

**Planning Committee –17 September 2017**

**Committee Report Update Sheet**

***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 Note: update on Secretary of State 'call in' communication (for information only); update on EA environmental permit application (for information only); assessment of Landscape Report and Addendum on behalf of CBWIN (additional text in paragraphs 8.99a, 8.99b, 8.99c, 8.99d, 8.99e, 8.99f, 8.99g, 8.99h, 8.99i, 8.99j, 8.121a, 8.121b, and 8.122a, and the full review by CCC's Landscape Consultant (TLP) appended to this update sheet as Appendix 3 in relation to assessments undertaken and officer responses); clarification text added to paragraph 8.153 to explain the weighting applied by officers to the significance of the heritage assets at the DAC; UKWIN full responses (addition of Appendix 2 in paragraph 8.223 to state full responses circulated to members of the Planning Committee on 10 September 2018), further UKWIN e-mail and EA attachment received 12 September 2018 appended to this update sheet as Appendix 4, with updates to paragraphs 8.223, 8.224, 8.227, 8.234 and 8.300 and additional text in paragraphs 8.223a, 8.223b, 8.223c, 8.224a, 8.226a, 8.226b, 8.226c, 8.300a, and 8.300b in relation to UKWIN comments and officer responses; and the addition of an objection letter from Lucy Frazer QC MP received 13 September 2018 appended to this update sheet as Appendix 5 with additional text in paragraph 5.72a.

Secretary of State communication for information only:

Members are advised that the Council wrote to the Secretary of State's office on the day of publication (Friday 7 September 2018) to confirm that the officer report was due to be published and the recommendation being put forward.

The response received from the Secretary of State's Office stated the following:

*"Many thanks for the confirmation of the committee date and the link to the documents.*

*The Secretary of State would not issue a holding direction prior to the Council making its decision.*

*The Council should determine the planning application on 17 September in the normal way as the Secretary of State does not interfere with the local planning process.*

*Should your Council be minded to approve at the planning committee, I would seek agreement from you that the decision notice would not be issued until such time as the Secretary of State has decided whether or not call in is appropriate.. Article 31 holding directions are not issued routinely, however, the Secretary of State is able to issue one should it become necessary.*

*I hope this clarifies matters. I shall contact you on 18 September to ascertain the planning committee's decision."*

Officers can confirm that the Council has agreed by e-mail on 7 September 2018 that a decision notice will not be issued, in line with the above request.

Once officers have contacted the Secretary of State with the outcome of the Planning Committee meeting, depending on the decision made by Members, the Secretary of State will commence consideration as to whether they want to call the planning application in or not.

Environmental Permit application update for information only:

Members are advised that the Council has received written confirmation from the applicant that they have submitted their Environmental Permit application to the EA. The applicant has also advised members of the WWMP liaison group of this development.

Officers have evidenced within the Committee Report that the NPPF sets out a clear steer in paragraph 183 that the focus on '*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*'. Therefore this update is for information purposes only and is not relevant to the determination of this planning application.

Officers have spoken to colleagues at the EA and it has been confirmed that an EA case officer has not yet been assigned to this application, so until this has taken place the 'duly made' checks will not commence. It is not uncommon for this process to take some time, so we have obtained assurances that the WPA will be notified in due course when the application information has been 'duly made' and the public consultation commences. Once this notification is received, officers at the WPA will ensure that they work actively with the EA to ensure that this notification is communicated with the local communities.

## Updates To Text:

To assist Members with the context of the additional information received and considered by officers, the paragraphs in this update report have been numbered such to clearly show where the information would have sat within the main report had it been received prior to the publication deadline.

