

PLANNING COMMITTEE: MINUTES

Date: Thursday 6th September 2018

Time: 10.00am – 5.58pm

Place: The Council Chamber, Shire Hall, Cambridge

Present: Councillors A Bradnam, D Connor, I Gardener, L Harford, M Howell (substituting for Cllr Hudson), B Hunt, S Kindersley, and J Whitehead

Also in attendance: Councillors T Rogers and M Smith (part meeting)

Officers: Hannah Edwards – LGSS Law, Emma Fitch – Business Manager County Planning Minerals and Waste, Dawn Cave – Democratic Services Officer, Helen Wass – Development Management Officer (Strategic and Specialist Applications), Robin Hobbs - Highways Development Management Officer (for the Warboys planning application)

51. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies were presented on behalf of Councillor Hudson (Councillor Howell substituting).

Councillor Howell advised that on 31/08/18, a close friend had asked him to sign a petition objecting to the Warboys application, but he had declined, and found out later the same day that he would be sitting on the committee as a substitute.

Councillor Kindersley declared an interest in the Barrington application as a Local Member, and advised that he chaired the Cemex Liaison Group, had assisted the Parish Council with various issues relevant to this item, and assisted a number of residents with concerns. However, he had not come to a decision on this item and would be coming to the matter afresh.

52. MINUTES – 17TH JULY 2018

The minutes of the Planning Committee meeting held on 17th July 2018 were agreed as a correct record and signed by the Chairman.

53. CONSTRUCTION OF A HEAT AND POWER PLANT COMPRISING BIOMASS ENERGY FROM WASTE (FLUIDISED BED COMBUSTION) FACILITY AND TREATMENT OF WASTE WATER BY EVAPORATION TREATMENT PLANT AND ASSOCIATED INFRASTRUCTURE COMPRISING TANK FARM, COMBUSTER WITH 25 METRE HIGH CHIMNEY, PROCESS BUILDING, STORE BUILDING, OFFICE BUILDING, WALKING FLOOR CANOPY, CAR PARK, FUEL STORAGE BAYS, FIRE WATER TANK,

**CONVEYOR, PIPE GANTRY, DIESEL TANK, CONTROL ROOM, AUXILIARY PLANT
SKID, HIGH VOLTAGE TRANSFORMERS
AT: WARBOYS LANDFILL SITE, PUDDOCK HILL, WARBOYS, PE28 2TX
LPA REF: H/5002/18/CW
FOR: SYCAMORE PLANNING LTD**

As there were a large number of objectors, the Chairman proposed that standing orders should be suspended.

It was resolved unanimously to suspend standing order section 9 of Part 4-Rules of Procedure, Part 4.4 –Committee and Sub-Committee Meetings.

The Chairman advised that all objectors would have up to three minutes to speak on this application, but objectors were urged not to repeat points covered by other objectors.

It was noted that the printing on two appendices to the report had been corrupted, an uncorrupted version had been circulated to the Committee at the start of the week. All Committee Members confirmed that they had read and considered those good copies.

The Planning Officer presented the report, with the assistance of photographs, maps and visuals. A map of the area was shown showing the location of the site and key elements of the scheme, including current land use, the adjacent Materials Recycling Facility (MRF) and the restored landfill site. The Planning Officer highlighted other points of interest including the closest residential properties to the site (including the caravan site), and its position in relation to the main part of Warboys village. The location of a nearby site of special scientific interest (SSSI) and County Wildlife Site (CWS) was also referenced to Members, before providing an overview of the change of land heights in the area, with the development site being between 3 and 5 metres lower than the MRF site. Access to the site would be via Fenside Road, which also provided vehicular access to the MRF.

The following points were noted in the presentation:

- there were a number of ponds on the site which had a great crested newt population;
- the existing bund which would be redeveloped and replanted;
- the dimensions and location of the site relative to other buildings;
- the proposal was for two elements, a biomass combined heat and power (CHP) plant and a waste water treatment plant, with the latter using energy produced by the CHP plant;
- the energy from the CHP plant would be produced from up to 48,000 tonnes per annum of pre-shredded, non-hazardous wood waste. The proposed plant would operate 24 hours a day, with feed stocks delivered 7am-7pm Monday to Friday, 7am-1pm on Saturdays. The wood waste would be loaded on to a 'walking floor', which would be stocked from 8am to 6pm on weekdays;
- the site would generate a maximum of 36-38 HGV movements per day, if no waste was sourced from the adjacent MRF, otherwise it would generate between 32-34 HGV movements per day. HGVs were not permitted to travel through village, but had to use the A141 and Fenside Road;

- the dimensions of the combustor flue (25 metres in height) which would be the tallest element of the proposed scheme;
- cross-sections and elevations of different buildings on the site, and the location of the acoustic barrier.

Members had visited the site and its environment on Monday 3rd September, and looked at the most significant views. The scope of the assessment and methodology of the applicant's landscape and visual impact assessment had been agreed with Huntingdonshire District Council's (HDC) Landscape Officer. The locations Members had stopped at during their site visit included:

- near Hazeldene on Puddock Road approximately 750 metres from the site;
- public footpath off Station Road, approximately 500 metres from the site: from that point the site would just be visible if there was no vegetation (noting that Cllr Bradnam acknowledged that Members had moved further down the public footpath to view it without the vegetation at the request of the Local Member);
- in the village, Third Avenue, near the Primary School, 1.6km from the site. From this location the site would not be visible;
- from near Dorringtons Farm, west of site, where the end of the process building and combustor flue would be visible.

The visit followed the approved HGV route to the site and had also stopped to look at the view from Old Railway Tavern, where the combustor flue would be visible from the road, which would be obscured after 15 years when the planting had matured. The location of the caravan site was noted.

Part of the mitigation was to install a low earth bund along the southern and western boundaries of the landfill site and plant trees on it, which would aid deflection of airborne pollutants from the woodland SSSI. A view of the restored part of the former landfill site near Wistow Wood was shown. There had been numerous objections on landscape grounds. HDC's opinion was that the site would be visible from a number of locations, but the impact would not be significant, and not much different from the view of the existing MRF.

Objections had been received relating to an assumed increase in traffic, but the highways authority had not objected. This was on the basis of 26 movements per hour when the MRF was operational at the same time as the landfill site. The proposed development would generate 32–34 HGV movements (36-38 if no wood sourced from the MRF) on to and off the public highway per day in the form of bulkers delivering the waste wood, tankers delivering the waste water and the vehicles removing the bottom ash and sludge residues. The British Horse Society and some local residents were concerned about the impact the assumed increased traffic would have on horse riders using Fenside Road, but the highways authority did not consider this would be detrimental.

Other points raised included:

- Natural England were satisfied that the proposal would not result in an adverse effect on Warboys and Wistow Wood SSSI , and there was proposed mitigation;
- Warboys Clay Pit SSSI is a site of geological interest, and there had been concerns that the proposed development might impinge on this. However, Natural England was satisfied that this could be avoided by careful design of the proposed bund along the southern and western boundary of the landfill site;
- there were a number of ponds on the site with a colony of great crested newts, which are a protected species. The newt population would be moved to the landfill overburden storage area. Any such great crested newt relocation would have to be under licence with Natural England;
- objections had been raised on the grounds of noise, and advice had been take from HDC's Environmental Health Officer (EHO), who was satisfied that together with mitigation, the development would operate within acceptable noise limits. It was confirmed that the EHO did take into account the 24 hour nature of some of the processes and the cumulative impact of noise from the landfill / MRF site;
- waste wood would be delivered pre-shredded and stored in bays. It was accepted that this could generate dust, but the EHO considered that the proposed dust management arrangements were satisfactory;
- waste water would be delivered in tankers, and there was the potential for odours. The EHO considered that the proposed odour management plan was satisfactory;
- in terms of historic environment the proposed scheme would not affect any designated assets. It was on a former railway line, and the County Council's Historic Environment team had asked for the historic industrial uses to be recorded;
- the site was in flood zone 1, and the Lead Local Flood Authority (LLFA) had no objection in principle to the proposed surface water drainage scheme but required the detailed design to be submitted for approval, which could be secured by recommended condition 9;
- there was a great deal of concern in the community about air quality and human health, but this was not borne out by the consultation responses from the statutory consultees as set out in the report. Matters raised in respect of emissions would be a matter for consideration by the Environment Agency as part of the environmental permitting process;
- in terms of the waste hierarchy, the CHP plant would be neutral if the waste wood would otherwise be going to an energy from waste plant. The catchment area of the wood waste and waste water would be within a 30 mile radius of the site.

