

Demolition of existing buildings and 3no 14 metre high chimneys; erection of a pyrolysis plant building connected to a waste reception building; erection of a 25 metre high chimney; 2no containers for gas engines; electricity substation; upgrading and extension of internal access track around perimeter of the memorial garden

AT: Novus Environmental, Novus House, Thriplow, SG8 7RR

APPLICANT: Paul Bouchier, Vetspeed

LPA NO: S/0008/15/CW

To: **Planning Committee**

Date: **21 July 2016**

From: **Head of Growth & Economy**

Electoral division(s): **Duxford**

Purpose: **To consider the above planning application**

Recommendation: **That planning permission is granted subject to the conditions set out in paragraph 4.1**

<i>Officer contact:</i>		<i>Member contact</i>	
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1.0 INTRODUCTION

- 1.1 This application was discussed by the Planning Committee at the meeting on 12 May 2016. A copy of the May report and its appendices are Appendix A, A1, A2, A3, A3a and B of this report. At the May meeting Members resolved to defer making a decision on this application for three months for:
- i. IWM Duxford to carry out a technical air safety report;
 - ii. the applicant to discuss the height of the chimney with the Environment Agency; and
 - iii. further discussions to take place between the applicant and IWM Duxford.
- 1.2 It was noted following the close of the meeting that this would mean that the application would be reported to the September meeting. However, this was dependent on the applicants agreeing to an extension of time for determination until after 1 September 2016. The applicants were only willing in the first instance to agree to an extension of time until 29 July 2016 until they had seen the additional information put forward by IWM Duxford. In order to meet the July Planning Committee agenda deadlines IWM Duxford were asked to provide their report by 5 July 2016 which they did. A copy of the report is included as Appendix C and a summary of its conclusions are set out at paragraph 2.1 below.
- 1.3 Having considered the IWM Duxford report, the applicants were not willing to agree to the extension of time which would allow the application to be determined at the September Planning Committee. In their opinion the non-technical nature of the report and the lack of technical evidence supporting its claims does not add anything new. They therefore wished their application to be determined at the July Planning Committee.
- 1.4 The applicant approached the Environment Agency about the height of the chimney in mid-June. Their correspondence is included as Appendix D.
- 1.5 A meeting took place on 29 June between the applicant's agent and representatives of IWM Duxford which was attended by the planning officer. IWM Duxford explained that they were finalising their technical report. The applicant explained that the Environment Agency requires planning permission to be in place before they will assess the chimney as part of the environmental permit application process.

2.0 THE IWM DUXFORD TECHNICAL REPORT

- 2.1 This is a summary of the report's conclusions:

The erection of a 25 metre (82.9 foot) chimney would be new, significant and a hazard:

(1) Although attached to an existing site and expanding operation, it would be new. It is not a like for like replacement. It is understood to be a brand new chimney and at 25 metres (82.9 feet) it is 60% (10 metres / 33.2 feet) higher than the existing chimneys.

(2) It would be significantly higher than any other obstacle in the immediate vicinity therefore would be 'noteworthy'. With reference to ASA Ltd's [March 2016] report it would need to be flagged as an obstacle to aircraft coming into or out of Duxford Aerodrome; it would also need to be notified to the Royal Air Force Aerobatic Team (Red Arrows) as per Military Aviation Authority requirements to highlight any obstruction in excess of 50 feet above Aerodrome Level (the current chimney is slightly under this at 49 feet 2.5 inches / 15 metres).

(3) Any upstanding protrusion or obstacle whether temporary or permanent, in a potential flight/take-off/landing path and so close to an aerodrome is self-evidently a hazard, a 'potential source of danger'. If an aircraft were to fly into or clip the proposed chimney it could, and would in all probability, lead to a serious and possibly fatal incident. This could include fatal or life-changing injuries not only to the pilot/crew/passengers of the aircraft but also those working or visiting the Vetspeed/Novus Environmental complex, and possibly traffic/users of the A505 immediately next to the site.

2.2 IWM Duxford believes that because of the case set out in their report that:

*"the proposed new chimney stack would represent **a significant hazard** (to quote the terminology of Mineral and Waste Core Strategy Policy CS40).*

This would therefore put flight safety at risk, and therefore in all probability the long-term continuation of Duxford Aerodrome as an operational airfield after nearly 100 years of historic service; the success of IWM Duxford as Cambridgeshire's premiere visitor attractions, which is of national and international historical importance; our educational programmes including our practical STEM focus; on-site partner businesses focused on the restoration and maintenance of historic and vintage aircraft, pilot training and pleasure flights and the continuation of air-shows – all of which directly support over 300,000 visitors, and 250 jobs.

