

Ms G Beasley,
Chief Executive,
Cambridgeshire County Council,
Shire Hall,
Castle Hill,
Cambridge.
CB3 0AP

25th September 2018

Dear Ms Beasley,

REQUEST FOR REVIEW OF PLANNING DECISION H/5002/18/CW

We are writing to you with regard to the following planning application -

Application no. H/5002/18/CW Warboys Landfill Site, Puddock Hill, Warboys, Cambridgeshire - Construction of a heat and power plant comprising biomass energy from waste (fluidised bed combustion) facility and treatment of waste water by evaporation treatment plant and associated infrastructure comprising tank farm, combustor with 25 metre high chimney, process building, store building, office building, walking floor canopy, car park, fuel storage bays, fire water tank, conveyor, pipe gantry, diesel tank, control room, auxiliary plant skid, high voltage transformers.

This application was approved at a meeting of the Planning Committee held on 6th September 2018 but we understand that planning permission has yet to be granted pending completion of a section 106 agreement with the applicants, Sycamore Planning Ltd.

This application is extremely controversial, principally because of the nature of the processes proposed but also due to the history of Warboys Landfill Site and past failures by the County Council and the Environment Agency to require planning permission for hazardous landfill and to effectively monitor activities on site respectively. The current application attracted representations from 470 local residents, all but one of whom objected. Objections were submitted by Shailesh Vara MP, the Campaign to Protect Rural England (CPRE), the parish councils of Warboys, Wistow and Pidley-cum-Fenton, the town councils of Ramsey and Chatteris, the British Horse Society, Warboys Community Primary School and Warboys Landfill Action Group. An on-line petition objecting to the proposal has attracted over 2,100 signatures.

Warboys Parish Council is considering applying for judicial review of the County Council's decision but you will appreciate that this will incur public expenditure on the part of the both the County and Parish Councils at a time when resources are limited.

Therefore we would ask that you review the way in which this decision was reached as we believe there were flaws in the process which will not stand up to scrutiny. The County Council has the power to revoke planning permission under section 97 of the Town and Country Planning Act 1990. While a claim for compensation can be made for loss and expenditure incurred in such circumstances under section 107 of the Act, the earlier such a decision is taken, the lower the amount of compensation that can be claimed.

The reasons for our request for you to review the Planning Committee's decision are:

Conflict with National Policies

The proposal to dispose of waste water by evaporation is understood to be untested in the United Kingdom. The applicants have built two similar plants at Meriden and Daventry but neither have yet been granted an environmental permit by the Environment Agency.

Moreover the application conflicts with national policies on important matters such as the need to limit climate change impacts and the need to manage waste in accordance with the waste hierarchy as set out in –

The National Planning Policy Framework (NPPF)
The National Planning Policy for Waste (NPPFW)
The Waste Management Plan for England
The 25-year Plan for the Environment
DEFRA draft Clean Air Strategy 2018

Paragraph 7 of the NPPFW is very clear in instructing waste planning authorities what they can take into account when determining applications. As this site is not allocated for incineration or waste water evaporation, we contend that paragraphs 3 and 4 of the NPPFW in terms of site selection for inclusion in waste management plans are also relevant.

In this case, there has been –

- no assessment of need for additional waste management capacity
- no evidence that the proposal will drive waste up the waste hierarchy
- a failure to adequately assess the impact on neighbouring land uses

- a failure to assess the cumulative impact of existing and proposed waste disposal facilities on site on the well-being of the local community, including the significant adverse impact which it will have on environmental quality.

A Leap into the Unknown

It is acknowledged that the processes proposed will emit emissions to air containing toxic chemicals. The Air Quality Impact Assessments predict from the modelling carried out that the emissions will have minor adverse cumulative effects, although annual mean exposure to hexavalent Chromium and Arsenic is predicted to exceed the Environmental Assessment Levels based on the Environment Agency's initial screening method.

The site is located adjacent to grade one agricultural land farmed intensively for the growing of foodstuffs and the rearing of livestock.

There is a growing body of evidence about the impact of air pollution on human health but the cumulative impact of depositions on the soil and entering the food chain is not understood.