Arising from the presentation:

- a Member queried whether the grid had capacity if the energy generated was in excess of that used. Officers confirmed that energy would be captured, and there was capacity for the plant to feed in to the grid;

- a Member noted concerns raised by local people that the 30 mile radius for the wood waste may not apply in future. Officers confirmed that if successful, this would be one of the conditions of the application, and if the applicant was unable to run the facility with that constraint, they would need to apply for a variation;
- in response to a Member question, it was confirmed that there would be no “fastrac” vehicles used for movements in to the site. Waste water would be delivered to the site in standard road tankers.

The following speakers, who had registered at least five days in advance of the meeting, in accordance with the Planning Committee’s speaking rights, were invited to present their views:

Councillor Geoff Willis, Chairman of Warboys Parish Council (WPC) Planning Committee, drew Members’ attention to the reasons why WPC objected to the proposal. Policy CS33, Protection of Landscape Character, stated that *“Mineral and waste management development would only be permitted where it could be demonstrated that it could be assimilated into its surroundings and local landscape character area in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related supplementary planning documents.”* WPC felt that the proposed scheme was out of character for a rural area, and more typical of a heavy industrial area. It was further noted that there were three properties within the 400m buffer zone, and the caravan site was not referenced at all, and caravans had less insulation than traditional brick dwellings. WPC also disputed the figures given for the volumes of leachate, waste wood and transport, and observed that waste water from compost run off was extremely pungent. It was suggested that all eventualities had not been explored. Councillor Willis also raised issues relating to water vapour and light pollution.

In response to a Member question, Councillor Willis confirmed that the caravan site referred to was inhabited by local workers on the A14 project who live there all year round.

The Committee received a presentation **Neil Foxall** of Caulmert Ltd, representing the applicant. He summarised the purpose of the plant, highlighting the lack of objections from statutory consultees such as Natural England, the highway authority and the District Council’s Environmental Health and landscape officers, and the detailed technical reports supporting the application. The synergies available from co-location with the MRF on the adjacent site were noted.

Arising from the presentation:

- a Member noted that she had information about the number of vehicle movements and had asked officers about similar matters but now wanted to ask her question to the applicant. She noted that 10-15,000 tonnes of processed wood waste per annum would come from the MRF and also acknowledged the 30 mile radius. However, she asked the applicant to briefly describe how the wood waste would be processed in the MRF. Officers advised that it was not appropriate for the applicant to respond to that query, as they were not the same organisation that operated the current MRF;

- a Member noted that currently no waste water was being delivered to the [landfill or MRF] site, and only a nominal amount was described in the application as coming from the landfill site to the proposed new plant. She asked how they had factored in having sufficient waste water. The applicant advised that they had assumed the plant would be operating at full capacity, and that all the waste wood and waste water required would be coming from within a 30 mile radius;
- in response to a Member question, officers confirmed that technically the Parish Council was not a statutory consultee, as set out in the DMPO (Development Management Procedure Order);
- in response to a Member question, the applicant confirmed that they would not be using fastrac vehicles;
- Members sought clarification as to whether the waste was being moved up the waste hierarchy. In response, Paul McLaughlin (of Sycamore Planning, the applicant) advised that wood classified as Grades A and B was the cleanest wood that could be used for chipboard manufacturing. For Grades B and C which could no longer viably be reused for another product, the next best use was for energy recovery. Until recently, that wood would have gone to landfill;
- in response to a question on the applicant's business plan, Members were advised that this was not a material planning consideration;
- a Member asked the applicant if they had any evidence to reassure Members that the process of evaporation of waste water leachate, including compost liquor, would not cause an odour problem when it goes in to the atmosphere. It was noted that when it goes through the evaporation process, it was cleaned with sulphuric acid and hydrogen peroxide, which attacked the organic fractions (i.e. the odorous components) in the solution, before being released through evaporators. The odour impact of the process had been detailed in the assessment and the chemical cleaning process has been approved by the EA.

Paul McLaughlin, of Sycamore Planning (the applicant) presented to the Committee. He advised that biomass energy from waste was a well-established industry in the UK, and that whilst a waste water treatment facility of this type had not been undertaken in the UK previously, the technology had been used in the USA. Currently, the applicant was developing three sites in the UK, two being in Daventry and Meriden, which had both been granted planning permission, and were being constructed currently. Daventry had received an environmental permit and was at the commissioning stage; Meriden had received a draft permit and Spalding had recently been granted planning permission. In terms of market demand for the waste wood facility, the Wood Recyclers Association had estimated a significant tonnage was going to existing CHP facilities or exported to other parts of Europe, as there were no facilities in the UK to deal with it: with Brexit approaching, this was a concern. The proposed plant could process up to 48,000 tonnes of waste wood. The site would also deal with waste water, and there was up to 98,000 tonnes of non-hazardous leachate available from nine of the 21 landfill sites within 30 miles, which was more than the capacity of the proposed site, demonstrating there was a need locally. Pre-application meetings had been held with the Environment Agency, and

the applicant's proposals had been adapted in line with their recommendations. The applicant was very proud of the 16 full-time jobs that would be generated, both skilled and unskilled roles, which would feed in to the local economy, in addition to the business rates. Whilst the company was new, its staff had good experience in both engineering and planning. The applicant had been to all meetings with Warboys Parish Council, and had liaised extensively with local people, and would continue to do so.

In response to a Member question, Mr McLaughlin confirmed that recycled and reused wood waste was more likely to be processed in the UK after Brexit, as there were concerns within the waste management sector that exporting would become tougher.

Guy McCallan, a local resident, spoke in objection to the application. He advised that from his professional opinion, Fenside Road was unsuitable for HGV traffic. The road was just under two miles long, and for most of its length was only 4 metres wide. He explained how the minimum road width for temporary traffic control was 6.75m, and referred to a number of government guidelines including the DfT's "traffic signs manual", which advises that where there were other road users (pedestrians, equestrian, etc), they need to be taken into consideration, or other measures employed e.g. full road closure and a suitable diversion put in place. If the application was permitted, and it led to increased traffic on road, if those circumstances were repeated in a temporary road works situation, then it would be subject to prosecution. He also referred to the design manual for roads and bridges, specifically the advice on sight lines and minimum visibility splays, which were not met for Fenside Road.

Members asked the following questions:

- why the County Council's professional highways officers had raised no objections. Mr McCallan advised that Highways standards constantly evolve. Fenside Road had some passing places, but if vehicles approached each other, they would be very lucky to pass in passing places, which meant they would need to start reversing or go on the grass verges;
- a Member observed that Fenside Road was already being used for HCVs. It was confirmed that if the application was successful, the combined number of journeys for the MRF and the new site would be less than when the MRF and landfill site were operational.

Katie McCallan, a local resident, spoke. She raised the following points:

- there were numerous inaccuracies throughout the report;
- the technology was untried and untested and therefore the impact unknown;
- the impact on residents had been understated e.g. the noise of the walking floor 24 hours a day, with nothing to stop it, and the way that noise travels;
- the impact on the air and environment;
- the proposed site would be so out of place, standing above the horizon;

- Warboys and the surrounding villages had many horse riders and businesses supporting equestrian pursuits. Over the last eight years, British Horse Society statistics showed that 39 riders and over 200 horses had been killed on the country's roads. Following a question from a Member, it was confirmed that there was no breakdown available by county. The volume and size of vehicles on Fenside Road was bound to have an impact on equestrian safety;
- a petition started the previous week had already been signed by over 2000 individuals.

Lesley Dunkling, who live at Woodview, the closest house to the site, raised the following points:

- the technology was untried and untested in the UK;
- the potentially devastating impact of the proposed plant on the local environment, in terms of traffic, pollution, danger for road users, especially the elderly and young;
- the inappropriate location of the proposed site;
- the proposed location was around 100 metres from her home, and having recently undergone a major operation, she felt that it would have a harmful impact on her health;
- the process would run 24 hours a day, which would lead to noise and other disturbances, which would be in addition to the noise already experienced from the current waste site, which is already so extreme that local residents can't open their windows;
- the unknown potential to impact on health generally.

Mrs P King was registered to speak but was not present.

