC, primarily relating to the earthwork remains which

are located to the north and west of the Abbey building. This would be informed by detailed topographical surveys and 3D laser scanning with a fund to be able to ensure the findings are able to be placed on displays for visitors and educational groups to learn from. Officers consider this has a more obvious benefit than the ADS, and that the additional understanding of the area would not only be fairly and reasonably related to the development, but also have a clear planning purpose that seeks to enhance the significance of the DAC. It is therefore considered that this meets both Regulation 122(2) of the CIL regulations and also the *Newbury* criteria.

- 8.330 **Schedule 7** deals with an Alternative Access Road and Car Park. This alternative access was suggested by English Heritage Trust and the Farmland Museum to allow visitors to gain access to the DAC away from the EfW site that is directly opposite the current entrance. This would provide an opportunity for visitors to safely access and egress the heritage site via the current WWMP roundabout, and in part allow an access with further screening to help enhance the sustainability and viability aspects of the heritage assets. The potential for the alternative access road and car park to mitigate some of the harm to the significance of the DAC caused by the scheme is therefore evident and is fairly and reasonably related to the development. It has a clear planning purpose and relates to the character and use of the land. Officers are content that the S106 will place great emphasis on the delivery of the road and car park fund. However, in the event that it does not come forward, there will be a requirement for the money to be used for other heritage projects identified in the overarching Masterplan / Conservation Management Plan for the site.
- 8.331 The S106 planning obligation would, if permission is granted, ensure that all the other elements of mitigation measures will be brought forward and that the overall heritage benefits beings considered in this report would not be lost or jeopardised as a result. It is therefore considered that subject to the S106 making these requirements clear, that these proposals meet both Regulation 122(2) of the CIL regulations and also the *Newbury* criteria.
- 8.332 **Schedule 8** deals with the waste throughput limit for the wider WWMP, which would effectively put a cap on the amount of waste that would be able to be imported into the site for all the waste processes. The purpose of this limit is to ensure that the amount of waste assessed as part of this proposal, which links in to the wider environmental assessments such as the TA, are controlled going forward, as discussed in paragraphs 8.45 and 8.52 of this report. It is considered necessary to make the development acceptable in planning terms when considered on a cumulative basis across the WWMP; is directly related to the development; is fairly and reasonably related in scale and kind to the development; has a clear planning purpose; and relates to the use of the land. It is therefore considered that this meets both Regulation 122(2) of the CIL regulations and also the *Newbury* criteria.

- 8.333 Consideration has also been given to the suggestion from some bodies and individuals that the development should contribute financially to the upgrading of the A10 highway to increase its capacity. Acknowledging that a large percentage of the waste to be utilised in the proposed plant is already delivered to the WWMP and taking into consideration the advice from the highways officers on the very limited impact of the proposed increase in traffic movements on the A10 it is considered that seeking an obligation for the developer to contribute financially to any future upgrade of the A10 does not satisfy Regulation 122(2) of the CIL regulations and also the *Newbury* criteria and cannot be pursued.
- 8.334 Similarly whilst the provision of a community swimming pool linked to the heat main from the proposed plant may be desirable, the inclusion of such an obligation on the developer does not satisfy Regulation 122(2) of the CIL regulations as it is neither reasonable, necessary nor directly related to the proposal; so cannot therefore be pursued.
- 8.335 Furthermore consideration has also been given to the request from one Parish Council in East Cambridgeshire for funds to be provided in lieu of road traffic, impacts on views and emissions of pollutants; and another Parish Council in South Cambridgeshire for funds for local residents (especially those living close to the site). For similar reasons set out in in paragraphs 8.333 and 8.334 above, none of these requests satisfy Regulation 122(2) of the CIL regulations and also the *Newbury* criteria and cannot be pursued.
- 8.336 Finally a request was made by two different Parish Council's in South Cambridgeshire for remote air quality monitoring points. For the same reasons discussed in paragraphs 8.247 and 8.251 of this report the best air quality monitoring is at source and is capable of being controlled by draft condition 35. As such, this request is not considered to meet Regulation 122(2) of the CIL regulations as it is not necessary.

#### Local Finance Considerations

- 8.337 A 'local finance consideration' is defined by Section 70(4) of the Town and Country Planning Act 1990 as:

*"...(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or*

*(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;..."*

Section 70 further defines 'relevant authority' which includes (but is not limited to) district and county council's. Therefore, the above is not only considered relevant to the determining authority but would also include South Cambridgeshire District Council in relation to CIL. As such, officers

have considered this in the context of both the upper and lower tier councils for the purposes of this assessment.

- 8.338 Officers are content that none of the S106 proposals would be a 'local finance consideration' under Section 70(2)(b) of the Town and Country Planning Act 1990, i.e. there would not be a grant or other financial assistance from a Minister of the Crown, nor CIL. Furthermore, for the avoidance of doubt, any perceived savings to the County Council as the Waste Disposal Authority (through reduced landfill tax) or additional costs (through any future potential incinerator tax) in association with the Waste PFI contract are not relevant to this test and are not seen as a material consideration for the reasons set out in paragraph 8.340 of this report.

### Summary

- 8.339 Officers have gone through each of the elements put forward by the applicant and other interested parties. Officers are therefore content that the draft Heads of Terms are capable of being CIL compliant, and therefore meet the tests set out in paragraph 8.310 of this report. As such, it is considered the proposals put forward are legitimate planning benefits that can be sought through the medium of planning obligations. They are all material planning considerations that can be considered in the overall planning balance.

### **Other planning considerations, including reference to non-material planning objections raised during the public consultation stages**

#### Waste Private Finance Initiative (PFI)

- 8.340 As noted elsewhere within the report, officers have always been clear with objectors that the Council's Waste PFI is not a material planning consideration. Members cannot give any weight to any possible savings that may or may not arise from this merchant facility being built from landfill tax savings; nor any costs that may result from an incinerator tax being put in place by the Government. Whilst concerns are acknowledged, these are outside the remit of this planning application.

#### Public referendum

- 8.341 Requests have been made for a public referendum on whether EfW is the right solution, similar to something held in Norfolk. It has been explained by officers that the proposed development being considered is not a solution being put forward by the Council and therefore it is not the same as the Norfolk example. This application is for a merchant facility and is in no way being promoted by the Council. Therefore as this solution is not being promoted by the Waste Disposal Authority on behalf of the Waste PFI contract, a public referendum is not applicable. The UK planning system should be used to determine the acceptability of this land use.

### Prematurity of plan

- 8.342 As clearly set out in Section 7 of this report the Council has only just commenced its 'issues and options' stage of the emerging Minerals and Waste Local plan, so this application needs to be assessed against the adopted Minerals and Waste Plan. Very little weight, if any, can be given to the emerging document, which was itself subject to recent public consultation. It is not reasonable to expect the applicant to wait for the Council to progress its emerging Local Plan and national policy makes this clear as discussed in paragraph 8.343 below.
- 8.343 In determining planning applications the NPPF has usefully produced guidance on what the decision taker needs to take into account in relation to planning law, the weight to be placed on emerging plans, and definitions of prematurity, including when refusal on prematurity grounds would be expected.<sup>30</sup> NPPF paragraph 50 makes it clear that '*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination*', and that '*Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process*'. Noting that the Council has only just started a 3-year review process and this site is allocated in the adopted local plan for a potential EfW facility, officers have dismissed the claims of prematurity.

### Lack of public consultation

- 8.344 Concerns around the lack of public consultation have also been raised by objectors. Whilst these concerns have been acknowledged by officers, section 5 of this report sets out in detail the public consultation undertaken by both the applicant and the Council, which is far in excess of the requirements of the Council's adopted Statement of Community Involvement. Additional opportunities for involvement have been provided by both the applicant and the Council to address the concerns raised and members are asked to note the extent of the offers provided by officers, particularly to local Parish Councils, to ensure that an inclusive consultation process was undertaken ahead of a decision being made.

### Lack of emergency procedures

- 8.345 Concerns have been raised about emergency procedures in the event something goes wrong with the proposed EfW facility. Fundamentally, such procedures will be covered by the EA permit or the Building Regulations stage in relation to fire protection. However, from a planning perspective, officers have sought input from the Fire Service, the District Council (particularly the Environmental Health Team) and the EA to ensure that full consideration has been given to these concerns in planning terms. Full responses and their approval in principle of the

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<sup>30</sup> NPPF paragraphs 47 to 50.



information submitted, subject to appropriate planning conditions, can be seen in the consultation responses section of this report (see section 5).

#### Operator performance, particularly odour concerns

- 8.346 Whilst officers understand the concerns raised about operator performance, we have always been clear that these are not material planning considerations and as such no weight can be given to them in determining this planning application. The assessment needs to be based on the proposed land use and therefore operator performance cannot be given any weight.
- 8.347 Unlike the UK planning system, the consideration of the environmental permit by the EA can give consideration to operator performance. Officers have agreed with colleagues at the EA that they will notify everyone that has written in directly to the Council on this planning application once the EA has a start date for their consultation on the environmental permit, to ensure that they all have the opportunity to make comments. However, this is a separate regulatory process and therefore as explained in paragraph 8.346 above, no weight can be given to operator performance in determining this planning application.
- 8.348 In relation to odour, this is something that is controlled by the EA. However, consideration has been given to this issue in relation to the proposed development and residential amenity, and as such the applicant has assessed this as part of their ES. However, other existing operations on site, and thus operator performance has to be excluded from this consideration.
- 8.349 From an odour perspective Members have been provided with an overview of the indicative process (see Agenda Plan 11). In addition to the facility being fully enclosed and the waste being delivered through fast acting roller shutter doors, systems will be in place for fans to draw air from the tipping hall into the furnace to assist the combustion process by creating a slight negative pressure, which in turn prevents odours from escaping from the building.

#### Property values

- 8.350 Much like operator performance, the UK planning system does not allow either the decrease or increase of property values to be considered as a material consideration in assessing this planning application. As such, whilst the concerns are acknowledged, they cannot be given any weight in the decision making process.

#### Should sink the facility into the ground

- 8.351 Some of the objections received have raised queries on why the facility can't be sunk into the ground to reduce the height and thus the resultant harm caused by the facility? Elements of the proposed development have

already been sunk into the ground to try and reduce the roof heights and thus the impact of the development (see paragraph 3.2). Both officers and members therefore need to assess the suitability of what is proposed, and what is in front of us, to decide if it can be supported in its current form or not, rather than consider changes that are not proposed by the applicant.

#### Chairman conflict

- 8.352 Some objections raised have stated that the Chairman of Planning Committee (Cllr David Connor) should not be able to determine this planning application as he has a conflict of interest in their opinion i.e. the alternative site is in his area of Whittlesey. It is with regret that some objectors have misunderstood the current allocations in the adopted Minerals and Waste Plan. Whilst it is acknowledged that the Chairman of Planning Committee is the local member for Whittlesey, the allocated site in the adopted plan within his area is not an alternative facility for this site, and thus there is no conflict of interest. For the avoidance of doubt this is also the case for the allocation at Addenbrookes, which is a replacement facility for the existing hazardous waste incinerator in Cambridge, and is not an alternative for the allocation at Waterbeach.

#### Monitoring concerns

- 8.353 Much concern has been raised about the type and frequency that an EfW facility is monitored. Whilst these concerns have been acknowledged, the NPPF is clear in paragraph 183 that in determining any planning application, local planning authorities should focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 8.354 That said, noting the concerns raised, and in order to try and provide some reassurance to concerned residents and parish councils, the applicant has offered a monitoring scheme condition based on a similar facility in Suffolk, where the facility is assessed at source (see draft condition 35 – Emission Monitoring Protocol). Whilst it is acknowledged that some concerned residents, alongside the air quality officer at South Cambridgeshire District Council and also Histon & Impington Parish Council called for wider monitoring, the best controls are at source from a planning consideration, in line with any permit limits that may be set by the EA if an Environmental Permit is granted, as discussed in the air quality section of this report.

## 9.0 CONCLUSION AND PLANNING BALANCE

- 9.1 It will be clear from the preceding sections in this report that there are strongly held views from individuals and organisations against the proposed EfW facility (with concerns surrounding air quality and health impacts), the need for the facility, and the impact on the heritage assets principally at the DAC, but also heritage assets further afield. Development plan policy supports the principle of such a technology that is capable of driving waste up the management hierarchy, through the allocation of the site for such a purpose. However, that policy support is qualified by the need for the scheme to protect the setting of heritage assets (principally the DAC, whilst noting the assessment of wider heritage assets such as Ely and its Cathedral).
- 9.2 The proposed development is considered to conflict with development plan policies that seek to protect the historic environment (see paragraph 8.172 of this report). The NPPF provides clear guidance on how planning authorities should have regard to impacts on designated heritage assets.
- 9.3 It is also considered to conflict with development plan policies that protect the character and appearance of the local landscape (see paragraph 8.122).
- 9.4 This report acknowledges the importance of the designated heritage assets that will be affected by the proposal, in particular the DAC. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the planning authority to have 'special regard for the desirability of preserving the building or its setting'. This does not rule out the acceptance of change, and broader planning considerations may be taken into consideration. However, where a proposal affects the setting of a heritage asset of the value of Denny Abbey (particularly the Scheduled Monument and grade 1 listed structures on the complex), very considerable weight and importance must be given to its preservation – that is, keeping them safe from harm. For decision-makers to conclude that such harm is acceptable, they must consider that the benefits of the proposed development are strong and compelling in land use planning terms.
- 9.5 It is clear in paragraph 195 of the NPPF that permission should be refused 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset', unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, as discussed in paragraph 8.150 of this report. In the *Bedford* case, substantial harm has been taken to mean destruction or near destruction of the heritage asset itself, as set out in paragraph 8.151 of this report. The proposed development will not affect the DAC itself nor will it affect its immediate setting. It will, however, negatively affect the setting of the DAC by altering views of the complex from the west. It has been agreed between Historic England, the applicant and officers at South

Cambridgeshire District Council and Cambridgeshire County Council that the harm is not 'substantial' in NPPF terms, and therefore should not lead to refusal (albeit reference has been made to an alternative view held by members of the South Cambridgeshire District Council Planning Committee in paragraph 8.145 of this report). However, paragraph 8.158 does note that there is a discrepancy about the level of harm considered to take place to the west, which members should take into account. From the planning balance perspective, officers have taken Historic England's and the Heritage Officer at South Cambridgeshire District Council's advice that the harm should be considered to be at the upper limit of 'less than substantial harm' when used in the NPPF definition (which is demonstrated in paragraphs 9.7 to 9.9 below).

