

Planning Committee Minutes

Date: Wednesday 19 April 2023

Time: 10:00a.m. – 4.52pm

Venue: New Shire Hall, Alconbury Weald

Present: Councillors, Batchelor (Chair), Bradnam, Connor, Kindersley, Prentice
Rae (Vice-Chair) Sanderson and Smith

54. Apologies for Absence

Apologies were received from Councillors Gardener (substituted by Councillor Prentice) and Gough (substituted by Councillor Kindersley).

55. Declarations of Interest

Councillor Corney declared a non-prejudicial interest in minute 57, as he was a member of Huntingdonshire District Council's Planning Committee, and his division bordered the division the application fell within.

Councillor Sanderson declared a non-prejudicial interest in minute 57 as he was Executive Councillor for Planning at Huntingdonshire District Council.

56. Minutes – 22 March 2023

It was resolved to approve the minutes of the meeting held on 22 March 2023 as a correct record.

57. Construction of a dry anaerobic digestion (AD) facility, pellet fertilizer facility, healthcare waste energy recovery facility, waste transfer station, vehicle re-fuelling station, biomass storage building, surface water storage lagoons, extension to concrete pad and ancillary development including car park

At: Envar Composting Ltd, St Ives Road, Somersham, PE28 3BS

Applicant: Envar Composting Limited

Application Number: CCC/21/088/FUL

The Committee received a planning application that sought permission for the; construction of a dry anaerobic digestion (AD) facility, pellet fertilizer facility, healthcare waste energy recovery facility, waste transfer station, vehicle re-fuelling station,

biomass storage building, surface water storage lagoons, extension to concrete pad and ancillary development including a car park.

The Chair informed the Committee that the item had attracted significant public interest and requests to speak. The Chair therefore proposed with the unanimous agreement of the Committee to suspend standing orders in relation to public speaking rights. Those who had registered to object to the application would each have 3 minutes in which to address the Committee. The total of that time would then be afforded to public bodies, those speaking in favour and the local member.

The Chair also advised those in attendance that the majority of the Committee undertook a site visit on 22 February 2022. The visit took in various views of the site from the surrounding area and included a tour of the facility.

The presenting officer began by informing members of two corrections to the report where 'ancillary development' had been included at the beginning of the title to the report and the location of Heath Fruit Farm in figure 2 of the report which should have been located 1km further to the east. Colne Heath Farm had also been incorrectly located in paragraph 2.1 of the report. Officers were of the view that the corrections did not materially affect the report.

The Committee noted the immediate location of the site in relation to the Wheatsheaf Crossroads, the Raptor Foundation, the former mushroom farm and traveller site located to the north of the site. The ENVAR site had been a waste management site for several decades. It originally began with traditional mushroom composting then moved into open windrow traditional outdoor composting which substantial areas of the site were still dedicated to. Over the years the site had developed waste management processes including in-vessel composting by the previous operator, ADAS. The applicant took over the site in 2016 and submitted a planning application for several changes to the site, including the erection of a building for waste transfer, biomass boilers, the installation of a perimeter bund around the site, an increase to annual throughput of waste to 200k tonnes per annum and the rationalisation of access to the site. All of which were highlighted on an aerial view of the site.

A site plan showing the proposed layout was presented to the Committee and the significant proposed structures for the site including surface water drainage lagoons, waste transfer building, building for storing wood for the biomass boilers, healthcare waste incinerator building and chimney, retained composting buildings, new dry AD structures and a building for the fertiliser pelletiser. Minor changes included a redevelopment of the car park and the extension of the concrete hard-standing area.

An isometric image of the site was shown to the Committee and the relative locations of the Raptor Foundation, and the new industrial building on the former mushroom farm were highlighted together with their relative measurements to the proposed buildings and chimney.

The Committee noted the existing permitted throughput for the site (200k tonnes per year) that included 135k tonnes of green and food waste, 20k tonnes of waste transfer and 45k tonnes of wood waste. The proposed development for the waste transfer and biomass would provide a more efficient means of handling the same waste stream in

the same quantities, and therefore would be neutral in terms of moving waste up the waste hierarchy. Approximately 70k tonnes of green and food waste would be diverted from composting to the proposed dry AD Facility. The AD process produced digestate which was a soil improver, but also biomethane which would be used to fuel vehicles on the site or exported to the grid. That element was considered to move waste up the waste hierarchy. The new waste stream, namely 12k tonnes of healthcare waste would replace 6% of existing waste streams. Incineration with energy recovery was considered neutral regarding the waste hierarchy but could move up if it prevented material being sent to landfill. It was the view of the presenting officer that the application when considered in the whole complied with policy 3 of the Minerals and Waste Local Plan in that respect. However, compliance was reliant on compliance with policy 4 which required such sites to be located within the major settlements of Cambridgeshire and Peterborough. The site was not located in a major settlement, nor did it meet the criteria for a waste management site located in a rural location. However, there were other elements of policy 4 including supporting planning permission for waste management in areas already permitted for such activities. However, it was not applicable in this instance because it included land outside the existing planning permission boundary. The presenting officer then drew the Committee's attention to co-location within policy 4. The total landholding for the site was approximately 18 hectares of which approximately half was the subject of the application. It was one of very few non-landfill waste management sites in Cambridgeshire that was large enough to handle multiple waste processes and benefit from co-location. Energy recovered from the incinerator would be used in the dry AD facility and the fertilizer pellet process. Some of the digestate from the dry AD plant would be used within the fertilizer plant. Officers were of the view that the application presented a good example of co-location.

