

**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, COMBUSTER 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**

**AT: Warboys Landfill Site, Puddock Hill, Warboys, PE28 2TX**  
**LPA REF: H/5002/18/CW**  
**FOR: Sycamore Planning Ltd**

*To:* **Planning Committee**  
*Date:* **13 December 2018**  
*From:* **Joint Interim Assistant Director Environment & Commercial**  
*Electoral division(s):* **Warboys and the Stukeleys**  
*Purpose:* **To consider the above planning application**

*Recommendation:* *That the decision taken on 6 September 2018 to grant planning permission subject to the completion of a s.106 agreement and the imposition of conditions be upheld.*

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## **1.0 Introduction**

- 1.1 At the meeting on 6 September 2018 Members resolved to grant planning permission subject to the applicant entering into a S106 planning obligation to secure off site mitigation and the conditions set out in paragraph 10.1 of the 6 September 2018 report.
- 1.2 Since the meeting on 6 September 2018 the County Council has received a number of pieces of correspondence relating to the determination of this planning application. This correspondence is summarised in paragraphs 2 to 5 below.

## **2.0 Secretary of State**

- 2.1 On 26 September 2018 the County Council was advised by the Planning Casework Unit (PCU) that they had received a request to call in this planning application. The County Council was not informed on what basis the call-in request was made. On 2 October 2018 we received a letter stating that the Secretary of State for Housing, Communities & Local Government is content that the application should be determined by the local planning authority. That letter is Appendix 1 of this report and has been provided for information only.

## **3.0 Professor Brian Lake**

- 3.1 On 8 October 2018 Professor Lake wrote to the Chairman of the Planning Committee, Councillor Connor, and the Council's Chief Executive, Gillian Beasley, about the minutes of the Planning Committee meeting on 6 September 2018. Professor Lake's email and the County Council's response are Appendices 2A and 2B of this report and have been provided for information only.

## **4.0 Mr and Mrs A Dunkling**

- 4.1 On 23 October 2018 Mr and Mrs Dunkling made a complaint about the Planning Committee's decision of 6 September 2018 to grant planning permission. A copy of their email and the County Council's response are Appendices 3A and 3B of this report and have been provided for information only.

## **5.0 Warboys Parish Council and Warboys Landfill Action Group**

- 5.1 On 25 September 2018 Warboys Parish Council (WPC) and Warboys Landfill Action Group (WLAG) wrote to the County Council's Chief Executive, Gillian Beasley, asserting a number of errors in the way the County Council has considered the planning application. This letter (Appendix 4A of this report) asserted that a potential judicial review challenge may be issued on the number of grounds alleged. We have taken legal advice on this matter and the County Council's response was provided by LGSS Law Ltd (Appendix 4B of this report). It concludes by saying that while there is no foundation to the challenge, there are two matters which we wish to bring back before the

committee for consideration so that the committee is fully aware of the relevant issues in this case. These two matters are:

- (a) the potential noise experienced by the occupants of the caravans situated at the western end of Fenside Road; and
- (b) the effects of water vapour released from the proposed waste water treatment plant chimney on local atmospheric conditions.

5.2 It is on these matters alone that this application is being brought back to the committee. Consultees, objectors and the applicant have been advised that any presentations they make at the meeting should relate to these matters only and that if they attempt to introduce other matters the Chairman will ask them to stop speaking.

## **6.0 Caravan site**

6.1 It has been alleged that the County Council has not considered, from an expert's points of view, the noise impact on the caravans. In order to address this and provide clarity on the situation we have sought further advice from Huntingdonshire District Council's Environmental Health Officer (EHO) in respect of the impact of noise on the occupants of the caravans. This matter was raised by WPC in their consultation response letter of 8 February 2018 which was Appendix B1 of the officer report to Planning Committee on 6 September 2018. Parish Councillor Geoff Willis also referred to the caravans in his presentation to Planning Committee. Local County Councillor Terry Rogers referred to the caravan site in his presentation to Planning Committee.

6.2 The EHO has considered the matter of noise in relation to the caravan site. He has assessed the situation and confirmed that he was satisfied that the applicant's acoustic consultant had chosen the most relevant noise sensitive receivers based on their close proximity to the proposed development. His correspondence dated 11 and 24 October 2018 is part of the response to WPC and WLAG in Appendix 4B.