- 9.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have 'special regard for the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic significance'. In contrast to the NPPF, preservation of the features and setting of the listed building are given equal importance to the building itself. The proposed development will not affect Denny Abbey itself or its features, but will have a harmful effect on its setting, and so cannot be considered to preserve that setting.
- 9.7 In undertaking the planning balance of the harm to the heritage assets weighed against the public benefits to satisfy NPPF paragraph 196, officers have ensured that significant weight has been given to the harm of the DAC. Consideration has also been given to the impact on the wider heritage assets, including Causeway Farmhouse; albeit it is acknowledged by officers that the most significant weight has to be afforded to the DAC as the most affected heritage assets by the proposals for the purposes of the paragraph 196 assessment, before assessing the cumulative impact and separate harm to the wider heritage assets discussed in paragraph 8.191 of this report.
- 9.8 Weighed against the significant harm to the heritage assets discussed in paragraph 9.7 above, officers have taken account of the public benefits set out in paragraphs 8.293 to 8.309 of this report. These benefits specifically exclude the applicant's heritage mitigation proposals set out in paragraph 8.315 of this report, for the reasons provided in paragraph 8.296. Officers have been clear within the public benefits section of this report what weighting they have afforded to each benefit, to try and be as transparent as possible in demonstrating their assessment of NPPF paragraph 196. For ease of reference the benefit and officer weight are as follows – Planning policy as an allocated site (significant weight); Moving waste up the hierarchy and meeting a waste management need (significant weight); Location and co-location (significant weight); Energy and Climate Change (significant weight); Socio-economics (moderate weight); and Restoration of the ecology (moderate weight).
- 9.9 Noting the importance of the DAC, and thus assuming that the significant weighting element of protecting the heritage assets should be afforded

considerable weight in the balancing exercise, officers are of the view that when the harm is weighed against the public benefits of the proposal the scales balance in favour of the development.

- 9.10 Full regard has been had to all relevant case law and concerns raised by specialists such as Historic England. Thus it is acknowledged that the proposed EfW facility will harm the setting of the DAC – and in coming to the recommendation set out in paragraph 10.1 considerable importance and weight has been given to this matter, including an assessment of the harm against the public benefits to meet the requirements of NPPF paragraph 196 – but it is nevertheless considered that other factors outweigh this in the planning balance.
- 9.11 In particular, the proposed EfW facility builds upon synergies at the WWMP and is consistent with the need for more waste management facilities in order to achieve objectives, targets and requirements set out in national and local waste and energy policy. The support in principle for the development expressed by the EA has also been noted (see paragraph 5.7). When the development as a whole is considered alongside the public benefits considered in paragraphs 8.293 to 8.309 of this report, and take account of the mitigation measures set out in the applicant's S106 Heads of Terms discussed in paragraphs 8.310 to 8.336 that were excluded from the NPPF paragraph 196 assessment in paragraphs 9.7 to 9.9 above; officers consider the planning balance moves firmly in favour of the development. This acknowledges that unfortunately the scheme does come with an environmental cost which, although not quantifiable in monetary terms, has been assessed as high in terms of heritage impact (setting of the DAC) and the harm to the wider countryside and landscape character that is contrary to landscape policy.
- 9.12 As set out at paragraph 8.3 of this report, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current proposal, whilst an allocated site for this waste use and therefore is in accordance with the development plan, it is clearly in conflict with two significant areas (heritage and landscape) that need to be balanced out. It is also in conflict with NPPF advice as regards protecting heritage assets, including their setting. All of which has been taken into account in the planning balance by officers.
- 9.13 Based on the planning balance undertaken by officers, it is considered that overall the proposal is in line with the objectives of both local and national waste policy and the general principles of the NPPF when taken as a whole (in line with NPPF paragraph 11).
- 9.14 Essentially it is for members to strike a balance between the benefits of the development by pushing waste up the management hierarchy (thus avoiding landfill) and providing an energy source which provides an opportunity for the UK to move away from fossil fuels, alongside the wider public benefits noted above, and the harm to the setting of the DAC when

viewed from the west and along public rights of way in the area associated with the implementation of the development proposal.

- 9.15 Having taken into account the provisions of the development plan discussed in paragraphs 7.9 to 7.12 of this report, the policies in the NPPF, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, we have sought to reach a sound planning judgement. This decision takes account of the following:
- we recognise and understand the valid concerns and arguments put forward by Historic England, English Heritage Trust, and the Farmland Museum in relation to the effect of the proposed scheme on the setting of the DAC, and the recommendation by Historic England that the application should be refused,
  - we have given considerable importance and weight to the preservation of Denny Abbey (taking account of the Schedule Monument and individual listed structures within the complex), alongside wider heritage assets, when undertaking the balancing exercise between harm to the setting of the DAC on one hand and the public benefits of the proposed scheme on the other, when considered against NPPF paragraph 196 (see paragraphs 9.7 to 9.9), and
  - We have looked at the need for such a facility, and have been clear throughout this report to discount any savings (or possible costs) to the Council through the Waste Private Finance Initiative that is not a material planning consideration.
- 9.16 In conclusion, we consider that there is a balanced planning justification to support the development of the EfW Facility (and the carrying out of the associated works) as proposed in this application, subject to the draft planning conditions set out in section 10 of this report and the signing of a section 106 document to cover the draft heads of terms set out in paragraphs 8.310 to 8.316 of this report.

## **10.0 RECOMMENDATION**

- 10.1 It is recommended that planning permission be granted, subject to the following conditions and a Section 106 agreement to cover the draft heads of terms set out in paragraphs 8.310 to 8.316 of this report:

### **Advisory Note**

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Conditions 10, 12, 13, 14, 15, 18, 19, 20, 25, 28, 29 and 31 below all require further information to be submitted, or works to be carried out, to protect the environment and ensure sustainable methods of operation during the construction of the development and are therefore attached as pre-commencement

conditions. The developer may not legally commence development on site until these conditions have been satisfied.

### **Commencement**

1. The development approved by this planning permission shall be commenced not later than 5 years from the date of this permission.

Written notification of the following dates shall be sent to the Waste Planning Authority within 5 working days of such commencement.

- Commencement of Enabling Works
- Commencement of Development
- Service Commencement

**Reason:** *To enable the Waste Planning Authority to retain control over the development of the site and 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.*

### **Approved Plans & Documents**

2. The development approved by this planning permission shall only be implemented in accordance with the application form dated 19 December 2017 and the following approved plans & details (received 19 December 2017, unless otherwise stated), except as otherwise required by any of the following conditions set out in this planning permission:

- Drawing Number 17013\_PL03, Proposed Site Plan, dated 25.10.17;
- Drawing Number 17013\_PL04, Floor Plans, dated 25.10.17;
- Drawing Number 17013\_PL05, Floor Plans, dated 25.10.17;
- Drawing Number 17013\_PL06, Roof Plan, dated 25.10.17;
- Drawing Number 17013\_PL07, Longitudinal Section, dated 25.10.17;
- Drawing Number 17013\_PL08, Cross Section, dated 25.10.17;
- Drawing Number 17013\_PL09, Cross Section, dated 25.10.17;
- Drawing Number 17013\_PL10, Cross Section, dated 25.10.17;
- Drawing Number 17013\_PL11, Proposed South West Elevation, dated 25.10.17;
- Drawing Number 17013\_PL12, Proposed North West Elevation, dated 25.10.17;
- Drawing Number 17013\_PL13, Proposed North East Elevation, dated 25.10.17;
- Drawing Number 17013\_PL14, Proposed South East Elevation, dated 25.10.17;
- Drawing Number 17013\_PL15, Gatehouse, dated 25.10.2017;
- Drawing Number 17013\_PL16, Ancillary Buildings, dated 25.10.2017;
- Drawing Number 17013\_PL17, Ancillary Buildings, dated 25.10.2017;

- Drawing Number 17013\_PL18, Rev. A, Fencing and Gating Plan, dated 25.10.17 (received 24 April 2018);
- Drawing Number 17013\_PL19, Beach Ditch Crossing\_Typical Design, dated 25.10.17;
- Drawing Number 17013\_PL20, Heat Pipe Trench, dated 25.10.17;
- Drawing Number 17013\_PL21, Cycle Shelters: GA Layout & Details, dated 25.10.17;
- Drawing Number 17013\_PL22, Replacement Culverted Bridge\_Typical Bridge Design, dated 25.10.17; and
- Drawing Number 1970-01-SK001, Landscape Scheme, dated November 2017.

**Reason:** *To define the site, protect the character and appearance of the locality in the interests of residential and visual amenity and to ensure that the site is appropriately controlled in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Access and Egress**

3. Except in the case of an emergency all Heavy Commercial Vehicle (HCV) vehicular access to the site shall (save respect of emergency service vehicles) only be gained from the existing access onto the roundabout on the A10. There shall be no vehicular access to the site from Long Drive.

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

#### **Facility Throughput Limit**

4. No more than 250,000 tonnes of waste shall be treated at the facility approved by this planning permission in any one calendar year.

**Reason:** *To enable the Waste Planning Authority to retain control over the future development of the site in accordance with Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Waste Types**

5. The facility permitted by this planning permission shall only accept waste from non-hazardous municipal, commercial and industrial waste streams.

**Reason:** *Wastes outside of these categories require separate consideration by the Waste Planning Authority, in accordance with Policy CS19 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*



### **Residual Site Based Waste Arisings**

6. Priority shall be given to the treatment of residual wastes arising from mechanical and biological treatment processes at Waterbeach Waste Management Park, that are suitable for thermal treatment, to be disposed of at the facility permitted by this planning permission.

**Reason:** *To allow the Waste Planning Authority to retain control over the future development of the site and allow the operator to move waste up the Waste Hierarchy in accordance with Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

### **Waste Catchment**

7. Not less than 70% of the waste imported to the site shall originate from a catchment area which shall comprise of Cambridgeshire and Peterborough, their Adjoining Counties and Milton Keynes. Adjoining Counties are Hertfordshire, Suffolk, Essex, Norfolk, Luton, Bedford, Central Bedfordshire Northamptonshire, Rutland, and Lincolnshire. For the avoidance of doubt, waste being processed through any waste transfer station within the defined catchment area shall be regarded as arising from within the catchment area. This waste catchment information shall be collected and submitted to the Waste Planning Authority in accordance with Condition 8 below.

**Reason:** *To ensure the facility is managing a large percentage of local and regional waste arisings, in accordance with Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

### **Monitoring and Reporting**

8. After Service Commencement, the operator shall maintain a written record at the site of the quantities and sources of the waste treated by the facility approved by this planning permission and on written request of the Waste Planning Authority provide an annual report for the preceding 12 months within 10 working days of the written request. The report shall as a minimum identify:

- Facility Throughput – total tonnage of waste processed;
- Waste Catchment - the point of origin of the waste, including tonnages received from the Catchment area and the rest of the UK; and
- Residual site based waste arisings – total tonnage of residual waste produced and thermally treated at Waterbeach Waste Management Park.

**Reason:** *To enable the Waste Planning Authority to retain control over the future development of the site and ensure that the situation is kept under review to help meet the monitoring requirements of the Plan in accordance with Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

### **Hours of construction and operation**

9. The development approved by this planning permission shall only be carried out during the following times:

#### **Construction Hours**

Construction works shall only take place between 0700 to 1900 Monday to Saturday and not at any time on Sundays, public or bank holidays, other than as prescribed for in this condition. Any construction related activities undertaken outside these hours shall be subject to a scheme to be approved in writing by the Waste Planning Authority and shall be carried out in accordance with the approved scheme. The scheme shall detail how construction related activities will not give rise to detriment to amenity from noise at the nearest noise sensitive dwelling.

#### **Operational Hours**

Continuous operation of the Energy from Waste Facility is permitted. This includes essential maintenance and ancillary operational vehicle movements.

#### **Waste delivery and export**

The receipt and export of all waste HCVs (loaded or unloaded) to and from the permitted Energy from Waste Facility, will only take place during the following hours:

0600 to 1900 Monday to Sunday, excluding Christmas Day, Boxing Day and New Year's Day.

***Reason:** To protect the amenities of nearby residential properties, whilst allowing optimum operating efficiency for construction activities and operation of the plant, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011).*

#### **Archaeology (pre-commencement)**

10. No development approved by this planning permission shall commence within the area identified in CCC1 until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, that has been submitted by the applicant and approved in writing by the Waste Planning Authority. The pre-commencement aspects of archaeological works shall include:
- (i) Submission of a Written Scheme of Investigation that sets out the methods and timetable for the excavation and recording of archaeological remains in the development area, and presents an appropriate outreach element, describes post-fieldwork analysis stages, defines relevant technical and publication reports and indicates archive preparation methods for deposition in an approved archaeological archive storage facility; and

- (ii) Completion of fieldwork and recorded in accordance with the approved Written Scheme of Investigation.

Points (i) and (ii) set out above shall be undertaken in accordance with the approved details (including the timetable of works) prior to any development within the area identified in CCC1.

**Reason:** *To secure satisfactory mitigation measures in respect of archaeology and the historic environment, in accordance with Policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). To ensure that the underlying archaeology is protected, as the programme of archaeological works needs to be agreed ahead of the construction phase in this area so must be in place before development starts.*

**Archaeology (pre-service commencement)**

- 11. Service Commencement shall not commence until the following three requirements from the approved programme of archaeological work, approved under condition 10, have been undertaken:

- (i) Completion of a Post-Excavation Assessment report (PXA) and approval of an Updated Project Design for the analytical work to be submitted for approval within six months of the completion of fieldwork, unless otherwise agreed in advance in writing with the Waste Planning Authority;
- (ii) Completion of the approved programme of analysis and production of an archive report; submission of a publication synopsis and preparation of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance in writing with the Waste Planning Authority; and
- (iii) The preparation of site archive for deposition at the Cambridgeshire Archaeological Archive facility, or another appropriate store approved by the Waste Planning Authority.

Points (i) to (iii) set out above shall be fully implemented in accordance with the timetable and provisions of the approved Written Scheme of Investigation, approved under condition 10, prior to Service Commencement.

**Reason:** *To secure satisfactory mitigation measures in respect of archaeology and the historic environment, in accordance with Policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

**Construction Environmental Management Plan**

- 12. No development approved by this planning permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Waste Planning Authority. The

CEMP shall include, but not be limited to, the consideration of the following aspects of construction:

- Routing of construction vehicles;
- Agreement and notification of Abnormal loads, including resolution of any damage to the public highway as a result of the deliveries;
- Location of contractor compound and stores;
- Arrangements for the parking, turning, loading and unloading of vehicles during the period of construction;
- Noise, vibration, dust and mud control (including wheel cleaning arrangements and any physical or management and monitoring controls to be put in place to address the four principal areas);
- Construction methods and phasing of development (including a timetable of proposed works);
- Drainage control measures including oil interceptors and bunds;
- Contractor contact details and complaints procedures; and
- Travel Plan for the construction staff; and
- Artificial site illumination (including proposed hours of use).

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, including the timetable of proposed works, unless alternative details are submitted to and approved in writing by the Waste Planning Authority.

***Reason:*** *To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The Construction Environmental Management Plan relates to the construction phase so must be in place before any development commences.*

#### **Traffic Management Plan**

13. No development approved by this planning permission (including any site clearance and Enabling Works, other than archaeological survey related works) shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Waste Planning Authority. The TMP shall include, but not be limited to, the following aspects:
- i. Movements and control of muck away lorries;
  - ii. Contractor and site staff vehicle access and parking;
  - iii. Movements and control of all deliveries, including any special measures that will be required for the delivery of particular elements of the proposed building, that are outside the normal range of height and width materials that can be transported on the adopted public highway; and
  - iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway.

