

**Application Ref:** 15/00230/MMFUL

**Proposal:** Continuation of landfilling in phases 1 and 2; consequential amendments to the phasing scheme; relocation of site roads and infrastructure including the landfill gas flare; minor amendments to the final restoration contours; continued periodic use of crushing and processing plant and the deferment of the dates for the cessation of landfilling and final restoration by 6 years

**Site:** Thornhaugh Landfill Site, Leicester Road, Thornhaugh, Peterborough  
**Applicant:** Augean PLC

**Agent:** Aecom

**Referred by:** Director of Growth and Regeneration  
**Reason:** EIA development  
**Site visit:** 08.04.2015

**Case officer:** Mr A O Jones  
**Telephone No.** 01733 454440  
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**Recommendation:** **GRANT** subject to relevant conditions

## 1 Description of the site and surroundings and Summary of the proposal

### Site and Surroundings

Thornhaugh I Landfill Site is located about 2 kilometres west of the A1 at Wansford immediately to the south of the A47 Leicester Road. The village of Thornhaugh lies approximately 1km to the north east beyond the A47. The proposal site occupies an area of some 19.4 hectares within the eastern extent of the current Thornhaugh I site which extends to some 37.4 hectares in total. The site currently benefits from permission for use as a landfill site accepting stable non-reactive hazardous waste (SNRHW), asbestos, gypsum and other high sulphate bearing wastes and non-hazardous commercial and industrial wastes. The current permission requires landfilling to be complete by 31 December 2028. The site contains a county wildlife site to the west where it adjoins Bedford Purlieus Site of Special Scientific Interest. The site did contain a population of Great Crested Newts which have been translocated to the County Wildlife Site CWS and are managed by Augean, the applicant. The site is accessed by a single point of access off the A47, which also provides access to the neighbouring Cook's Hole quarry. Phases 1 and 2 are areas of historical landfilling, and have permission for overfilling to achieve suitable restoration contours. Phases 3, 5 and 6 have been landfilled according to modern containment methods, and phases 4 and 7 have been subject to quarrying operations.

### Proposal

The application seeks permission for the excavation of phases 1 and 2, which have previously been filled, to allow for the engineering of modern containment methods for the wastes therein; thus presenting an engineering solution to the difficulties of overfilling the phases to achieve the approved restoration contours. Waste material from these phases will be deposited within the site in landfill cells engineered to modern standards; to ensure the viability of the scheme and create sufficient voidspace for engineering requirements inert materials will be recycled, and mineral wastes exported to the neighbouring Cook's Hole site (subject of application 15/00229/MMFUL). The proposed re-engineering of phases 1 and 2 will result in amendments to the phasing scheme,

though the site will continue to be worked 'from front to back' away from the A47. The restoration contours in the northeast corner of the site will be slightly raised, and the access road (and associated facilities, weighbridge, wheel wash etc.) to Cook's Hole quarry will be temporarily re-aligned. The proposals also seek to continue the use of crushing and processing plant on site, and the long term retention of the existing gas flare. The proposals also include deferment of the landfilling and restoration completion dates by 6 years, until December 31 2034 and December 31 2035 respectively.

## 2 Planning History

Reference	Proposal	Decision	Date
11/01993/WCMM	Variation of condition C1 of planning permission 10/01659/WCMM to allow continued siting and operation of temporary gas flare until 30/12/2016	Permitted	26/01/2012
10/01659/WCMM	Variation of condition C1 of planning permission 09/01458/WCMM - Siting and operation of a temporary gas flare and associated equipment - to extend date of commencement to 30 December 2011	Permitted	15/02/2011
09/01458/WCMM	Variation of condition 1 of planning permission 07/01466/MMFUL to allow for the retention of a temporary gas flare and associated equipment until 30.12.2010	Permitted	03/02/2010
08/01260/WCMM	Variation of condition 1 of planning permission 07/01466/MMFUL to allow for the retention of the operation of a temporary gas flare and associated equipment	Permitted	23/12/2008
08/00391/MMFUL	Installation and operation of a micro turbine landfill gas power generator, permanent flare and associated equipment	Permitted	30/05/2008
07/01466/MMFUL	Siting and operation of a temporary gas flare and associated equipment	Permitted	19/10/2007
06/01069/MMFUL	Processing of secondary aggregate materials recovered from Phase 7 within Thornhaugh Quarry for use off-site; processing of secondary aggregates from suitable waste streams brought to the site for disposal for use off-site, for a temporary period ending 15 November 2011	Permitted	11/10/2006
06/00145/MMFUL	Siting of temporary gas flare and associated equipment	Permitted	08/06/2006
05/00685/WCMM	Variation of condition 7 of planning permission P070/97 to enable mineral extraction over a larger area within the currently approved boundaries of the Quarry	Permitted	21/04/2006
97/00006/MMFUL	Application for determination of new conditions for extraction of limestone and restoration to agricultural use by landfill	Permitted	25/04/1997
P0610/80	Backfilling and restoration to agriculture of quarry	Permitted	01/08/1980
P0304/77	Backfilling of the quarry prior to restoration by importing inert materials, top soil, subsoil and builders rubble from contractors sites	Permitted	06/05/1977

