

PLANNING COMMITTEE: MINUTES

Date: Thursday 19th July 2018

Time: 10.00am – 10:57am

Place: Kreis Viersen, Shire Hall, Cambridge

Present: Councillors A Bradnam, D Connor, I Gardener, L Harford, P Hudson, B Hunt, S Kindersley, and J Whitehead.

Officers: Hannah Edwards – LGSS Law, Emma Fitch – Business Manager County Planning Minerals and Waste, Rikki Parsons – Highways Engineer, Daniel Snowden – Democratic Services Officer, Helen Wass – Development Management Officer (Strategic and Specialist Applications), Deborah Jeakins - Principal Enforcement and Monitoring Officer.

46. APOLOGIES AND DECLARATIONS OF INTEREST

There were no apologies for absence. Councillor Bradnam arrived at 10:23 and was therefore unable to vote on the application.

Councillor Connor declared an interest in agenda item 3 as he was the Local Member for the area but had no involvement in the application.

47. MINUTES – 7TH JUNE 2018

The minutes of the Planning Committee meeting held on 7th June 2018 were agreed as a correct record and signed by the Chairman.

48. CONSTRUCTION OF A BIOMETHANE GAS AND ELECTRICITY TO GRID AND BIOFERTILISER AEROBIC DIGESTION PLANT INCLUDING TWO 9.3 METRES HIGH DIGESTER TANKS, COMBINED HEAT AND POWER BIOGAS GENERATOR WITH 10 METRES HIGH EXHAUST PIPE, 6 METRES HIGH FLARE STACK, 3 SEPARATED DIGESTATE LIQUID STORAGE LAGOONS, HARVESTED WATER STORAGE LAGOON, WORKSHOP, ASSOCIATED INFRASTRUCTURE & LANDSCAPING AND ACCESS FROM WHITTLESEY ROAD

AT: WEST FEN FARM, WHITTLESEY ROAD, MARCH, PE15 0AF

LPA REF: F/2001/18/CW

FOR: RH & RW CLUTTON LLP

The Committee considered a planning application for the construction of a biomethane gas and electricity to grid and biofertiliser aerobic digestion plant. The presenting officer informed the Committee that there were a number of similar plants in the Fenland but most generated only electricity. In November 2013, planning permission was granted for a small plant on the same site but was never constructed and the permission had therefore lapsed.

A map of the area was shown to Members with the location of the site highlighted and its relation to the nearby town of March and the access routes to the site. The site plan of the existing site was presented to the Committee and attention drawn to the location of the house associated with the farm and nearby cottages, where it was acknowledged that another farm had the same name in the vicinity of the site on the OS base map held by one member of the Committee, that was nearer to the River Nene. The access to the site from Whittlesey Road was also highlighted to which modest improvements would be made at the junction with the farm access road, and confirmation of the Sustrans route was noted. Members were also reminded that Rikki Parsons was available at the meeting to take any questions they may have in relation to the highway impact or improvements sought.

Members were presented with the proposed site plan of the aerobic digestion facility that showed the digestion tanks, storage lagoons and the connection points to the gas and electricity mains. The case officer also referenced the height of existing buildings to help put the proposed development heights, including the 10 metre CHP plant exhaust stack, into perspective.

Illustrations that demonstrated the proposed site in the context of the existing landscape were presented including stills from the visual impact assessment of the proposed site along with views of the site access from Whittlesey road and the private farm access. The catchment area for waste material to be imported to the site was also presented; 40% of the input to the plant would be from West Fen Farm and the immediate locality and 60% would be complementary imported food waste.

The proposed site accorded with Government and development plan policies, the location of which although was within flood zone 3 was suitable following sequential testing.

The presenting officer addressed noise concern issues that had been raised during the planning application. It was proposed that that deliveries would take place within normal working hours (8am-6pm Monday to Friday and 8am-1pm Saturday) and was acceptable to the Fenland District Council Environmental Health Officer. An odour management plan had been submitted by the applicant and had been deemed sufficient by the Environmental Health Officer. A permit would also have to be obtained from the Environment Agency which would also control these aspects of the operation of the plant.