The Traffic Management Plan shall be implemented in accordance with the agreed details, unless alternative details are submitted to and approved in writing by the Waste Planning Authority.

**Reason:** *To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of highway safety and the amenity of nearby residents, in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The Traffic Management Plan relates to the construction phase so must be in place before any development commences.*

#### **Bus Stop Design and Implementation Scheme**

14. No development approved by this planning permission (excluding Enabling Works) shall commence until full details of the two new bus stop flags and poles at the access roundabout on the A10, including a timetable for implementation, are submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full accordance with the approved details prior to the development hereby permitted being brought into first use.

**Reason:** *In the interests of highway safety, residential amenity and sustainability in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Policies (2011), and policies TR/1 and TR/3 of the South Cambridgeshire Development Control Policies DPD (2007). The Bus Stop information ties in with the landscaping details and will need to be agreed before the construction phase so the details must be agreed before any development commences.*

#### **Groundwater and Contaminated Land Remediation Strategy**

15. No development approved by this planning permission (excluding Enabling Works) shall commence until a remediation strategy, that includes the following components to deal with the risks associated with contamination of the site, have been submitted to, and approved in writing by, the Waste Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those offsite.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long-term monitoring and maintenance plan as necessary.
4. Unless otherwise agreed as part of the remediation strategy in (1) to (3), Service Commencement shall not take place until a verification report

demonstrating completion of works set out in the remediation strategy in (3) has been submitted to and approved by the Waste Planning Authority. The long-term monitoring and maintenance plan in (3) shall be updated prior to occupation and be implemented as approved.

The Groundwater and Contamination Remediation Strategy shall be implemented in accordance with the agreed details, unless alternative details are submitted to and approved in writing by the Waste Planning Authority.

**Reason:** *To prevent the increased risk of pollution to the water environment, in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of groundwater and testing for contaminated land related issues etc. is required ahead of the construction phase so must be in place before development commences.*

#### **Unexpected Contamination**

16. If, during development, contamination not previously identified is found to be present at the site then no further development, shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Waste Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** *To prevent the increased risk of pollution to the water environment, in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Piling**

17. Piling or any other foundation designs and investigations boreholes using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority. This consent shall only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The piling and other foundation designs and investigations boreholes shall be carried out in accordance with the agreed details.

**Reason:** *To prevent the increased risk of pollution to the water environment from piling or any other foundation designs using penetrative methods, and demonstrate that any proposed piling will not result in contamination of groundwater, in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Surface Water Drainage Scheme**

18. No development approved by this planning permission (excluding Enabling Works) shall commence until a surface water drainage scheme

for the site, has been submitted to and approved in writing by the Waste Planning Authority.

The scheme shall be based upon the principles within the agreed Outline Drainage Strategy prepared by Amey (ref: COEINT4002/DR002, Revision A) dated December 2017.

The surface water drainage scheme shall subsequently be implemented in full accordance with the approved details prior to the development hereby permitted being brought into first use.

**Reason:** *To prevent the increased risk of pollution to the water environment, minimise impacts to climate change and to protect the amenity of the adjoining uses, in accordance with Policies CS22, CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of surface water drainage is required ahead of the construction phase so must be agreed before development commences.*

**Disposal of Foul Water**

19. No development approved by this planning permission (excluding Enabling Works) shall commence until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Waste Planning Authority.

The approved foul water scheme shall be implemented in full accordance with the approved details prior to the development hereby permitted being brought into first use.

**Reason:** *To prevent the increased risk of pollution to the water environment and to protect the amenity of the adjoining uses, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of foul water disposal is required ahead of the construction phase so must be agreed before development commences.*

**Aviation Safety**

20. No development approved by this planning permission (excluding Enabling Works) shall commence until such time as a scheme for aviation safety during construction has been submitted to, and approved in writing by, the Waste Planning Authority. The approved scheme shall include, but not be limited to, the following information;

- a. The precise location of the Development;
- b. The date of commencement of construction;
- c. The estimated date of completion of construction, with a timetable of works; and
- d. The maximum extension height of any construction equipment.

The approved aviation safety scheme shall be subsequently implemented in full accordance with the approved details for the duration of construction.

**Reason:** *In the interests of airport safeguarding, in accordance with Policy CS40 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of aviation safety is required ahead of the construction phase so must be agreed before development commences.*

#### **External Lighting (operation)**

21. The proposed development shall be externally lit in accordance with the Outline Scheme of Lighting provided within Appendix 1.7 of the Planning Statement unless an alternative lighting scheme is submitted to and approved in writing by the Waste Planning Authority prior to occupation of the development hereby permitted. Any alternative lighting scheme should provide as a minimum the same degree of mitigation at that set out within the Outline Scheme of Lighting provided at Appendix 1.7.

**Reason:** *To protect the amenity of local receptors and to minimise the impact of the development on identified heritage assets in accordance with Policies CS33, CS34 and CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Effective silencers**

22. No vehicle, mobile plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses a silencer. All vehicles, mobile plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

**Reason:** *In order to control noise generated by the proposal, in the interests of residential amenity, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Noise Limits at sensitive receptors**

23. The cumulative noise from all sources on the proposed development shall not exceed the following rating levels at the identified receptors. The rating levels shall be determined in accordance with BS 4142:2014.

Receptor Limit	Sound Rating Level Limit L <sub>Ar,T</sub> 1hr dB	Sound Rating Level L <sub>Ar,T</sub> 15mins dB
	(07:00 – 23:00)	(23:00 – 07:00)
Denny Croft Cottage	50	35
Denny Abbey Cottages	51	38
Denny Lodge Cottages	50	32
Highbrove	39	31
Gravel Diggers Farm	39	34



**Reason:** *In the interests of limiting the effects on local amenity and to control the impacts of the development, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

**Noise Management and Mitigation Plan**

24. Service Commencement shall not commence until a noise management and mitigation plan, which demonstrates how the development will achieve the noise limits set out in condition 23, has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include, but not be limited to:-
- a) the physical mitigation elements of buildings and structures, plant specifications and enclosure and barrier design and performances; and
  - b) the details of noise complaint procedures, including the appointment of a competent acoustic expert to undertake an assessment of noise emissions from the development to demonstrate compliance with the noise limits set out in condition 23, and the measures the operator will take in the event the noise limits set out in condition 23 have been exceeded.

Service Commencement shall not commence until all of the provisions of the approved noise management and mitigation plan are approved in writing. The approved mitigation measures shall be thereafter retained and activities shall take place in full accordance with the approved noise management and mitigation plan for the lifetime of the development.

**Reason:** *In the interests of limiting the effects on local amenity and to control the impacts of the development, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The noise management plan and appropriate mitigation measures need to be agreed and put in place pre-commencement to limit the effects of the development upon local amenity throughout the period during which development takes place.*

**Tree Protection**

25. No development approved by this planning permission shall commence until all trees, not previously agreed with the Waste Planning Authority for removal, shall have been protected by fencing or another agreed barrier. All protection measures shall conform to and be maintained in accordance with BS 5837 (2012) for the duration of construction works.

**Reason:** *In the interests of visual amenity and nature conservation in accordance with policies CS33, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of existing trees is required ahead of the commencement of any development.*

**Tree and hedgerow removal**

26. No tree or hedgerow removal shall take place between 1<sup>st</sup> March and 31<sup>st</sup> July unless the tree or hedgerow has been inspected by a suitably

qualified ecologist and considered acceptable for removal. Confirmation of any such inspection and removal shall be submitted to the Waste Planning Authority for their files within 10 working days of the works taking place, including the relevant professional report received.

**Reason:** *To ensure that operations are carried out in a manner which safeguards ecological and biodiversity interests in accordance with Policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

**Bird breeding restrictions**

27. Clearance of suitable bird breeding habitats shall be limited to periods outside the bird breeding season (for the avoidance of doubt that should be outside the period April to end-July – early August). Any clearance works within this period should be inspected by a suitably qualified ecologist, with any areas used by nesting birds marked and avoided. Confirmation of any such removal and inspection shall be submitted to the Waste Planning Authority for their files within 10 working days of the works taking place, including the relevant professional report received.

**Reason:** *To ensure that operations are carried out in a manner which safeguards ecological and biodiversity interests in accordance with Policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

**Ecology Mitigation, Compensation and Enhancement Strategy**

28. No development approved by this planning permission (excluding Enabling Works) shall commence until a site-wide ecological mitigation, compensation and enhancement strategy, including a timetable of works and maintenance, has been submitted to and approved in writing by the Waste Planning Authority. Such details shall be in accordance with the mitigation, compensation and enhancement measures detailed within the Environmental Statement Chapter 6.

All mitigation, compensation and enhancement measures shall be maintained in full accordance with the approved timetable and strategy for the lifetime of the development.

**Reason:** *In the interests of nature conservation in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of nature conservation is required ahead of the construction phase so must be agreed before development commences.*

**Hard and Soft Landscaping**

29. No development hereby permitted (excluding Enabling Works) shall commence until full details of hard and soft landscaping works have been submitted to and approved in writing by the Waste Planning Authority. Such a scheme shall include details of all hard-surfacing treatments and all means of enclosure. Soft landscaping shall include full details of the

new planting, including the number, height, type, species, and spacing; strategy for maintenance and management; and timetable of implementation; including any temporary storage of soil on site. The scheme shall also show consideration of any wider planting proposed on land within the control of the applicant.

The approved scheme shall be implemented in full accordance with the approved timetable and maintenance and management strategy for the lifetime of the development.

**Reason:** *In the interests of visual amenity and in accordance with Policy CS33 (Landscape) of the Cambridgeshire and Peterborough Core Strategy DPD and DP/2 (Design), DP/3 (Development Criteria) and NE/4 (Landscape) of the South Cambridgeshire DPD. The details for landscaping are required ahead of the construction phase in order to protect visual amenity so must be agreed before development commences.*

#### **Implementation of Soft Landscaping**

30. All new soft landscaping works approved under Condition 29 shall be implemented within the first available planting season following completion of the development hereby permitted, or in line with the approved timetable, whichever is the sooner. Any trees or shrubs which are removed, die, become diseased or are harmed in any way within five years of the initial planting shall be replaced during the next planting season, with the same species, unless otherwise approved by the Waste Planning Authority.

**Reason:** *In the interests of visual amenity, nature conservation and the historic environment, and to ensure that landscaping to assist with visual screening is delivered as early as possible in accordance with policies CS34, CS35 and CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Bridge Works**

31. No development approved by this planning permission (excluding Enabling Works except where details are secured by this condition) shall commence until detailed design of the bridges proposed to cross the Beach Ditch and the ditch on the northern site boundary have been submitted to and approved in writing by the Waste Planning Authority.

Details submitted shall include a mitigation strategy to ensure the protection of the Beach Ditch County Wildlife Site (CWS) and water vole habitats during the construction and subsequent operation of the bridge. Details of the surface water drainage arrangements of the bridge shall also be submitted to ensure suspended solids shall not enter the Beach Ditch CWS, unless alternative details are submitted to and approved in writing by the Waste Planning Authority.

**Reason:** To ensure that operations are carried out in a manner which safeguard ecological and biodiversity interests in accordance with Policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011). The protection of ecological and biodiversity interests are required ahead of the construction phase so must be agreed before development commences.

**Storage (operations)**

32. There shall be no open storage of waste materials outside the confines of the buildings hereby permitted.

**Reason:** In the interests of residential amenity, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).

**External Building Materials**

33. Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Waste Planning Authority. The development shall not be carried out thereafter except in full accordance with the approved details.

**Reason:** In the interests of visual amenity and in accordance with Policy CS33 of the Cambridgeshire and Peterborough Core Strategy Development Plan Document (2011) and policies DP/2, DP/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (2007).

**Combined Heat and Power (CHP) Feasibility Review**

34. Service Commencement shall not commence until a Combined Heat and Power Feasibility Review assessing potential commercial opportunities for the export of heat and directly supplied electricity from the development approved by this planning permission has been submitted to, and approved in writing by, the Waste Planning Authority. The review shall provide for the full exploration of potential commercial opportunities to export heat and directly supplied electricity from the development, and for the provision of subsequent monitoring and reviews of such commercial opportunities as necessary.

Where viable opportunities for the use of heat and directly supplied electricity are identified by the Reviewer, a scheme for the

- provision of the necessary plant, pipework, cabling and equipment to the boundary of the site (including a timetable for delivery); and
- consideration of potential foot / cycle path improvements along the A10 pipework alignment within the boundary of the site

shall be submitted to, and approved in writing by, the Waste Planning Authority. Any plant, pipework, cabling and equipment installed to the

boundary of the site to enable the export of heat and directly supplied electricity shall be installed in full accordance with the approved details.

**Reason:** *To maximise the energy benefits of the development and to assist with climate change in accordance with Policy CS22 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policies DP/1 and NE/2 of the South Cambridgeshire Development Control Policies DPD (2007); and to take account of any highway implications or linkages to possible foot / cycle path improvements related to the connection of the heat pipeline in line with Policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

### **Emissions Monitoring Protocol**

35. Service Commencement shall not commence until an Emissions Monitoring Protocol (EMP) for the development approved by this planning permission has been submitted to, and approved in writing by, the Waste Planning Authority.

Unless alternative details are submitted to and approved in writing in writing with the Waste Planning Authority, the emissions monitoring protocol shall provide for the publication on the operator's website of average daily emission levels of:

- Oxides of nitrogen;
- Sulphur dioxide;
- Carbon monoxide;
- Hydrogen chloride;
- VOCs; and
- Particulate matter.

The Emissions Monitoring Protocol, including publication of the results on the operator's website, shall subsequently be implemented in full accordance with the approved details thereafter.

**Reason:** *In the interests of residential amenity, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

### **Travel Plan (operations)**

36. Within 6 months of Service Commencement a staff and visitor Travel Plan based on the Travel Plan in Appendix TA3 of the Transport Assessment, shall be submitted to, and approved in writing by, and deposited with the Waste Planning Authority. The approved Travel Plan shall be implemented in full and reviewed in accordance with a timetable that shall be included within the approved Travel Plan.

**Reason:** *In the interests of highway safety, residential amenity and sustainability in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy*

*Development Plan Policies (2011), and policies TR/1, TR/2 and TR/3 of the South Cambridgeshire Development Control Policies DPD (2007).*

**Electric Charging Points**

37. Prior to Service Commencement the electric charging points shown on Drawing Number 17013\_PL03, Proposed Site Plan, dated 25.10.17 shall be made available for use.

The electric charging points shall be retained thereafter and shall be maintained in accordance with the manufacturer's specification at all times.