The presenting officer drew attention to National Planning Policy for Waste, paragraph 7 and National Planning Policy Framework paragraph 188 that clearly set out the role of the planning system and its considerations, specifically about the role of the Environment Agency and its permitting regime.

Members noted that statutory consultees had not registered any objections to the proposals. The Environment Agency advised that a substantial variation to the environmental permit would be required. The UK Health Security Agency would provide comments on the health impacts of the proposals during the environmental permitting stage of the application. Natural England was satisfied there would be no significant impact on statutorily designated sites. Owing to the considerable public interest and concern regarding the proposals, the Council employed Air Quality Consultants to undertake an independent assessment of the application. Taking into consideration the submissions from the statutory consultees and Air Quality Consultants there was no reason to believe that if permission was granted, and the necessary environmental permit successfully applied for, there would be an adverse impact on air quality or human health.

Objections had been received regarding the healthcare waste incinerator in that it would discourage recycling and disposal through other means. Attention was drawn to section 10 of the report that provided detailed definitions of clinical and other healthcare waste. Clinical waste in many cases could only be disposed of through incineration and other healthcare waste could be sent to landfill or for incineration at non-specialist facilities.

Another objection related to the area waste would be drawn from. The Committee noted that currently disposal options were limited, and waste was transported across the country as a result. The applicant stated in the application that healthcare waste would be sourced from Cambridgeshire and Peterborough where possible and then from the wider east of England region. Members noted that hazardous wastes tended to be produced in smaller quantities and managed at wider scale. It would therefore be inappropriate to restrict the catchment area for healthcare waste to be drawn from. It was proposed that the existing catchment area condition would still apply to the remaining waste.

Objections had been received citing grounds of a lack of need for the development. The presenting officer drew attention to National Planning Policy for Waste, paragraph 7 and members noted that the application was considered to be in accordance with the up-to-date Local Plan.

Traffic and highways had generated many objections. In particular, the impact on the Wheatsheaf Crossroads and congestion in the St Ives area. The Committee was shown a table that provided information on the number of expected vehicular movements by category of vehicle. The table demonstrated an uplift in light vehicle movements resulting from the proposed development. Attention was drawn to the proposed routing arrangements for the B1040 that would direct traffic to the A1123 and the A1096. Members noted that Cambridgeshire County Council as the Highway Authority

had raised no objection to the application. The presenting officer referenced paragraph 111 of the National Planning Policy Framework that stated, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The presenting officer turned attention to landscape and visual impact. The Committee noted that the site was not located within a formally designated area and had itself been assessed as moderate to low value, therefore limited development could take place within the site without impacting on the character of the wider area.

Members were shown elevation drawings that illustrated the proposed development from all four directions. Various views of the site were also shown to the Committee that members had seen as part of the site visit. For three viewpoints a photomontage of the proposed buildings for the site was shown. Members noted viewpoint 5 at which the buildings would be most visible.

The Committee was informed that the proposed buildings would be broadly similar in size to existing buildings on the Envar site and similar to the new warehouse on the former mushroom farm. The healthcare incinerator chimney would be considerably taller. The applicant had undertaken work in analysing the plume emitted by the chimney which had been reviewed by Air Quality Consultants. A visible plume would be so rare, owing to the particular weather conditions required, that it was not considered to be relevant as a visual impact.

Proposed landscaping at the site included an enhanced perimeter

bund, screening provided by a belt of trees between the proposed new buildings and the new surface water drainage lagoons. It was noted that even with landscaping at fully maturity, the site would remain a relatively prominent feature in the landscape and therefore visual impact would form part of the balance when determining the application.

Members noted the views of the Ecology Officer that there would be no significant impact arising from the application. Composting tunnels that were proposed to be demolished could contain bats and they would be managed at the time. The Ecology Officer was satisfied that the proposals provided a biodiversity net gain.

With regard to noise, the Committee noted that the site was a 24-hour operation that had potential for noise and the proposed AD could be cause for concern. However, the Environmental Protection Officer was of the view that with mitigation unacceptable levels of noise could be avoided.