2T7767	Extraction of limestone	Permitted	03/05/1963
T7247	Extraction of Limestone	Refused	26/11/1962
12/00463/MMFUL	Continued operation and restoration (by landfill) of Thornhaugh Landfill Site until 31 December 2029, including restoration by landfill of Phase 4B and 4C, temporary storage of materials on part of Cook's Hole Quarry, revised restoration (nature conservation) and landscaping schemes, and recycling of soils for site restoration and for export off site	Permitted	09/11/2012

### **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

#### **Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)**

##### **MW02 - Strategic Vision and Objectives for Sustainable Waste Management Development**

Growth will be supported by a network of waste management facilities which will deliver sustainable waste management. The facilities will be 'new generation' which will achieve higher levels of waste recovery and recycling in line with relevant targets. They will also be of high quality design and operation, contributing towards addressing climate change and minimising impacts on communities in Cambridgeshire and Peterborough. There will be a network of standalone facilities but also co-located facilities in modern waste management 'eco-parks'. The network will manage a wide range of wastes from the plan area, contributing to self sufficiency but also accommodating the apportioned waste residues from London or authorities in the East of England. Any long distance movement of waste should be through sustainable transport means - such facilities will be safeguarded via Transport Zones. A flexible approach regarding different types of suitable waste technology on different sites will be taken and Waste Consultation Areas and Waste Water Treatment Works Safeguarding Areas will be designated to safeguard waste management sites from incompatible development. A proactive approach to sustainable construction and recycling will be taken and strategic developments will need to facilitate temporary waste facilities to maximise the reuse, recovery and recycling of inert and sustainable construction waste throughout the development period. Where inert waste cannot be recycled it will be used in a positive manner to restore sites. The natural and built historic environment will continue to be protected with an increased emphasis on operational practices which contribute towards climate change and minimise the impact of such development on local communities. (Policy CS2 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

##### **MW14 - The Scale of Waste Management Provision**

Sets out the amounts of waste provision and timescales for the various types of waste management facility to be provided for by the Waste Planning Authority by 2026.

##### **MW15 - The Location of Future Waste Management Facilities**

A network of waste management facilities will be developed across Cambridgeshire and Peterborough. The spatial distribution of the network will be guided by various economic and environmental factors (the relevant details of which will be discussed in the main body of the report).

##### **MW19 - The Location of Hazardous Waste Facilities - Resource Recovery and Landfill**

Where there is a demonstrated need for additional stable non reactive hazardous waste landfill capacity (to that allocated at Addenbrookes Hospital) provision will be made within existing landfill sites. Where there is a demonstrated need for additional hazardous waste sites proposals will be considered in the context of the development plan.

**MW20 - Inert Landfill**

Strategic allocation is made at Block Fen/Langwood Fen Area of Search.

Sites to deliver the remaining 3.69 million cubic metres capacity will be made at mineral extraction sites requiring restoration and identified in the Site Specific Proposals Plan.

**MW21 - Non-hazardous Landfill**

Planning permission for additional non-hazardous landfill will not be granted unless one or more of the listed criteria is demonstrated.

**MW22 - Climate Change**

Minerals and waste proposals will need to take account of climate change over the lifetime of the development, setting out how this will be achieved. Proposals will need to adopt emissions reduction measures and will need to set out how they will be resilient to climate change. Restoration schemes which contribute to climate change adaption will be encouraged.

**MW23 - Sustainable Transport of Minerals and Waste**

Sustainable transport of minerals and waste will be encouraged and new and enhanced facilities to enable this will be encouraged. Transport Zones and Transport Safeguarding Areas will be defined and designated in the Site Specific Proposals Plan. There will be a presumption against development which could prejudice a protected area for transport of minerals and/or waste.

**MW24 - Design of Sustainable Minerals and Waste Management Facilities**

All proposals for minerals and waste management development must achieve a high standard in design and environmental mitigation. Waste Management proposals must be consistent with guidance set out in The Location and Design of Waste Management Facilities SPD.

**MW25 - Restoration and Aftercare of Mineral and Waste Management Sites**

Minerals workings and waste management sites will be restored to a beneficial after use with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

**MW29 - The Need for Waste Management Development and the Movement of Waste**

Proposals for new or extended waste management development will be permitted where they meet a demonstrated need within Cambridgeshire and Peterborough. Applicants will be required to enter into binding restrictions on catchment area, tonnages and/or types of waste. Permission may be granted for development involving importation of waste from outside the Plan area where it is demonstrated it is sustainable.

**MW32 - Traffic and Highways**

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

**MW33 - Protection of Landscape Character**

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

**MW34 - Protecting Surrounding Uses**

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

**MW35 - Biodiversity and Geodiversity**

Mineral and waste management development will only be permitted where there will likely be no

significant adverse effect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

#### **MW37 - Public Rights of Way**

Minerals and waste development will only be permitted where permanent or temporary diversions of public rights of way are adversely affected if appropriate alternatives are provided. Proposals should, where practicable, provide for the enhancement of public rights of way.

#### **MW38 - Sustainable Use of Soils**

Mineral and Waste development which affects the best and most versatile agricultural land will only be permitted where it meets the criteria set out in this policy.

#### **MW39 - Water Resources and Water Pollution Prevention**

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

#### **MW46 - Mining of Landfill Waste**

Mining or excavation of landfill waste will only be considered in exceptional circumstances where it is demonstrated that it clearly meets the criteria set out in this policy and that the waste can be handled and removed if necessary without posing additional risk to human health or the environment.

