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MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 22 JANUARY 2013

Members Present: Councillors Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Kreling, Shabbir, Sylvester and Harrington

Officers Present: Nick Harding, Group Manager, Development Management
Theresa Nicholl, Development Management Support Manager
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Senior Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Todd and Lane.

Councillor Kreling was in attendance as a substitute.

2. Declarations of Interests

There were no declarations of interest.

3. Members Declaration of Intention to make Representations as Ward Councillor

There were no declarations of intention from any Member to make representation as Ward Councillor.

4. Minutes of the Meeting held on 18 December 2012

The minutes of the meeting held on 18 December 2012 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 12/01409/WCMM – Variation of conditions C2 and C5 of planning permission 09/00078/MMFUL dated 06/05/2010 (Construction of an ‘Energy from Waste’ facility) – Condition 2 to refer to the submitted drawings (which amend the visual appearance of the building) and Condition 5 to refer to the revised throughput of 85,000 tonnes per annum at a calorific value of 9,700 kJ/kg or equivalent, Grosvenor Resources Ltd, Fourth Drove, Fengate, Peterborough

The site of the proposed EfW facility was located on land off Forth Drove within the Fengate Industrial Estate, on the eastern edge of the built-up area of Peterborough, approximately 2.5km to the east of Peterborough City Centre.

The site covered an area of 1.9 hectares and was currently occupied by the Council's Materials Recycling Facility (MRF), which was operated by Viridor. This facility was comprised of a portal-framed unit, housing the processing equipment, offices and an education centre, with a weighbridge, car parking and external hardstanding used for the storage of recycled materials.

Viridor Waste Management Ltd (Viridor) has submitted an application made under Section 73 of the Town and Country Planning Act 1990 for the variation of conditions 2

and 5 imposed on planning permission 09/0078/MMFUL for the construction of an 'Energy from Waste' facility including access from Fourth Drove and exit onto Fengate.

- Condition 2 stated that the development should be carried out in complete accordance with the specified drawings and information.
- Condition 5 stated that the annual throughput of the Energy from Waste plant should not exceed 65,000 tonnes at a Calorific Value (CV) of 9,400 kj/kg or equivalent.

The application for the Energy from Waste (EfW) facility had originally been prepared and submitted on behalf of Peterborough City Council in order to secure planning permission prior to the commencement of a competitive tendering process to procure a facility for the treatment of the municipal solid waste (MSW) arisings of the Council. To this end the principle of an EfW at the application site was established following the Council's approval of the application. The waste to be burnt was that which could not be recycled.

Viridor had been chosen as the Preferred Bidder and had entered into a contract to deliver and operate the EfW facility. However, the facility chosen as part of the procurement process required a number of minor changes to the previously approved scheme. The purpose of this application was therefore to ensure that the necessary planning consent was in place to enable Viridor to build and operate the chosen scheme.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal and outlined the proposed physical changes. The recommendation was one of approval subject to the signing of a legal agreement.

Members' attention was drawn to additional information contained within the update report. Comments had been received from English Heritage and meetings had been held which had subsequently resolved their concerns. In addition clarification had been sought from the Highways Authority as to the internal vehicle layout within the site and this had been clarified by the Applicant. There were also two minor corrections to the main report.

Mr Olive addressed the Committee in objection to the application and responded to questions from Members. In summary, the concerns highlighted included:

- The proposal contravened the proximity principle as set out in PPS10 and the Cambridgeshire Minerals and Waste Plan Policy CS28;
- There was no need for an increased size of waste facility in Peterborough;
- At maximum, Peterborough would need an incinerator of 42,000 tonnes, the variation would increase the current permit from 65,000 tonnes to 85,000. The original permit was well within the needs for Peterborough;
- The proposal did not accord with WM1 of the Regional Spatial Strategy for the East of England, nor PPS10;
- The variation did not comply with the Waste Hierarchy Priority Order;
- The variation conditions would permit commercial and industrial waste to be burnt, as well as increasing traffic movement causing additional pollution;
- The permitted approval in 2010 was only for Peterborough's residential households waste;
- The proposed incinerator size would cause excessive emissions of greenhouse gases;
- An additional 20,000 tonnes of waste would create an additional 16,000 tonnes of greenhouse gases per year, this was not in line with the aims of

Peterborough Environment Capital;

- The variation conditions proposed an inferior incinerator. It would emit more carbon monoxide, more TOCs and Nitrous Oxides;
- By 2015 there would be an overcapacity of waste treatment facilities in the UK;
- In September 2011, the European Parliament endorsed a resolution calling for an end to the incineration of recyclable and compostable material by the end of the decade;
- A lot of the material going into the incinerator would be recyclable materials;
- Where incinerators had been constructed, recycling rates had remained static and had often reduced;
- Incineration was not the best available technology;
- Energy recovery from incineration was extremely inefficient;
- A number of materials should not be burnt, they should be reused, e.g. plastics and timber.