In conclusion, the presenting officer advised the Committee that there was sufficient information on which to make an informed decision and highlighted the positive and negative aspects of the planning application and those impacts that were considered neutral in the planning balance.

In response to member questions the presenting officers:

- Confirmed that the Environmental Statement had been updated. The process was an iterative one. The statement was updated following the first round of consultation and the final information was produced towards the end of 2022.
- Explained that it was recommended that the HGV routing agreement be secured by condition, but the movements of employees would not be. The nature of the site was such that it did not lend itself to a travel plan.
- Advised that in relation to the prevention of light spillage, advice would be sought from the Environmental Protection Officer as part of the planning condition process.
- Explained that the proposed routing agreement covered HGVs only.
- Addressed a perceived inadequate consultation that appeared to have been the bare minimum and expressed concern that it was not enough. The presenting officers drew attention to section 5 of the report that addressed consultation. It was the view of officers that the applicant had complied with the statement of community involvement. Members noted that it did not represent a reason for refusal.
- Drew attention to conditions 9 and 11 relating to construction management and construction hours.
- Explained that the Parish Council in which the application site was located was obliged to be consulted. Owing to the nature of the application, Parish Councils that sat on the liaison group were included together with any other that had a particular interest. Warboys Parish Council went beyond those consulted and it made its own representation that had been included in the officer report.

- Provided greater clarity regarding vehicle movements and explained that 240 represented the predicted number of vehicle movements in the 2017 planning application. It was noted that actual vehicle movements in 2020 were much lower than 240. As part of the application the number of movements would be restricted to a maximum of 290.
- Explained that regarding the perceived poor public consultation and the impact on the highway of traffic although ultimately a decision for the Committee, it was not the view of the officers that they represented grounds for refusal that carried significant weight.
- Provided clarity regarding which body would address matters associated with odour arising from the foul water lagoon. The presenting officers explained that odour would fall within the remit of the Environment Agency (EA). The liaison forum would include representatives from the EA and section 5 of the report addressed odour and that it would fall within the remit of the EA permit.

The Chair invited Public Bodies that had registered to speak on the application to address the Committee.

Speaking in objection to the application, Councillor Philippa Hope, representing Bluntisham Parish Council addressed the Committee. Councillor Hope began by reinforcing the objection to the application made by the Parish Council, stating that the recommendation drew a veil over the need for the development and the negative highway implications. Expanding further, Councillor Hope informed the Committee that only 75 tonnes of waste would originate from the east of England and the remainder would need to be sourced from outside the area which was contrary to the original submission and have significant impact in terms of vehicle emissions. The applicant currently processed 200k tonnes of waste, however, that was based on figures from 2020 and despite having queried this with the operator, had received no response. Councillor Hope expressed concern that there were no proposed planning conditions relating to traffic movements and no proposed monitoring of traffic movements. Expanding further, Councillor Hope informed the Committee that 97% of Light Goods Vehicles used diesel fuel and were over 3 years old and thereby more polluting. Therefore, it was requested that highway data was carefully analysed. Commenting further, Councillor Hope questioned the operator and its management of the site, drawing attention to a fire that took place because of a lack of self-monitoring. In conclusion, Councillor Hope questioned the need for the development and its stated environmental sustainability. The proposed development delivered no benefit to the residents of Bluntisham and the Committee was urged to refuse planning permission.

In response to a member question, Councillor Hope advised that the fire at the ENVAR site began in December 2018 and burned until February 2019. Owing to the prevailing wind, residents in Bluntisham were affected by ash and odour from the fire.

Objecting to the application, the Chair of Woodhurst Parish Council, Andrew Notman addressed the Committee. Councillor Notman concentrated on the direct impact on the village of Woodhurst, the lack of consultation with residents and the impact of traffic on the area. In drawing attention to section 5.8 of the report, Councillor Notman

commented that contrary to the report the consultation undertaken by the applicant was not reasonable as it was not advertised effectively. Internet searches failed to return results for the consultation, and it was not promoted in the local press and social media. The survey was live for only 2 weeks and attracted 9 responses. At public meetings the proposals for an incinerator were not mentioned. Although treating medical waste was mentioned, the method of disposal was not. There were a series of open days but by that point the planning application had been submitted and therefore was too little too late. The operator appeared to undertake the bare minimum, rather than what they should do to engage with the local community. Moving his attention to the impact of traffic Councillor Notman, informed the Committee that Woodhurst was a rat-run and had a 7.5 tonne weight limit to manage HGV traffic. The relationship with the operator had been positive and breaches had been dealt promptly. However, LGVs could travel through Woodhurst. The Parish Council had spent a significant portion of its budget on traffic management and requested that a traffic management plan encompassed the Woodhurst area. Members noted the Woodhurst conservation area that had an open outlook. The proposed chimney and plume would be visible from the conservation area. In addition, footpaths to Pidley and St Ives would be blighted by an industrial complex. On a clear day it was possible to see Ely Cathedral and it would be inappropriate to include a chimney within the view. Councillor Notman questioned the visibility of the plume and the conditions during which it would be most visible. In conclusion, Councillor Notman questioned the need for the development and urged the Committee to refuse planning permission.