## **4 Consultations/Representations**

#### **PCC Pollution Team (28.04.15)**

The noise limits associated with the 12/00463/MMFUL permission are acceptable for this application, as are the existing restrictions on operation hours and vehicle reversing alarms. Suitable dust and odour control measures are outlined and should be controlled by condition. Lighting should be controlled by condition. It is highlighted that the permitting regime is concerned with preventing pollution and the planning system controls the development and use of land in the public interest - this should be a consideration in light of the rationale for the application.

#### **PCC Transport & Engineering Services (13.03.15)**

Clarification required as to whether the proposed trips are in addition to, or replacing, the existing vehicle trips (the proposal will result in a reduction in trips in comparison with what has been previously approved).

#### **Archaeological Officer (09.03.15)**

No objections. No archaeological implications.

#### **Landscape Architect (Amey) (07.03.15)**

The additional (4m) contours proposed at the north east of the site are considered to add bulk to an inappropriate shape and are not supported in principle, and have not been clearly justified - however the LVIA is correct that the impacts of this will be very limited, and the proposed changes are insufficient to justify an objection. Blackthorn should be included in the planting mix on plan TLS6.

#### **PCC Conservation Officer (11.03.15)**

No objections. The resultant landfilling at Cook's Hole would not provide an unsatisfactory setting

for the grade 2 listed Cook's Hole Farmhouse.

**PCC Tree Officer (12.03.15)**

No objections. The planting details on plan TSL6 (the Phased Restoration Scheme), and the Aftercare scheme at Volume 1 Annex 5 are acceptable. A condition should be applied to ensure planting replacements where required.

**PCC Wildlife Officer (02.03.15)**

No objections. The impacts on Little Ringed Plover (protected species) have been identified and adequately addressed, and the approved Ecological Management Plan is appropriate. The proposed minor amendments to the restoration contours do not detract from the proposed biodiversity enhancements.

**English Heritage (05.03.15)**

No comments. The application should be determined in accordance with national and local policy guidance.

**Natural England - Consultation Service (11.03.15)**

No objections. No adverse impact on Bedford Purlieu SSSI, or protected species within Thornhaugh I (Great Crested Newts have been successfully translocated under licence). The proposed nature conservation end use has the potential for significant biodiversity gains in the long term.

**Environment Agency (20.03.15)**

No objections subject to the mitigation measures outlined in the FRA being secured by condition.

**Ramblers (Central Office) (26.02.15)**

No comments or objections.

**National Planning Casework Unit (02.03.15)**

No comments.

**Local Residents/Interested Parties**

Initial consultations: 36

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

Wansford PC - 09/04/2015

Wansford Parish Council are impressed by the technical quality of the submission. The main issue for Wansford is noise from the workings at Cook's Hole and Thornhaugh II, particularly from hydraulic breakers - noise is at an acceptable level and within agreed criteria levels.

Re. dated - 16/03/2015

A time extension for operations is unacceptable, as it probably would not have been accepted as part of the original proposals. Noise and pollution, health and amenity concerns.

**5 Assessment of the planning issues**

Policies quoted below are from the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD unless otherwise stated.

The main considerations are:

*1. The principle of development*

The principle of development is clearly in accordance with policy SSP W4 of the Cambridgeshire

and Peterborough Minerals and Waste Site Specific DPD (Site Specific DPD) which allocates the site for SNRHW and complementary non-hazardous land fill; the proposals ensure the long term availability of the facility.

The principle of development is assessed primarily against policy CS46 Mining of Landfill Waste. This activity can only be considered favourably in a number of exceptional circumstances; in this instance where it is demonstrated clearly that without mining or excavation or waste the site is posing an unacceptable risk to human health or safety or to the environment. The previous permission allowed for the over-filling of waste in phases 1 and 2, subject to a suitable scheme being demonstrably suitable to the Environment Agency. Whilst it would appear technically feasible to undertake overfilling, the excavation of old waste allows for the phases to be engineered to modern containment standards, securing the long term containment of wastes and removing the pollution risk. The excavated waste will be re-deposited within the site within contained, engineered cells.

The proposed mining of landfill waste provides a safe method of continuing provision of landfill for stable non-reactive hazardous waste (SNRHW) and non-hazardous waste in accordance with policies CS2, CS14, CS19, CS21 and CS29, which are concerned with the principles of waste management, the scale of waste management provision, the location of hazardous waste facilities and delivery of SNRHW sites, the need for complementary landfill and proper landfill engineering and the movement and importation of waste. In principle the development accords with all these policies; some of which require detailed issues to be taken into account. These issues are considered below.