### 5.0 *Consultation Responses (Summarised) and Publicity*

#### **Lucy Frazer QC MP:**

##### **Late representation (received on 13 September 2018):**

- 5.72a **Lucy Frazer QC MP previously wrote in to express concerns about the application in terms of its impact upon the landscape and the increase in traffic on the already congested A10 as well as concerns about its impact upon air quality and human health [this response was agreed to be included in the neighbour report – see response 69].**

*In her response of 13 September, Ms Frazer QC comments, “There are significant public concerns about the health and environmental impact of a large-scale incinerator such as the one proposed, which have been expressed to her by many of her constituents both in Waterbeach and the wider surrounding area. She noted that there appeared to be some difference of expert opinion as to the impact of particulate emissions by incinerators as well as the ability of operators to continuously monitor their emissions; which seems especially true for ultrafine particulates (PM<sub>0.1</sub>)”.*

*She concludes: “Given the potential impact upon health and the environment and the points set out above she therefore continues to oppose this application on behalf of her constituents” [see Appendix 5 for the full letter sent to Gillian Beasley Chief Executive of Cambridgeshire County Council].*

### 8.0 *Planning Considerations*

#### **Assessment of the Review of Landscape and Visual Impacts report prepared for CBWIN by Michelle Bolger Expert Landscape Consultancy dated September 2018 and the addendum report**

- 8.99a **Officers received the Landscape and Visual Impacts report from Michelle Bolger Expert Landscape Consultancy (MB) on behalf of CBWIN on Monday 10 September 2018, in line with the deadline for the right to speak at Planning Committee. This was shared with Members of the Planning Committee by the Democratic Services Team on the day of receipt. In addition to officers reviewing the content of this report, they asked their landscape consultants (TLP) to undertake an overview of the main comments made by MB, TLP’s response / comments and the main differences between MB (CBWIN’s landscape**

consultant), AXIS (applicant's landscape consultant), and TLP (CCC's landscape consultant).

- 8.99b** Upon discovering that the applicant's photomontage methodology was not published on the Council's website, as a result of comments contained in paragraph 4.8.1 of MB's report, officers ensured that this was published and shared as soon as possible with both CBWIN and MB. This resulted in an addendum report from MB, which was also shared by Democratic Services, to all members of the Planning Committee.
- 8.99c** For the purposes of this report, officers have pulled the key findings from the TLP review, alongside their own assessment of the document, into these new paragraphs to provide an assessment for members of the Planning Committee. However, the full text provided by TLP has been appended to the update sheet as Appendix 3, to ensure that the full information is available for consideration ahead of a decision being reached.

#### **Policy Context**

- 8.99d** Officers can confirm that the policy context discussed by MB is correct and is in line with the assessment carried out by officers i.e. the development is in conflict with adopted development plan policies in relation to its impact on local landscape character and as noted in paragraph 8.121 of the officer report '*It is therefore recommended that significant weight be given to the adverse impact of the development on landscape character*'. Officers have already placed significant weight against the landscape and visual impacts from the development, which is reconfirmed in new paragraph 8.122a, setting out the significant weight placed against the proposal in landscape terms. This is referenced in TLP Tables 3.1 and 4.1, which sets out the judgements of the three landscape consultants.

#### **L VIA Methodology**

- 8.99e** Paragraph 4.1.2 of MB's Review advises that '*although the methodology generally accords with established best practice principles in GLIVA3*', a number of aspects have been raised by MB regarding coverage and approach, which MB considers are the reasons for an underestimation of landscape and visual impacts in the LVIA. The seven bullet points in the MB report (paragraph 4.1.2) have been laid out into six headings by TLP as a result of combining the 'viewpoint selection' and 'photomontage selection' into one consideration.
- 8.99f** TLP goes through each of the points raised by MB in turn, to provide a response to all the issues raised (see Appendix 3 for the full information). Many of the points raised by MB are acknowledged by TLP, but as much of the information was already scoped in by the Council and key consultees as part of the pre-application stage, and the information is not a mandatory requirement, they acknowledge that

the applicant has provided the information sought. Furthermore, TLP go a step further to advise on the impact of not having the information and in all cases they acknowledge that sufficient information is present to allow an assessment of the likely effects. In the case of the reasoning for not including viewpoints 4, 18, 23 and 29, TLP agree with the reasoning for the omissions provided by AXIS; and in the case of the winter photomontages TLP confirm that *'Whilst it is the preferred option to have the photomontage represented in winter, AXIS have advised that whilst the proposed trees would achieve some beneficial effects in terms of screening the impacts of built development, they do not consider that these benefits would be sufficient to alter the residual effects defined in Year 0 e.g. Vp 17 and Vp20 where a significant effect identified in the LVIA. Consequently, even if shown in winter, the outcome would still have been the same in terms of assessed effect.'*