Councillor David Hopkins addressed the Committee speaking in objection to the application on behalf of Pidley Parish Council. Councillor Hopkins advised the Committee of a routing agreement in place with the applicant that prevent HGVs travelling through Pidley that had largely been well observed. However, HGVs (not necessarily originating from the applicant) remained an issue for the village where they mounted kerbs and residents had been injured in collisions. Councillor Hopkins cited the proposed routing agreement that, in his view, would safeguard Pidley residents from HGVs operating from the site. Councillor Hopkins concluded by questioning the need for the development and drew the Committee's attention to the performance of the operator in terms of tidiness and called for more effective screening at the site.

Representing St Ives Town Council, Councillor Julie Kerr addressed the Committee in objection to the application. Councillor Kerr began by informing the Committee that the original planning application presented to the Town Council in August 2021 was shown to be inadequate and lacking in detail to be properly considered. The incinerator was originally described as being relatively small, however, it would be one of the largest clinical waste incinerators in the country. St Ives Town Council upheld the view that there was no demonstrable need for an incinerator of the proposed scale. Councillor Kerr drew attention to the conditions set out within the report detailing the volume of waste that could enter the site and the geographical area it could be drawn from and expressed concern that clinical waste could be drawn from across the country. That suggested there was no need for the disposal facility and emphasised the impact of additional traffic transporting waste across the country. Councillor Kerr also expressed concern with HGVs being routed through St Ives at 4.30am and questioned the traffic movement data that had been provided.

In response to a member question, it was noted that the Traffic Management Plan related to HGVs in terms of numbers generated. Furthermore, it was acknowledged that medical waste was more likely to arrive via LGVs.

Speaking in support of the application representatives of the applicant ENVAR (Christian Smith planning consultant, Dr Amanda Owen air quality specialist and James Cooper Envar head of compliance) addressed the Committee. The applicant noted that the officer report had addressed all the relevant planning related issues and sought to reaffirm a few key points. The application site was located in a waste management area identified within the Minerals and Waste Local Plan (MWLP). The application demonstrated key co-location principles with the recycling of green food waste, an AD process, production of nutrient rich fertilizers and production of biogas delivered to national grid, that also had potential to provide fuel for company vehicles. Solar panels would be installed on buildings and power and heat would be shared across the site. Local concerns had an understandable focus on the relatively small medical waste incinerator. The nature of healthcare waste was that most could not be recycled because of its harmful properties. Therefore, only landfill or high temperature treatment remained as options for disposal. High temperature treatment was the preferred method of disposal, with facilities mainly located on hospital sites. This demonstrated the lack of impact on public health. Environmental impacts had been assessed over a 2-year period and there were no major environmental permitting concerns. In conclusion, planning decisions were made in the planning balance and it was the view of the applicant that the significant benefits outweighed any negative impacts, and the proposed conditions would minimise and mitigate those negative impacts.

In response to member questions, the applicant:

- Explained that ownership of the site changed in 2016 and that a voluntary agreement existed with Pidley Parish Council preventing HGVs passing through the village unless they were accessing a site. Liaison with the Parish Council continued through the Pidley HCV Group.
- Advised that a flood risk assessment was submitted in 2021 and then part of two regulation 25 requests that responded to comments from the Environment Agency and the local lead flood authority comments. That assessment work was further updated, and more detailed work presented that demonstrated there were no pollution events. The environmental permit required the applicant to ensure that the site was designed to be CIRIA compliant so that it could reasonably contain an extended storm and flooding event.
- Explained that the air quality assessment was produced in accordance with the legal requirements of the Environment Agency and was applicable to any thermal treatment of waste. The modelling assumed that the site would discharge at its maximum permitted rate all the time which was unlikely to ever happen. The frequency of data submission to the Environment Agency depended on the pollutant. All data submitted to the Environment Agency was placed on their public register.
- In response to a question regarding CCTV monitoring of the chimney plume, advised that the site was covered by over 30 CCTV cameras; the provision of which would be reviewed and extended where necessary.