Trevor Webb spoke from a professional perspective (having worked in the toxic materials industry for 25 years) on the toxic chemicals that would result from the incineration of wood at the proposed CHP plant. He advised that significant quantities of toxic particulates could enter the atmosphere as a result of the processes at the proposed plant, that were likely in an area of over 30,000 inhabitants (Chatteris, Ramsey, Warboys, Bury and surrounding settlements). He outlined the serious impact on health of both occasional and chronic exposure of arsenic, chromium and ammonia. These chemicals, which had been banned by the EU, were often present in paint on old wood products which may be burned in the plant.

In response to Member questions, Mr Webb advised:

- if products including these chemicals went to landfill, the toxic components were not released in to the air;

- he did not have a view as to whether the currently proposed single flue, rather than the originally proposed six flues for the waste water treatment plant would be better– he stressed that the emissions would still be there. The main issue related to the grade and age of wood, and the burning process;
- In response to a question as to whether the toxins would be produced because the wood is burned in this type of facility or whether toxins would be released in this manner whenever wood is burnt e.g. by residents in a wood burner; it was agreed that the toxins would be released during any burning process.

One Member commented that whilst it was helpful to have clarification on particulates and the chemicals mentioned, he believed that the Planning Committee could not take this in to consideration as it was an Environment Agency matter. The Chairman confirmed that this was the case.

Roy Reeves, clerk to Warboys Parish Council for 22 years but speaking in a personal capacity, outlined the history of the site. He noted that the application in front of members was flawed, as it seriously underestimated the impact of the plant, and there were numerous inaccuracies in the reports. The applicant for the proposed development had considered a site at Fordham but this had been discounted as it was only 20 metres from residential properties. The Warboys application was considered acceptable by the applicant because the residential properties were further away, but the nearest one was only 80 metres away, and it was not credible that noise could be dissipated within such a short distance. Whilst acknowledging that Members could only consider what was in front of them, he asked them to consider whether they would be happy if the applicant sought a variation for matters such as throughput etc. as he was concerned that this development could creep into something else. Noting that many matters were for determination by the Environment Agency, he pointed out that those discussions would be held in private.

Susan Wright spoke on behalf of Dr Glen James (a cancer doctor) who could not attend the meeting, about residents' concerns regarding the documentation. Much of the information presented was based on assumptions and vague estimates, but ultimately human and environmental health was at stake. Data should be independently assessed and made available in layman's terms. Acceptable Nitrogen Dioxide levels had already been exceeded in the area, and this proposal was likely to increase those levels even further. There was an alarming incidence of specific illnesses in Warboys and the surrounding communities, and the proposal was likely to have a massively negative impact on the health of residents of Warboys and surrounding communities, through using untested technology.

(the Committee adjourned for a ten minute break)

Professor Brian Lake, a Fellow of the Royal College of Pathologists, outlined the chemicals and potential risks on the site. He commented that there were better methods of disposing of these chemicals. The worst case scenario was that significant levels of phenols could be emitted into the environment. The amount of leachate produced within a 30 mile radius did not meet the volumes required, which suggested other waste water e.g.

from the foods and plastic industries, as suggested on the applicant's website, could be processed at the site. The applicant was using untried and untested technologies; moreover, the company appeared to be in financial difficulties.

David Perkins spoke on behalf of Alan Watson, advisor to the Warboys Landfill Group. He commented that the application lacked the appropriate detail, and could lead to both increased incineration and reduced recycling. The waste hierarchy was an important and longstanding principle of both local, national and EU waste management. Wood waste may be secured locally, but this was not guaranteed. The application was silent on the source of the wood and waste water, and this missing information could make a profound difference to the Environmental Statement assessment in terms of impacts. Once the operation started, there was nothing to stop the applicant from sourcing wood from anywhere in the UK or abroad. There was the potential for Cambridgeshire to become a dumping ground for waste across the UK, which could be made worse by the application for a waste incinerator at Waterbeach to be considered by the Committee later in the month. The applicant also queried why the Waterbeach application was not being considered first. This was a grossly inefficient method of waste water treatment – in energy benefit terms, any biomass plant in the UK was more efficient.

A Member clarified that whilst a number of objectors had stated that the technology was untried and untested, that was the case only in the UK – the technology was in use in the USA.

Alison Cheng, a Chartered Accountant, spoke on the company and its finances, outlining the lack of expertise of key staff, and the limited time the company had been in existence. She also advised that there was existing leachate in Warboys with toxic matter in it, and this proposal to use untested technology in the hands of companies that were new was highly questionable.

The legal advisor advised the Committee that the background of the company and its finances was not a material planning consideration, and could not be taken into account, as planning permission was determined on the suitability of use of the land, and ran with the land, not the operator of the site.

Alison Jones, who resided at Dorringtons Farm, which was close to the proposed site 300 metres from the site, spoke on the application. She commented that it was very worrying that basic factual information was incorrect in the reports provided. A number of nearby residential properties were not mentioned at all, especially those to the north and west of the site. The noise and odour assessments provided in the document gave inaccurate measurements, and the landscape and visuals provided gave an unrepresentative impression. The company was new and had no experience or expertise, so there was no confidence that they could deliver.

A Member commented that the Committee had visited Dorringtons Farm on their site visit, so to say that the Committee and officers were not taking account of adjacent residential properties was disingenuous. The most significant locations highlighted by the District Council landscape officer had been visited. Ms Jones advised that the Committee had

visited Dorringtons Farm *House* and buildings, not Dorringtons Farm itself, and the location of the Farm was clarified.

David Ball spoke to the Committee about the waste hierarchy, the objectives of reducing landfill, and also reducing reliance on incinerators. CHPs were a possible solution, but only if energy could be generated and used locally. Only 5-8% of the energy generated from the site would go to the national grid, which was not even enough to power Warboys. It was unclear where the rest of the energy was going. The applicant had stated that it was a benign process, but it was a very inefficient process, and he suggested that around 25% of heat was released into the atmosphere. The government had expressed concerns about the proliferation of waste incinerators, which was less desirable than recycling.

Betty Ball, Chair of WLAG (Warboys Landfill Action Group) advised that the Group had scrutinised the application and were alarmed by the number of discrepancies. There were references to “waste water including leachate”, but the source of these were unclear. There was also a suggestion that the Warboys site might handle waste from food and plastics industry, which was alluded to on the company website, but not in the application. Plastic in water was a real concern. This was an untested process, and if planning permission was granted, the Environment Agency would then consider the permit. It was very much the wrong project, at the wrong time, in the wrong place. She urged Councillors if they had any doubts, to refuse or defer the application.

(Susan Wright was registered to speak at this point, but had already spoken on behalf of Dr Glen James, and had nothing further to add).

Rhona Allery, who had a doctorate in Physics, spoke on the application. She said the location of the site with houses on the western side had not been considered, and reminded Members that decibels were a logarithmic, not arithmetic scale. The fans and other machinery would be emitting noise at 70-80dB, which was significantly louder than normal background noise. She reminded Members that due to the open fen landscape, residents could hear a tractor a mile away. As a result of the 24 hour nature of the operation, residents would be disturbed at night. The noise from the loader was over 100dB which the applicant stated was “not significant” due to the average noise output. All modelling assumed that equipment would be inside buildings with windows and doors shut, not outside or with open windows. She added that the planning authority had been that the application contravened four or five County Council policies.

A Member asked Dr Allery if an increased bund height would make a difference. Dr Allery responded that increasing bund heights may possibly help, but they should be designed so as not to degrade. However, the gaps in the bund to permit vehicular access seriously reduced their effectiveness.

Sarah Glenny spoke on behalf of Jan and Mark England. She challenged the statement that Fenside Road was “very quiet and hardly ever used”. The traffic assessment was carried out between 7.50am and 8.50am on a Monday in December. The road was usually very busy early in the morning with road deliveries and farm traffic. With additional vehicles, there was a greater risk of accidents. Concern was also expressed regarding the junction of Fenside Road with the A141, which was a very busy road, and difficult to

join. It was suggested that the applicants had underestimated traffic using A141. Additionally, the US software modelling system used was irrelevant in this context. The applicant had provided figures on accidents which were misleading, and did not include the frequent near misses. There was real potential for emissions to enter water courses, crops, and animal feed, and ultimately human food. She strongly urged Members to challenge the applicants on the validity of their claims.