Concerns had been raised regarding traffic, the condition of Whittlesey Road and it being part of the national cycle network. Officers were satisfied that the number of vehicle movements generated by the site would be so few as to not constitute a material increase.

In response to Member Questions officers:

- Explained that the maximum number of vehicular movements at peak time to and from the site were not a significant increase in the context of the road network. The locally derived farm waste and crops would be using the local roads regardless of whether the plant was built or not. Whittlesey Road was in much better condition than other alternative routes and the most suitable for the vehicles.
- Explained that dry feed stock was non-tankered, non-liquid waste.

Speaking in support of the application on behalf of the applicant, Mr Oliver Harwood informed the Committee that the applicant had worked extremely hard with consultants and engineers to provide a prime example of the best available technology to take 35,000 tonnes of food waste out of the system each year and produce gas for the network. The

applicant was committed to the delivery of a high quality project and Mr Harwood drew attention to the re-positioning of the tanks and their sinking into the ground by 2 metres to mitigate the visual impact of the site as an example of the commitment. An odour management plan had been developed by Ricardo and was confident that the robust controls that would be in place would mean that no odour would be experienced outside the boundary of the farm. Mr Harwood noted that this site had access to a gas pipe, the electricity grid, available farm wastes and reasonable highway access that gave the applicant an opportunity to build a good environmental project.

Alternative access to site had been discussed with the Highways Team and it was determined that Whittlesey Road was the best available route to the site.

In response to Member questions, Mr Harwood:

- Commented that the applicant would be willing to accept limitations on working hours through condition.
- Confirmed that the process by which tankers would deliver waste to the site would be odour free. The main processing of material to be transported to the site would take place in Spalding and when delivered to the site it would be pumped from the tanker into sealed vessels.
- Noted the concerns regarding the management of other similar plants in the area. Mr Harwood provided assurance that the site would not be operational at night in respect of deliveries and loading and would expect deliveries to be made safely and considerately.
- In response to concerns regarding cyclists using the delivery route, and the query whether the permission really needed to operate on a Saturday morning, explained that the digester required feeding 3 times a day and it was not considered best practice to leave a digester for 48 hours with a level of automated feeding so would want to be able to accept feedstocks on Saturday mornings.
- Confirmed that two-way access points at every point the internal road met the public highway would be constructed. Each section would be 30 metres in length, allowing sufficient space for vehicles to pass.

During debate Members expressed concerns regarding the safety of cyclists using the National Cycle Network route and considered that it was possible to reduce the number and frequency of deliveries to the site on Saturdays. It was also questioned why alternative routes were not suitable for vehicles travelling to and from the site. Officers explained that the alternative routes to the site were much narrower and therefore not suitable. Officers also informed the Committee that the increase in vehicular movements to and from the site did not represent a material increase in proportion to the existing movements on the site.

It was proposed by Councillor Kindersley and seconded by Councillor Hudson that the recommendation be put to the vote. On being put to the vote it was resolved by majority [6 in favour; 1 against] to grant planning permission subject to the conditions attached at Appendix A to these minutes.

49. ENFORCEMENT UPDATE REPORT

Members received an enforcement update report that provided the Committee with the latest information on two key cases, the importation of waste at First Drove and Black Bank, Little Downham, and East Anglian Resources Limited wood waste processing yard at Benwick Road, Whittlesey.

In welcoming the report Members thanked officers for their determination and hard work in carrying out the enforcement action.

It was resolved unanimously to note the report

50. SUMMARY OF DECISIONS TAKEN UNDER DELEGATED POWERS

It was resolved to note the decision made under delegated powers.

Chairman

Commencement date

1. The development hereby permitted shall be commenced no later than three years from the date of this decision notice. Within seven days of the commencement the operator shall notify the waste planning authority in writing of the exact commencement date.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act and Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.

Site Area

2. This permission relates to the land outlined in red on drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018 (received 20 February 2018) and referred to in these conditions as “the site”.

Reason: To define the permission for the avoidance of doubt.