**Reason:** *To maximise the energy benefits of the development and to assist with climate change in accordance with Policy CS22 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policies DP/1 and NE/2 of the South Cambridgeshire Development Control Policies DPD (2007).*

**Education Benefits Delivery Scheme**

38. Service Commencement shall not commence until an Education Benefits Delivery Scheme (EBDS), which demonstrates how the operator proposes to use the facility and wider site to help educate visitors on waste recycling in line with the waste hierarchy, shall be submitted to and approved in writing by the Waste Planning Authority. The Scheme shall include, but not be limited to:-
- a) the location of the educational facilities within the building, including details on access to other areas of plant, that should include the emissions monitoring information, as part of the educational tour; and
  - b) plans to use the outside site area and potential to use linked facilities on the wider site where possible to provide educational benefits that will deal with other levels of the waste hierarchy.

The approved EBDS shall be implemented in full and thereafter maintained for the lifetime of the development, unless alternative details are submitted to and approved in writing by the Waste Planning Authority.

**Reason:** *To maximise the educational benefits of the development and to assist with public engagement and awareness of waste generation and management, to assist with climate change benefits in the longer term in accordance with Policy CS22 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

**Decommissioning**

39. Not less than 1 year prior to the planned cessation of the operations hereby permitted, written notice of the planned cessation shall be given to the Waste Planning Authority.

Not less than 6 months prior to the planned cessation of the operations hereby permitted, a Decommissioning Environmental Management Plan

(DEMP) shall be submitted for the written approval of the Waste Planning Authority. The DEMP shall include, but not be limited to, the following details:

- a) the demolition/dismantling and removal of the plant and buildings;
- b) site waste management including measures to recycle materials on the Site;
- c) hours of working;
- d) car parking arrangements;
- e) traffic management;
- f) decommissioning worker accommodation and support facilities and their means of enclosure;
- g) measures to control lighting, noise, dust, odours and fumes in order to minimise the adverse effects on the amenity of neighbours;
- h) temporary storage compounds and stockpile areas;
- i) measures to prevent mud and debris being deposited on the highway;
- j) measures to protect trees and hedgerows;
- k) temporary fencing;
- l) measures to minimise the pollution of surface and ground water;
- m) measures to inform visitors and liaise with neighbours;
- n) a restoration scheme; and
- o) a programme for implementation.

Decommissioning shall not commence until the DEMP has been approved in writing by the Waste Planning Authority and the Site shall be decommissioned and restored in full accordance with the approved DEMP and timetable thereafter.

***Reason:*** *In order to secure the removal of all materials, plant and equipment associated with operations, on cessation of operations, in the interests of visual and residential amenity in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### **Electrical Connection**

- 40 The Service Commencement of the development hereby permitted shall not commence until the operator has submitted to the Waste Planning Authority certification from the District Network Operator confirming connections to the local electricity distribution network have been completed to allow export of electrical energy. The connection to the electricity distribution network shall be retained for the lifetime of the development to ensure that the plant is capable of exporting electricity.

***Reason:*** *To maximise the energy benefits of the development and to assist with climate change in accordance with Policy CS22 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policies DP/1 and NE/2 of the South Cambridgeshire Development Control Policies DPD (2007).*

## **Informatives:**

### **Definition informative:**

For the avoidance of doubt the following terms referred to above shall mean as defined below:

Enabling Works shall mean:

- Works to move/provide utilities
- Works to undertake ground condition surveys
- Works to prepare for the construction of bridges
- Ecological survey related works
- Archaeological survey related works
- Vegetation clearance

Service Commencement shall mean:

- Operation of the facility to accept waste following the issue of the takeover certificate to the operator.

The Waterbeach Waste Management Park in condition 6 shall mean: the areas shown on CCC2.

### **Informative 1 - Environment Agency advice to applicant:**

The applicant's attention is drawn to the advice provided by the Environment Agency in their letter and related appendices dated 22 January 2018 in relation to Flood maps and flood resilient measures; dewatering; environmental permit treated sewage effluent discharge; SuDS & general guidance on groundwater protection and contamination; and pollution prevention.

### **Informative 2 - South Cambridgeshire District Council (SCDC)**

#### **Ecology requirements:**

In order to address all the ecology points in the SCDC response dated 29 May 2018, the applicant is advised to ensure the Ecology Mitigation, Compensation & Enhancement Strategy covered in condition 28 addresses reasonable avoidance measure for reptiles; protection and surveys undertaken for water voles; ecology enhancement for 'no net loss'; and issues such as dense plantation of trees and compensation are all covered.

### **Informative 3 - Surface Water Drainage Scheme (information to include):**

In order to ensure that the Surface Water Drainage Scheme covers the required level of information for condition 18, the applicant is advised to include the following:

- 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, 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) 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;
- h) A timetable for implementation.

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

**Informative 4 - Old West Internal Drainage Board:**

This site falls within the Old West Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

**Informative 5 - Emergency Planning Flood Plan:**

The applicant's attention is drawn to the response provided by the Emergency Planning Team dated 4 January 2018, where it is recommended that a Flood Plan is in place in the event that the area receives an alert / warning, in this case from the Lower River Cam.

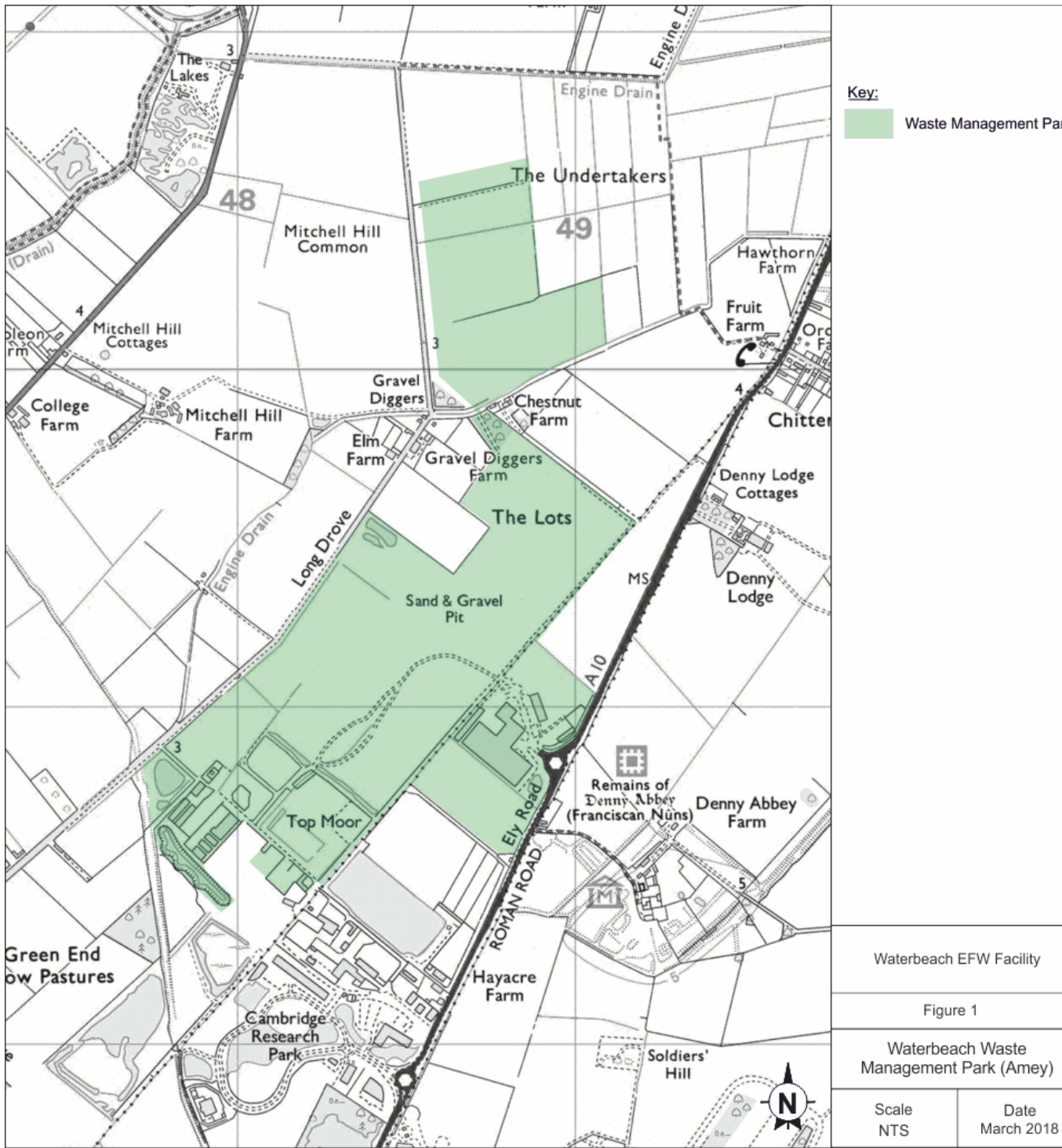
**Informative 6 – Traffic Management Plan (information to include):**

In order to ensure that the Traffic Management Plan covers the required level of information for condition 13, the applicant is advised to include the following:

- i. For the movement and control of muck away lorries - the principal area of concern is the timing of such movements and the Highway Authority would seek that all movements are undertaken during the following hours Monday to Friday 09.30hrs -16.00hrs;
- ii. For contractor and site staff vehicles - the principal areas of concern are measures to control the access to the development site by such vehicles to outside the peak movement times along the A10, measures to ensure that there is sufficient on site car parking for all staff and operatives (both directly employed and sub-contracted) and measures to ensure that these spaces are used for the purpose for which they are provided; and
- iii. For movements and control of deliveries - the principal area of concern is the timing of such movements and the Highway Authority would seek that all movements are undertaken during the following hours Monday to Friday 09.30hrs -16.00hrs, any special measures that will be required for



CCC2 – Waterbeach Waste Management Park area defined in condition 6:



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**Compliance with paragraph 38 of the National Planning Policy Framework (July 2018)**

The Waste Planning Authority (WPA) has worked proactively with the applicant to secure a development that is acceptable in planning terms and that has taken account of the wider economic, social and environmental factors. The applicant has responded positively to the advice and recommendations made by the WPA and additional environmental information and clarifications were provided as requested. Additional public drop-in information sessions were also undertaken by the applicant and the Statement of Community Involvement document updated to take account of concerns raised by local communities. All land use planning matters have been given full consideration ahead of determining this planning application.

Source Documents	Location
<p>Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals Plan:</p> <p><a href="https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan/">https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan/</a></p> <p>South Cambridgeshire District Council adopted development plan:</p> <p><a href="http://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/the-adopted-development-plan/adopted-development-plan-overview/">http://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/the-adopted-development-plan/adopted-development-plan-overview/</a></p> <p>Location and Design of Waste Management Facilities Supplementary Planning Document:</p> <p><a href="https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/location-and-design-of-waste-management-facilities/">https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/location-and-design-of-waste-management-facilities/</a></p>	





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Direct Dial: 01223 582720

Our ref: P00753871

11 January 2018

Dear Ms Barnes

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LEVITT'S FIELD, WATERBEACH WASTE MANAGEMENT PARK, ELY ROAD,  
WATERBEACH, CAMBRIDGE, CB25 9PQ  
Application No. S/3372/17/CW**

Thank you for your letter of 22 December 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Summary**

The proposed development concerns the construction of a new energy from waste facility which would affect the setting of Denny Abbey. This is a scheduled monument, with buildings also listed at Grade I, in the guardianship of English Heritage. The proposed plant at Levitt's Field would introduce a building of considerable mass and height into views to, from, and within, the scheduled monument. Historic England advise that the landscape setting of Denny Abbey contributes to its heritage values and that the proposed development would be a dominant and alien structure in key views from the site which would result in very serious harm to its significance.

The NPPF sets out the need to balance the economic, social and environmental roles of planning, attaching great weight to the conservation of irreplaceable designated heritage assets, requiring that any harm or loss should require clear and convincing justification. Historic England recognise that the site has been allocated in the local plan for uses which could include energy from waste, and that such facilities provide public benefits. However, in this case we advise that the harm which the proposed development would cause to the significance of Denny Abbey would be very serious and object to the development on heritage grounds. We urge that consideration should be given to alternative development on the allocated site which would not result in a high degree of harm to the significance of the designated heritage asset.



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## Historic England Advice

The principal designated heritage asset which would be affected by the proposed development is the site of Denny Abbey. The site is in the guardianship of English Heritage and is managed on their behalf, for its archaeological and historical interest, by the Farmland Museum operating from the site.

We note that the construction of the proposed development would also have some impacts on the setting of other designated heritage assets, and would result in the destruction of undesignated buried archaeological remains. The significance, impact and mitigation of harm to the latter through prior archaeological investigation is set out in the ES. We do not comment further on these, other than to advise that the resulting harm should be weighed against public benefit of the scheme.

## The Significance of Denny Abbey

Denny Abbey originated as a mid-twelfth-century Benedictine abbey, but rapidly changed hands and was acquired by the Knights Templar for a hospital. After the Templars' suppression in the mid-fourteenth century, it became a Franciscan Nunnery of the Order of Poor Clares, who adapted the monastic and hospital buildings, building a new church and converting part of the C12 church for the residence of its founder, the Countess of Pembroke. After the dissolution this lodging became a farmhouse and many of the monastic buildings were demolished while others, such as the nuns' refectory and dormitory, were adapted for agricultural use.

The buildings which survive today are of particular interest. Standing remains of Templar preceptories are rare and Denny is the only example of an existing monastic site being adapted for Franciscan use. Furthermore, the surviving buildings form the only substantial architectural remains of the Order of St Clare to remain in the country. All the historic components are designated as a scheduled monument with the monastic buildings additionally listed at grade I and II\*. There are also a number of later agricultural buildings and structures relating to post-medieval and modern agricultural use. In addition to the extant and ruined buildings, there are extensive buried archaeological remains associated with the various phases of claustral layout, and extensive earthworks within the precinct, many of which are thought to relate to the servicing of religious community and its agricultural estate. The legibility of the remains and their landscape setting, together with the public appreciation and understanding of the monument which comes from its management as a visitor attraction, gives it very high national importance.

The historic setting of Denny Abbey is that of an important medieval institution, deliberately sited on the fen edge. Until the post-medieval draining of the fens, the Abbey was sited on a small island of raised, dry land on the fen edge, west of the River Cam and north of Waterbeach, connected by a short, raised causeway. Its



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remote and isolated location arose from the desire of monastic houses for separation from the world outside the cloister, coupled with the ability to manage their agricultural estates which sustained them economically.

This historic landscape setting is still legible in the character of the present day landscape, albeit modified. The micro topography of the site, the important link provided by the causeway and long open views over an open landscape can still be discerned in views to and from the abbey buildings, across the earthworks of the scheduled monument and from the causeway. The wider landscape setting continues to be predominantly open, largely surrounded by farmland. Although its character to the south and west has been modified in the twentieth century by the airfield and modern development flanking the west side of the A10 respectively, modern structures which would detract from this open landscape are absent or largely hidden in views from Denny Abbey. Although views west from the site have changed through development, the impact on the ability to appreciate its landscape setting has been very modest. Overall, the setting of the Abbey provides an experience which evokes the sense of seclusion and remoteness of this fen edge monastic site.