In response to a Member question on whether there had been any increase in traffic levels since 2012, Ms Glenny advised that she did not have the exact figures, but there had been a significant increase in the number of homes in the Warboys area, and traffic in and out of the village had increased as a result.

(Pamela Kitchen was registered to speak at this point, but said that her points had already been covered).

Karen Armstrong spoke on what Warboys had endured over the last 20 years and the quality and composition of the leachate produced. The operators of the MRF had repeatedly insisted that the leachate was not hazardous, but there were a significant number of residents were suffering from leukaemia, which could be caused by the leachate and/or gases from the site. The current waste site has never been compliant and the EA has never taken action. Residents' confidence was also knocked when officers said that an EIA was not required, which was challenged and the Council's legal advisor confirmed it did need EIA.

In response to a Member question, Ms Armstrong confirmed that the level of leachate site had never been in compliance with the environmental permit.

Daniel Fabb outlined the impact of the proposed scheme on his farm, in terms of lorries parking and waiting outside the farm when the landfill was in operation. He also raised issues about the impact of the evaporator and burner chimneys on the primary school and homes. The technology was unproven and untested and should be on another brownfield site. Mr Fabb had a beef cattle farm, and the impact on grazing was unknown. The site would also lead to increased traffic on an already congested A141.

Anthony Jones expressed concern about the technology used and its impact on greenhouse gases/the ozone layer. The wood would be from unknown sources, potentially with unknown toxins. Added to this was the potential pollution from the leachates, which would be dispersed into the atmosphere by the tall chimney, which could impact on Warboys and communities further afield. The scheme brought very little benefit to the community, and the Council had failed the community before. He stressed that the health issues were the community's overwhelming concern, and in addition this was an ecological disaster. The money from the council tax wouldn't even cover the upkeep of the road in his opinion.

Anthony Dunkling commented that the application was against the spirit of the written guidelines in the Hunts Local Plan, that stated that such a site should not be within 100m of homes. The control of pollution was largely governed outside the planning process, but contamination and the impact of this on human health were the major concerns. Stated

that being contrary to the Hunts Local Plan was ample reason to refuse the planning application.

Hugh Wittome, a farmer, objected to the scheme on behalf of himself and other farmers. The site could produce toxic rain, which would not be monitored constantly. The plume from the flue would pass over the local area and that would land on farmland, and the watercourses off Fenside Road could be contaminated if there was a spillage. If contaminants were found in the farmers' produce, the supermarkets would blacklist them as suppliers and the food would go to waste. No work had taken place on the emissions from the evaporator – it was vital that all emissions were constantly monitored, and that a baseline audit should be carried out and repeated annually, with the costs borne by the applicant. He urged the Committee to reject the application, in the interest of the livelihood of local farmers, and the potential contamination of food.

Serena Allery pointed out to the Committee that the fens were known for their fogs, and the impact that the polluting emissions from the flue could have, with pollutants going in to local people's homes and gardens, and on fruit and vegetables in residents' allotments. Moisture would be trapped near the ground causing pollution and smog at road level. Ms Allery was an asthmatic, and was unable to live in a polluted atmosphere. She pointed out that air pollution had been attributed to 40,000 premature deaths in the UK every year. In addition, the impact of the traffic on Fenside Road should be considered, which was used by many local people recreationally, and could be very dangerous – she had experienced an incident when riding her horse there herself, 2-2.5 years ago, which she had reported to the landfill site. She encouraged Members to refuse the application.

Martin Allery highlighted that the report indicated that it was unknown whether the odour would be highly or moderately offensive. There were many incidences in the past where the Environment Agency had not taken any action. He suggested that the application be deferred until there was sufficient experience of the waste water treatment process. He also highlighted issues around the Saturday hours having been extended for the MRF site for skip lorries. He suggested that it was likely that the adjacent MRF would take in unshredded waste wood and process it on site.

Greg Pelling spoke from his own experience of running engineering firms, and his knowledge of the chemicals involved. He outlined the procedures that have to be taken in such businesses when there was a leak, including evacuations, and the use of full chemical suits with respirators. It was already being acknowledged that chemicals would enter the air, and whilst the applicant would be checking and monitoring, this would impact on the primary school and local homes. As a local employer, he felt that if planning permission was granted, people would move away from the area. Recommended that Members must not accept, at best reject and as a minimum defer the decision.

Councillor Rogers spoke as the Local Member. Points raised included:

- a further development of around 500 homes had been confirmed for Warboys in the Local Plan, and there were about another 470 homes in the pipeline;

- whilst appreciating that many issues raised were the responsibility of the Environment Agency, the Committee could forward its recommendations to the Environment Agency and other agencies involved;
- everyone was aware that this site had a chequered history, hence the renewed anxiety and distress about the latest application. Residents were concerned about the incremental approach to the development of this site, and were worried about what would happen next. The objectors were also concerned that there had been so many factual errors, and that many of the applicant's statements had not been challenged by officers. Reference was made to there being no EIA at the start of the process, which was overturned following legal advice. Residents were concerned that there had already been an extension on the landfill site for two more years;
- the waste water treatment technology used was completely untried and untested in the UK, and whilst the applicant stated that similar plant had been operating in the USA, they had not provided accurate figures on its operation. He also expressed concerns about the potential damage of only having one flue, when the Meriden and Daventry sites were retaining six;
- there was no mention of the impact on the adjacent caravan site. A site in Fordham had been dismissed because there were residential properties within 100 metres (Woodview) - where was the 'acceptable' line drawn?
- there was nothing to stop the operators of the adjacent MRF from working with the applicant, with wood being shredded at the MRF site, which had not been considered in noise assessments. This in turn could lead to more vehicle movements, bringing more wood waste in to the MRF, so questioned whether the cumulative impacts had been properly assessed?;
- no independent assessment had been made of the visual impact – the Committee was reliant on the photos provided by the applicant and these views weren't provided using the winter months so more foliage evident on the trees. Moreover, only four Committee Members attended the site visit on Monday 3rd September;
- there were insufficient risk assessments: no surface water disposal scheme, no accident management or fire action plan;
- Natural England had not objected to the proposal, but Campaign to Protect Rural England (CPRE) did object;
- as per Section 8 of the national policy, the application could be rejected if the adverse impacts outweighed the benefits. There was no substantive evidence of 'market need' in the report;
- the claim that the site would reduce transport costs was misleading, whilst the report suggested that wood waste was currently being sent to wood burners in Scotland and Yorkshire, there was no evidence that other means of transport e.g. rail had been considered, and no evidence of where the majority of wood was coming from, and no differentiation between Grades B and C;

- 99% of waste water would have to be imported, and there was no indication of the source, as many other sites already recycle their own leachate;
- so much information was missing, and the officers' report took the applicants' information on wood and waste water availability at face value;
- officer report fails to acknowledge many of the 12 policy issues raised by the Parish Council.

In response to questions from Committee Members, the Local Member advised:

- in terms of residential development, there were 500 homes in the Local Plan, and a further 470 in the pipeline, making 970 in total;
- since the traffic assessment had been made in 2012, there had been significant development in Warboys.

The Chairman thanked all speakers for their presentation, for raising pertinent points and for not repeating other speakers' points.

The Legal Advisor recorded the following comments:

- a few comments had been made regarding potential additional requirements for the proposed site, including potential application(s) from the applicant to vary conditions, or speculating as to whether conditions would be complied with. These should be disregarded, as Committee Members should consider the application before them;
- many comments had referred to the Environment Agency environmental permit. Committee Members were reminded that the NPPF provided that where processes were governed by other organisations, it was not for the Committee to second guess the outcome of those processes;
- the permission if granted would run with the land, therefore the Committee should not be concerned with the credentials of the operator, except in land use terms;
- any previous enforcement issue on the adjacent MRF site was not a material planning consideration.