### Landscape Effects

8.99g To assist members with an assessment of where the landscape experts agree and disagree, TLP has produced a table to set out the summary of judgements in relation to landscape effects within their September review document in Appendix 3 based on the information provided and a reasonable assessment of the differences defined. For ease of reference, TLP Table 3.1 has been reproduced below, which is effectively an update to TLP Table 5.1 in paragraph 8.94 for the landscape character areas to include the stance expressed by MB:

**TLP Table 3.1: Summary of Judgements**

Effects	Distance	Significant effect?			Assessment of Significance of Effect
		TLP	AXIS	MB	
Claylands	Effects up to 1.5kms	Yes	Yes	Yes	<b>Moderate to Major Adverse</b>
Claylands	Effects between 1.5-2.5kms	Yes	No	Yes	TLP and MB find <b>Moderate to Major adverse</b> – Axis find that the effects are more generally <b>Minor adverse</b>
Claylands	Effects beyond 2.5kms	No	No	Yes	MB find <b>Moderate to Major adverse</b> to an undefined limit
Fenlands	Effects up to 1.5kms	Yes	Yes	Yes	<b>Moderate to Major Adverse</b>
Fenlands	Effects between 1.5-2.5kms	Yes	No	Yes	TLP and MB find <b>Moderate to Major adverse</b> – Axis find that the effects are more generally <b>Minor adverse</b>
Fenlands	Effects beyond 2.5kms	No	No	Yes	MB find <b>Moderate to Major adverse</b> to an undefined limit, but particularly up to Haddenham Ridge (6kms)

TLP Table 3.1 highlights that there is consensus between all landscape experts for the significant effects experienced in the Claylands and Fenlands up to 1.5 kilometres (0.93 miles), and in the case of TLP and MB a consensus for the significant effects in the Claylands and Fenlands between 1.5 and 2.5 kilometres (0.93 and 1.55 miles). The differences arise in the significant effects beyond 2.5 kilometres (1.55 miles), where the professional opinion from TLP is that they concur

with AXIS and not MB for the reasons set out in Appendix 3.

### Visual Effects

8.99h In the same way set out in paragraph 8.99g above, TLP has produced Table 4.1 setting out the summary of judgements for the visual effects. Once again for ease of reference, TLP Table 4.1 has been reproduced below, which is effectively an update to TLP Table 5.1 in paragraph 8.94 for the views to include the stance expressed by MB, and the green shading highlights where there is agreement across all three landscape experts that there is a significant adverse effect:

**TLP Table 4.1: Summary of Judgements**

Effects	Distance	Significant effect?			Assessment of Significance of Effect
		TLP	AXIS	MB	
VP 1	140m	Yes	Yes	Yes	TLP find <b>Major adverse</b> – AXIS <b>Moderate to Major adverse</b>
VP 3	870m	No	No	No	<b>Moderate adverse</b>
VP 5	2050m	No	No	No	<b>Moderate adverse</b>
VP 6	1740m	Yes	No	Yes	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Moderate adverse</b>
VP 7	1780m	Yes	No	Yes	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Moderate adverse</b>
VP 8	1130m	No	No	No	<b>Minor adverse</b>
VP 9	1500m	No	No	No	<b>Moderate adverse</b>
VP 10	2150m	Yes	No	Yes	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Minor to Moderate adverse</b>
VP 11	1620m	No	No	No	TLP find <b>Minor to Moderate adverse</b> – AXIS <b>Minor adverse</b>
VP 12	3210m	No	No	No	<b>Minor adverse</b>
VP 13	3640m	No	No	No	<b>Minor adverse</b>
VP 14	5520m	No	No	No	<b>Minor adverse</b>
VP 15	6330m	No	No	Yes	AXIS & TLP find <b>Moderate adverse</b> , MB find Moderate/Major Adverse
VP 16	6180m	No	No	Yes	AXIS & TLP find <b>Moderate adverse</b> , MB find Moderate/Major Adverse
VP 17	530m	Yes	Yes	Yes	<b>Major adverse</b>
VP 20	700m	Yes	Yes	Yes	TLP find <b>Major adverse</b> – AXIS <b>Moderate to Major adverse</b>
VP 22	2080m	No	No	No	<b>Minor adverse</b>
VP 24	1130m	Yes	No	Yes	TLP find <b>Moderate to Major adverse</b> – AXIS <b>Moderate adverse</b>
VP 25	3030m	No	No	No	TLP find <b>Moderate adverse</b> – AXIS <b>Minor to Moderate adverse</b>
VP 26	5040m	No	No	No	TLP find <b>Moderate adverse</b> – AXIS <b>Minor adverse</b>