The following studies are particularly apposite –

A report by the Committee on the Medical Effects of Air Pollutants (COMEAP) on the effects of particulate air pollution on mortality in the UK which can be found here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/304641/COMEAP_mortality_effects_of_long_term_exposure.pdf

A report by the Committee on the Medical Effects of Air Pollutants (COMEAP) on long term exposure to air pollution: effect on mortality which can be found here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/304667/COMEAP_long_term_exposure_to_air_pollution.pdf

Every breath we take: the lifelong impact of air pollution published by the Royal College of Physicians which can be found here [file:///C:/Users/User/Downloads/Air_pollution_main%20report WEB_1_0_0%20\(1\).pdf](file:///C:/Users/User/Downloads/Air_pollution_main%20report_WEB_1_0_0%20(1).pdf)

We are only just starting to appreciate the effect of plastic wastes on our environment. As explained below, it is intended to evaporate waste water from the plastics industry at this site. The emissions will fall to ground and may over time have a similarly devastating effect on farmland as those now being recognised in our oceans. We believe the impacts of this development are misunderstood and may

have been greatly understated.

Local Planning Policies

We further believe that there were serious flaws in the way in which this application was presented to the Planning Committee. The application is contrary to policies contained in the County Council's own adopted Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy. These were insufficiently highlighted or ignored in the report to the members of the Planning Committee and at the Committee meeting.

Policy CS33 of the adopted Minerals and Waste Plan states that '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 area'. The plans submitted show a schematic redolent of the petro-chemical industry wholly at variance with the rural fen landscape. There is also no mention in the report of the visual appearance of the plume that will be emitted from the stack which will be conspicuous for many miles distant.

Policy CS34 of the adopted Minerals and Waste Plan 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.'

Paragraph 7.39 of the Plan goes on to state that 'Offensive odours from waste water treatment works can adversely impact on residential amenity potentially at some distance beyond the site boundary. In order to protect local amenity a **stand-off of normally 400 metres** from properties normally occupied by people will be required.'

The proposal is clearly contrary to the County Council's own policies as there are three dwellings within 150 metres from the site of the proposed plant.

Moreover neither the application itself nor the accompanying consultants' reports mention that land some 150 metres from the application site has the benefit of planning permission for a touring caravan park or that applications have been submitted for it to be used on a continuous basis for A14 workers. The site is now occupied by some 30 caravans. There is no reference to this in the planning case officer's report, although a fleeting reference to a caravan site nearby was made in the officer's verbal presentation. The consultants' reports have therefore seriously underestimated the volume of sensitive

receptors nearby and must be regarded as being flawed. The failure to bring this to the attention of the Planning Committee is a major omission.

This site (site reference W1V – Puddock Hill, Warboys (W8AS)) is allocated in the Minerals and Waste Plan for waste recycling and recovery for

- In Vessel Composting
- Materials Recovery Facility
- Inert Waste Recycling
- New Waste Technologies.

Significantly, it is not allocated for waste incineration and waste water evaporation.

The allocation states that the following (inter alia) will need to be addressed within a planning application:

- Noise and dust mitigation will be required
- Measures are required to address potential amenity issues for nearby residential properties and other sensitive receptors
- This site is adjacent to Warboys Clay Pit SSSI, notified (sic) for its geological features. It will be necessary to demonstrate at planning application stage that no adverse impacts to the special features of this site that might occur, for example, through airborne pollutants, particulates or litter.
- The site is also within 0.4 km of Warboys and Wistow Wood SSSI. It will be necessary to demonstrate at planning application stage that no adverse impacts to the special features of this site that might occur, for example, through airborne pollutants, particulates or litter.
- Where the proposal is likely to result in significant environmental effects, such as impacts on a SSSI, information to inform an Environmental Impact Assessment (EIA) will be required at the application stage.

Notwithstanding the need expressed above to address the amenity of nearby residential properties and the adverse impact of airborne pollutants and particulates, the members of the Planning Committee were advised on several occasions by their officers at the Planning Committee meeting that they were unable to take these into account as they are the responsibility of the Environment Agency and could only be addressed in the environmental permit required to operate the proposed processes.

Appendix B to the NPPFW lists air emissions, including dust as being a material planning consideration when determining an application. It goes on to state that this will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles. In advising the Planning Committee that they could not take such matters into account, the planning officers have seriously misled members into the belief that they could not refuse the application on such grounds.

Moreover the planning officer's report proposed no less than four conditions be attached to the planning permission recommended relating to noise and others relating to dust and odour. This is not consistent with advising members that they could not take such matters into consideration.