## *2. Transport and Public Rights of Way*

Policies CS15, CS32 and CS37 of the MW Core Strategy are relevant together with some of the implementation issues attached to policy SSP WS4 of the Site Specific DPD. The applicant has submitted a Transport Assessment (TA) as part of the ES. The application proposes to use the existing Thornhaugh I vehicular access which has also been permitted as the vehicular access to the adjacent Cook's Hole site. In terms of HGV movements the assessment sets out the following worst case scenario (when clay imports from East Northants Resource Management Facility at King's Cliffe) will be at their peak (i.e. 2018):

Waste imports = 21 in and 21 out per day = 42 movements  
Clay imports = 23 in and 23 out per day = 46 movements  
Soil imports\_ 2 in and 2 out per day \_ 4 movements  
Cook's Hole traffic = 70 in and 70 out per day =140 movements  
Export of recycled CDE waste = 2 in and 2 out per day = 4 movements

TOTAL = 118 HGVs visiting the site = 236 lorry movements

The above represents the worst case daily lorry movements for all HGV movements required for all waste movement associated with Thornhaugh I (the proposed site) and Cook's Hole extraction, and represents a reduction of 46 HGV movements per day in comparison to the currently approved scheme.

The submitted TA concludes that the current vehicular access to Thornhaugh I is suitable to take this amount of traffic (plus the nominal car movements associated with staff) and that the A47 has and will have capacity in the future years to accommodate this traffic. As can be seen the amount of HGV traffic generated by the inert recycling operation is a relatively small part of the overall proposed HGV movement to and from the site. The TA has been assessed by the Highway Authority (PCC) who raise no objections; it has been clarified that the proposed clay imports will replace the trips associated with the previous permission which will be relevant only to completed phases 3, 5 and 6, and the temporary stockpile within the Cook's Hole part of the site.

The question of whether a second vehicular access to Cook's Hole should be opened onto the A47 was considered when the recent application to review conditions attached to the minerals

permission at Cook's Hole was determined. It was considered that there were no significant highway or amenity reasons to open up a second access and this remains the case. It is considered that the application complies with the above policies and that in particular those criteria attached to policy SSP WS4 relating to access and traffic increase have been demonstrated to be acceptable. The issue of noise generated by traffic is considered to be low.

#### Public Rights of Way

The proposal will not affect the current situation on the ground regarding footpaths within the site with the exception of Thornhaugh footpath 2 which crosses Cook's Hole and runs through the temporary stockpile area. A temporary footpath diversion order has already been approved and the footpath diversion is already in place. Additional suitable diversions are already in place to enable public access from the A47 across to the Old Oundle Road which runs along the edge of Bedford Purlieus and the western edge of Thornhaugh I and Cook's Hole. The proposed temporary diversion of the access road to Cook's Hole requires a suitable crossing point which can be controlled by condition. The restoration scheme proposes that the original routes of public footpaths will be reinstated together with new footpaths to link around the perimeter of Thornhaugh I, as per the currently approved scheme. The proposal is in accordance with policy CS37 of the MW Core Strategy.

#### *3. Noise and Vibration - residential amenity*

The relevant policy is CS34 of the Core Strategy. In addition the Technical Guidance to the NPPF gives advice about acceptable noise limits and the approach to dealing with noise at mineral sites. This guidance could also be applied in this instance.

The applicant has submitted a noise assessment based on noise monitoring undertaken at the nearest noise sensitive locations (residential properties). These comprise Home Farm House, Leedsgate Farm, Nightingale Farm, Sibberton Lodge, Owl Corner Cottage and Oaks Wood Cottage. In addition to the previously consented activities at Thornhaugh I and Cook's Hole, the noise assessment takes account of the excavation of waste from phases 1 and 2, the relocation of the gas flare and additional (internal) transport of material to Cook's Hole. Taking the measured background levels into account the applicant has suggested that maximum noise level standards be set for each of these properties. The operational activities remain below noise level limits already agreed at the nearest noise sensitive properties under the extant planning permission for Thornhaugh I. The proposed working hours at the site are the same as at present i.e. 0700 - 1800 Mondays to Fridays and 0700 to 1300 on Saturdays, no working on Sundays or Bank Holidays. It is also noted that phases 3 and 6 are restored and phase 5 is completed and these areas are located between the nearest residential properties and those areas of the site to be worked.

The Pollution Control Officer has raised no objection to the proposal on grounds of noise but has advised that the existing restrictions on noise limits, operating hours and vehicle reversing alarms are to be attached to any permission granted. The proposals are therefore in accordance with policy CS34.

#### *4. Air Quality*

The relevant policies are CS22, CS34 and CS46 of the Core Strategy. The main impacts associated with landfill sites are odour and dust, particularly in the case of landfill mining. Receptors include nearby residential properties and the natural environment, in this case particularly Bedford Purlieus SSSI and the County Wildlife Site within the site boundary.

The applicant proposes to continue with the current on site dust and odour mitigation, and outlines additional mitigation measures specific to the excavation of waste. Dust measures include but are not limited to sheeting lorries, keeping soil handling to a minimum, limiting heights of CDE material awaiting processing or of finished products to 3 metres or less and sealing soil storage mounds (planting them) and using water sprays where necessary. Odour reduction measures include minimising the active tipping area as far as possible, covering waste as soon as possible, capping completed areas as soon as possible and banning very odorous waste from the site. Additional measures in relation to the excavation of waste include the cessation of operations if necessary to



resolve the issue. With regard to the control of dust, air quality and odour issues there is overlap between the enforcement and monitoring functions of the Local Planning Authority and the Environment Agency. The site is also subject to an Odour Management Plan required to comply with Environmental Permit conditions. As there is a potential gap in the monitoring that will be undertaken by the EA, it is proposed to apply a condition which ensures the dust measures mentioned within the submission are implemented.