TLP Table 4.1 highlights that there is consensus between all landscape experts in that there are significant adverse effects on the receptors visiting the DAC (Vp 17 and Vp 20) and from the A10/Denny Cottages (Vp 1). MB also agrees with TLP that there would be additional significant effects on visual receptors represented by Vp 6, Vp 7, Vp 10, and Vp 24. The differences arise in Vp 15 and Vp 16, where the professional opinion from TLP is that they concur with AXIS and not MB for the reasons set out in Appendix 3. MB also considers that there

would be significant adverse effect on the road users of the A10, which AXIS did not specifically consider. In TLP's most recent review, they did not consider the effects would be significant, due to the lower sensitivity and experience of the road users.

#### **Summary of MB review**

- 8.99i** Both officers and TLP have assessed the review undertaken by MB and concur that the assessment does not amend the professional judgements set out in the Landscape chapter of this report in any way. All experts are still in agreement that the significant adverse effects are from viewpoints 1, 17 and 20 and these impacts have been afforded significant weight by officers. Members of the Planning Committee undertook a site visit to the DAC to ensure that the photomontages were representative, which ensured they were able to carry out a similar exercise acknowledged by TLP in point e. of paragraph 2.1 of their report i.e. it was *'possible to appreciate the relative scale of the proposed development within the view, by viewing the images in the field and using reference features in the view to appreciate location and scale'*.
- 8.99j** The landscape character areas have all been carefully explained in the officer report, including the differences in land heights, therefore there is no significant new information in the MB review that has not already been assessed and set out by officers or by TLP in their professional advice provided. Where differences do exist these have been highlighted within this report and recognition given that based on the most significant weight already being given to the landscape impacts, no greater change would result from the significant adverse impacts already identified.

#### **Landscape Conclusions**

- 8.121a** It is acknowledged that the MB report produced on behalf of CBWIN has advised that there are a number of omissions from the LVIA, which would have helped to better understand the effects of the proposed developments, which in MB's opinion would have led to an under estimation of the landscape and visual impacts. TLP consider that a number of these recommendations are reasonable, but should have been agreed at the scoping stage. Furthermore, TLP acknowledged that none of the recommendations are mandatory requirements. Nevertheless, TLP do not consider, the absence of the additional information requested has led to underestimating the effects. Appropriate judgements can be made on the information submitted.
- 8.121b** There are nevertheless differences of judgement as to what the impacts of the proposed development would be on landscape and views, between the different landscape consultants. This commonly occurs, as the assessment of landscape and visual effects involves an element of subjectivity. However, there is common agreement between the consultants that the proposed development would result in significant adverse effects on the landscape, up to a distance of

1.5kms, and on receptors visiting Denny Abbey, namely Viewpoints 1, 17 and 20.

**8.122a** As acknowledged by officers in paragraph 8.121 it is *‘recommended that significant weight be given to the adverse impact of the development on landscape character’*. Furthermore, officers have already placed the greatest weight against the proposal in terms of landscape impacts (character and visual), which when combined with paragraph 8.122, which acknowledges that the proposal is in conflict with development plan policies, officers are content that this ensures that the significant adverse impacts that have been agreed between all three landscape experts (as set out in TLP Tables 3.1 and 4.1) have been taken fully into account in the planning balance.