Finally, the screening opinion issued by the County Council (which had to be reviewed when it was pointed out to them that there was a mandatory requirement for an Environmental Impact Assessment) required the submission of –

Air Quality Impact Assessments for the incineration plant and waste water treatment plant
Noise Assessment
Odour Management Plan
Dust Management Plan

Yet members of the Planning Committee were told that these were not material planning considerations and were matters for the Environment Agency.

Waste Water

The Supporting Planning Statement accompanying the application states the waste water will be 'primarily landfill leachate' with a mention of compost run-off.

However Earthworm Capital who are attracting investment in this proposal describe the waste water on their website as including 'landfill leachate and waste water from the food and plastics industries'.

No mention is made of this in the various consultants' reports, the planning case officer's report nor was this drawn to the attention of the Planning Committee members. This calls into question the veracity of the consultants' reports, particularly in terms of air quality and odour. The air quality impact assessment supplied by the applicants is based on modelling to predict the impact on air pollution but without knowledge of the waste water sources, the results predicted cannot be accurate and should be challenged. In addition the statutory consultees will have based their assessment of the

application on the consultants' reports and will have been misled in drafting their responses to the planning authority.

There has been great attention drawn recently to the implications of waste plastics and their impact on the environment. It is proposed that this plant will evaporate waste water from the plastics industry. The land surrounding this site is grade one farmland used intensively for the growing of food crops and livestock rearing. There has been no examination of the impact of the deposition of particulates on ground contamination and the potential for this to enter the food chain, especially if this includes waste plastics.

This is a major omission from the application and should be the subject of the most rigorous testing.

It cannot be demonstrated that the processes proposed will not endanger human health or harm the environment and it is therefore contrary to the National Planning Policy for Waste.

Paragraph 5.30 of the planning officers' report recommends that the planning authority should consult the 'Food Standards Agency where there is the potential for deposition on land used for the growing of food crops or animal rearing'. However the report states that no comments were received from the Food Standards Agency. If the Planning Committee were unaware of the views of the statutory consultee, it calls into question their ability to form a judgement of the impact on air pollution and human health.

The Environment Agency's Guidance on the Treatment of Landfill Leachate states 'Although unlikely to be a significant issue at the majority of leachate treatment plants, the operator should consider the need to minimise water vapour. In order to address local visual amenity issues which in severe cases can include loss of light, fogging, icing of roads etc. and which can also adversely affect plume dispersion. Ideally, therefore, the exhaust should be discharged at conditions of temperature and moisture content that avoid saturation under a wide range of meteorological conditions'.

There is no mention in any of the reports submitted by the applicants of the potential effects of the water vapour and plume emitted from the plant on local atmospheric conditions. The site lies on the edge of the fens which because of its low-lying and damp conditions can result in heavy fogs. Moreover the guidance suggests that discharges should be regulated to avoid certain meteorological conditions – it is proposed that this plant will operate continuously.

Sustainability

The application proposes that the plants will incinerate 48,000 tonnes of waste wood and evaporate 65,000 tonnes of waste water per annum. 33% of the waste wood will be sourced from an adjacent materials recycling plant (MRF) with the remainder imported from a 30 mile radius. Approximately

1% of the waste water will be sourced from the adjacent landfill site with the remainder imported from a 30 mile radius.

The planning case officer's report contends (paragraph 8.11) that this would lead to a far more proximate management of waste, which in turn brings benefits such as significantly reduced transport and goes towards meeting other sustainability objectives. Yet the precise opposite is the case. Using the sources predicted, only 16,884 tonnes of waste water and leachate generated by the adjacent MRF and landfill site will be treated on site compared with the importation to site of 96,116 tonnes of waste from elsewhere.

It is contended in the application that waste wood and waste water will be sourced from within a 30 mile radius of the site but there is no evidence to support the viability or accuracy of this contention.

It is clear that the proposed development is not sustainable and therefore does not comply with the National Planning Policy for Waste.

Waste Hierarchy

It is proposed that the waste incinerator will burn grades B and C wood. The Planning Committee were informed that the applicants had been unable to provide information on what proportion of the waste wood would be grade B and what would be grade C waste. Appendix A to the report defines the categories of waste wood and paragraph 8.12 does mention that grade B can be recycled. The applicant has stated that grade B and grade C waste would be delivered in mixed loads.