In terms of national importance, Denny Abbey exhibits survival of its various monastic layouts, good documentation, a diversity of buildings and use and association with related remains such as industrial/agricultural complexes and fishponds. Its significance lies in it being the only one of the three English houses of the Poor Clares to retain substantial architectural and archaeological remains. This is enhanced by a dynamic and complex evolution between the buildings of the different religious orders, and the intimate relationship between these monastic establishments and their landscape. This landscape setting is an important aspect of its significance, reflecting the importance which monastic houses placed on an isolated location to sustain the spiritual life, coupled with the need for an agricultural estate to sustain them physically and economically.

The designated heritage assets exhibit heritage values which include a high illustrative historical value (aiding our understanding of changing forms of medieval monastic life) while the architectural and archaeological remains and their landscape setting have a fortuitous aesthetic value. Given that the monastery was designed to be seen in the landscape as an isolated beacon of Christian devotion and practice, and the views from the monastery itself across the fen were also important, these views can be regarded as 'intentional' or 'designed' views. The contribution which the landscape setting of the Abbey makes to its significance also means that that it is highly sensitive to visual impacts from intrusive development. This increases the sensitivity of the setting of the site, and of views within that setting, to the impacts of unsympathetic development.

### **The Proposed Development and its Impact on the Setting of Denny Abbey**

An Energy from Waste facility is proposed on a site some 150 m from the scheduled



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monument, west of the A10, on land adjacent to the existing Waterbeach Waste Management Park (WWMP). This would comprise a conventional combustion plant based around a main building containing: a waste reception hall, waste bunker, boiler hall and demineralisation plant, turbine hall, flue gas treatment facility (FGT), air pollution control reagent silos and residue silos, education/visitor/ staff facilities, ancillary infrastructure and landscaping. The main building would be 141 m long, and varying in width between 55-91 m. The highest section of the plant, housing the boiler hall and FGT facility is located towards the western end of the building, and at its highest point would be 41.7m tall. The tipping hall which would form the lowest element would vary in height between 11.7-20.4 m. The stack, located adjacent to the western elevation, would be 4.5 m in diameter and 80 m high.

Historic England have been involved in pre-application discussions regarding the development. We recognise that the layout and design intent of the proposals have, in part, been developed in order to try to reduce the visual mass of the new building in views from the east, including views from Denny Abbey, *recognising the visual impact the scheme would have from Denny Abbey scheduled monument and farmland museum and the associated listed buildings and structures* (ES 4.2.17, 21.22-3, 27), while the associated landscaping scheme (4.2.30) is intended to reflect existing landscape character and characteristics of the fenland environment, including a belt of poplar trees to the east to soften the visual impact and screen lower elevations.

Although there have been a number of developments flanking the western side of the A10, principally the Cambridge Research Park and the Amey WWMP, buildings associated with these schemes are not materially evident in views from Denny Abbey; indeed, the form and location of Amey's existing plant has a negligible impact on views from Denny Abbey. In contrast, the proposed development would result in the introduction of a large, structure of uncompromising massing, with its 80 m high stack, of alien character and materials. This would predominate in views both from the extant monastic buildings and from within south/west views from western side of the monastic precinct. This juxtaposition would dramatically detract from the current views west of Denny Abbey, introducing an industrial character, not only arising from the plant buildings, but also from the chimney plume and from internal/external lighting. The effect would be to reduce the ability to experience what the current setting contributes to an understanding of the significance of Denny Abbey, as described above.

## Planning Policy

The National Planning Policy Framework (NPPF) sets out (para 7) government policy on the role of the planning process in achieving sustainable development; comprising three dimensions: economic, social and environmental roles. The conservation of heritage assets is one of the core planning principles of the Framework, which emphasises the importance of conserving heritage assets, in a manner appropriate to



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their significance ( para. 17), with conservation defined as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances significance. It states in para. 131 that, in determining planning applications, local planning authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets', the 'positive contribution that conservation of heritage assets can make to sustainable communities', and 'the desirability of new development making a positive contribution to local character and distinctiveness', and in para.137, that planning authorities should 'look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Where the proposed development would have a negative impact on the significance of designated heritage assets, the Framework states (para. 132) that 'great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.' In conclusion, the NPPF (para 134) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Setting is defined in Annex 2 of the Framework as "the surroundings in which a heritage asset is experienced... elements of a setting may make a positive or negative contribution to the significance of an asset'. Historic England's *Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets* states that "the importance of setting lies in what it contributes to the significance of the heritage assets. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to the heritage asset's surroundings". It goes on to say that "where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting , to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting" (para 9).

## Historic England Position

Historic England has considered the applicant's impact assessment and agrees with Chapter 5 of the ES (The Landscape and Visual Impact Assessment), which recognises that the proposed development *would generally be clearly visible on the western skyline, above existing vegetation and would be a prominent addition to the view. Visual effects would be significant (5.4.32) ... and within approximately 1km-1.5*



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*km of the site, the proposed development would be a large scale and prominent addition to the existing corridor of development...[and] would increase the influence of built development on local character (5.7.2) ...significant visual effects... would be experienced... at locations within the grounds of Denny Abbey (5.7.4).*

However, we find the applicant's approach to subsequent assessment of the setting of Denny Abbey, or the harm to its significance which these impacts would cause, unconvincing. As set out in Chapter 10 of the ES (Archaeology and Cultural Heritage), this appears to give primacy to an 'inner setting' which encompasses the relationships and views between designated heritage assets within the precinct, (10.4.3-7), whilst maintaining that these assets are less sensitive to change beyond the abbey precinct /boundary. In moving on to consider the landscape setting of the Abbey beyond the precinct, (10.4.8-11), the assessment distinguishes between *views to the fens to the north-east, east and south ( which would be highly sensitive to change)* and *the land to the west (10.4.9) [which] does not contribute to its cultural value or an understanding and appreciate (sic) of it,... it can be considered to be of medium sensitivity to changes to other elements and the wider landscape that do not contribute directly to the cultural value ( i.e. significance in NPPF terms) of the asset (10.4.11).* Given the contribution which the landscape setting of the monastic house gives to its significance, we do not consider that these distinctions are valid, and that the existence of unsympathetic development in the present setting to the west of the Abbey only serves to increase the sensitivity of the asset to further intrusion and harm.

The impact assessment (10.5.36-8) concludes that the development would *form a prominent feature in views from the western elevation of the abbey building and from the area of the earthworks west and south-west of the abbey buildings...while it would not obscure the relationship between the abbey and the earthworks in this direction, it would form a prominent feature and a distraction in this view. The magnitude of the impact is considered to be high [resulting] in a moderate level of effect. The proposes development would not impact upon those elements of setting which contribute most to the value (significance in NPPF terms) of Denny Abbey. Therefore, the impact (harm in NPPF terms) on the setting of the Abbey is considered to be less than substantial and the relevant policy tests should apply (10.6.5).* As stated above, we do not accept that views from the west of the Abbey are not amongst those which are key to an appreciation of its setting, and therefore there is no lessening of the contribution which they make its significance in NPPF terms. In this context we consider that the assessment of 'a moderate level of effect' which derives from the terminology of the technical analyses considerably underplays the level of harm which would be caused to the significance of the scheduled monument.

The HE Setting guidance (p 7) stresses that setting is a matter of qualitative and expert judgement and that technical analyses need to be supported by a narrative argument which sets out '*what matters and why*'. In our view, a previous, more



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successful assessment of the Abbey's setting (10.4. 8) concludes that.... *despite the encroachment of development from the south and west, Denny Abbey still exists in an essentially rural landscape, detached from other settlements..... It is this present day landscape, with its links back to the medieval fen island, that contributes to the significance of Denny Abbey.*

Our assessment of the contribution which the land to the west of Denny Abbey makes to its setting has already been set out above, and we have referred to the importance which the HE Setting Guidance gives to the need to consider *where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting*, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.

Historic England advise that the relationship between Denny Abbey and its historic landscape is legible in its current landscape setting and that this makes an important contribution to its significance, and that the area to the west of the Abbey forms part of that setting. We consider the impact of the proposed development on the setting of Denny Abbey would be more than *'a prominent feature and a distraction in the view'* from the west and south-west of the scheduled monument. The development would see the introduction of a very dominant large and alien structure into key views for the scheduled monument, would be highly intrusive, greatly detracting from its landscape setting, and resulting in very serious harm to the significance of the listed and scheduled designated heritage assets on the site.

The land is allocated by the Minerals Authority for waste recycling and recovery facilities, including energy from waste (SSPW1K). However, the allocation recognised the need to consider the setting of Denny Abbey in any proposals coming forward (in line with our comments on the proposed allocation on 26 March 2010). We note that the applicant has not considered any alternative sites for this facility on the grounds on the proposed development is a use which falls within the allocation and would be closely linked to existing uses on the WWMP site ( ES 3.1.2). We also note that there is significant capacity remaining in the existing mechanical biological treatment plant (ES 3.1.7).

The development would not bring any heritage benefits, and the development cannot be considered to be in accord with NPPF paras 131 and 137: it would not sustain and enhance the significance of the heritage asset, or make a positive contribution to local character and distinctiveness, or enhance or better reveal the significance of the monument, or preserve those elements of the setting that make a positive contribution to or better reveal the monument's significance.

Overall we consider that the development would cause very serious harm to the significance of the designated heritage assets at Denny Abbey. In NPPF terms this



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level of harm would be less than substantial. However, paragraph 132 states that any harm or loss, whether substantial or less than substantial, should require clear and convincing justification. We therefore believe your council should, in weighing whether the harm which would be fully justified and outweighed by demonstrable public benefits, consider whether the most appropriate and sustainable development of the site (in line with para 8 of the Framework) would be another use within the scope of the allocation, which would not erode the setting of the Denny Abbey and would be consistent with the conservation of its significance.

**Recommendation**

Given the severity of harm which would be caused to the significance of the designated heritage asset from the proposed development, Historic England advise that your council, in weighing the public benefits of the proposals against the serious harm to irreplaceable designated heritage assets, consider whether other potential uses identified in the allocation, which would not be harmful, should not be preferred, given that there is significant capacity remaining in the existing mechanical biological treatment plant and alternative sites for the proposed development have not been considered. Accordingly, Historic England objects to the proposed development on heritage grounds and recommend that the council takes these considerations into account when determining the application in line with national and local planning policy. If the development would not provide any wider public benefits that would convincingly outweigh this harm, as required by NPPF 132, then we recommend that the application should be refused.

Yours sincerely

**Deborah Priddy**

Inspector of Ancient Monuments

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Our ref: P00753871

14 May 2018

Dear Ms Barnes

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LEVITT'S FIELD, WATERBEACH WASTE MANAGEMENT PARK, ELY ROAD,  
WATERBEACH, CAMBRIDGE, CB25 9PQ  
Application No. S/3372/17/CW**

Thank you for your letter of 27 April 2018 regarding the additional information submitted in connection with the above application for planning permission.

We have considered the additional information supplied in relation to the landscape and visual assessment, and the proposals for planning requirements to condition draft materials samples and landscaping, so as to reduce the visual impact of the proposed development. Whilst we note that such a condition would be intended to mitigate the harm which the development would cause to the significance of Denny Abbey, a designated heritage asset, we do not consider that it would not materially reduce the level of harm, when considered against the aims and objectives of the NPPF, and our advice of the 11 January 2018 therefore remains unaltered.

Yours sincerely

**Deborah Priddy**  
Inspector of Ancient Monuments  
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Our ref: P00753871

29 May 2018

Dear Ms Barnes

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LEVITT'S FIELD, WATERBEACH WASTE MANAGEMENT PARK, ELY ROAD,  
WATERBEACH, CAMBRIDGE, CB25 9PQ  
Application No. S/3372/17/CW**

Thank you for your letter of 27 April 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

**Historic England Advice**

Further to the conclusion of our letter of the 14 May, I should like to comment specifically on the Heritage Mitigation Package, contained within the Environmental Statement Volume 5: Additional Environmental Information.

We note that proposals include a number of measures which would enhance the visitor experience and the sustainability of Denny Abbey and the farmland Museum as a visitor attraction, as well as landscaping measures to reduce the visual impact of the proposed development. We consider that landscaping measures would have a limited ability to mitigate the visual impact of the development, given its proposed height, scale and massing. We recognise that the Mitigation Package has the potential to bring heritage benefits to the site in support of para 131 of the NPPF, which would help to address the concerns of The English Heritage Trust and the Farmland Museum regarding operational matters - the future management and sustainability of the site. However, whilst these measures are welcome, they would not offset the harm which would be caused to the significance of the scheduled monument from the impact of the development on the setting of Denny Abbey and, as stated in original response of the 11 January and supplementary letter of the 14 May.



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## Recommendation

Historic England continues to object to the development on heritage grounds.

Yours sincerely

**Deborah Priddy**

Inspector of Ancient Monuments

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CC:



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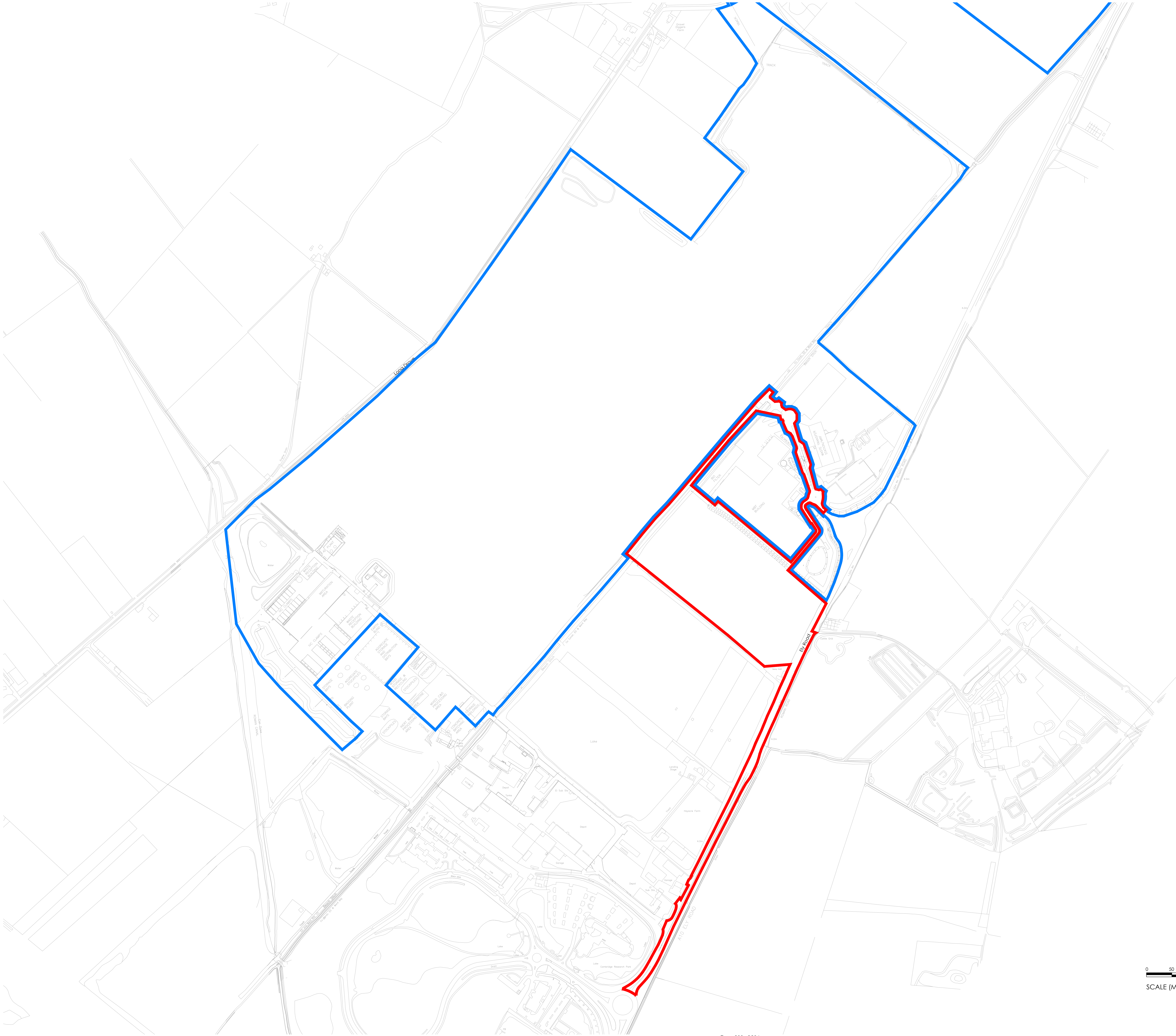
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**General Notes**

All site dimensions shall be verified by the Contractor on site prior to commencing any works.