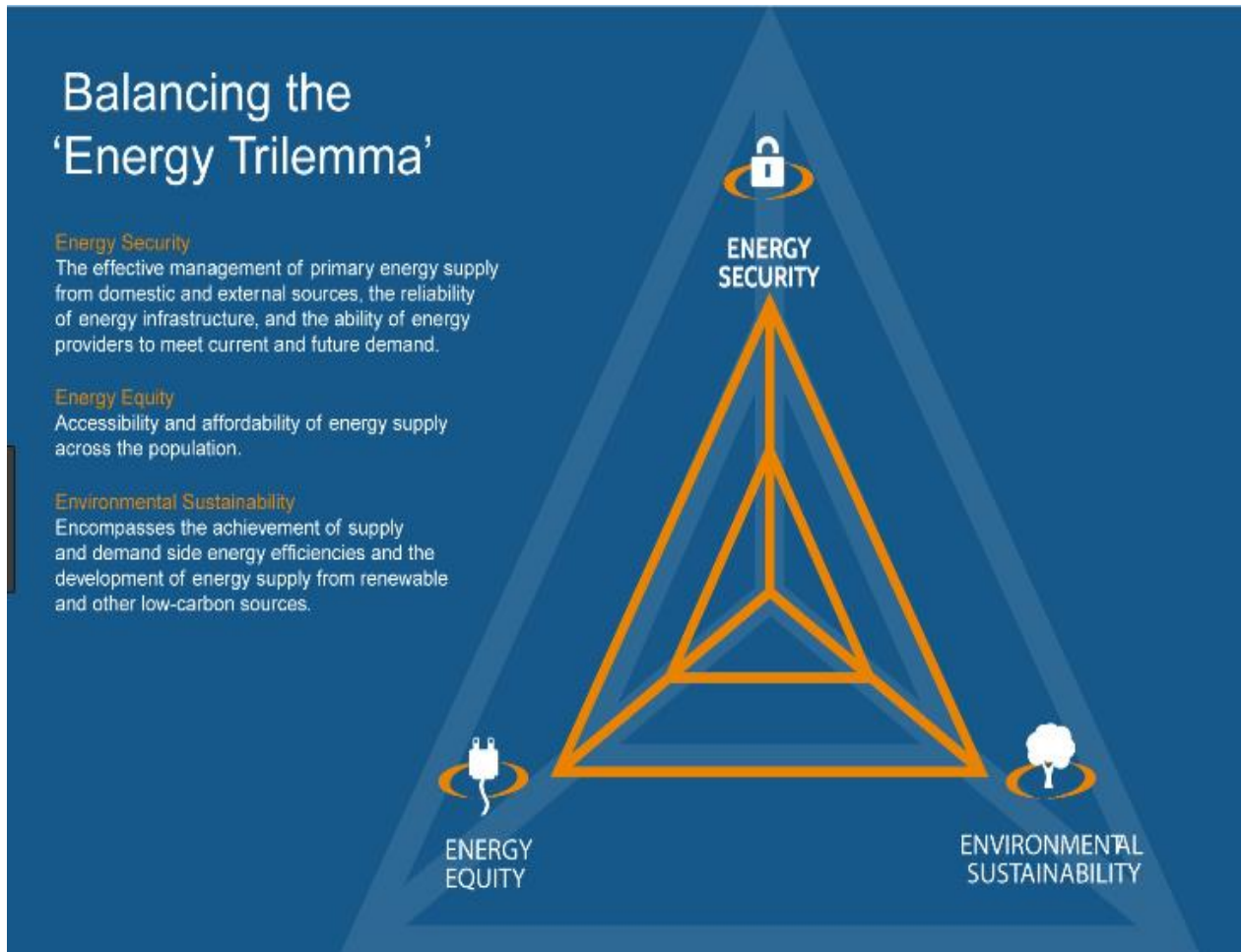
#### Carbon Assessment

**8.223a** Noting that UKWIN has been clear on their challenges in relation to the Carbon Assessment produced on behalf of the applicant, officers have discussed the wider implications with energy colleagues to assess the principle of the applicant’s assessment and the challenges put forward by UKWIN. Officers have also sought amendments to the calculations noted in paragraph 8.223 above to take account of the points raised by UKWIN, so the officer balance and consideration of likely significant effects has always sought to consider the applicant’s worst case savings in their final officer balancing exercise.