Approved Plans and Documents

3. The development hereby permitted shall be carried out in accordance with the application dated 19/02/2018 and in accordance with the following drawings and documents (received 20/02/2018 unless otherwise specified), except as otherwise required by any of the conditions set out in this permission:
 - drawing no. 09-50-01 West Fen Farm Biomethane AD Plant Proposed site layout dated February 2018
 - drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018
 - drawing no. L17-WF-ELV-01 - 1. Anaerobic Digester Tanks dated 30/01/2018
 - drawing no. L17-WF-ELV-02 - 2. Slurry Intake Tank dated 30/01/2018
 - drawing no. L17-WF-ELV-03 - 3. Dry Feeding System dated 30/01/2018
 - drawing no. L17-WF-ELV-04 - 4. Waste Intake Tanks dated 30/01/2018
 - drawing no. L17-WF-ELV-05 - 5. Pump & Manifold Housing dated 30/01/2018
 - drawing no. L17-WF-ELV-06 - 6. O2 Generator Container dated 30/01/2018
 - drawing no. L17-WF-ELV-09 - 9. CHP Biogas Generator dated 30/01/2018
 - drawing no. L17-WF-ELV-10 - 10. Raw Biogas Compressor Housing dated 30/01/2018
 - drawing no. L17-WF-ELV-11 - 11. EnviThan Gas Upgrading System dated 30/01/2018
 - drawing no. L17-WF-ELV-12 - 12. Flare Stack dated 30/01/2018
 - drawing no. L17-WF-ELV-13 - 13. Gas Network Entry Unit dated 30/01/2018
 - drawing no. L17-WF-ELV-20 - 20. Digestate Separation System dated 31/01/2018
 - drawing no. L17-WF-ELV-21-R1 - 21. Workshop Building dated 11/04/18 (received 13 April 2018)
 - drawing no. L17-WF-ELV-24 - 24. Administration Building dated 19/02/2018
 - drawing no. L17-WF-ELV-25 – Existing Barn 2 – Hirundine Roost Ledges dated 11/04/2018 (received 13 April 2018)

- drawing no. 20329 Issue D Generic Biomethane Compound for 3 x 8000L A/G Vessels Type 433 (Sheet 1 of 2) dated 03/11/14
- drawing no. V971_200 Rev A Proposed Widened Access to Accommodate Two-way HGV Movements at Junction with Whittlesey Road dated 18/01/18
- drawing no. V971_201 Proposed Widened Access & Farm Track to Accommodate Two-way HGV Movements at West Fen Farm with Whitemoor Road dated 1/05/18 (received 1 May 2018)
- drawing no. 23550/100 Rev A Digestate Storage Lagoon Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/101 Rev A Tank Containment Bund Section and Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/102 Rev A Surface Water Storage Lagoon Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/201 Rev 0 CHP Gas Biogas Generator Slab GA Details dated 08-05-18 (received 10 May 2018)
- drawing no. 23550/202 Rev A Typical Leachate Tank & Pump Chamber Details dated 09-05-18 (received 10 May 2018)
- drawing no. 23550/203 Rev 0 Existing Concrete Silo Improvement Details dated 08-05-18 (received 10 May 2018)
- drawing no. 23550/204 Rev 0 Proposed Feedstock Storage Area Details dated 08-05-18 (received 10 May 2018)
- Details of Landscape and Biodiversity Mitigation, Enhancement and Management (RH & RW Clutton Douglas Rule Associates) dated February 2018 (received 20 February 2018)

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS33, CS34 and CS35 and Fenland Local Plan (May 2014) policies LP16 and LP19

Vehicular Access

4. There shall be no vehicular access to the site other than from Whittlesey Road at the point shown as Access track widening at junction with highway on drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018 (received 20 February 2018) and the existing farm track which forms part of the application area and is shown outlined in red on drawing no. 09-50-03 West Fen Farm Biomethane AD Plant Location at 1:10,000 dated February 2018 (received 20 February 2018).

Reason: In the interests of highway safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS32 and Fenland Local Plan (May 2014) policy LP15 (C).