(The Committee adjourned for lunch, and reconvened at 2pm)

The Chairman invited Committee Members to submit any points of clarification they may have for officers, following the presentations by speakers:

- a Member queried whether an Environmental Impact Assessment was required. Initially officers had taken the view that it was not required. That view had changed following a challenge from WLAG and receipt of legal advice, and the applicant had since provided the Environmental Statement;

- the issues surrounding filters for the one flue (as opposed to six): officers confirmed that this was a matter for the Environment Agency;
- a Member queried the reference to the height of flue given the height of the Warboys escarpment, and whether dispersal rate was known. Officers advised that the flue and its height were designed with both the landscape and Environment Agency emission levels in mind, and would have been modelled to take into account the worst case scenario. When the Environment Agency reviewed this for the environmental permit, they would consult with Public Health England, and would look at where any pollutants may fall;
- a Member commented that some well qualified individuals, speaking as objectors, had given the Committee their views and opinions on a range of issues, including particulates. She was aware that the Committee was very constrained in what it could consider. However, the Committee needed to weigh up harms versus benefits, and some of those harms may only be substantiated when the Environment Agency was considering the permit. How could Committee Members consider those factors when reviewing the application? Officers responded that the views of relevant specialists, including Public Health England and the Director of Public Health had been sought, and their responses were in the officer report. The Environmental Health Officer at Huntingdonshire District Council had also made comments. When considering these issues and land use, those consultees' views should be taken into consideration. When looking at cases where applications had been rejected on such grounds, Planning Inspectors fully understood these types of concerns, but when looking to substantiate those claims, no weight could be given to the "fear factor". Similarly, on the question about untried and untested technologies, the Environment Agency guidance encouraged new technologies. In conclusion, the Committee had to be guided by specialist consultees, and focus on the land use planning considerations;
- in response to a question on inconsistencies in the information presented, e.g. distances, officers responded that a number of different parties were considering matters from different perspectives, and different measurements were used. For example, the distance from the combustor to specific points such as houses; the distance from the nearest part of the site to a property's garden.

There was a discussion around the relationship with the adjacent site, the MRF, as potentially the MRF could provide pre-shredded wood for the proposed development. However, that would be subject to a contractual agreement with the applicant. The MRF could shred wood within the recycling building, and that the MRF as a whole was subject to a noise limit condition. A Member commented that a number of objectors had indicated that there was noise from the MRF as the large doors were kept open all the time, and if the application was approved it may lead to more wood shredding on site.

A Member asked where Dorringtons Farm was, as an objector suggested that the location that Members had stopped at on their site visit, next to a barn and black tanks, was not Dorringtons Farm. The objectors showed on the screen the location of Dorringtons Farm.

The location of the proposed acoustic barrier near the site entrance was identified.. It was suggested that there was an outside chance that the barrier could have the effect of rebounding sound into the property (Woodview), and it would be more usefully aligned along the boundary. Officers confirmed that the proposal for the acoustic barrier came about as a result of a point raised by the Environmental Health Officer.

A Member asked if the traffic assessment had been done at an unsuitable time in terms of the time of day and time of year. The Highways Development Management Officer advised that the Transport Assessment team would have considered the time it was carried out and used the latest methodology, and would have looked at the accident statistics. It was confirmed that traffic assessments were always carried out on a representative day, and also at peak traffic flow time. Officers reassured Members that the traffic assessment had been done according to the correct methodology.

A Member asked if anything dramatic had happened to change the volume of traffic. Officers confirmed nothing unusual had happened, other than regular housing development. Planning Officers confirmed that the transport assessment team had looked at traffic levels in 2018. The reference to a traffic count in 2012 was to a *manual* count.

A Member noted that the application contravened five of the Council's policies. Officers responded that it was unusual for applications to meet all policies; applications needed to be considered against the development plan and the NPPF as a whole, and a balanced view taken. The site was not allocated so it had to be considered under Minerals and Waste Core Strategy policy CS18. The officer report balanced everything taking into account local and national policies.

A Member sought legal advice about the various options open to the Committee i.e. deferral, approval or refusal of the application, in particular the issues around judicial review if the application was approved, and appeal if the application was refused, and the potential for lessening of conditions if the application was refused and was overturned on appeal.

In response, the Committee's Legal Advisor made the following comments:

- (i) the application could be deferred, so that Members could ask officers to gather further information: however, careful consideration would need to be given on the grounds upon which it was deferred;
- (ii) in terms of a judicial review, the planning balance was the role of Members. There were several potential grounds for a judicial review, but in terms of decision making, only if the decision was considered unreasonable in line with the Wednesbury Unreasonable principle would the decision be reviewed;
- (iii) if the Committee refused the application, Members would need to put forward their material planning reasons for refusing, and cite the specific planning policy. The applicant would then be able to appeal on the basis of those specific planning policies;

- (iv) with regard to whether a material planning reason had been given by which the application could be refused, she advised that it was not within the scope of her role to form or share her views on the application. The Committee had heard the views of the statutory consultees and relevant professionals, and those consultees and advisors had not raised any objections. Members needed to consider what weight those views were given.

A Member queried the impact on costs to the authority in the event of an appeal. The Legal advisor explained that the general rule was that each party bore their own costs in an appeal however costs could be awarded if the parties acted unreasonably. She added that whilst the different specialists had approached from different angles, officers were happy that the information that the specialists had presented was accurate and had been tested.

A Member commented that a lot of the concerns from residents in the immediately adjacent properties, on issues such as noise, dust and other environmental issues, were more appropriately the subject of an environmental permit. The Member asked if there was any point in the decision making process where the Committee could ameliorate its powers, e.g. District authorities could refuse applications on the grounds of noise impact, but it appeared that the Committee did not appear to have those powers, they would be dealt with by a third party (the Environment Agency). Officers confirmed that the report includes Conditions (13 and 14) on noise levels, and they had applied all conditions that they were able to apply. The Environment Agency was governed under a separate regime.

A Member asked if the conditions could include enhancements to Fenside Road through any Section 106/CIL funding from the development. Officers advised that this could not be included in the planning conditions, and that they could not stipulate to District authorities how they spent Section 106 monies.

In response to a Member question, it was confirmed that the applicants had said they had a permit for a similar development in Daventry, and were expecting a permit for a similar site in Meriden. It was further confirmed that those sites used the same technologies, although the Warboys site would have one flue rather than six for the waste water treatment plant.

A Member queried the issue raised by residents about the impact of the evaporating water, and the potential for smog. Officers advised that this would be a matter for the Environment Agency/environmental permit, and that they would be happy to inform local residents when that consultation was taking place. It was confirmed that the technical data would need to be specific to Warboys. In response to whether officers could provide any comfort in relation to residents being able to get involved in the environmental permitting process, officers confirmed that they would speak to the EA to gain details when such an application had been 'duly made' so that this could be shared with residents who had made representations to the planning department directly on this planning application. Noting the data protection restrictions this information would be sent out on a blind copy e-mail.

A Member observed that although many objectors had suggested the technology was untested, it did exist abroad, specifically in the USA, although planning and environmental legislation may be quite different there. Much depended on the Environment Agency and the environmental permit.

A Member suggested that if the Committee took the decision to approve the application, it would be appropriate to require a liaison group, with a requirement that the applicants attend. Officers advised that the applicants had attended the current liaison group meeting which exists for the landfill site, and there was no indication that there would be objections to such an arrangement.

Councillor Kindersley proposed, and Councillor Harford seconded a proposal to include a Condition for a liaison group to be formed, and for the applicant to submit a scheme of how that liaison group would be implemented.

Having visited the site, read the report, listened to speakers, and asked questions of speakers, the applicant and the planning officers, individual Members of the Committee made the following points:

- the arguments from residents had been compelling, and Members were particularly conscious that residents of Warboys feel they have suffered as a result of waste management activities at this site for many years. However, the concerns expressed mainly related to issues covered by the Environment Agency, which were beyond the scope of the Committee, which the Member acknowledged was incredibly frustrating for residents;
- officers had outlined the issues that an Inspector would look at if the application was turned down and went to appeal, and the likely outcome, which may include fewer or less restrictive conditions;
- a Member advised that she was not wholeheartedly against incineration, provided it was done with the best possible technology, and providing that doing it generated significant benefits. However, she was not convinced that the proposed scheme would result in a movement up the waste hierarchy, so she was not convinced that the benefit would be sufficient. She would therefore be voting against the application;
- a Member thanked the residents of Warboys for attending and eloquently presenting their views, and also to the Local Member. He felt that road improvements would only result in faster HGVs. Whilst recognising concerns about contamination and pollution, most of this was under the control of the Environment Agency;
- a Member commented that the Committee Members were in an invidious situation, and that the objectors' concerns had been eloquently put forward. She expressed concerns about landfilling wood waste when this could be used to produce energy. However, it was suggested that Grade B wood waste could be reused. Members noted the issues around whether there was a need for the facility, how far wood waste and leachates would be transported, and the impact on traffic movements

locally and further afield. Other issues where she expressed concerns were (i) the issue of the MRF doors being open, (ii) the best location for the acoustic fence, (iii) the process for the pre-treatment process for dealing with odour, and (iv) the whole issue of odour being subjective i.e. some people were particularly sensitive to odour. Reluctantly, she felt that the residents of Warboys would be offered the best protection if the Committee agreed the application. The Legal Advisor clarified that if the application was refused and went to appeal, the Inspector may choose to remove conditions, or add conditions, but it was difficult to predict with any accuracy what the outcome may be;