**8.223b** In assessing the applicant’s updated Carbon Assessment against the challenge information put forward by UKWIN, officers also discussed the Government’s Balancing the ‘Energy Trilemma’ with energy colleagues, shown in Figure 3 below, which puts the carbon issue into the wider considerations e.g. energy security (touched upon in paragraph 8.303 of this report, as a reliable supply in addition to wind and solar), energy equity (touched upon in consideration of a supply to potential developments such as the Waterbeach Barracks or Cambridge Research Park) and environmental sustainability (or decarbonisation). During such discussions, officers also noted that UKWIN’s table did not account for many of the benefits that could arise from using waste as a resource, such as resource efficiency. Resource efficiency is raised as whilst UKWIN’s table recognises the carbon offset from the electricity grid and natural gas, there is no recognition of carbon associated with the use of virgin materials as opposed to the existing waste as a ‘fuel ready’ stock at the WWMP. Furthermore, whilst the CLO from the MBT currently goes to landfill, which is the basis of their carbon sequestration figures, there is no acknowledgement to the fact that the CLO was always designed to be a Refuse Derived Fuel (initially for the Barrington Cement works that was mothballed) so the composition of the landfill is capable of changing as are the carbon sequestration figures as the balance of the non-hazardous waste being landfilled is always subject to change, which is why officers do not consider a negative carbon output is a correct assumption in the same way that UKWIN do.



**Figure 3: Balancing the ‘Energy Trilemma’ diagram**



- 8.223c** In addition to the above considerations, officers also discussed the additional UKWIN requests with the EA to establish what elements of UKWIN’s points 40 a) – e) in their submission dated August 2018 are covered in the EA permit application, so that officers were able to understand the cross overs in line with NPPF paragraph 183 guidance on not duplicating regulatory controls. It was established that requests 40 a) – d) will all be considered in the EA permit process, albeit there is no requirement for the Energy Balance Diagram to be Sankey; and that 40 e) would only normally be considered necessary by the EA for new technology or feedstocks, which is not the case here. Indeed, using UKWIN’s own challenges on feedstock altering the statistics, it is difficult to understand how such comparison would be beneficial. Nonetheless, officers are content that such additional environmental information is not necessary for the land use planning considerations as discussed further in paragraph 8.224a below, and that such matters will be given strict consideration by the EA at the permitting stage.
- 8.224a** The reason for officers disagreeing with UKWIN’s challenge that this would not be a lawful decision, is that this planning application was subject to an EIA scoping opinion by Cambridgeshire County Council, with input from the key statutory consultees, and climate change was not

screened in as a likely significant effect. Irrespective of this, the Council has enough information in front of it to be able to determine that this will not trigger a significant land use planning environmental effect in EIA terms and therefore has no requirement to request additional environmental information from the applicant under Regulation 22 (noting that this application was all progressed under the 2011 regulations using the transitional arrangements). Whilst officers agree with UKWIN that the term “environmental statement” is defined under the 2011 EIA Regulations as meaning “*a statement – (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but (b) that includes at least the information referred to in Part 2 of Schedule 4*”, officers disagree that further environmental information is required. Officers have ensured that all the requirements set out in Schedule 4 have been complied with and note the insertion of “climate change” by UKWIN to many of their points a. – f. in their correspondence dated 12 September 2018 (see Appendix 4 for the full correspondence text from UKWIN appended to this update sheet) which does not exist within Schedule 4 of the EIA Regulations. Officers therefore remain of the view that further environmental information is not necessary under Regulation 22 and that the applicant has provided the necessary information required, even though this information may be subject to challenge from objectors.