2.3 The report was sent to Alan Stratford and Associates Ltd (ASA) [the consultants engaged by the County Council to provide independent advice] to review, and to the applicant. ASA's comments are included as Appendix E and the applicant's as Appendix F. Their conclusions are summarised below.

Alan Stratford and Associates Ltd

2.4 Conclude that the IWM Duxford report does not in any way alter the findings and conclusions of their March 2016 report. All aviation activities have some element of risk and all those participating in these as pilots or passengers tacitly accept this. The issue is whether this risk is acceptable. IWM Duxford has substantially overemphasized the safety risks in respect of the proposed chimney, its associated smoke

plume and pyrolysis plant and that all the risk likelihoods are extremely improbable.

- 2.5 Whilst all the factors described do have some very slight impact on overall aircraft safety, the risk of any collision with the chimney or in the area of the plant itself must be assessed as improbable or highly improbable under CAA definitions and should therefore be deemed as acceptable in operational terms. As a result, it is not believed that the plant and the chimney represent a 'significant safety risk'.

Biomass Power Projects Ltd (with technical input from Specialist Airport Services Ltd and Vetspeed Ltd)

- 2.6 The IWM have not produced a technical report that can be checked or independently verified. The scant technical information that has been supplied with the report actually helps show that historic aircraft do fly above the OLS and if engine failure were to occur they would likely hit trees or land on fields long before reaching the Vetspeed site.
- 2.7 Pilots taking off in aircraft that cannot climb if an engine fails are currently satisfied that the likelihood of engine failure is so low that they will clear all hazards that are close to the aerodrome, notably mature trees and the M11. The proposed new chimney is significantly less of an obstacle than the existing trees.
- 2.8 The IWM report focusses on historical aircraft and their ability to avoid danger during takeoff but no strict methodology has been followed to quantify the risk, the assessment has been more anecdotal than based in fact. The report claims that the introduction of the new facility will 'close us down' but nowhere is this claim substantiated.

3.0 CONCLUSION

- 3.1 ASA has reviewed the information provided by IWM Duxford and remains of the opinion that the proposed 25 metre high chimney will not be a significant hazard to air traffic. The applicant, with advice from an air safety consultant, has come to the same conclusion. Planning officers remain of the opinion that the proposed development is compliant with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS40.
- 3.2 No information has been brought forward which, in the opinion of planning officers, alters the conclusions of the 12 May 2016 report. The proposed development is in accordance with the development plan and with national planning policies. There are no material considerations of sufficient weight to determine the application other than in accordance with the development plan and justify refusal of planning permission.

4.0 RECOMMENDATION

4.1 It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall have begun before the expiration of three years from the date of this permission. Written notification of the date of the commencement of the development shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall not proceed except in accordance with the details set out in the submitted application and supporting documents and the following drawings, except as otherwise required by any of the conditions set out in this permission:

- Fig 1 Rev c Location Plan dated April 2016
- Fig 5 Rev e Proposed Site Plan dated April 2016
- Fig 6 Proposed Building Plan dated June 2015
- Fig 7 Proposed Roof Plan dated June 2015
- Fig ES 1 Plant Layout (undated – received 30 June 2015)
- Fig 8 rev b Proposed Building Elevations dated 03.16 – Colours amended
- Fig 9 rev a Proposed Building Elevations dated December 2015
- JEC/407/01 Rev B Planting Proposals dated April 2016
- Specification for Soft Landscape Works dated December 2015

Reason: To define the permission and to protect the character and appearance of the locality in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

3. External cladding shall not be attached to the fuel storage building or pyrolysis plant building until details of coloured panels have been submitted to and approved in writing by the Waste Planning Authority. The development shall not be carried out except in accordance with the approved details.

Reason: To break up the visual form of the buildings in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

4. No demolition or construction shall take place until a traffic management plan has been submitted to and approved in writing by the Waste Planning Authority. The approved plan shall be complied with in full during all demolition and construction work.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policy DP/3(b) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

5. The area shown for HGV turning on Fig 5 Rev C Proposed Site Plan dated August 2015 shall be provided and retained and kept free from any obstruction at all times.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policy DP/3(b) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

6. The fuel storage building and pyrolysis plant building shall not be erected until a timetable for the phased implementation of the landscaping scheme shown on drawing no JEC/407/01 Rev B *Planting Proposals* dated April 2016 has been submitted to and approved in writing by the Waste Planning Authority. The approved timetable shall be complied with in full.