- a Member thanked the objectors for their presentations, but concluded there were no good material planning reasons for refusing the application. In response to a question, it was confirmed that Condition 7 required records to be kept on site, and available for inspection when the site was operational, but clarified that Council officers had the right to monitor the site at any time of the day or night;
- a Member asked if there was any scope in the conditions to minimise operating hours. Officers explained that there were a number of elements to the processes: some processes needed to be carried out 24 hours a day/seven days a week, specifically the walking floor. The proposed delivery hours were the standard 5.5 days per week. Noise limit conditions were included. Officers responded that it would be unwise to arbitrarily do that as part of the Committee's decision making process, this should be done in consultation with the applicant and Environmental Health Officer so that the operating hours and noise barrier could be considered. It was also noted that the noise threshold discussed had been set by the EHO to cover all eventualities;
- a Member commented that he had not heard a material planning reason to turn down the application, and that the Committee had to rely on the Environment Agency enforcing conditions of the environmental permit, to alleviate the impact on local residents;
- a Member commented that he could not see a material planning consideration to reject the application, and on balance and reflection he would accept the officer recommendations, with a heavy heart.

A Member asked the Legal Advisor, that in the case of an application being refused and subsequently allowed on appeal, how often the Inspector disregarded the original Conditions. The Legal Advisor commented that this was a subjective question, as it depended on the application and the circumstances. Officers advised that based on other cases, the most vulnerable conditions were on catchment restrictions which were not in accordance with the current direction of Government policy.

It was agreed, by a majority, to grant planning permission subject to the applicant entering into a Section 106 planning obligation to secure off site mitigation and the conditions set out in Appendix 1 to the minutes, with the inclusion of a condition for a liaison group to be formed, and the applicant to submit a scheme of how that liaison group would be implemented.

(The meeting adjourned for 20 minutes)

**54. IMPORTATION BY RAIL AND DEPOSIT OF INERT RESTORATION MATERIAL TO RESTORE FORMER CLAY AND CHALK QUARRY
AT: BARRINGTON QUARRY, HASLINGFIELD ROAD, BARRINGTON, CB22 7RQ
LPA REF: S/0204/16/CW
FOR: CEMEX MATERIALS LTD**

All Committee Members confirmed that they had received and reviewed copies of the uncorrupted appendices, and also a note about the Independent Inspectors' final report on the South Cambridgeshire District Council Local Plan.

It was resolved unanimously to suspend standing order section 9 of Part 4-Rules of Procedure, Part 4.4 –Committee and Sub-Committee Meetings.

The Chairman urged objectors not to repeat points covered by other objectors.

The Planning Officer presented the report, with the assistance of photographs, maps and visuals. She explained that the scheme related to the proposed importation of inert waste by rail to restore the former chalk quarry. The area covered by the planning application was noted, and also its proximity to an area with outline planning permission for a residential development, the village of Barrington, and the nearest existing residential properties. The extent of the existing restoration area, granted planning permission in 2011, was noted. Photographs were shown of various elements of the site, such as the railway line and level crossings. An informative site visit by Committee Members had not been possible, as there were no trains running at the moment, so instead videos of trains running would be shown later in the meeting. Plans showing the proposed phasing of the landfill and restoration of the site were shown.

Importation of waste under the 2011 permission stopped in July 2018, and was about 60% complete, and the current planning permission will expire in December 2018. The applicant was proposing a maximum of 8 train movements per day, but with an average of 6 movements per day calculated over working days in a calendar month. It was confirmed therefore that where a maximum of 8 train movements were undertaken on one day, this would result in fewer movements on another day to ensure the average was met. The concerns that had been raised were noted, specifically the issues around queueing traffic on the A10. Representations had been received from residents, with noise being the most significant issue. The Committee's independent acoustics expert was unable to attend the meeting but his detailed report was included as part of the agenda pack. Mitigation for the proposed housing development was also detailed in the report.

Two short videos were shown. The first showed a train arriving and backing into the sidings from the mainline, with 'shunters' who manually shut the gates at the Glebe Road level crossing. It was further noted that staff were required to manage trains in and out of the site, and trains were not allowed to travel up the branch line before 7am. Officers were clear that these two videos were being used for illustrative purposes only and that the sound should not be relied upon for any concerns in relation to noise.

The second film showed the Glebe Road level crossing, a manual level crossing, and the procedure that should happen, with 'shunters' available to close the gates to road traffic to ensure the railway line was open for the train to pass through.

Councillor Ray Kemp spoke as a member of Barrington Parish Council. He explained that his professional background was as a chartered town planner, and he was a specialist in risk assessment. He noted that the conclusions in paragraph 8.76 (page 160 of the report) noted that the benefits based over 15 years just outweighed the harm in officers view, so this was very finely balanced. It was acknowledged that past performance is not a material consideration, but the Parish Council was concerned about the effectiveness and enforceability of the conditions, with concerns about the loss of amenity in Area B and future residents in Area C. He stressed that whilst the noise assessment focused on the acoustic issues, there was also a real issue on the impact on amenity, i.e. the size of the trains, smell and vibration, as well as unacceptable levels of noise. If permission was to be granted then Members need to think hard about the conditions that are attached.

In response to a Member question, it was noted that the Parish Council had not discussed in detail reducing the number of trains. However, it was acknowledged that this would extend the life of operations e.g. at the current rate, the restoration in terms of filling would not be complete in 15 years.

Ian Southcott spoke on behalf of the applicant, Cemex. Since the financial crash in 2008, previous levels of demand for materials had not been re-established. The decision was taken to close the cement works and restore the quarry. It was therefore taking longer to restore the site, taking into account also that the SSSI site had been uncovered during operation. The proposal represented the best outcome for the site. Natural England was supportive of the restoration scheme, especially as it would provide protection of an important geological SSSI. The application was in line with the principles of the NPPF and both local and regional policies. There would be no train movements on weekends and Bank Holidays. He acknowledged that train movements do have an impact, but the frequency and low speeds of the trains provided considerable mitigation, minimising the impact of operations. There had been an active liaison group in operation for many years, and the company had engaged with individual residents including Mr Bird and Mr and Mrs Pow. The applicant concluded by saying that the officers' recommendations recognised that the proposal was an acceptable option.

In response to a Member question on why there had been no trains recently, it was confirmed that trains had been suspended in July, as the current permission was coming to end of its life, which had made securing contracts for inert materials more difficult. This information had been communicated to the liaison group members by e-mail to explain this. If approved, there would be a much longer period to restore the quarry.

In response to a Member question, it was confirmed that HCVs used Chapel Hill and the A10 through Foxton.

A Member noted that in 2011 permission was granted for five years, and the intention had been to restore the western part of quarry to grassland at a lower level. The proposal now

stated that the eastern area would be filled to a higher level – what had changed? Shaun Denny of Cemex advised that the current 2011 scheme was sub-optimal, whereas the new scheme represented the best case scenario. Cambridgeshire Wildlife Trust identified that it would require a much longer management period. Officers commented that this was also a matter raised by the Wildlife Officer, and the company had agreed to a 20 year scheme, to ensure the restored grassland was well-established.

In response to a question on why the locomotives idle for 30 minutes, Shaun Denny advised that they had to pressurise their air brake system. These were large diesel engines, and this was standard operating practice in rail industry. He also noted that the noise assessment undertaken had assessed idling for this period of time.

A Member noted that it was specified that within a year there would be no locomotives older than class 59 entering the Foxton sidings (i.e. between 23-33 years old), as newer ones had reduced emissions and less noise. Mr Denny advised that modern locomotives were usually used, and the chance of Class 59s being used was quite limited as only have 8 on the network at the moment; they were more likely to be Class 66s. However, in response to a Member question, it was acknowledged that it was the train operator that would choose the engine rather than Cemex.

In response to a Member question, Mr Denny advised that whilst wagons can be noisy too, the noise limit would cover the whole train and not just the engine.