- Advised that a weather station was present on site and the data collected was available online.
- Explained that as part of the permit application several detailed documents had to be submitted to the Environment Agency relating to emergency and accident planning. The applicant confirmed that they would continue to work with the Environment Agency to ensure the robustness of the plan.
- Explained that suggested benefits of the application were significant in terms of climate change and energy generation more broadly than the local community.
- Commenting on the consultation process undertaken, it was difficult to determine exactly where the local community began and ended. Engagement with Cambridgeshire County Council took place during the pre-application process and a scoping opinion was sought and provided. A website was established and through discussions a reasonable area to leaflet drop was established. Facilities such as the one proposed generated public interest, however, it was difficult to predict to what extent that interest would reach. With the benefit of hindsight, the consultation may have been wider, however, the applicant was keen to avoid drawing an arbitrary radius for consultation on a map and engaged with planning officers.
- Regarding the volume of clinical waste and the assertion that very few facilities achieved that volume of input, advised that a proposed facility in Stoke would handle 16k tonnes per annum. Attention was drawn to the work of specialist consultants contained within the officer report that all options for waste management had been considered. It was a reasonable view that there was a need for the clinical waste stream to be effectively managed. The location of the site was acceptable for the method of disposal and there was a demonstrable need for disposal.
- Noted that the specification of the incinerator would be determined through the detailed design phase of the process to comply with the permitting requirements of the Environment Agency. There were several incineration options and the most suitable to meet the regulations would be chosen.
- Confirmed that the output from incineration would be heat only that would be recovered and transported around the site for various uses.
- Noted concern expressed regarding engagement and the liaison group and confirmed that formalisation of the liaison group would take place with meetings on a quarterly basis involving the local Parish Councils and officers if necessary.
- Explained that it was not possible to amend the vehicle movement hours as they were controlled as part of the existing planning permission. Furthermore, officers explained that if hours were to be varied it would be very difficult to determine which HGV movements related to which planning permission.
- Noted that to date there had been no issue at the site regarding HGVs queuing to gain access to the site at the start of the day. If such an issue arose it would be discussed, and a local arrangement arrived at.

- Noted that wood waste was currently only able to be shredded outside buildings between 7am and 6pm. There had been no objections raised specifically on noise relating to the shredding of wood waste, however, a small number of complaints had been received regarding noise more generally that related to a knocking noise emanating from part of the plant machinery. Remedial action was taken, and feedback provided to the resident.

The Chair invited members of the public who had registered to speak in objection to the application to address the Committee.

Mrs Lorna Watkins addressed the Committee and began by asserting that the proposals did not represent the need of the county, but the need of the applicant. Mrs Watkins questioned the information presented relating to traffic movements that did not appear to be consistent with previous information. The planning application was presented as being environmentally friendly, however, incineration as a method of disposal was not. Attention was drawn to the climate emergency declaration made by Cambridgeshire County Council in 2019 and asserted that the granting of planning permission would be inconsistent with that declaration. The small amount of energy that would be produced would be achieved at a very high cost. In conclusion Mrs Watkins urged the Committee to adhere to the climate emergency declaration and refuse planning permission.

Mr John Marsh when addressing the Committee, expressed concern that granting planning permission would be based on incomplete and inaccurate data. The application site was not an open or remote area. Consumption of dioxins through food posed a significant risk to the population. Turning his attention to odour and foul water storage, he commented that the site was renowned for the odour emitted by the site amongst local people. Regarding HGVs and their proposed routing, expressed concern with compliance, monitoring and enforcement. The proposals represented a massive financial burden and residents would pay for it. In conclusion Mr Marsh commented that statistics showed that there was sufficient disposal capacity in Cambridgeshire for clinical waste.

Mrs Elizabeth Blows, representing the Raptor Foundation located opposite the site addressed the Committee and expressed concern relating to traffic and the proposed incinerator. The foundation had just completed the installation of a caravan park at the site, and the construction of an incinerator and chimney would put off visitors. The planning application was so detrimental to the foundation, it raised significant questions over the future viability of the business. The birds at the foundation were her pride and joy and Mrs Blows expressed her frustration and upset at the proposals.

In response to a member question, that despite the compliance with strict regulation relating to the chimney stack and waste disposal Mrs Blows questioned whether the operator would comply with them.

Dr Alan James representing the Campaign for Rural England (CPRE) addressed the Committee. Dr James began by commenting that the site would create a major industrial site in what was a broadly rural landscape and would be visible from miles around. The proposed landscaping would take time to mature and during winter

months, trees would provide little screening as they would have no foliage. Dr James noted that approval was being sought for a 26m chimney, however, the chimney could be larger if the Environment Agency require it. Dr James expressed concern regarding the carbon footprint of the proposals and contrary to the commitments of Cambridgeshire County Council. Therefore, Dr James objected to the proposals on grounds of landscape and climate change.

Mrs Lulu Agate representing Cambridge Friends of the Earth expressed concern regarding the impact on wildlife and local residents and the Environment Agency's inadequate enforcement regime. Mrs Agate drew attention to particulate emissions from the stack, citing research and new data that illustrated the risks posed by such emissions were much greater than previously identified. Concern was also expressed regarding heavy metals such as cadmium and lead that were found in items such as batteries. Removing such items from the feed for the incinerator was extremely difficult, if not impossible. Furthermore, dioxins within each piece of waste had an individual optimal temperature for incineration and it was questioned how this could be achieved. The product (bottom and fly ash) was also toxic and would have to be sent to landfill for disposal.