6.3 For completeness we asked the EHOs to consider whether knowledge of caravans would have changed the advice they gave us on air quality. They advised that *"From the information received it is considered the proposals will not lead to a breach in national objectives or an unacceptable risk from air pollution. The reports are supported with maps indicating the concentration isopleths which demonstrate the predicted levels in relation to the geographical area. I can therefore confirm that the presence of caravans in the area you specified would not have affected the advice we gave the County Council on this planning application."*

6.4 The presence of the caravans would not have changed the EHOs' advice to us. We concluded in the 6 September 2018 report (paragraph 8.83) that *"Taking into account the advice of the environmental health officer and provided the mitigation measures are secured by planning condition it is considered that the proposed*

*development would comply with the NPPF and MWCS policy CS34 in respect of noise.”* The presence of the caravans has no impact on the planning officers’ assessment and does not affect the planning balance.

## **7.0 Water vapour**

- 7.1 It has been alleged that the issue of potential effects arising from water vapour has not been considered. In order to address this and provide clarity on the situation we have sought further advice from the Environment Agency in respect of effects from water vapour. This matter was raised by WPC in their consultation response letter of 8 February 2018 which was Appendix B1 of the officer report to Planning Committee on 6 September 2018. Miss Serena Allery referred to the particular atmospheric conditions of the fens in her presentation to Planning Committee which was later explored by a member of the Committee.
- 7.2 The Environment Agency has confirmed to officers that water vapour can be assessed as part of the permit application so they would be able to consider that impact. Permitting guidance makes reference to the need to consider visible plumes in their risk assessment. This has also been confirmed by the applicant who during their pre-application advice had confirmation from the Environment Agency that this matter will be dealt with as part of the permit application.
- 7.3 In the 6 September 2018 report (paragraph 8.46) we quoted the National Planning Policy Framework (July 2018) which at paragraph 183 states that:
- “The focus of planning policies and 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 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.”*
- 7.4 It remains the opinion of planning officers that the NPPF advice should be heeded and water vapour would correctly be assessed as part of the environmental permit therefore the planning balance is not affected.

## **Planning Balance**

- 7.5 The waste hierarchy was considered in detail as part of the Officer’s Report for the 6 September 2018 committee at paragraphs 8.4 – 8.26. As two issues have been looked at again it is right that the waste hierarchy and planning balance are considered again in light of these two matters. It is acknowledged that the waste hierarchy needs to be balanced against the achievement of other sustainable objectives in this case such as the more proximate management of waste which

would reduce the impact from the transportation over long distances to other facilities and having the waste drawn from a 30 mile catchment area would limit the environmental costs of haulage and achieve a sustainable objective.

- 7.6 Policy CS 18 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) says that:  
*“Proposals for waste management development outside allocated areas will be considered favourably where:-*
- this is consistent with the spatial strategy for waste management, and*
  - it can be demonstrated that they will contribute towards sustainable waste management, moving waste up the waste hierarchy”.*
- 7.7 In the report to Planning Committee on 6 September 2018 it was acknowledged that using grade B waste wood in the proposed plant that would otherwise have been sent for recycling would be moving it down the waste hierarchy. Using grade C waste wood in the proposed plant that would otherwise be sent to waste disposal facilities without energy recovery would move it up the waste hierarchy. Using grade C waste wood that would otherwise go to another energy recovery facility would be neutral in terms of the waste hierarchy. On balance Officers considered that the reduction in the environmental impact from transportation over long distances to other facilities outweighed the loss of opportunity to move some of the feedstock up the waste hierarchy. It was considered that these factors would outweigh any disadvantage, if it occurred, of waste which would have been dealt with higher up the hierarchy being dealt with lower down the hierarchy, by energy recovery.
- 7.8 The planning balance applied to the waste hierarchy has not changed as a result of the information provided in respect of the two matters set out in paragraph 5.1.
- 7.9 For the reasons set out in paragraphs 7.5 to 7.7 above it is therefore still considered that this development will contribute towards sustainable waste management and as such would comply with policy CS18.
- 8.0 Conclusion**
- 8.1 In light of the experts' assessments described in paragraphs 6.2, 6.3 and 7.2 above, the County Council has considered the application in relation to the planning balance. These assessments have reassured us that the presence of the caravans would not have affected our recommendation in respect of noise or air quality and that the plume of water vapour would be assessed by the Environment Agency as part of the environmental permit. Therefore, nothing has changed in the planning balance.

- 8.2 It is therefore recommended that members uphold the decision of 6 September 2018 and grant planning permission on the basis that none of the further matters considered have changed the assessment of planning officers and there are no justifiable grounds for refusing planning permission. Such planning permission will be subject to the completion of a S106 agreement and the conditions as set out in the officer's report of 6 September 2018.

Source Documents	Location
Report to Planning Committee 6 September 2018: <a href="https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/889/Committee/8/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/889/Committee/8/Default.aspx</a>	
Minutes of Planning Committee 6 September 2018: <a href="https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/890/Committee/8/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/890/Committee/8/Default.aspx</a>	