In response to a Member question, Mr Denny advised that the shunter not getting round to the gates in time was the exception rather than the rule, but he could not specify how often this occurred as this was not specifically monitored by Cemex.

Peter Bird, speaking on behalf of the Bendyshe Way Residents' Association, presented a video, which showed the train stopping at the rear of his property. He explained how often the train usually stopped, how busy the line was, and that two shunters were present when the line was busy. It was in residents' interests to have fewer trains for longer. He raised concerns that the scheme may take more than fifteen years, even if running at capacity every day, as the conversion rates for the material were not clear in the report. He stressed the improvements to amenity that could be achieved by having fewer trains (4 movements per day), and also highlighted the problems to residents by having emergency access to part of Glebe Road and Bendyshe Way cut off when the trains were coming through. In summary, he would prefer to have the improved amenity of two trains a day for a longer period.

In response to Member questions:

- Mr Bird confirmed that his video had been taken at around 11:00 in the morning from his bedroom window;
- Mr Bird confirmed that his property had been built around 2001, the rest of the properties had been built around 1971. Acknowledged that the light railway was probably started around 1921 but Cemex would be able to confirm that, and the light railway had never been used as a passenger line to his knowledge;

- officers confirmed that the line had been used for heavy locomotives for three years;
- the newer locomotives and carriages had much better suspension and were much quieter.
- Mr Bird confirmed that the train stopped at the level crossing as shown in his video 2 or 3 times a month.

Ross Pow spoke in objection to the application, on the basis of the noise from the trains. His home was near the A10 and the mainline railway station, and the branchline, when it had been in operation for light railway movements serving the cement works, had not been an imposition. He played a recording of the train noise of the heavy trains as experienced from his property, and explained that this was the loud noise from the trains that his family had experienced since 2015, for up to 30 hours per week. Idling times had increased, and many drivers were unaware of the existing restrictions. Trains ran excessive hours, before the agreed start time and after the agreed finish time. The applicant had stated that they did not have control of their contractors once they had left the site. The District Council's Environmental Health Officer had stated that the controls could not be relied on to mitigate the noise.

Ria Pow advised that the family, who lived at College Farm, and did not want to give up their family home, had not objected to the 2011 application. However, the noise levels were unacceptable, for up to 14 hours a day, and the family may need to move.

In response to a Member question, Mr Pow confirmed that the family had complained to both the Council and the applicant when trains had begun operating before 6am, and had been complaining for three years. An Enforcement Notice or letter had been sent to the applicant, but at that stage they had given up running trains. The family had a catalogue of evidence detailing the contraventions, including the idling times. The subcontractors had severe problems getting slots onto the mainline, so avoided this problem by starting very early and sometimes finishing very late, sometimes waiting for 6-7 hours. There were a variety of reasons why the drivers did not switch off after 15 minutes, e.g. to keep warm, and most drivers were unaware that they were supposed to switch off.

Charles Cook spoke in objection to the application. He stressed the costs to A10 users, highlighting the issues from the traffic building up around the level crossing. The situation had worsened over the years due to increased traffic volumes and longer and more frequent trains. He queried what the costs were to the users of the A10 and the businesses that relied on this section of the road, and to local people in terms of pollution. He suggested that these problems could be avoided if the A10 was avoided completely and Cemex changed their access to the track.

In discussion, it was noted that the previous use of the branchline was much less intrusive as it used smaller locomotives and wagons so was quieter. The 2011 permission had been granted to enable the applicant to upgrade the BLR to use modern locomotives and rolling stock.

In response to a Member question, it was confirmed that if the applicant could not import material by rail, it would need to be delivered by road, which would have a far greater and unacceptable transport impact. If the proposed scheme was not implemented, a low level restoration scheme would be carried out under the terms of the 1993 and 1997 mineral permissions. If the applicant could not import materials to restore the site, this would result in large voids being left on site, some quite deep and filled with water, which would need to be carefully managed due to the potential hazard these presented.

A Member observed that the applicant's proposal included restricting idling to double what had been previously agreed i.e. from 15 to 30 minutes, which seemed unfair. Officers advised that they had gone into considerable detail on this point, including testing and taking into account access on to the line. The principle of enforcement remained the same, irrespective of the time period. 30 minutes was judged to be a reasonable time, and all noise assumptions were based on that 30 minute idling period. If the Committee deemed the 30 minutes to be unacceptable, it could be deferred on that point, and the noise consultant asked to undertake a reassessment, but it would be inadvisable to simply impose 15 minutes idling time. A number of Members felt that reducing the idling time to 15 minutes could improve the noise modelling results.

A Member suggested that it would be appropriate for the Planning Committee to require a specification for the age and condition of engines and trucks.

In response to a Member question, officers confirmed that any breach of condition to planning permission had to be established and a Breach of Condition Notice would be served. It was also stressed that the past performance of a developer or operator was not a material planning consideration and it should be assumed that the trains would be operated in accordance with the Barrington Light Railway Operating Manual. The detail of the proposed Conditions had been closely examined and agreed by the Planning Enforcement Officer and Legal team.

Members discussed the potential to defer the application, with further examination of specific points (see (1) to (5) below). A Member commented that additionally, whilst understanding residents' acceptance that it would take a longer time to backfill the quarry, the void itself was very valuable and worth a considerable amount to the applicant. The commercial implications needed to be clarified.

A Member noted that there was a relationship between the completion of the importation of infill material and any future planning application for residential development in line with the SCDC (South Cambridgeshire District Council) Local Plan. Officers confirmed that SCDC were mindful of this issue.

The Legal Advisor clarified that the Committee was satisfied with the proposal save in respect of the aspects to be considered at deferral which would enable further examination of the following aspects of the proposal:

- 1) noise, specifically reducing the idling time from 30 minutes;

- 2) the number of trains going up the track, and whether a longer period was acceptable in terms of the importation of inert landfill for restoration purposes, and any implications for the proposed residential development;
- 3) the specification of trains and trucks;
- 4) the provision of signage to alert drivers of trains to the conditions that were in force;
- 5) whether any of the amendments may have implications for the dual footpath/cycle path, which was one of the conditions of the proposed residential development.

A Member queried whether there would be any opportunity for a mobile acoustic barrier near Wilsmere Down Farm. It was agreed that this could be explored by officers.

It was proposed by Councillor Whitehead and seconded by Councillor Kindersley to defer the application, requesting further information on the points outlined in points 1) - 5) above. This was carried unanimously.

55. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWER

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

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. 3267-CAU-XX-XX-DR-T-1801 Rev P2 Planning Application Boundary dated 02.01.18 (received 10 January 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 10/01/2018 and in accordance with the following drawings and documents (received 10/01/2018 unless otherwise specified), except as otherwise required by any of the conditions set out in this permission:
 - drawing no. 3267-CAU-XX-XX-DR-T-1801 Rev P2 Planning Application Boundary dated 02.01.18
 - drawing no. 70-001 Rev P1 Site Plan as proposed dated 26.03.2018 (received 23 April 2018)
 - drawing no. 70-003 Site Surface Finishes dated 12.10.2017
 - drawing no. 70-005 Rev P2 Site Sections dated 02.08.2018 (received 2 August 2018)
 - drawing no. 70-006 Site Fire Strategy dated 19.12.2017
 - drawing no. 20-001 Rev P1 Process Building GA Plans dated 26.03.2018 (received 23 April 2018)
 - drawing no. 20-002 Office Building Plan, Sections, Elevations dated 26.07.2017
 - drawing no. 20-003 Walking Floor Canopy Plan, Elevations dated 27.07.2017
 - drawing no. 20-004 Rev P1 Process Building GA Sections dated 26.03.2018 (received 23 April 2018)
 - drawing no. 20-005 GA Elevations Process Building Rev 2 dated 02.08.2018 (received 2 August 2018)
 - drawing no. 20-006 Store Plan, Sections, Elevations dated 27.07.2017
 - drawing no. 24-001 Rev P2 Process Building GA Roof Plan dated 02.08.2018 (received 2 August 2018)

- drawing no. BED-DRG-170059-00-XX-C-0300 Rev P02 Drainage Layout dated 07/12/17

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 Huntingdonshire Local Plan (December 1995) policy En25.

Vehicular Access

4. There shall be no vehicular access to the site other than from Puddock Road at the point shown on drawing no. 3267-CAU-XX-XX-DR-T-1801 Rev P2 Planning Application Boundary dated 02.01.18

Reason: In the interests of highway safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS32.