The Pollution Control Officer highlights that the planning system should focus on whether the development itself is an acceptable use of the land, and work on the assumption that the relevant pollution control regime will be properly applied and enforced. As such, the proposals are in accordance with policies CS34 and CS46.

With regard to climate change, the proposal does not quantify how much carbon dioxide will be produced or saved through efficient measures adopted at the site. Given the nature of the development this is difficult to quantify and there are limitations for creating reductions as most of the carbon created will come from the HGV movements at the site and the operation of plant and machinery. The applicant has considered the use of landfill gas to generate renewable power but largely due to the nature of the waste being tipped a gas engine scheme is not viable. The location of the site for disposing of SNRHW was considered through the Core Strategy and Site Specific DPD processes and was considered acceptable.

The restoration of the site to a mainly nature conservation use will help to enhance biodiversity and tree planting, although several years away will help to offset carbon emissions. In terms of policy CS22 the proposal is considered to be acceptable.

#### *5. Landscape and Visual Effects*

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. This assessment has been undertaken in accordance with industry guidelines and best practice, assessing the landscape characteristics of the area and the potential visual impact of the proposal from various viewpoints located around the site. Impacts are assessed both during and post the site operations, when the site is restored to nature conservation.

The relevant policies CS25, CS33 and CS34 of the Core Strategy. These policies require that the landscape character of the area be taken into account, that development is assimilated into its surroundings and where there is an impact provide suitable mitigation. There will be some impact during the operational phases of the development; this is inevitable with a landfill site. This is mainly limited to views from public vantage points, including public footpaths. It is not considered that there will be any significant visual impact with regards to residential amenity as the site is buffered by the restored areas of the site from the nearest residential properties.

The previously approved restoration scheme included a "domed" restoration of the site; this profile was acceptable. The proposal includes a marginal raising of the final contours to the northeast of the site, although it is noted that there is no increase to the previously approved maximum contours. Whilst this is not supported in principle by the Landscape Architect, neither does it represent sufficient grounds for an objection to be sustained. The proposed restoration scheme is otherwise unchanged from that previously approved; it would create an overall domed profile to the site; provide for widespread planting across the site to create a restoration scheme to a biodiversity after use; include improved public access via new footpaths.

It is considered that the final restoration scheme will enhance the appearance of the area. The final restoration contours are not of greater height than previously approved, other than the marginal increase at the northwest of the site. The Council's Tree Officer has raised no objections subject to replacement planting being required by condition.

The proposal is in accordance with the above policies subject to the imposition of conditions requiring restoration to be completed in accordance with the submitted scheme and the requirement for a detailed landscape scheme to be submitted and implemented once restoration is

complete.

#### *6. Impact on the Natural Environment*

With regard to designated sites, Thornhaugh I is adjacent to Bedford Purlieus Site of Special Scientific Interest (SSSI) and there are other SSSIs within the locality. The site contains a County Wildlife Site (CWS) located to the southwest corner which serves as a habitat for Great Crested Newt (GCN). Policies CS25 and CS35 of the MW Core Strategy are relevant. The Council has a statutory duty which flows from the EU Habitats and Birds Directives to take protection of certain mammals, birds and flora into account together with their habitats. The statutory consultee on such matters is Natural England (NE). The CWS will be retained as part of the application and managed by the applicant.

The ES contains chapters on ecological assessment which must be read in conjunction with other relevant issues such as hydrology. The submission concludes that the site is not important for protected species with the exception of the Little Ringed Plover which is a Schedule 1 (highest protection) breeding bird on the site. There is also potential for red kite activity. Great Crested Newts (and other newts) are present on site within the CWS. A new pond is proposed (within Phase 4 'the Bradshaw Land') as part of the restoration scheme and in general the site is to be restored to nature conservation. The previously approved Ecological Management Plan will still be applicable and the effects on Little Ringed Plover are adequately addressed.

Natural England, the Wildlife Trust and the Council's ecologist have all supported the restoration of the site back to nature conservation. Natural England note that the GCN have been successfully translocated to the CWS and that the GCN population is not expected to be at risk from operational impacts of the proposed scheme.

The proposal represents an ideal opportunity to improve the biodiversity of the area, especially as it is adjacent to Bedford Purlieus and will make a contribution towards achieving the Biodiversity Action Plan (BAP) targets as required by Core Strategy policy CS35. The mitigation and management of GCNs, Little Ringed Plover and habitats as identified in principle is acceptable and will be secured by conditions requiring an Environmental Management Plan.

#### *7. Groundwater, surface water and drainage*

The relevant policies are CS21, CS22 and CS39 of the MW Core Strategy. As part of the ES, the applicant has submitted an assessment of the regional significance of groundwater, a flood risk assessment and a Surface Water Management Plan. A Hydrogeological Risk Assessment (HRA) has been prepared in accordance with Environment Agency policy and guidance, and demonstrates that the site is suitable for the disposal of non-hazardous waste without resulting in an unacceptable impact on water resources, furthermore it is demonstrably preferable for phases 1 and 2 to be excavated and refilled using a modern containment landfill engineered solution rather than to over tip the phases as previously approved.