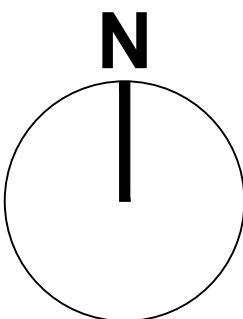
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— Planning Boundary

— Other land within the applicant's control or ownership



Revision

Scale	1:2500@A0
Status	Planning
Drawn by	CF
Date	25.10.17
Client	Axis

Project  
**Waterbeach, Amey Cespa**

Drawing Description  
**Location Plan**

Drawing No. **17013\_PL01** Rev.

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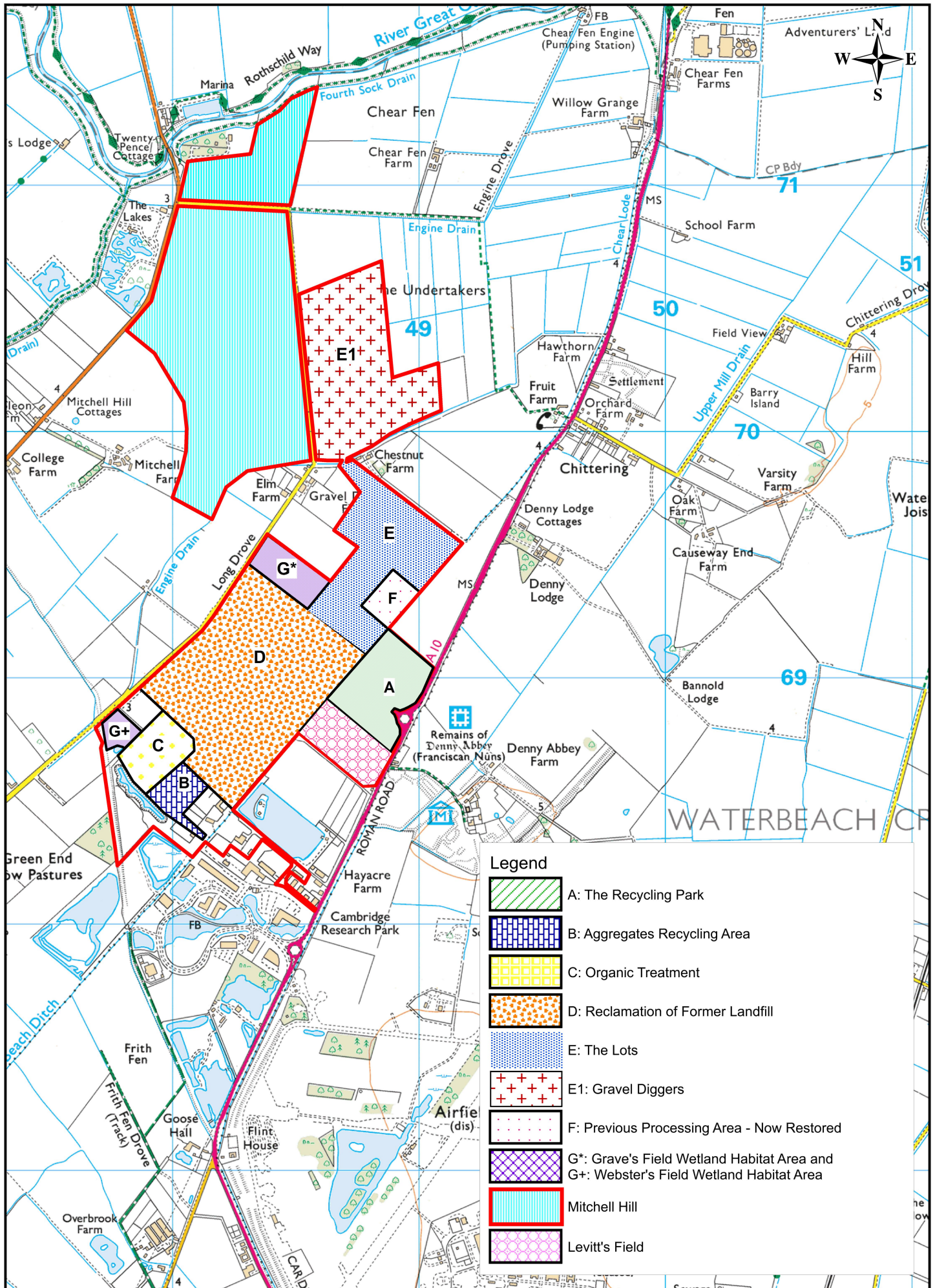
# Agenda Plan 2 - Scheduled Monuments and Listed Structures





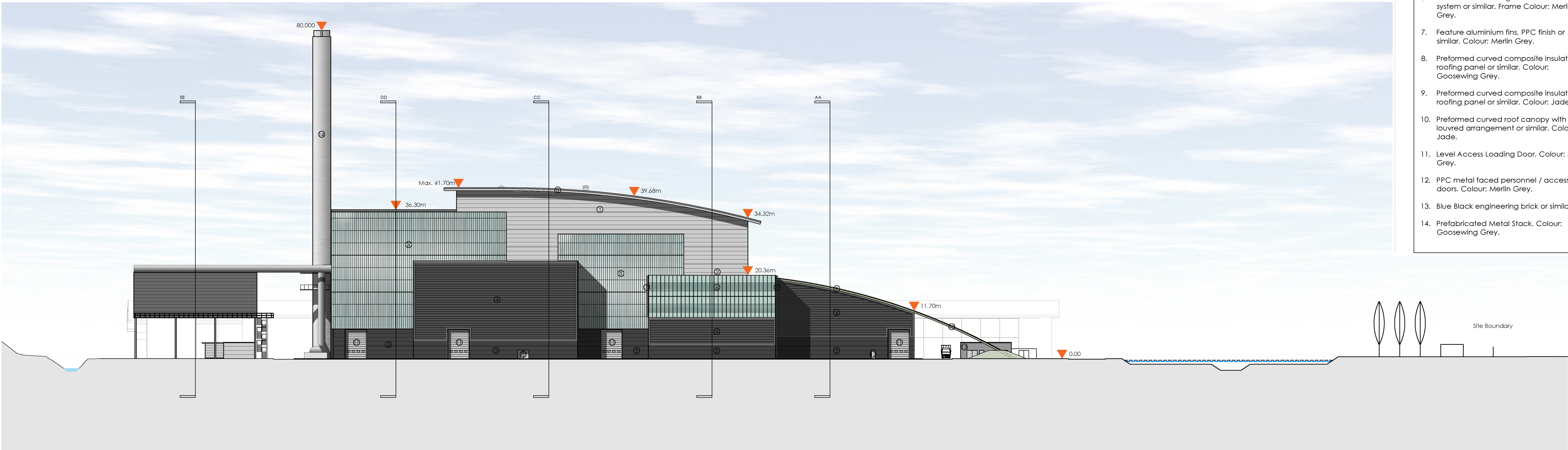


# WWMP, Levitt's Field and Mitchell Hill









#### General Notes

All site dimensions shall be verified by the Contractor on site prior to commencing any works.

Do not scale from this drawing.

Only work to written dimensions.

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#### LEGEND

1. Horizontally laid flat composite insulated cladding panel system or similar. Colour: Goosewing Grey
2. Horizontally laid flat composite insulated cladding panel system or similar. Colour: Merlin Grey
3. Horizontally laid flat composite insulated cladding panel system or similar. Colour: Anthracite.
4. Aluminium louvre panels, PPC finish or similar. Colour: Merlin Grey
5. Polycarbonate Translucent Panels or similar. Colour Opal. Backed to achieve zero light emission.
6. Aluminium framed glazed curtain walling system or similar. Frame Colour: Merlin Grey.
7. Feature aluminium fins. PPC finish or similar. Colour: Merlin Grey.
8. Preformed curved composite insulated roofing panel or similar. Colour: Goosewing Grey.
9. Preformed curved composite insulated roofing panel or similar. Colour: Jade.
10. Preformed curved roof canopy with open louvred arrangement or similar. Colour: Jade.
11. Level Access Loading Door. Colour: Merlin Grey.
12. PPC metal faced personnel / access doors. Colour: Merlin Grey.
13. Blue Black engineering brick or similar.
14. Prefabricated Metal Stack. Colour: Goosewing Grey.

#### Revision

Scale 1:500@A1  
Status Planning  
Drawn by CF  
Date 25.10.17  
Client  
**Axis**

Project  
**Waterbeach, Amey Cespa**

Drawing Description  
**Proposed South West Elevation**

Drawing No. 17013\_PL11 Rev.

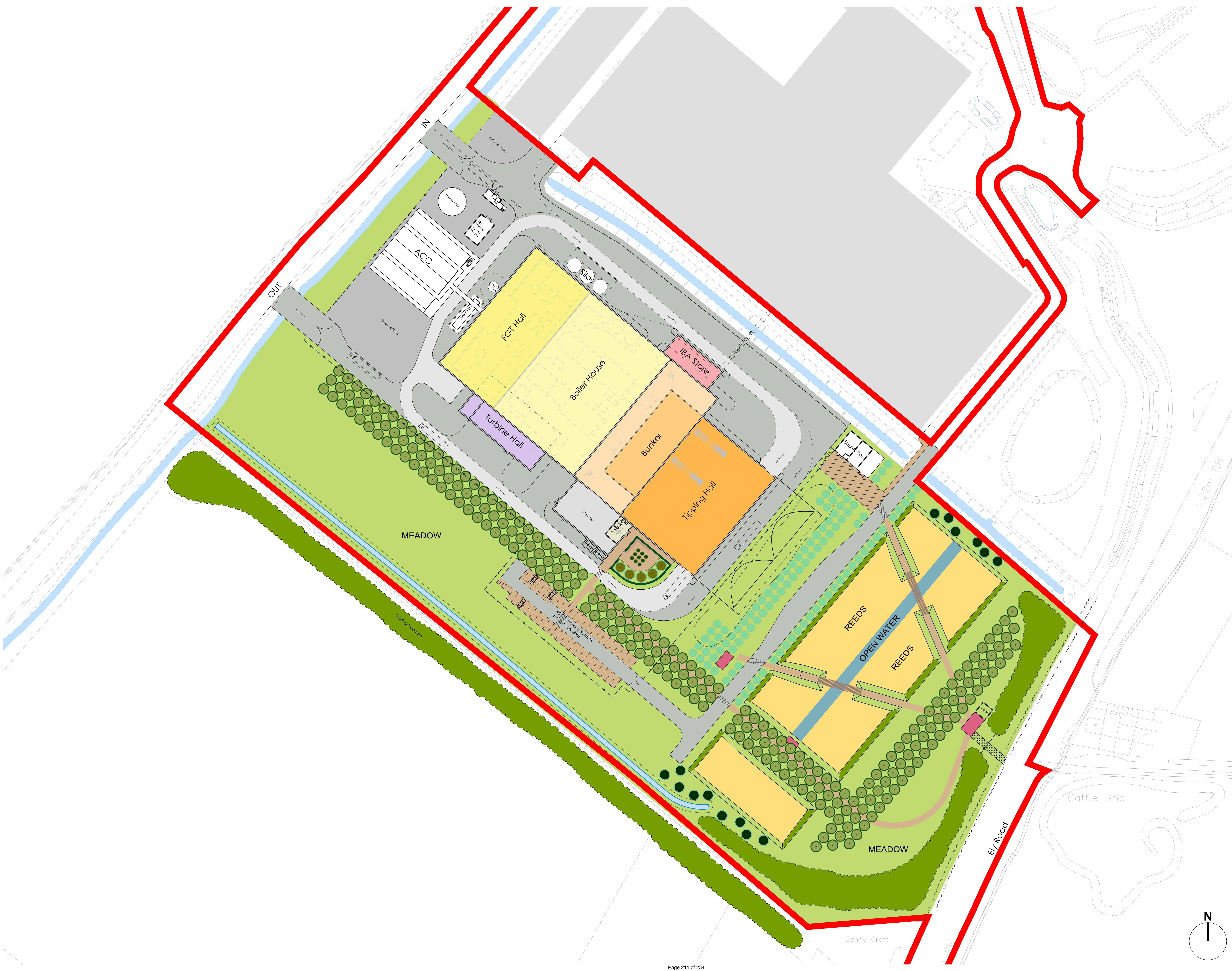
**fletcher|rae**  
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**General Notes**

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Indicative internal layouts shown for illustrative purposes only

Revision	
Scale	1:500@A0
Status	Planning
Drawn by	CF
Date	25.10.17
Client	Axis

Project  
Waterbeach, Amery Cespa

Drawing Description  
Proposed Site Plan

Drawing No. 17013\_PL03 Rev.