The Environment Agency's Briefing on Regulation of Wood which can be found here https://consult.environment-agency.gov.uk/psc/st21-6ju-mr-robert-ainsworth-mrs-anne-ainsworth/supporting_documents/4.%20Briefing%20on%20Regulation%20of%20Wood.pdf defines Grade B as 'may contain Grade A wood together with other waste wood sourced from construction and demolition activities, transfer stations, civic amenity sites and the manufacture of furniture from solid wood. Grade B waste wood should be regarded as treated waste wood and can mainly be used in panel board manufacture.' It goes on to define Grade C waste wood as 'treated waste wood and should be used as biomass fuel at Waste Incineration Directive (WID) compliant facilities'. It seems clear that the intention is for Grade B wood to be recycled and for Grade C wood to be used as a biomass fuel.

As the applicants cannot demonstrate how much of the waste wood will be category B or C, there every possibility that unspecified quantities of grade B wood will be incinerated rather than recycled. This would have the directly opposite effect of that anticipated of moving waste down the waste hierarchy instead of it being recycled. This is contrary to national policies.

Need

Policy CS29 of the adopted Minerals and Waste Plan requires new waste management proposals to demonstrate that they meet a need in Cambridgeshire and Peterborough to ensure that excessive provision is not made in the Plan area and result in the unacceptable importation of waste.

The NPPFW states that waste planning authorities should only expect 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. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

As this site is not consistent with the Local Plan, the applicants should have demonstrated need which they have failed to do. This should have been drawn to the attention of the Planning Committee.

There is increasing concern that the growth in incineration plants in the United Kingdom in the last 15 years is approaching over-capacity to the detriment of the achievement of recycling targets. The United Kingdom Without Incineration Network (UKWIN) has published persuasive arguments in favour of a critical analysis of the waste incineration industry before approval is given to any further incineration plants.

Impact on Nearby Residents

The Environmental Statement accompanying the application states that the search for suitable sites was narrowed to Warboys and Fordham in Cambridgeshire. Fordham was finally discounted because the assessment showed in terms of air quality that 'Closest property circa. 20 metres from the site. Proposed development may result in unacceptable deposition levels at dwellings'. In terms of noise, 'Closest property circa. 20 metres from the site, consequently likely to result in significant adverse noise impact'. For Warboys the report states for air quality 'Closest property over 100 metres. Initial predictions indicate acceptable deposition levels at residential properties'. For noise, it states 'no significant noise impact when properties are over 100 metres.' The nearest property is within 100 metres from the site of the proposed plants at Warboys.

By their own admission, the applicants clearly accept that the plants can give rise to unacceptable deposition levels and create a significant adverse noise impact. To suggest that such implications can dissipate to an acceptable level in the space of 80 metres is stretching the bounds of credulity.

This is not mentioned in the planning officer's report, nor was it drawn to the attention of the members of the Planning Committee.

Weighing the Balance

It was clear from their questions and subsequent discussion that members of the Planning Committee had grave reservations about the implications of the proposal on the local community and environment. They were told by their officers however that those concerns would be addressed by the Environment Agency in an environment permit which we have addressed above. The members were also reminded

on several occasions that none of the statutory consultees had raised any objection to the application. Yet the response from Public Health England was qualified by the need for the planning authority to obtain the views of the Food Standards Agency which they failed to do. Moreover as demonstrated above, the consultants reports may have been based on inaccurate source data with the result that the statutory consultees have not reached informed decisions on the full effects of the proposal.

The members of the Planning Committee were led to believe that it was preferable to grant planning permission subject to stringent conditions rather than risk an appeal against refusal being upheld with an inspector reducing the number of conditions attached to the permission.

However, it was not pointed out to members of the Committee that –

- the applicants could appeal against the conditions imposed by the County Council in any event;
- an inspector could uphold an appeal and add further conditions;
- an appeal against the refusal of planning permission could be dismissed.

In advising the Planning Committee, officers emphasised that it was the role of members to weigh planning policies in coming to a decision. However in recommending approval of the application and their advice to members, officers concentrated almost exclusively on policies and evidence supporting the application and largely ignored any conflicting policies and inconsistencies in the documentation presented by the applicants.

Request for Review of Decision

It is our firm belief that this application raises issues of national significance and that the Planning Committee were misdirected in coming to their decision. As there is no mechanism to appeal that decision other than by the applicants, we ask that you review the evidence and process by which this decision was reached. If you accept, as we suggest, that there were flaws, we ask the County Council to reconsider the matter afresh. If this involves the formal revocation of the previous decision, we urge you to consider adopting this approach.

Yours sincerely,

Councillor Dr Sheila Withams,
Chair, Warboys Parish Council

Mrs Betty Ball,
Chair, Warboys Landfill Action Group