**8.226a** Since receiving UKWIN’s correspondence dated 12 September 2018 (see Appendix 4) officers have once again taken the opportunity to review the Lock Street appeal decision (Appeal reference APP/H4315/A/14/2224529) to ensure that all relevant matters have been given consideration. For the benefit of members of the Planning Committee, this appeal was made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission by St Helens Metropolitan Borough Council. It related to a proposal on an unallocated site, which was for an EfW facility using Refuse Derived Fuel (RDF) with the ability to generate 10.6 MW (as opposed to 27.4 MW in the WWMP instance). However, it required the applicant to demonstrate the quantitative or market need for the new waste management facility as it was not consistent with an up to date local plan, which is not the case for the WWMP proposal.

**8.226b** Paragraphs 27 to 33 of the Lock Street appeal decision sets out the carbon output considerations discussed by the Inspector. Of particular relevance for Members to note:

- Paragraph 27 notes that it is an unallocated site and needs to demonstrate that such a facility will not undermine the objectives of the local plan by prejudicing the movement of waste up the hierarchy [this is not relevant to the consideration of the WWMP planning application as it is an allocated site and draft planning conditions have been sought to ensure that preference is still given to the waste hierarchy and use of residual waste e.g. draft conditions 6 (Residual Site Based Waste Arisings); 34

(Combined Heat and Power (CHP) Feasibility Review); 38 (Education Benefits Delivery Scheme); and 40 (Electrical Connection)].

- Paragraph 30 contains the quote provided by UKWIN, which is accepted and acknowledged by officers. However, the UKWIN quote does not then go on to include the remaining part of paragraph 30, which provides, *“Additionally, it is consequently now generally accepted that EfW plants need to provide heat as well as electricity to be considered to be a waste recovery operation”*. [This is an important point, as officers have been clear to ensure that the balancing exercise and the proposed draft planning conditions are capable of achieving this in the consideration of the WWMP planning application].
- Paragraph 31 acknowledges that *“no evidence has been provided by the appellant to demonstrate the supply of heat, from whatever system is installed, to these users would be commercially viable”* [which effectively is the Inspector once again grappling with whether the proposed facility would be considered as a recovery facility or not, which is not in contention for the WWMP planning application].
- Paragraph 32 sets out why the Inspector felt that the appellant’s facility could not be seen as a recovery facility, as there was no real context for the waste use; the lack of a planning condition for heat did nothing to provide confidence that it would be achieved; and there was no evidence to suggest the alternative for the waste was to be disposed of to landfill [This is a key paragraph that leads to the Inspector’s final conclusions, and is very different to what is being considered for the WWMP planning application; especially as officers have been keen to ensure that the draft planning conditions safeguard all these measures as touched upon in bullet point 1 above].
- Paragraph 33 sets out why the Inspector felt that there was no evidence to demonstrate that the proposal would be a waste recovery operation that would clearly drive the treatment of waste up the hierarchy [which for the reasons given above is not the case for the consideration of the WWMP planning application].

8.226c Having reviewed the Lock Street appeal decision raised by UKWIN and taken account of the key paragraphs noted in relation to carbon output in paragraph 8.226b above, officers are clear that the reason for refusal in that decision was there was no demonstrable need, for a non allocated site, and fundamentally that it couldn’t demonstrate it would be a waste recovery facility. As such it left the Inspector with no other alternative than to treat it just as if it were a waste disposal facility in the weighing up exercise, which meant that the benefits did not outweigh the harm. Whilst officers have acknowledged the quote provided in paragraph 30 of the appeal decision, and agree that each facility should be based on its local circumstances when assessing electricity and heat opportunities as opposed to landfill, they remain content that all relevant land use planning matters have been considered and where appropriate planning conditions recommended to ensure that the benefits outweigh the harm.

**8.300a** In applying significant weight to the potential to move waste up the Waste hierarchy in line with local, national and international policies, officers have also noted the EA's response set out in paragraph 5.7 of this report where 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*". Whilst no weight has ever been attributed to the EA's comments, as officers are clear on the different roles of the WPA and the EA, their support to the principle of the proposal in line with the waste hierarchy is acknowledged. On the basis that UKWIN misinterpreted what and where the significant weight being applied by officers was coming from i.e. that in some way officers were giving the EA support the significant weight in their balancing exercise which was never the case, these two strands have been separated out and explained further within this new paragraph, in addition to the wider clarifications in paragraph 8.300b below.