Mrs Jennifer Coville addressed the Committee and informed members that she had lived in the area for many years. Mrs Coville drew the Committee's attention to the traffic issue currently in St Ives, where traffic queued regularly at the Morrison's roundabout. Mrs Coville concluded by drawing on experience she had of an incinerator when travelling and witnessed dioxin plume first hand and expressed concern about the impact on health.

Mrs Jean Fairbairn questioned the need for the site and expressed concern at the quantity of waste that would have to be imported from outside of the area. Residents would gain nothing other than dioxins being emitted. Mrs Fairbairn also drew attention to the performance of the operator which in her view had a poor safety record.

Mr Matthew Deacon expressed concern relating to road safety and as a former road safety officer for Cambridgeshire County Council was of the view that it had not been properly assessed. The conclusion of officers that any adverse impacts would be very small did not represent empirical evidence and questioned how many movements would create a greater impact. Conclusions had been made without consideration of all aspects of road safety and it was unacceptable to residents who used the B1040. It was a statutory duty of the Council to control the movement of traffic and reduce accidents. Behind each additional movement was a driver working that was fatigued and therefore increased the risk of collision. The application was a gamble on road safety and Mr Deacon urged the Committee to refuse planning permission.

Mrs Kym Moussi addressed the Committee. Mrs Moussi questioned how conditions would be monitored if planning permission was granted. There would be significant impact on the local community and businesses. Mrs Moussi cited evidence from the USA where compliance with regulatory regimes was poor. Data relating to emissions was questioned and how the proposals were beneficial to climate change.

Mr Rob Bousfield owner of a neighbouring fruit farm addressed the Committee. Mr Bousfield expressed concerns regarding the pollutants emitted by the incinerator,

specifically paragraph 3.3 of the health impact assessment that stated people who consume fruit may have enhanced levels of dioxins. Mr Bousfield explained that his farm sold 50 tonnes of fruit a year to the local area and the farm was in close proximity to the applicant's site. Mr Bousfield also informed the Committee of the rainfall and weather inversions that occurred in autumn when crops were being harvested. Mr Bousfield was also concerned about the visual impact a 26m chimney would have on customers to the farm shop that would be put off by it. In conclusion Mr Bousfield urged the Committee to put health first and support local producers by refusing planning permission.

Following the conclusion of the statement, the Chair advised the Committee would break for lunch. [Meeting adjourned at 1.30pm and reconvened at 2.02pm]

Mr Philip Speaight informed the Committee that he had lived for the past 30 years on the B1040 and that when the wind blew from the north there was a putrid odour that originated from the ENVAR site. The light pollution emitted from the security lights at the site also blighted the environment. Mr Speaight played an audio file that allowed the Committee to hear the noise emitted by the reversing alarms of the plant machinery. Mr Speaight emphasised the hazardous nature of the B1040 and informed members that 13 people had been killed in road traffic collisions within 1 mile of his property. Furthermore, the width of the road required, when 2 HVGs met one another, for them to move to the outer edges of the road which damaged the surface. In conclusion, Mr Speaight asserted that the proposed development would be a blight on the landscape and pollute the local area and further losses of life would occur on the B1040 as a result. Therefore, he urged the Committee to refuse planning permission.

Mrs Charlotte Holiday informed the Committee that she lived near the application site (382m) on a farm growing fruit and vegetables with her husband and children. The farm was a long-standing family business, and the development would take away opportunity from their children. Mrs Holiday expressed concern regarding the accuracy of the maps and questioned why leaflets distributed by the applicant did not reach their farm. Mrs Holiday also expressed concern regarding light pollution and visual impact there were also several glaring inaccuracies within the application that gave concern about the application and the applicant. Mrs Holiday asserted that the operator already worked outside of their permitted hours and had contacted the Environment Agency multiple times during the night and did not believe the applicant would adhere to the proposed planning conditions.

Mr Simon Bluff addressed the Committee and urged members to refuse planning permission. Mr Bluff informed the Committee that his 40-acre farm that produced 23,000 eggs per day was located 289m downwind from the application site and would be in receipt of the pollutants produced by the incinerator. Soil analysis had been undertaken at the farm in order to monitor levels of pollutants if planning permission was granted as hens ingested 30g of soil per day, and any dioxins would be stored in the fatty tissue and passed to the eggs. Members noted that the farm's buyer would no longer accept eggs from his farm due to the risks. . That would result in a 90% loss of business and result in the closure of the farm. Mr Bluff also informed the Committee that the noise assessment did not include his farm.