Reason: To mitigate the visual impact of the buildings in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a) & (j), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

7. No removal of hedgerows or trees shall take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken:
 - a detailed check of vegetation for active birds' nests immediately before vegetation is cleared; and
 - provided written confirmation to the Waste Planning Authority prior to the removal of any vegetation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: (i) In the interests of the biodiversity of the site in accordance with policy CS35 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(o), DP/3(o) and NE/6 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

8. If within a period of 5 years from the date of planting any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, becomes in the opinion of the Waste Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the Waste Planning Authority gives written consent to any variation.

Reason: To mitigate the visual impact of the buildings in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(p), DP/2(a) & (j), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

9. No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Waste Planning Authority:
 1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they will be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy required by 9. (3) above has been submitted to and approved in writing by the Waste Planning Authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). Remediation measures may be needed as part of the construction phase so must be in place before development starts.

10. If, during development, contamination not previously identified is found to be present no further development shall be carried out until a remediation strategy detailing how this contamination shall be dealt with has been submitted to and approved in writing by the Waste

Planning Authority. The approved remediation strategy shall be implemented in full.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).

11. No development shall commence until a scheme for surface water disposal has been submitted to and approved in writing by the Waste Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall not be occupied until the approved scheme has been implemented in full.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). Elements of the surface water disposal arrangements may be need to be installed in an early part of the construction phase so the scheme must be in place before development starts.

12. No development shall commence until a detailed foundation design demonstrating how the foundation solution will integrate with the on-site capping layer and a foundation works risk assessment which shall demonstrate that there is no resultant unacceptable risk to groundwater have been submitted to and approved in writing by the Waste Planning Authority. The development shall not be occupied until the approved scheme has been implemented in full.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), policy CS39 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(l), DP/3(r) and NE/8 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). The foundation design will need to demonstrate that there is no resultant unacceptable risk to groundwater before development starts.

13. During the period of demolition and construction no power operated machinery shall be operated before 0800 hours on weekdays and 0800

hours on Saturdays or after 1800 hours on weekdays and after 1300 hours on Saturdays or at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenity of local residents in accordance with policy CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/3(n) and NE/15 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).

14. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the demolition and construction period has been submitted to and approved in writing by the Waste Planning Authority. The approved measures shall be implemented in full for the duration of the demolition and construction phases.

Reason: In the interests of the amenity of local residents in accordance with policy CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/3(n) and NE/16 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007). This relates to the demolition and construction phases of the development so needs to be in place before development starts.

15. No external lighting shall be installed except in accordance with details that have been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of the amenity of local residents in accordance with policy CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/3(n) and NE/14 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).

16. No part of the access track shown on Fig 5 Rev e dated April 2016 shall be constructed until details of its construction and surfacing have been submitted to and approved in writing by the Waste Planning Authority. The access track shall not be constructed except in accordance with the approved details.

Reason: To ensure that the access track is permeable and there is no increase in the impermeable area of the site in accordance with policies DP/1(i) and DP/3(p) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007).

17. No waste shall be stored outside the building.

Reason: To protect the visual appearance of the area in accordance with policies CS33 & CS34 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies

DP/1(p), DP/2(a), DP/3(m), GB/3 and NE/4 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

18. The amount of waste received for treatment by the pyrolysis plant in any one calendar year shall not exceed 30,000 tonnes excluding residual waste from the adjacent autoclave process.

Reason: The development has been assessed on this level of vehicle movements. In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policy DP/3(b) of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

19. The Great Crested Newt watching brief set out in the AWS Ecology letter dated 21/03/2016 shall be implemented in full for the duration of the construction of the internal access road. If Great Crested Newt are found, construction work shall stop and not recommence until a mitigation strategy has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.

Reason: (i) In the interests of the biodiversity of the site in accordance with policy CS35 of the Cambridgeshire & Peterborough Minerals & Waste Core Strategy (adopted July 2011) and policies DP/1(o), DP/3(o) and NE/6 of the South Cambridgeshire Development Control Policies DPD (adopted July 2007)

Source Documents	Location
<p>Link to the National Planning Policy Framework: http://planningguidance.communities.gov.uk/blog/policy/</p> <p>Link to the Waste Management Plan for England: https://www.gov.uk/government/publications/waste-management-plan-for-england</p> <p>Link to the National Planning Policy for Waste: https://www.gov.uk/government/publications/national-planning-policy-for-waste</p> <p>Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to South Cambridgeshire Development Control Policies DPD: https://www.scams.gov.uk/ldf</p> <p>Link to Alan Stratford & Associates revised report dated March 2016: http://planning.cambridgeshire.gov.uk/swift/apas/run/WCHDISPLAYMEDIA.showImage?theSeqNo=1950955767&theApnkey=39543&theModule=1</p> <p>Link to Planning Committee report 12 May 2016: https://cmis.cambridgeshire.gov.uk/ccs_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/71/Committee/8/SelectedTab/Documents/Default.aspx</p>	