The site lies within Flood Zone 1 which has a low risk of flooding from fluvial sources or from groundwater. The existing perimeter drainage ditches at the site will be revised but surface water run off will still be directed to the existing attenuation lagoon located in the north east corner of the site. Rainfall during the fill operations will not run off because the waste is permeable - it will be collected and dealt with in the leachate treatment systems located at the bottom of the cells which are monitored by the EA. No surface water will run into the GCN ponds except for a 1 in 50 year flood event. Contaminated water will not be able to enter the CWS or the new newt ponds as proposed. Rainfall will not enter capped cells (as the clay and cover will be impermeable) but will run off and be directed to the drainage ditches. The EA has not raised objections regarding flood risk, and has requested that the mitigation measures outlined in the Surface Water Management Plan are controlled by condition. It is considered that the application is in compliance with the above policies subject to adherence to the submitted schemes being conditioned as part of any permission granted.

#### *8. Cumulative impact*

The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 require that applicants consider the cumulative impact of the various aspects of their proposal in combination with one another and in combination with other existing or known projects within the vicinity. The applicant has considered such impacts within each chapter of the Environmental Statement (ES).

As mentioned above, the cumulative impact of traffic travelling to the site in combination with that approved for the mineral workings at Cook's Hole has been undertaken and found to be satisfactory.

The ES has identified no cumulative impacts in terms of other topic areas that would result in unacceptable impacts on the surrounding area. Of note, there is an extant permission to use part of the Cook's Hole site to temporarily store soils removed from phase 7, and a separate application to use mineral wastes from Thornhaugh I to raise the restored contours of the northern section of Cook's Hole closer to original ground level. If there are any overlaps between operations on either site, the developer will need to ensure that this either complies with the conditions imposed or will need to make an application for variations in conditions as needs be.

It is considered that there are no cumulative impacts which warrant the refusal of the application.

### *9. Other Issues*

#### Cultural Heritage (historic environment)

The ES identifies that there are listed buildings within the vicinity of the site, namely Home Farm House and outbuildings (Grade II listed) - 75 metres to the north of the A47; Cook's Hole Farm (Grade II listed) located to the centre of Cook's Hole; and Sibberton Lodge and outbuildings (Grade II listed) located approximately 1km to the east of the site. There are four Scheduled Monuments - two at Wansford and two at Sutton Heath, the nearest of which is Wansford Bridge located 1.8km to the south east of the site.

The proposed development is well screened from Home Farm House and Sibberton Lodge, both lying on the other side of the A47. Cook's Hole Farm is set to the centre of Cook's Hole site which has planning permission for mineral extraction. It is considered that the impact upon the historic environment is therefore very limited/negligible and that the proposal complies with policy CS36 of the MW Core Strategy.

#### Contaminated Land

Land filling inevitably has the potential to cause contamination of land. Modern land fill sites are heavily regulated and matters relating to pollution control are required to be dealt with under the permitting scheme for which the responsible authority is the Environment Agency. Issues relating to the potential for pollutants to escape from the site either through the ground, water or the air will be controlled and monitored under the permit that will be required if planning permission is granted. There is no need and indeed Government advice contained within the NPPF advises Local Planning Authorities not to duplicate separate regulations and that the ability of other agencies to control such issues must be taken as read.

## **6 Conclusions**

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The principle of development is clearly in accordance with policy SSP W4 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific DPD (Site Specific DPD) which allocates the site for SNRHW and complementary non-hazardous land fill. The proposal also seeks to provide an appropriate long term solution to the potential pollution risks of over tipping phases 1 and 2 through their excavation and re-engineering into a modern contained landfill design and is in accordance with policy CS46.

The proposal also includes recycling of inert waste (from within the site and imported) for use on

the site or for sale off site. The site is not allocated for inert waste recycling but the proposal complies with policies CS14 and CS15 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (the Core Strategy) with regards to the need and location of waste management facilities. The additional component parts of the application, namely the retention of the gas flare and time extension to the completion of landfilling operations are considered acceptable in light of the requirements to secure the long term pollution prevention measures at the site as represented by the re-engineering of phases 1 and 2.

An Environmental Statement accompanies the application which is considered comprehensive and meets the requirements set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Detailed topic areas have been assessed/considered:-

With regard to transport and public rights of way the proposal is in compliance with policies CS15, CS32 and CS37 of the Core Strategy and the implementation issues attached to policy WS4 of the Site Specific DPD.

Noise and vibration has been assessed and the proposal is in compliance with policies CS32 and CS 34 of the Core Strategy.

Air Quality and climate change issues are in compliance with policies CS22 and CS34 of the Core Strategy.

The landscape and visual impacts of the proposal are in compliance with policies CS20, CS25, CS33 and CS 34 of the Core Strategy,

The site contains a population of Great Crested Newts protected under European law, habitat for Little Ringed Plovers and a County Wildlife site. These matters have been carefully considered (no objections raised by Natural England) and are in compliance with policies CS25 and CS35 of the Core Strategy.

Issues related to groundwater, surface water and drainage are considered acceptable (the Environment Agency raises no objections subject to conditions) and are in compliance with policies CS21, CS22 and CS39 of the Core Strategy.

Other matters have been assessed including cultural heritage, contaminated land, socio economic impacts, risk of accidents and airport safeguarding and are considered acceptable and in compliance with development plan policy.

The cumulative impact of this development with that of the neighbouring site Cook's Hole has also been taken into account.