Archaeology

5. 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; and
 - 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 Huntingdonshire Local Plan (December 1995) policy En12. This is a pre-commencement condition because the archaeological investigation must be carried out before any development takes place.

Waste types

6. The facility permitted by this planning permission shall only accept Grades B and C waste wood and non-hazardous waste water including landfill leachate.

Reason: Wastes outside these categories require separate consideration by the waste planning authority, in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011) policy CS39.

Feedstock input limits

7. No more than 48,500 tonnes of Grades B and C waste wood and no more than 65,000 tonnes of waste water shall be accepted at the site in any one calendar year. 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 so that they are available for immediate inspection by Council officers between the hours of 0900 and 1700 Monday to Friday and the records must be able to be collated into a report that will 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 25 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 commence 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 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 and Huntingdonshire Local Plan (December 1995) policy CS8. This is a pre-commencement condition because the surface water drainage arrangements need to be agreed before construction work starts.

Construction environmental management plan

10. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the waste planning

authority. The CEMP shall include, but not be limited to, the consideration of the following aspects of construction:

- Routing of construction vehicles
- Agreement and notification of abnormal loads, including resolution of any damage to the public highway as a result of the deliveries
- Hours of construction including deliveries
- Location of contractor compound and stores
- Arrangements for the parking, turning, loading and unloading of vehicles during the period of construction
- Noise, vibration, dust and mud control (including wheel cleaning arrangements and any physical or management and monitoring controls to be put in place to address the four principal areas)
- Construction methods and phasing of development (including a timetable of proposed works)
- Drainage control measures including oil interceptors and bunds
- Contractor contact details and complaints procedures
- Artificial site illumination (including proposed hours of use)

The CEMP shall be implemented in accordance with the approved details, including the timetable of proposed works, unless otherwise agreed in writing by the waste planning authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents, in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011) policy CS34. The CEMP relates to the construction phase so must be in place before any development commences.

Hours of Construction and Operation

11. The development approved by this planning permission shall only be carried out during the following times:

Construction Hours

Monday to Friday 0700 to 1900 hours

No construction work shall take place on Saturdays, Sundays and Bank or Public Holidays.

Operational Hours

Continuous operation of the CHP plant and waste water treatment plant is permitted. This includes essential maintenance.

Use of mobile plant is allowed for stocking the wood walking floor between 0800 and 1800 hours daily.

Waste delivery and export

The receipt and export of all waste HGVs (loaded or unloaded) to and from the development hereby permitted shall only take place during the following hours:

0700 to 1900 Mondays to Fridays
0700 to 1300 on Saturdays

There shall be no HGV movements on Sundays and Bank or Public Holidays.

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.

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.

Noise Limit

13. The level of noise emitted from the development hereby permitted shall not exceed 5dB LAeq (1 hour) freefield above the background noise level measured as LA90 (1 hour) at any noise sensitive property (including domestic premises, hotels and hostels, educational institutions and hospitals and clinics).

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.

Noise monitoring

14. No waste 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 14 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.

Wood waste processing

15. No wood shall be shredded or otherwise reduced in size by the use of plant or machinery on the site.

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.

Noise mitigation

16. No development shall commence until the 3 metre high acoustic barrier referred to in paragraph 3.8.2.1 and shown in Appendix 3.6 of Chapter 3 – Noise (dated March 2018) of the Environmental Statement dated April 2018 has been installed. The acoustic barrier shall be retained for the duration of the development.

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. This is a pre-commencement condition noise mitigation is needed for the construction phase.

Odour

17. No development shall take place other than in accordance with the Odour Management Plan 3268-CAU-XX-XX-RP-V-305 A0 C2 dated December 2017 (received 10 January 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.

Dust

18. No development shall take place other than in accordance with the Dust Management Plan 3267-CAU-XX-XX-RP-V-3006 dated December 2017 (received 10 January 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.

Landscape scheme

19. No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the waste planning authority. The scheme shall include a timetable for implementation. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the site has adequate screening in the interest of visual

amenity, in accordance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS24, CS33 and CS34 and Huntingdonshire Local Plan (December 1995) policy En25. This is a pre-commencement condition because it may be appropriate that some planting is carried out at the start of the development.

Landscape management scheme

20. No development shall take place until a scheme for monitoring, managing and maintaining the landscape scheme referred to in condition 19 has been submitted to and approved in writing by the waste planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the site has adequate screening in the interest of visual amenity, in accordance Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS24, CS33 and CS34 and Huntingdonshire Local Plan (December 1995) policy En25. This is a pre-commencement condition because it may be appropriate that some planting is carried out at the start of the development for which management would need to be in place.

Replacement planting

21. 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 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS34 and Huntingdonshire Local Plan (December 1995) policy En25.

Great crested newts

22. No development shall take place other than in accordance with the Great Crested Newt Mitigation Strategy (Etive Ecology Ltd Report Version 3.0 dated 15 August 2018) (received 15 August 2018).

Reason: In order to safeguard the local population of a protected species in accordance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS2 and CS35 and Huntingdonshire Local Plan (December 1995) policy En22.

Lighting

23. No lighting on the site other than lighting within buildings shall be installed until details have been submitted to and approved in writing by the waste planning

authority. The lights shall be installed and operated in accordance with the approved details.

Reason: In order to minimise the impact of light spillage from the development in the rural landscape in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS34.

Routeing Agreement

24. The site shall not be operated except in accordance with the Traffic Management Scheme: Undertakings by the Developer dated 15 August 2018 (received 15 August 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

25. No waste arising from a distance greater than a 30 mile (48 kilometre) radius of the site as shown on drawing no. 3267-CAU-XX-XX-DR-T-1802 Rev P1 entitled Catchment Plan dated 14.08.18 (received 15 August 2018) shall be received at the site. Waste from a waste transfer station within the defined catchment area shown on drawing no. 3267-CAU-XX-XX-DR-T-1802 Rev P1 entitled Catchment Plan dated 14.08.18 (received 15 August 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.

Emergency water supplies

26. No waste shall be accepted at the site until a water supply for fire-fighting has been provided in accordance with a Fire Prevention Plan that has been submitted to and approved in writing by the waste planning authority in consultation with the Cambridgeshire Fire and Rescue Service. The water supply shall be maintained in accordance with the approved Fire Prevention Plan for the duration of the development.

Reason: To ensure that there is a sufficient and accessible water supply for fire-fighting in accordance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34.

Landfill gas migration

27. No development shall commence until a Gas Risk Assessment (GRA) has been submitted to and approved in writing by the waste planning authority. The GRA shall be influenced by monitoring and the conclusions shall recommend gas mitigation measures if necessary. The GRA shall include all mitigation measures for maximum gas concentrations. The development shall be carried out in accordance with the mitigation measures.

Reason: To protect the occupiers and users of the site from potentially dangerous gas from the nearby landfill in accordance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34. This is a pre-commencement condition because further details are required in order to ensure that risks are appropriately addressed before the design of the buildings has been completed.

Contaminated land

28. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the waste planning authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination will be dealt with and obtained written approval from the waste planning authority. The remediation strategy shall be implemented as approved.

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 paragraph 178 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect and prevent the migration of potentially dangerous gas from the nearby landfill. Further details are required in order to ensure that risks are appropriately addressed prior to the development being occupied.

Informatives

Surface water drainage scheme

1. The surface water scheme referred to in condition 9 shall be based upon the principles within the Drainage Layout and associated details prepared by Buckingham Group Contracting (ref: BED-DRG-170059-00-XX-C-0300) dated 7th December 2017 and shall also include:
- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) 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;
- g) Full details of the maintenance/adoption of the surface water drainage system; and
- h) 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.

2. Protection of nesting birds

The applicant should be aware that nesting birds, their eggs and (active) nests are protected under the Wildlife and Countryside Act 1981 and therefore, the applicant will need to take appropriate measures to avoid disturbing nesting birds and destruction / damage to active nests. Removal of vulnerable vegetation should ideally avoid the bird breeding season (1 March to 31 August inclusive) to avoid damage to nesting species. If this is not practicable then a nesting bird survey should be undertaken by an experienced ecologist prior to direct impact on suitable nesting bird habitat to identify whether active nests are present. If any are found they should be clearly marked and avoided until after the young have fledged and left the nest.