Highway Improvements:

5. No development shall commence until the works shown on the following drawings has been carried out in full:
 - drawing no. V971_200 Rev A Proposed Widened Access to Accommodate Two-way HGV Movements at Junction with Whittlesey Road dated 18/01/18
 - drawing no. V971_201 Proposed Widened Access & Farm Track to Accommodate Two-way HGV Movements at West Fen Farm with Whitemoor Road dated 1/05/18 (received 1 May 2018).

Reason: The access to the site is not in a suitable condition to accommodate the proposed traffic generated by the development in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS32 and Fenland Local Plan (May 2014) policy LP15 (C). This is a pre-commencement condition because the access improvements are required for the construction traffic.

Archaeology

6. No development shall commence until a Written Scheme of Investigation (WSI) for an archaeological programme of works has been submitted to and approved in writing by the waste planning authority. No development shall take place other than in accordance with the agreed WSI which shall include:
- the statement of significance and research objectives;
 - the programme and methodology of site investigation and recording
 - the nomination of a competent person(s) or organisation to undertake the agreed works
 - the programme for post-excavation assessment and subsequent analysis, reporting, publication & dissemination, and deposition of the resulting archive.

Reason: The site in the proximity of prehistoric and Roman archaeological in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS36 and Fenland Local Plan (May 2014) policy LP18. This is a pre-commencement condition because the archaeological investigation must be carried out before any development takes place.

Feedstock input limits

7. No more than a total of 58,500 tonnes of feedstock (excluding water) shall be accepted at the site in any 12 month period. Of that no more than 35,000 tonnes shall be food waste. The operator shall maintain a record of the type, quantity (in tonnes) and origin of the feedstock delivered, and the date of delivery. These records shall be kept on the site and the results collated within a report to be supplied to the waste planning authority within 10 working days of a written request.

Reason: It has not been demonstrated that the local public highway network is capable of safely accommodating higher number of vehicle movements and in the interest of the amenity of occupiers of nearby properties in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS32 and CS34 and to enable compliance with condition 23 to be monitored.

Prevention of mud on the Public Highway

8. No HGV shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and safeguarding local amenity in accordance the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34.

Surface Water Drainage Scheme

9. No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the waste planning authority. No waste or other feedstock shall be brought onto the site until the approved scheme has been implemented in full.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with National Planning Policy Framework paragraph 103; the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS2 and CS39; Fenland Local Plan (May 2014) policy LP14 (B). This is a pre-commencement condition because the surface water drainage arrangements need to be agreed before construction work starts.

Hours of Vehicle Movements

10. No HGVs including construction vehicles shall enter or leave the site outside the hours of:

0700 - 1800 on Mondays to Fridays (except bank and public holidays); and
0800 - 1300 on Saturdays.

Reason: To minimise disturbance to residents and users of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.

Hours of Operation

11. Except for emergency maintenance which has previously notified to the waste planning authority no mobile plant, equipment and machinery including for construction shall be used on the site outside the hours of:

0700 - 1800 on Mondays to Fridays (except bank and public holidays); and
0800 - 1300 on Saturdays.

Reason: To minimise disturbance to residents and users of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.

Maintenance, Silencers, and Reversing Alarms:

12. All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with effective silencers that shall be used at all times. All vehicles that are fitted with reversing alarms shall be fitted with "white noise" type or similar, reversing alarms.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34; Fenland Local Plan (May 2014) policy LP16.

Noise Limit

13. The rating level of noise emitted from the site shall not exceed the background level or 35dB (A), whichever is the higher, at the boundary of any noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.

Noise monitoring

14. No feedstock shall be accepted at the site until a scheme for measuring noise from the development hereby permitted has been submitted to and approved in writing by the waste planning authority. The scheme shall include the expertise of the person(s) who will carry out the measuring; the frequency of measuring; mitigation that will be undertaken in the event that the noise level in condition 13 is exceeded; and details of the operator who members of the public may contact to report noise events. The results of any measurements and assessment shall be submitted to the waste planning authority within 10 working days of the measurements taking place.

Reason: To enable compliance with the noise limit in condition 13 to be monitored to protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and Fenland Local Plan (May 2014) policy LP16.

Odour

15. No development shall take place other than in accordance with the Odour Management Plan ED 11027116 Issue Number 1 Date 03/05/2018 (received 4 May 2018).