**8.300b** Irrespective of whether the EA is supportive of the principle from an environmental planning perspective, they are clear that approval to any planning application does not automatically mean that an EA permit will be granted. Stringent checks and controls will still be in place as part of that separate regulatory process. However, through the EA's guidance from their consultation response, officers have sought to ensure that any educational benefits and controls over recycling and generating energy are imposed in line with the waste hierarchy e.g. draft conditions 6 (Residual Site Based Waste Arisings), 34 (Combined Heat and Power (CHP) Feasibility Review), 38 (Education Benefits Delivery Scheme) and 40 (Electrical Connection). The recommendation of such planning conditions have been made to ensure that weight is being applied to the overall planning decision in a way that ensures we are assessing the waste hierarchy appropriately and it is through such measures that officers are content that this proposal is different to the Lock Street appeal decision outcome discussed in paragraphs 8.226a to 8.226c of this report.

The following paragraphs are amended as follows (new text in **bold**, deleted text ~~strikethrough~~):

*Impact on the setting and assessment of harm*

**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>1</sup>. However, both NPPF

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1 Footnote 11 in officer report: Paragraph: 017 Reference ID: 18a-017-20140306

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). **However, for the avoidance of doubt, where officers assess and balance the harm to the DAC, they apply a worst case scenario i.e. they first take the most significant listing in the Scheduled Monument and Grade I listed buildings, before applying the cumulative impact. This has been clarified to avoid any misinterpretation such as the significance only being applied to the Grade II gate piers as the closest listed structures to the application site boundary.**

#### Carbon Assessment

- 8.223 [fifth paragraph] In response to representations received from UKWIN the calculations undertaken by the applicant have **been amended to** 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. **The updated Carbon Assessment produced by Fichtner on behalf of the applicant was received by the Council on 1 August 2018. This revision responded to comments from UKWIN and concerns raised by officers. In particular, details were provided on the type of waste to be processed and the waste throughput matched the thermal design capacity of the plant, rather than assuming that 250,000 tonnes of waste is processed each year, which enabled a base case to be developed based on the 2016 waste flows.** 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>2</sup> **(See Appendix 2 for the full text from UKWIN dated February 2018, May 2018 and August 2018, that was circulated to members of the Planning Committee on 10 September 2018).**
- 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 **and based on the amendments discussed in paragraph 8.223 above**) 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*

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<sup>2</sup> Footnote 18 in officer report: Paragraph 1 of the UKWIN objection submission document dated August 2018.

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

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), **particularly where the wider elements of the Government's 'Energy Trilemma' discussed in paragraph 223b above are taken into account, the applicant has provided sufficient information based on the site and throughput, for officers to consider that 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>3</sup>; Sita UK Ltd at Sevenside, South Gloucestershire (SoS decision on Inspector's recommendation)<sup>4</sup>; and Urbaser Balfour Beatty at Javelin Park, near Haresfield, Gloucestershire (SoS decision on Inspector's recommendation)<sup>5</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 **and inherently complex where many variable inputs can be argued over in ever more detailed analysis**; 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.

#### 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 (**including the Government's Balancing the 'Energy Trilemma'**), the NPPF as a whole, and M&WCS Policy CS22, officers consider that the applicant has demonstrated how their scheme

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3 Footnote 19 in officer report: Appeal reference APP/M2460/A/11/2150748

4 Footnote 20 in officer report: Appeal reference APP/PO119/A/10/2140199

5 Footnote 21 in officer report: Appeal reference APP/T1600/A/13/2200210

would support the Government's move away from reliance on fossil fuels and landfill, in line with climate change objectives. On this basis, **and with the use of proposed draft planning conditions to control the delivery of this movement up the waste hierarchy as set out in paragraph 10.1 of this report**, officers consider that positive climate change benefits have been demonstrated and that the proposal is in compliance with both local and national planning policies.

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.