Mr Richard Pearn, the Waste Partnership Manager and Mr Ewan Grimsdale, on behalf of the Applicant, addressed the Committee jointly and responded to questions from Members. In summary, the key points highlighted included:

- Peterborough currently landfilled 45,000 to 50,000 tonnes of waste per year, this was set to grow;
- The landfill sites in Peterborough were almost full and were becoming increasingly more expensive to use;
- Waste used to cost around £7 per tonne to dispose of, it now cost around £80 per tonne to dispose of;
- Landfill tax alone would be £80 per tonne plus the cost of disposal by 2015;
- The project would reduce the amount of carbon and carbon equivalent that the city produced through its waste management by over 10,000 tonnes and would also generate renewable energy;
- The project solution was smaller than originally planned and would generate significantly more energy;
- Viridor had designed, built and operated a number of waste management facilities across the country;
- The proposal would result in a more technological advanced facility and would generate over 200 jobs during its construction and 25 permanent jobs once built;
- The efficiency of the facility would be 27%, this was a leading example for the scale of the proposal;
- The Council had an environmental permit, which meant that it had been established that there would be a negligible impact on the environment in the city and upon human health. An application would need to be made to modify the permit;
- The decision notice, signed by the Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning, specifically included a separate fund for the investigation of a district heating scheme in Peterborough.

Following questions to the speakers, Members sought reassurance from Officers that all of the relevant planning policies were being adhered to. The Group Manager Development Management individually addressed those policies outlined by the objector and in summarising, advised that in his opinion, all relevant planning policies were being adhered to.

Following debate, Members commented that going forward, the use of landfill would become unfeasible, not only from the cost perspective but also in relation to the space available. It was further commented that the increase in the amount of power that would

be generated by the facility was a positive step and the facility would go towards reducing carbon emissions into the atmosphere.

Following further comments both for and against the proposal, a motion was put forward and seconded to grant the application. It was to be noted that assurance was to be taken from the Cabinet Adviser to the Leader for Environment Capital, proposing the motion. The motion was carried by 8 votes with 1 abstention.

RESOLVED: (8 For, 1 Abstention) to grant the application, as per Officer recommendation, subject to:

1. The signing of a Legal Agreement;
2. The conditions numbered C1 to C26 as detailed in the committee report.

Reasons for the decision:

The principle of and EfW facility at the location was established. The main considerations of the application related to the proposed increase in throughput and changes to the design of the facility. The increased throughput would enable the facility to run more efficiently and would enable waste to be moved up the waste hierarchy. The same catchment restriction would apply with regards the additional waste throughput as for the consented. It was considered that the proposal had demonstrated that the facility would operate to minimise as far as possible the polluting effects and that in terms of most emissions, control would be covered by the necessary environmental permit.

The additional traffic associated with the increased throughput would not be significant and would not lead to congestion. As such the proposal was in compliance with PPS10 and with policies CS2, CS22, CS23, CS24, CS29, CS32, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

Policy CS2 was the overarching policy containing strategic vision and objectives for waste management development. The Policy referred to a new generation of facilities that would achieve higher levels of waste recovery and recycling in line with targets. These facilities would be of a good design. Policy CS24 of the Core Strategy required that all proposals for waste management development achieved a high standard of design and Policy CS34 required development to demonstrate there was no significant harm, including visual intrusion to neighbouring uses.

The National Planning Policy Framework contained core planning principles, one of which was always to seek to secure high quality design. It was considered that the revised design was an improvement over the approved scheme and was in compliance with the Policies set out above. The other changes to layout and condenser units were minor changes within the scheme as a whole and would have no adverse impacts.

All other changes since the development had been granted permission in 2010, including physical changes and changes in both national and development plan policy had been taken into account and the conditions revised accordingly. The comments of English Heritage had been taken into account with regards the hydrological monitoring and provisions of a revised legal agreement and it was considered that the proposal met the requirements of the National Planning Policy Framework and Policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy with regards to impact and mitigation on the Flag Fen Scheduled Monument. The proposal overall was in conformity with the development plan and with national waste policy objectives and there were no other material considerations which outweighed determination of the application. The application was also accordance with the development plan.

6. Extension of Speaking Arrangements for Consideration of Solar Farm Planning Applications (App. Refs: 12/01904/R3FUL, 12/01905/R3FUL and 12/01906/R3FUL)

A report was presented to the Committee which sought its views in relation to considering alternative time allowances for speaking at the Planning and Environmental Protection Committee meeting, at which three solar farm applications were to be considered.

The Group Manager, Development Management addressed the Committee and outlined the main reasons for requesting Members to consider a possible extension, in the main those being to allow Officers to arrange, manage and liaise with interested parties prior to the meeting in a more effective and efficient manner. The existing speaking arrangements were detailed and it was noted that although any change could be agreed in principle, it could not be confirmed until the day, when the Committee would vote on any such proposal.

The suggested alternative speaking times were outlined and Members debated them. A number of points were raised both for and against any extensions to time.

Following debate, the Committee agreed a scheme in principle with the caveat that any extensions to the scheme would be approved by the Committee on the day of the meeting.

RESOLVED:

The Committee agreed a scheme in principle as follows:

i) 20 minutes (total) be allowed for each of the following:

- (a) objectors;
- (b) applicant or agent and their supporters

ii) 30 minutes (total) be allowed for speeches from Ward Councillors and Parish Councillors.

iii) MPs be allowed to speak for 15 minutes.

This was agreed with the caveat that any such extensions would be approved by the Committee on the day of the meeting.

Reasons for decision:

The Committee could not make a binding decision on an alternative amount of time to be allocated to speaking at a meeting of the Planning and Environmental Protection Committee, as the Constitution (Paragraphs 9.2. and 9.3 (under Part 4, Section 3) stated that such a decision could only be made on the day of the meeting when the alternative would be applied. However, in the interest of planning for the meeting, and to allow Officers to arrange, manage and liaise with interested parties prior to the meeting in a more effective and efficient manner, a view in principle was sought from Members.

1.30pm – 2.50pm
Chairman

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