Reason: To minimise the impact of the development on the occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34; Fenland Local Plan (May 2014) policy LP16.

Materials

16. The external finishes of the fixed plant and buildings shall be carried out and retained in accordance with paragraph 8.2 of the Landscape and Visual Assessment dated 19 February 2018 (received 20 February 2018).

Reason: To minimise the impact of the development in the landscape in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS34 and Fenland Local Plan (May 2014) policy LP16.

Soil protection

17. No topsoil or subsoil shall be removed from the site.

Reason: All soils are required for the landscaping of the land in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS38.

Landscape planting

18. The “*Details of Landscape and Biodiversity Mitigation, Enhancement and Management*” dated February 2018 (received 20 February 2018) shall be carried out in full no later than the first planting season following the date of this permission.

Reason: For the avoidance of doubt and to ensure that the site has adequate screening in the interest of visual amenity, in accordance with policies CS24, CS33 and CS34 of the Cambridge and Peterborough Minerals and Waste Core Strategy (July 2011).

Replacement planting

19. If within a period of five years from the date of planting any tree or shrub fails, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place in the first available planting season, unless the waste planning authority gives its written consent to any variation.

Reason: In the interests of visual and residential amenity in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011)

Biodiversity enhancement

20. No waste or other feedstock shall be brought onto the site until the bat boxes shown on drawing no. L17-WF-ELV-21-R1 - 21. Workshop Building dated 11/04/18 (received 13 April 2018) and the bird boxes shown on drawing no. L17-WF-ELV-25 – Existing Barn 2 – Hirundine Roost Ledges dated 11/04/2018 (received 13 April 2018) have been installed.

Reason: In order to improve the biodiversity of the site in accordance with policy CS35 of the Cambridge and Peterborough Minerals and Waste Core Strategy (July 2011) and policies LP16 (b) and LP19 of the Fenland Local Plan (May 2014).

Lighting

21. No lights other than those shown on drawing no. 09-50-01 West Fen Farm Biomethane AD Plant Proposed site layout dated February 2018 (received 20 February 2018) shall be installed on the site. The lights shall be installed and operated in accordance with the details set out in section 14 (page 49) of the Planning Statement dated February 2018 (received 20 February 2018).

Reason: In order to minimise the impact of the development on wildlife in accordance with policy CS35 of the Cambridge and Peterborough Minerals and Waste Core Strategy (July 2011).

Routeing Agreement:

22. The site shall not be operated except in accordance with the Traffic Management Scheme: Undertakings by the Developer dated 1 June 2018 and the plan entitled Planning Application F/2001/18/CW – West Fen Farm Waste Food HGV Routing (received 1 June 2018).

Reason: In the interests of limiting the effects on local amenity to control the impacts of the development and to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34.

Waste Catchment Restriction:

23. No feedstock arising from a distance greater than a 45 kilometre radius of the site as shown on the plan entitled Planning Application F/2001/18/CW – West Fen Farm Waste Catchment Area (received 1 June 2018) shall be received at the site. Waste from a waste transfer station within the defined catchment area shown on the plan entitled Planning Application F/2001/18/CW – West Fen Farm Waste Catchment Area (received 1 June 2018) shall be regarded as arising from within the catchment area.

Reason: To ensure that the facility is managing waste from the local area to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS29.

Informatives

The surface water drainage scheme referred to in condition 9 shall be based upon the principles within the agreed Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers (ref: CCE/V971/FRA-02) dated February 2018 and shall also include:

- a) Full results of the proposed drainage system modelling in the 1% AEP plus climate change critical storm event, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed attenuation and flow control measures;
 - d) Site investigation and test results to confirm infiltration rates;
 - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f) Full details of the maintenance/adoption of the surface water drainage system;
 - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The applicant sought and received pre-application advice from the waste planning authority. The development would result in the generation of gas and a small amount of electricity from food and farm waste and crops. This would contribute to the Government's aspiration to move towards sustainable sources of energy. It would contribute to the recycling of waste and sustainable use of resources thereby improving the economic, social and environmental conditions of the area.