Mrs Julie Sands informed the Committee that Addenbrooke's Hospital collected clinical waste from outside of the area and did not run at full capacity. The applicant would need to collect 33 tonnes daily from the local area and therefore the traffic data submitted did not appear to be accurate. Local businesses close to the application site would almost certainly lose business and possibly close due to the emissions produced by the incinerator and questioned the price that would be paid for biogas and fertilizer. Mrs Sands drew attention to concerns regarding incineration and a moratorium on new incinerators in Wales. In conclusion Mrs Sands expressed concern at the lack of a whole-life carbon assessment provided by the applicant and this was inconsistent with Cambridgeshire County Council having declared a climate emergency, furthermore, she questioned the height of the proposed chimney and stated that based on the calculation of exhaust a 65m chimney would be required.

Mr Brian Green informed the Committee that 103 babies and toddlers attended a nursery 900m from the application site, including Mr Green's 2-year-old daughter. The health impacts of the proposals were well documented and the children attending the nursery spent a large portion of the day outside breathing the air. The Committee should not expose children and wider community to the risk and a decision was needed that put the community first.

The local Member for Somersham and Earith, Councillor Steve Criswell whose division covered the application site addressed the Committee. Councillor Criswell thanked the members of the public that had attended the meeting and spoken. Councillor Criswell informed the Committee that he was in receipt of a petition that had collected 4,250 signatures opposed to the incinerator. Councillor Criswell spoke in objection to the planning application due to the level of opposition and had the support of Councillors Kevin Reynolds and Ryan Fuller, the next nearest local Members to the site. The position was also supported by the MP for north-west Cambridgeshire Shailesh Vara. In drawing attention to the consultation and engagement undertaken by the applicant, Councillor Criswell commented that it had been particularly poor and highlighted that in May 2021 County Council election candidates were able to distribute leaflets despite the COVID-19 pandemic. The need for the incinerator was questioned together with the assumptions contained within the officer report. The NHS was reducing the need for incineration through reusable equipment, PPE and the reduction of single-use plastics which would greatly reduce clinical waste volumes. The application was not sustainable nor welcome. Concerns regarding incineration were noted and acknowledged in a motion to Full Council. Energy from Waste guidelines were 10 years old and out of date. Councillor Criswell warned of a situation where the need for such facilities was reduced to such an extent and the community being lumbered with a facility that was no longer required. Attention was drawn to the health concerns of residents, the Raptor Foundation, local farmers and the nearby nursery and emphasised the level of anxiety held locally. In conclusion, Councillor Criswell commented that the site was unrecognisable from when it first began operating and questioned whether it could be guaranteed that harmful emissions would not be produced and urged the Committee to refuse planning permission.

In response to Member questions officers:

- Explained that regarding strengthening condition 28 to prevent light spill from the site, members noted that existing lighting would not be covered by the permission

before the Committee. Condition 28 required light spill to be minimised to protect the amenity of nearby premises. It was suggested by officers that an informative be added that when discharging condition 28 guidance should include shielding and light spill prevention. Members also noted that the chimney would not require a red light for aircraft safety or be lit.

- Explained that concerns regarding odour emitted by dirty water lagoons were a matter that should be raised as part of the site liaison group where the Environment Agency could be engaged with.
- Explained that duplication of permitting regimes was avoided where possible, however, on occasion there was a degree of overlap. Condition 16 was presented as an example where that occurred. It was anticipated that there would be dust during the construction phase of the project and that was dealt with by condition. However, it was not anticipated those issues would continue following construction.
- Explained that the health risk assessment had been undertaken on the basis of emission every hour of every day all year round. It was also based on the worst-case receptor and that all diet came from affected land. That study showed that when compared to what was considered a pristine site (such as High Muffles in Yorkshire), the level of dioxin intake would be less than 10% of that found in a pristine site. The Committee noted that dioxins were obtained from a variety of sources including candles, fires and burned toast. The intake represented within the application was a very small amount of the usual daily intake.
- Informed the Committee that a programme was progressing for the improvement of the Wheatsheaf Crossroads. The project was currently in the detailed design phase that was scheduled to conclude in July 2023. Construction would begin in 2024 and be completed by September 2024. The air quality impact from vehicle emissions from the proposals would be insignificant, and therefore not assessed.
- Explained that the current classification of a HGV was a vehicle that weighed in excess of 7.5 tonnes. The threshold for the application had been set at 3.5 tonnes. It was possible to adjust the routing agreement to define the weight over a particular point.
- Explained that currently, green waste was moved to site from 5am onwards and that would continue to happen. Vehicle movements would be spread across the day. The Committee noted that improvements to Wheatsheaf Crossroads were featured within the Council's financial plan and were not necessary as a result of this planning application, which was why they were therefore not conditioned.

During debate of the application individual members raised the following points:

- Noted the comments of the Raptor Foundation, nearby nursery and farmers and expressed disappointment with the engagement and consultation undertaken by the applicant. However, accepted that that it was not a material planning consideration, and such an objection would be considered weak.