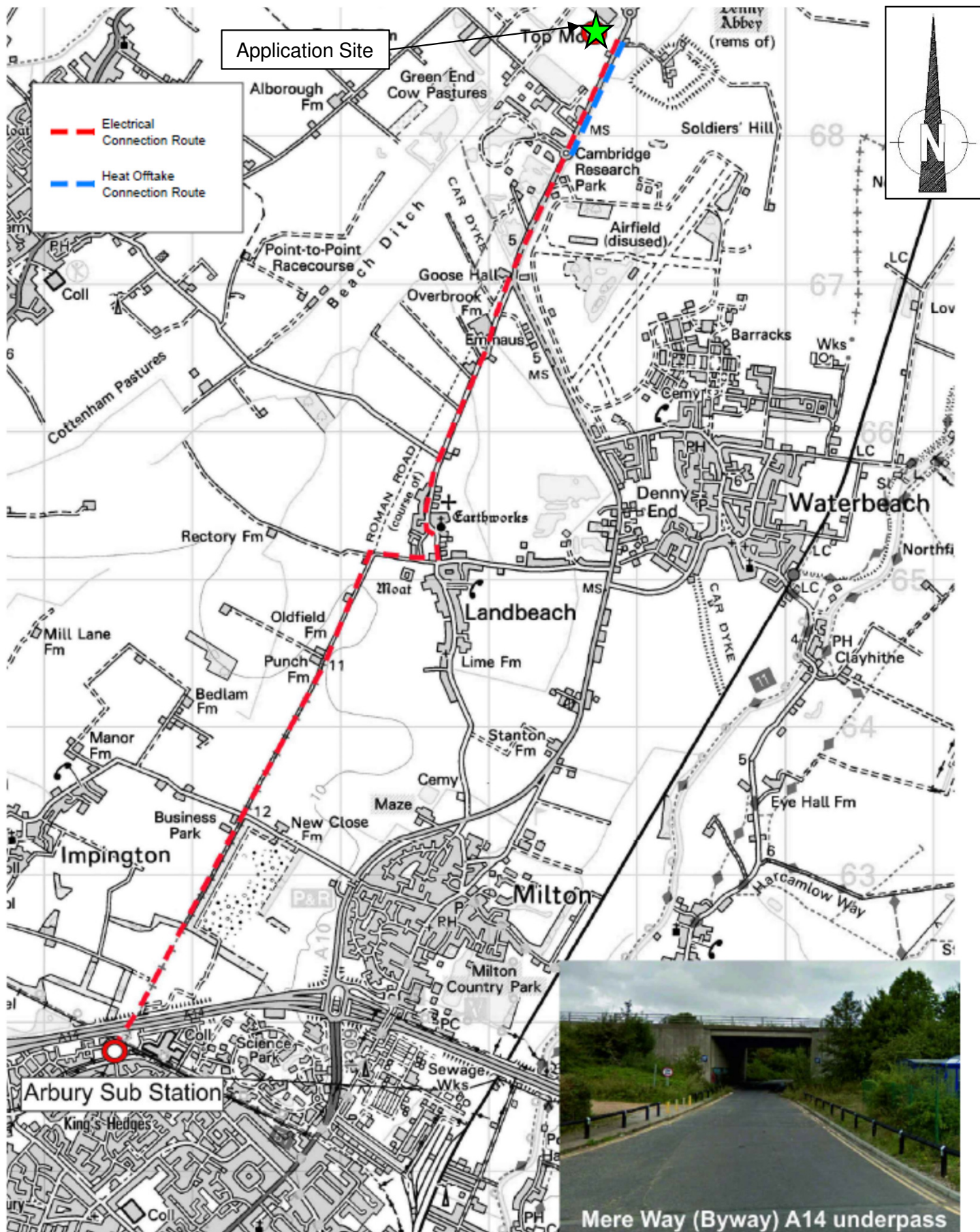
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Camellia House  
76 Water Lane,  
Wilmslow  
Cheshire, SK9 5BB

1970-01

Figure TA29

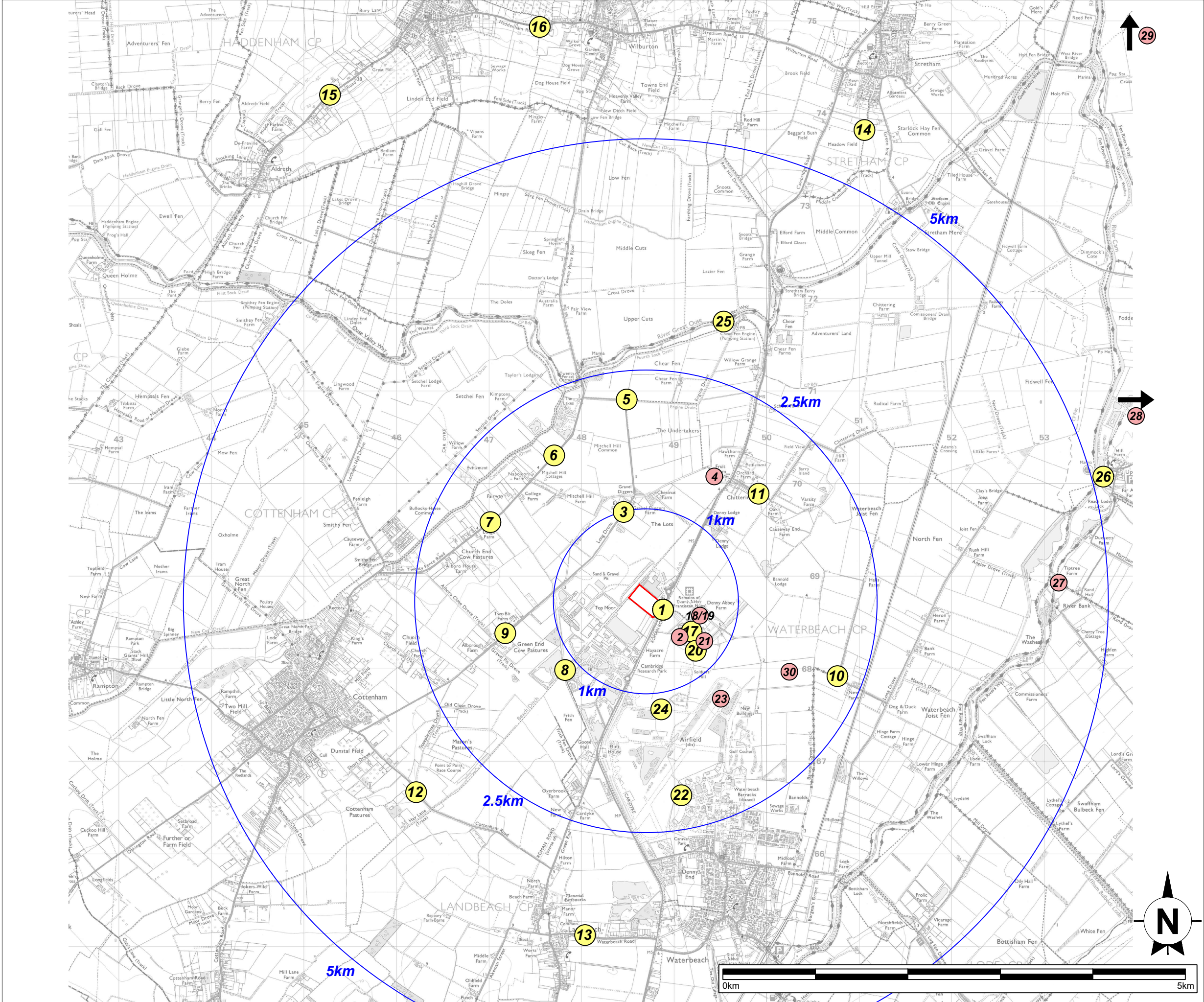
Indicative Electricity Grid Connection  
& Heat Off-Take Pipeline Routes

Waterbeach EfW

November 2017







Key:



Site



Viewpoint included in LVIA



Viewpoint omitted from LVIA

VIEWPOINTS

1. A10, Denny Cottages
2. Denny Abbey car park
3. Long Drive, near Gravel Diggers Farm
4. Public Footpath, Fruit Farm
5. Long Drive/ Engine Drain Public Footpath 56/11
6. Twenty pence Road, north of Mitchell Hill Cottages
7. Twenty Pence Road, near Lodge Farm
8. Cambridge Research Park
9. Long Drive, near Alborough Farm
10. Long Drive, north of Waterbeach
11. Chittering
12. Cottenham Road
13. Waterbeach Road, Landbeach
14. Public footpath, Stretham
15. Aldreth Road
16. Wilburton
17. Denny Abbey Driveway
18. Denny Abbey, first floor window (1)
19. Denny Abbey, first floor window (2)
20. Causeway east of Denny Abbey
21. Causeway east of Denny Abbey (2)
22. Waterbeach Barracks Control Tower
23. Waterbeach Barracks runway
24. Waterbeach Barracks north perimeter
25. Ouse Valley Way
26. Fen Rivers Way/ Upware Marina
27. Fen Rivers Way/ Tiptree Marina
28. Wicken Fen
29. Ely Cathedral
30. Fields east of Denny Abbey

Waterbeach EFW Facility

Figure 5.1c

Viewpoint Locations

Scale  
As shown

Date  
November 2017





## Appendix 5.3: Viewpoint Selection Process

- 1.1 This document has been prepared to provide an understanding of the process by which viewpoints were selected for inclusion within the LVIA. The aim is to present, in a transparent format, the process that has been followed in arriving at an appropriate number and range of viewpoints.
- 1.2 When considering which viewpoints to include as part of an assessment it is important to not assess too few or too many viewpoints. A proportionate approach to viewpoint selection is necessary, in line with the recommendations of the GLVIA (*Guidelines for Landscape and Visual Impact Assessment*, 3<sup>rd</sup> edition 2013, Landscape Institute and Institute of Environmental Management and Assessment). The absence of a viewpoint from a location does not imply that there would be no view of a proposed development.
- 1.3 Viewpoints were identified initially via a combination of desktop study, field work, and prior knowledge of the area. The LVIA team are familiar with the Site and surroundings following previous commissions locally.
- 1.4 An initial list of sixteen viewpoints was included in the Scoping Report submitted to Cambridgeshire County Council in March 2017. Further consultation was subsequently carried out with the Landscape Officer at South Cambridgeshire Council and with Historic England/ Denny Abbey Trust.
- 1.5 Following consultation, a number of additional receptors were suggested for inclusion in the LVIA, and a site visit was undertaken in order to identify suitable locations. In order to avoid an excessive number of viewpoints and/or duplication of views which illustrate similar effects, some of the viewpoints included on the original list have been omitted.
- 1.6 Further to the above, it is now proposed that the LVIA will include a total of twenty viewpoints. Ten other potential locations were considered but omitted. Details of the viewpoints included in the LVIA, and also details of those considered but omitted and associated reasoning is documented in the Table overleaf.

**Table 1: Viewpoint Selection**

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
1	A10, Denny Cottages	548882, 268635	140m	AXIS	View from public realm beside terrace of houses adjacent to the A10, immediately east of the Proposed Development <i>Specific</i> view from adjacent properties. Also <i>representative</i> of the views available road users	<b>Include</b> in LVIA
2	<i>Denny Abbey, car park</i>	<i>549161, 268416</i>	<i>0.47km</i>	<i>AXIS</i>	<i>View from the car park of Denny Abbey / Farmland Museum, a designated heritage feature and visitor attraction</i> <i>Representative of views experienced by visitors</i>	<b>Omit</b> <i>Not included – substituted with VP17 on the driveway outside the Abbey</i>
3	Long Drove, near Gravel Diggers Farm	548456, 269697	870m	AXIS	View from minor road approx. 1km north of the Proposed Development <i>Representative</i> of the views from the road and from nearby residential properties	<b>Include</b> in LVIA
4	<i>Public Footpath, Fruit Farm</i>	<i>549436, 270080</i>	<i>1.45km</i>	<i>AXIS</i>	<i>View from footpath approx. 1.45km north-east of the Proposed Development</i> <i>Representative of the views available to walkers on local footpath</i>	<b>Omit</b> <i>Not included – very similar view (distance / direction) to VP11. VP11 preferred as it is representative of more sensitive receptors</i>
5	Long Drove/ Engine Drain, Public Footpath 56/11	548489, 270899	2.05km	AXIS	View from junction of minor road with public footpath, approx. 2.05km north of the Proposed Development <i>Representative</i> of the views available to walkers and road users	<b>Include</b> in LVIA



VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
6	Twenty Pence Road, north of Mitchell Hill Cottages	547712, 270303	1.74km	AXIS	View from minor road approx. 1.74km north-west of the Proposed Development <i>Representative</i> of the views from the road	<b>Include</b> in LVIA
7	Twenty Pence Road, near Lodge Farm	547017, 269575	1.78km	AXIS	View from minor road approx. 1.78km west of the Proposed Development <i>Representative</i> of the views experienced by road users and from nearby properties	<b>Include</b> in LVIA.
8	Cambridge Research Park	547823, 267988	1.13km	AXIS	View from end of bridleway at the Research Park <i>Representative</i> of the views available to bridleway users and employees / visitors at the research park (when outside during lunch etc.)	<b>Include</b> in LVIA.
9	Long Drove, near Alborough Farm	547175, 268378	1.5km	AXIS	View from minor road approx. 1.5km west of the Proposed Development <i>Representative</i> of the views from the road	<b>Include</b> in LVIA
10	Long Drove, north of Waterbeach	550774, 267920	2.15km	AXIS	View from junction of minor road with public byway, approx. 2.15km east of the Proposed Development <i>Representative</i> of the views available to byway users and road users	<b>Include</b> in LVIA.
11	Chittering	549946, 269865	1.62km	AXIS	View from hamlet of Chittering approx. 1.62km north-east of the Proposed Development <i>Representative</i> of the views available to local residents	<b>Include</b> in LVIA.

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
12	Cottenham Road	546212, 266659	3.21km	AXIS	View from minor road, approx. 3.21km south-west of the Proposed Development. <i>Representative</i> of the views available to road users	<b>Include</b> in LVIA.
13	Waterbeach Road, Landbeach	548041, 265112	3.64km	AXIS	View from minor road, approx. 3.64km south of the Proposed Development. <i>Representative</i> of the views available to road users	<b>Include</b> in LVIA.
14	Public Footpath, Stretham	551070, 273821	5.52km	AXIS	View from public footpath, approx. 5.52km north of the Proposed Development. <i>Representative</i> of the views available to walkers	<b>Include</b> in LVIA.
15	Aldreth Road	545282, 274206	6.33km	AXIS	View from minor road running along ridge approx. 6.33km north-west of the Proposed Development. <i>Representative</i> of the views available to local residents and road users	<b>Include</b> in LVIA.
16	Wilburton	547548, 274932	6.18km	AXIS	View from the A1123 at the edge of Wilburton, approx. 6.18km from the Proposed Development <i>Representative</i> of the views available to local residents and road users	<b>Include</b> in LVIA
17	Denny Abbey driveway	549191, 268404	0.53km	AXIS	View from ground level on driveway to the southwest of Abbey <i>Representative</i> of the views experienced by visitors to Denny Abbey	<b>Include</b> in LVIA

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
18	Denny Abbey First floor window (1)	5492 15, 268410	0.47km	Historic England	View from north facing first floor window  The proposed development would be obliquely visible from the right hand side of a first floor window  A specific oblique view experienced by visitors to Denny Abbey	<b>Omit</b>  Not included. The window does not provide a view of particular heritage significance. From an amenity perspective, viewpoint 17 which is a direct view towards the development site, is in close proximity and the nature of views from first floor will be capable of being inferred with reference to this.
19	Denny Abbey First floor window (2)	5492 15, 268410	0.47km	Historic England	View from west facing first floor window  The development would be directly visible from this window. The window is inaccessible due to the lack of a floor finishes in this part of the building  A theoretical view that would represent either a historic view or the view that might be experienced by future visitors to Denny Abbey if the floor were reinstated  A scaffold platform or similar would be needed to acquire the necessary photograph	<b>Omit</b>  Not included. The window does not provide a view of particular heritage significance. The current lack of access to this location diminishes the value of it as a viewpoint in respect of assessing effects on visitors.  Also, from an amenity perspective, viewpoint 17 which is a direct view towards the development site, is in close proximity and the nature of views from first floor will be capable of being inferred with reference to this.