Comments of consultees have been taken into account and suitable conditions will be attached which address any issues raised. The comments of neighbours have been taken into account, but given that the site is allocated for waste development and in all other respects the proposal is acceptable, there is no reason not to approve the application in line with Section 38(6) of the Planning and Compensation Act.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 The development hereby permitted shall be carried out in complete accordance with the submitted and approved documents and plans:

Environmental Statement dated February 2015  
Site Locations ref. TCH1 dated 12/14  
Application Boundary ref. TLS1 dated 12/14  
Indicative Compound Details ref. TLS3 dated 12/14  
Gas Flare Plant Layout ref. TLS4 dated 12/14  
Pre-Settlement Contours ref. TLS5 dated 12/14  
Phased Restoration Scheme ref. TLS6 received 12/02/2015  
Cross Sections ref. TLS7 dated 12/14  
Phasing Plans Stages 1- 15 ref. AU/TH/12-14/18372 through 18386 all dated 24/12/2014  
Public Rights of Way ref. TCH4 dated 12/14  
Cook's Hole Access Road Diversion ref. TCH6 dated 12/14

Reason: To clarify what is hereby approved.

- C 3 Advance notification shall be provided to the Local Planning Authority advising of the date the development will commenced, within 28 days of commencement taking place.

Reason: Due to the extant permission and current operations on site, the date of commencement may not be readily apparent. It is in the proper planning interests of the area that the Local Planning Authority can both ensure that development is taking place in accordance with the permission hereby granted and to agree a proper monitoring regime for the site with the developer.

- C 4 Development shall be carried out in accordance with the phasing plans;

Stage 1 ref. AU/TH/12-14/18372 dated 24/12/2014  
Stage 2 ref. AU/TH/12-14/18373 dated 24/12/2014  
Stage 3 ref. AU/TH/12-14/18374 dated 24/12/2014  
Stage 4 ref. AU/TH/12-14/18375 dated 24/12/2014  
Stage 5 ref. AU/TH/12-14/18376 dated 24/12/2014  
Stage 6 ref. AU/TH/12-14/18377 dated 24/12/2014  
Stage 7 ref. AU/TH/12-14/18378 dated 24/12/2014  
Stage 8 ref. AU/TH/12-14/18379 dated 24/12/2014  
Stage 9 ref. AU/TH/12-14/18380 dated 24/12/2014  
Stage 10 ref. AU/TH/12-14/18381 dated 24/12/2014  
Stage 11 ref. AU/TH/12-14/18382 dated 24/12/2014  
Stage 12 ref. AU/TH/12-14/18383 dated 24/12/2014  
Stage 13 ref. AU/TH/12-14/18384 dated 24/12/2014  
Stage 14 ref. AU/TH/12-14/18385 dated 24/12/2014  
Stage 15 ref. AU/TH/12-14/18386 dated 24/12/2014  
Each phase shall be restored within one year of the landfill operations within that phase being completed.

The landfill of the site shall be completed by 31 December 2034 and restoration of the site shall be completed no later than 31 December 2035.

Reason: To ensure that the site is restored in a timely manner and to reduce the visual impact of the landfill operations as development progresses in accordance with Cambridgeshire and Peterborough Minerals and waste Core Strategy policy CS25.

- C 5 The development hereby approved shall be carried out in complete accordance with the Landscaping Scheme as set out on the Phased Restoration Scheme drawing ref. TLS6, with each phase to be landscaped within 12 months of restoration being completed.

Reason: To ensure that visual appearance of the site and the proposed biodiversity enhancements are created as early as possible in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25 and CS33.

- C 6 The development hereby approved shall be carried out in complete accordance with the details of the Ecological Management Plan dated April 2013 included at Annex 7 of the Environmental Statement.

Reason: To ensure that the natural environment is protected, managed and any loss mitigated against during the operational phases of the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS34 and CS35.

- C 7 The development hereby approved shall be carried out in complete accordance with the Lighting Scheme dated April 2013 as set out in Annex 4 of the Environmental Statement.

Reason: In order to protect the amenity of nearby residents and to reduce light pollution in a predominantly rural environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C 8 The development hereby approved shall be carried out in complete accordance with the mitigation measures outlined in Section 7 of the Environmental Statement dated February 2015 and the Dust and Odour Control Scheme dated April 2013 as set out in Annex 3 of the Environmental Statement.

Reason: In the interests of protecting nearby residential properties and users of public rights of way from dust and odour in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C 9 The development hereby approved shall be carried out in complete accordance with the Flood Risk Assessment (FRA) (MJCA, ref AU/TH/JRC/2826/01 FRA, dated December 2014) and the following mitigation measure detailed within it:

- Implementing and maintaining the surface water drainage system as per Thornhaugh Surface water Management Plan (Egniol Ltd, January 2006).

The mitigation measure shall be fully implemented prior to development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- C10 Unless required for continued environmental monitoring purposes, all buildings, plant and machinery and hard surfacing ("the site infrastructure") shall be permanently removed from the site within 6 months of the final landscaping taking place. Should any site infrastructure be required to be retained for environmental monitoring purposes beyond this date, a plan/scheme shall first be submitted to and approved in writing by the Local Planning

Authority which identifies the retained infrastructure and the length of time it is to remain on site. The site infrastructure shall thereafter be retained and removed from the site in accordance with the approved plan/scheme.