- Highlighted concerns about health and wellbeing and impact on livelihoods as material planning considerations that could be offered as reasons for refusal.
- Highlighted the impact of the LGV movements that the Committee should remain mindful of.
- Drew attention to the conclusions of the independent air quality assessor employed by the Council and commented that refusing planning permission would place the Council at grave risk of challenge that would be difficult and costly to defend.
- Commented that parts of the scheme improved waste handling by moving waste up the hierarchy. The core question was the addition of the medical waste incinerator, and it was not immediately clear that it was an obvious solution to the perceived problem and was accepting of the perceived medical risk that potentially endangered local businesses. With reference to policy 4 of the Minerals and Waste Local Plan was of the view that co-location was opportunistic and could be achieved by burning wood that was already on site. Medical waste was best dealt with at source, highlighting that Addenbrooke's hospital had planning permission for a new incinerator that was currently outstanding.
- Noted the comments of the objectors and the emotion with which they spoke and commented they had clearly put the case for why they were apprehensive and fearful of the application. A more effective consultation would have probably allayed some of those fears. The fears and concerns of residents though fell squarely within the remit of the Environment Agency and were not material planning considerations. It was, however, understandable that residents believed that it was within the remit of the Council's Planning Committee. If permission was refused, then there was substantial risk of appeal and significant risk that such an appeal would be lost as there were only 2 reasons for refusal (visual impact and highway safety) which were so small they were not measurable. Therefore, the risk would be that the decision could be overturned at appeal and the recommended conditions and informatives that the Committee sought to allay some of residents' concerns with could also be lost.
- Expressed the view that the Committee should not be fearful of an appeal, and it was essential that the Committee listen to the comments of local people.
- Noted the advice of officers regarding policy 4 of the Minerals and Waste Local Plan and that the application had to be considered in the whole and that it only needed to fall within one of the subheadings for co-location to apply. When considered as a whole the site offered a comprehensive package of waste disposal that logically co-located, and Planning Officers were supportive of the principle of co-location being applicable at this site.
- Commented that the decisions of the Committee were often difficult, and members appreciated the emotion and how passionately residents felt. It was, however, essential that the Committee heed the advice of statutory consultees that in this case had raised no objections to the planning application and be mindful of the role of the Environment Agency in permitting.

- Commented that the benefit of the application should outweigh the harm, and the specific harm would be to businesses and health.
- Stated that if members were minded to refuse planning permission it was essential that clear material planning considerations were given to officers and the public.
- Harm outweighing benefit. Have product on site that will deliver what is needed in terms of heat. If we don't use it, it will go elsewhere and relying on material being delivered.
- Commented that the proposal considered as a whole introduced an incinerator on to the site. It was that incinerator that was the primary concern of residents and had the most significant visual impact.
- Noted a statement provided by Addenbrooke's Hospital that informed the Committee that there was no further incineration capacity at their site and nor would there be in the future.

Upon conclusion of the debate Councillor Connor, seconded by Councillor Smith proposed that planning permission be refused on grounds of landscape (including amenity of closest residents) and perceived health and well-being risks to local businesses and residents. The Chairman adjourned the meeting in order for officers to draft reasons for refusal.

Following the reconvening of the meeting the proposed reasons for refusal were provided as follows:

The scale of the proposed chimney, in relation to the landscape (being local character and visual impact) and harm to the visual amenity of local businesses and residents (particularly those living and working nearest the development), are considered to have significant adverse effects which cannot be resolved through the proposed mitigation and consequently the development is contrary to NPPF Paragraph 174(b), Policy 17 (Design) including Appendix 3 (The Location and Design of Waste Management Facilities) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021); and Policies LP2 (Strategy for Development) and LP10 (The Countryside) of the Huntingdonshire Local Plan (May 2019).

Perceived Health and Well-being risks to local businesses and residents

The introduction of a healthcare waste energy recovery facility to this rural location would introduce significant perceived health and well-being harm to local businesses and residents that, when the proposal is considered as a whole, would not outweigh the benefits required to allow Policy 4 (Providing for Waste Management) to weigh in favour of the proposal and consequently the development is contrary to Policies 4 (Providing for Waste Management) and 18 (Amenity Considerations) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021); and Policy LP19 (Rural Economy).

The legal officer following a member request advised that perceived risk to health was not a reason for refusal that had been used before at Cambridgeshire County Council.

It had been successfully used in refusing an application at another local authority where the Planning Inspector referred to perceived harm with limited weight.

It was proposed by Councillor Connor and seconded by Councillor Smith that the proposal for refusal be put to the vote.

On being put to the vote it was resolved to refuse planning permission for the reasons stated above. **[5 votes in favour, 4 votes against 0 abstentions]**

58. Summary of Decisions Taken Under Delegated Powers

It was resolved to note the report.

Chair