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
20	Causeway east of Denny Abbey (1)	549236, 268196	0.7km	Historic England	View from a causeway feature which is evident in the field to the south of Denny Abbey. Whilst not a part of the Scheduled Monument and only having limited public access (overflow parking is accommodated in the same field) there are plans to provide a footway and cycle path link from the new town development at Waterbeach barracks to Denny Abbey via this route.  This viewpoint is thus <i>representative</i> of a foreseeable future views experienced by local residents and visitors using a leisure facility.	<b>Include</b> in LVIA
21	Causeway east of Denny Abbey (2)	549231, 268273	0.7km	Historic England	<i>Second view from causeway feature which is evident in the field to the south of Denny Abbey. Whilst not a part of the Scheduled Monument and only having limited public access (overflow parking is accommodated in the same field) there are plans to provide a footway and cycle path link from the new town development at Waterbeach barracks to Denny Abbey via this route.</i>  <i>This viewpoint is thus representative of a foreseeable future views experienced by local residents and visitors using a leisure facility.</i>	<b>Omit</b>  <i>Not included. There is insufficient difference in the view experienced when compared to VP20 to justify inclusion of both.</i>

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
22	Waterbeach Barracks (1) Control Tower	549080, 266635	2.08km	South Cambs Landscape Officer	Elevated view from the roof deck of the two storey former control tower – currently used as offices.  Representative of foreseeable future views from 2 <sup>nd</sup> floor level in buildings on this part of the proposed housing development site	<b>Include</b> in LVIA
23	<i>Waterbeach Barracks (2) Runway</i>	<i>549507, 267678</i>	<i>1.27km</i>	<i>South Cambs Landscape Officer</i>	<i>View from the former airfield runway Representative of foreseeable future views from ground floor level in an area zoned for open space within the proposed housing development site</i>	<b>Omit</b>  <i>Not included – very similar view to VP24 but more distant. Foreseeable views, based on current masterplan for Barracks development are also more likely to be interrupted by built development and planting</i>
24	Waterbeach Barracks (3) North perimeter	548863, 267563	1.137km	AXIS	View from the northern part of the former airfield site – taken from an existing perimeter access road  Representative of foreseeable future views from ground floor level in an area zoned for open space within the proposed housing development site	<b>Include</b> in LVIA
25	Ouse Valley Way	549537, 271754	3.03km	South Cambs Landscape Officer	View from northern bank of the River Great Ouse, west of the A10, part of the Ouse Valley Way regional long distance footpath  Representative of views experienced by walkers	<b>Include</b> in LVIA

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
26	Fen Rivers Way / Upware Marina	553642, 270079	5.04km	South Cambs Landscape Officer	View from east bank of the River Cam close to the Upware Marina and 'Five Miles from Anywhere' public house. Located close to the Fen Rivers Way regional long distance footpath.  Representative of views experienced by walkers and other leisure users	<b>Include</b> in LVIA
27	<i>Fen Rivers Way / Tiptree Marina</i>	553160, 268932	4.38km	South Cambs Landscape Officer	<i>View from east bank of the River Cam close to the Tiptree Marina. Located on the Fen Rivers Way regional long distance footpath.  Representative of views experienced by walkers and other leisure users</i>	<b>Omit</b>  <i>Not included – very similar view (distance / direction) to VP26. Views from the Tiptree marina in the direction of the proposed development benefit from a greater degree of intervening vegetation</i>
28	<i>Wicken Fen</i>	556299, 270521	7.7km	South Cambs Landscape Officer	<i>A View from Wicken Fen was suggested by the S Cambs landscape officer  Representative of views experienced by visitors to the Wicken Fen facility [operated by the National Trust]</i>	<b>Omit</b>  <i>Not included as views from this direction are already included (VP26). Wicken Fen is further away and is in large part enclosed by scrub or woodland tree cover</i>

VP	Name	Approximate coordinates	Approx. distance	Source	Description	Proposed status of viewpoint (and commentary where relevant)
29	<i>Ely Cathedral</i>	<i>554117, 280260</i>	<i>12.64km</i>	<i>Historic England</i>	<i>Viewpoint investigated in response to an inquiry from Historic England as to whether views would be available from Ely Cathedral – there are no open views south from ground level. Tours of the octagon tower are available but ascend the north side of the cathedral, from which views south are blocked by the Cathedral structure</i>	<b>Omit</b> <i>Not included as public views are not readily available</i>
30	<i>Fields east of Denny Abbey</i>	<i>550248, 267969</i>	<i>1.65km</i>	<i>Historic England</i>	<i>It was suggested that a viewpoint should be included to represent views from an area of prospective new town development due east of Denny Abbey – which is being promoted by a separate developer to the Waterbeach Barracks</i>	<b>Omit</b> <i>Not included as there is no current public access. VP10 illustrates a view from the same direction</i>



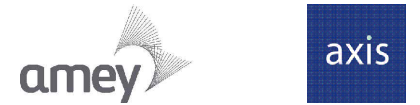




Proposed View on Completion



Proposed View in Year 15



Refer to Figures 5.1a & 5.1c for viewpoint locations

**Viewpoint 17**  
Denny Abbey driveway

**Ordinance Survey Coordinates:**  
549191,268404,6

**Date of Photograph:**  
26th April 2017

**Time of Photograph:**  
08:50

**Weather Conditions:**  
Bright, light cloud

**Camera Make/Model:**  
Canon EOS 5D

**Camera Lens:**  
Canon EF 50mm 1:1.8 II

Photomontages only show increase in vegetation height for proposed planting

**Recommended Viewing Distance:** 300mm

**Field of View:** approximately 63 degrees

Waterbeach EFW Facility

Appendix 5.6 - Figure 4

Viewpoint 17 - Photomontage  
Showing Mitigation Provided by  
Poplar Trees at Year 15

Scale  
NA

Date  
November 2017







Proposed View on Completion



Proposed View in Year 15



Refer to Figures 5.1a & 5.1c for viewpoint locations

**Viewpoint 20**  
Causeway east of Denny Abbey

**Ordnance Survey Coordinates:**  
549236,268196,5

**Date of Photograph:**  
26th April 2017

**Time of Photograph:**  
08:55

**Weather Conditions:**  
Bright, light cloud

**Camera Make/Model:**  
Canon EOS 5D

**Camera Lens:**  
Canon EF 50mm 1:1.8 II

Photomontages only show increase in vegetation height for proposed planting

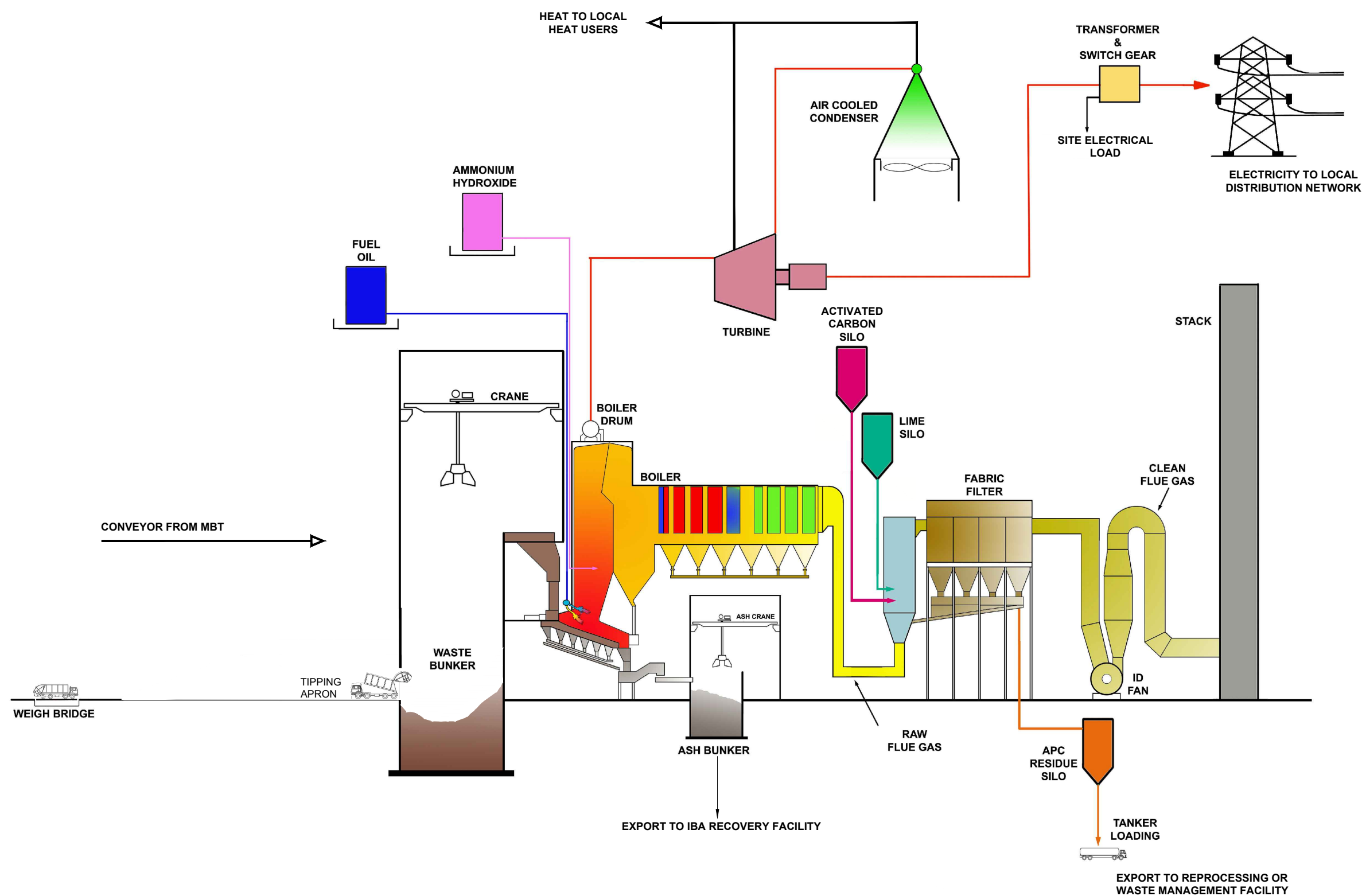
**Recommended Viewing Distance:** 300mm

**Field of View:** approximately 63 degrees

Waterbeach EfW Facility	
Appendix 5.6 - Figure 5	
Viewpoint 20 - Photomontage Showing Mitigation Provided by Poplar Trees at Year 15	
Scale NA	Date November 2017

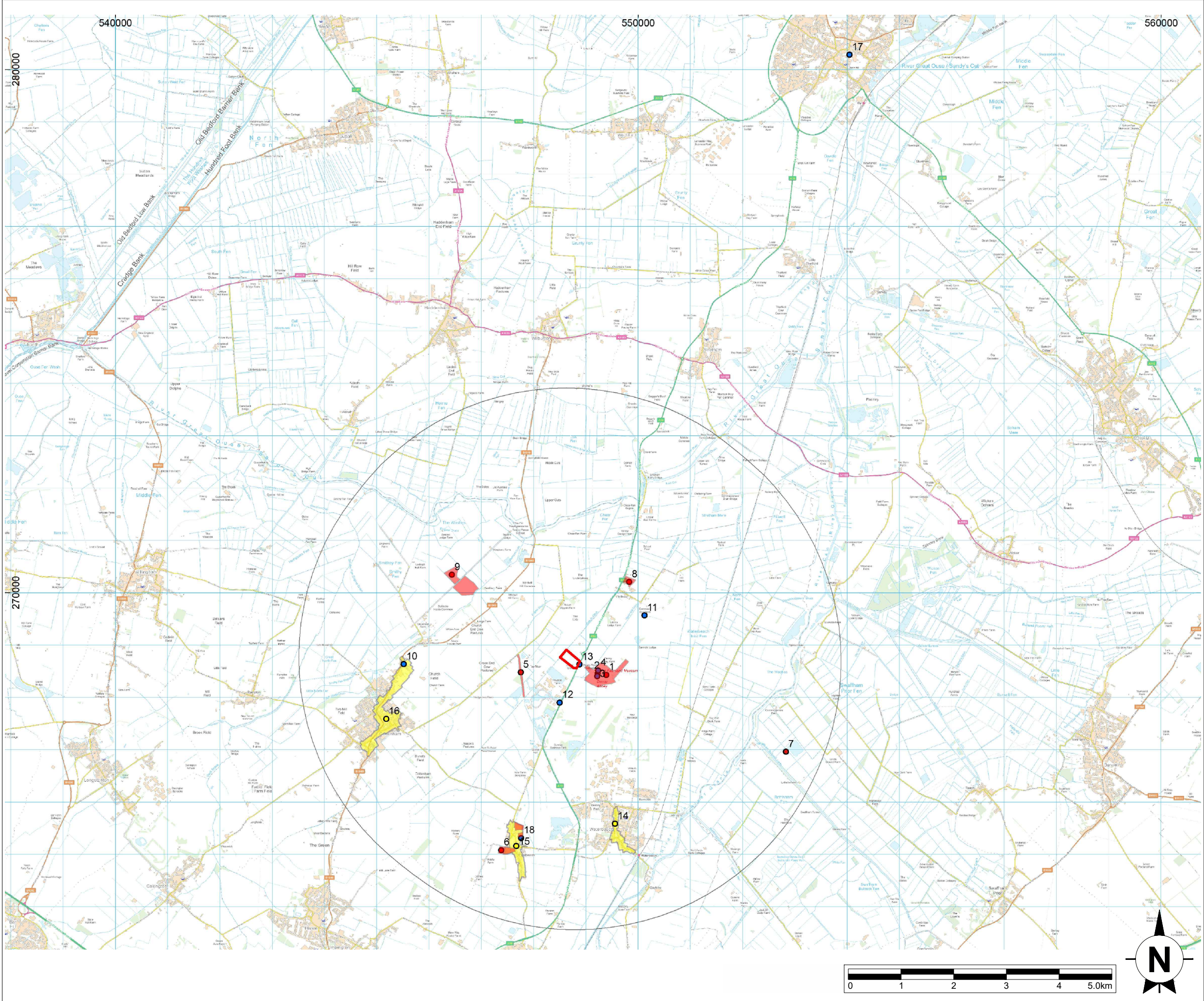












Legend

- Site Boundary
- 5km study area

Status

- Scheduled Monument
- Conservation Area
- Listed Building

Waterbeach EFW Facility

Figure 10.3

Designated Heritage Assets  
considered within the  
setting assessment

Scale  
Not to Scale

Date  
November 2017