Reason: In the interest of achieving a proper restoration of the site to nature conservation and in the interest of the long term visual appearance of the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25, CS33 and CS34.

- C11 The development hereby approved shall be carried out in complete accordance with the Aftercare/Ecological Management Plan dated February 2014 in Annex 5 of the Environmental Statement.

The approved aftercare/ecological management plan shall be implemented in full up to a period of 10 years following completion of the approved landscaping scheme to the last phase of the development. Should the Local Planning Authority request details of any monitoring or reports undertaken as part of the approved scheme, they shall be provided within 7 days of a written request having been received by the applicant/developer.

Reason: To ensure that the site is brought back in a beneficial use, in this case nature conservation, and to ensure that the proposed landscaping and biodiversity enhancements are properly managed and have the maximum opportunity to become established in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25, CS33 and CS35.

- C12 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of appropriate site restoration and visual amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

- C13 The site shall be accessed by vehicles by the single point of access off the A47 only, as shown on approved drawing TLS1

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

- C14 Wheel cleaning facilities shall be retained on site in a location adjacent to the hard surfaced access into the site. Should the wheel cleaning facility break down, temporary wheel cleaning measures shall be deployed until the permanent wheel cleaning facility is operable. The wheel cleaning facility shall remain in use on site until the final landscaping has been completed.

Reason: In the interest of highway safety and dust minimisation in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS32 and CS34.

C15 Prior to the commencement of each phase of the operation or restoration, adequate space shall be provided within the site for the parking, turning, loading and unloading of all vehicles associated with that phase of the operation, restoration or recycling activities and this space shall be kept available for such purposes for the duration of that phase of the landfill operation, restoration or recycling activity.

Reason: In the interest of highway safety and free flow of traffic on the A47 in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

C16 Except for temporary operations the rating level of noise emitted from the site shall not exceed the specified noise criteria levels (measured as LAeq, 1 Hour (free field) during working hours as set out below.

Location	Site Noise Limits
Home Farm House	55
Leedsgate Farm	50
Nightingale Farm (Mon-Friday)	50
Nightingale Farm (Saturday)	46
Sibberton Lodge	51
Oaks Wood Cottage	55
Toll Cottage	55

At the locations listed above, the noise emitted from the site shall not exceed 42dB LAeq, 5mins (free field) at any other time.

The noise levels shall be determined at the nearest noise sensitive properties as listed above. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

The development hereby approved shall be carried out in complete accordance with the Noise Monitoring Scheme dated April 2013 as set out at Annexe 6 of the Environmental Statement.

Within two months of the commencement of development a noise monitoring scheme shall be submitted to and agreed in writing by the Local Planning Authority. Noise monitoring shall thereafter be undertaken in complete accordance with the approved scheme.

Reason: In the interests of the amenity of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C17 For temporary operations such as site preparation, soil stripping and replacement and screen bund formation and removal, the free field noise level due to operations determined at the nearest noise sensitive dwellings (as listed in condition 16) shall not exceed 70dB LAeq, 1 hour (free field). Temporary operations shall not take place for more than eight weeks in any calendar year.

Reason: In the interests of the amenity of the nearest residential occupiers in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C18 No reversing alarms shall be used except "quieter option" alarms, such as adjustable or broadband "white noise" systems.



Reason: In the interests of the amenity of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C19 No operations, including the working of any plant or machinery, transport of excavated materials, delivery of infill materials and restoration shall be undertaken outside the hours of;  
0700 to 1800 on Mondays to Fridays  
0700 to 1300 on Saturdays.  
No operations other than environmental monitoring shall be undertaken outside these hours.

Reason: In the interests of the amenity of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C20 Only inert construction and demolition waste types shall be processed through the recycling operation.

Reason: Because the scheme for recycling that has been submitted is limited to the consideration of recycling inert waste only.

- C21 The recycling, processing and stockpiling of materials awaiting processing and finished materials for sale will be confined to the area shaded on the approved drawing SES 2.3 but notwithstanding this no stockpiles (both received and processed material) shall be stored below the water table or in areas susceptible to flooding. The stockpiles shall not exceed the pre-settlement levels shown on Figure TLS5 by more than 3 metres and each stockpile shall not exceed an overall height of 5 metres.

Reason: In the interests of minimising the visual appearance of the stockpiles and minimising the risk of flooding and pollution in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS34 and CS39.

- C22 The footpaths shall be reinstated and provided in complete accordance with the details shown on drawing TLS6 within 6 months of the final phase of the development being landscaped and shall be retained as such thereafter.

Reason: In order to maintain and enhance public rights of way provision on the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS37.

- C23 Unless required for continued environmental monitoring purposes, all buildings, plant and machinery and hard surfacing ("the site infrastructure") shall be permanently removed from the site within 6 months of the final landscaping taking place. Should any site infrastructure be required to be retained for environmental monitoring purposes beyond this date, a plan/scheme shall first be submitted to and approved in writing by the Local Planning Authority which identifies the retained infrastructure and the length of time it is to remain on site. The site infrastructure shall thereafter be retained and removed from the site in accordance with the approved plan/scheme.

Reason: In the interest of achieving a proper restoration of the site to nature conservation and in the interest of the long term visual appearance of the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25, CS33 and CS34.