

## Item Number 1

### Planning and EP Committee

**Application Ref:** 16/00080/MMFUL

**Proposal:** Erection of Gas to Grid Anaerobic Digestion Plant to comprise four digester tanks, technical operations building, silage clamp, storage lagoons, four liquid waste tanks, Gas Flare, Gas Upgrading System (GUS) and Gas Entry Unit (GEU), separator, cooling unit, transformer, heating kiosk and two underground propane tanks

**Site:** Land Adjacent To Horsey Toll Farm, Whittlesey Road, Stanground, Peterborough

**Applicant:** ET Biogas Ventures Ltd

**Agent:** Mr Steve Catney  
JH Walter LLP

**Referred by:** Director of Growth and Regeneration

**Reason:** EIA Development

**Site visit:** 08.06.2015

**Case officer:** Mr A O Jones  
**Telephone No.** 01733 454440  
**E-Mail:** alan.jones@peterborough.gov.uk

**Recommendation:** REFUSE

---

---

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

### 1. Background to the proposal

The proposal was originally submitted in 2015 to Cambridgeshire County Council (CCC), before also being submitted to Peterborough City Council (PCC) (as application reference 15/00842/MMFUL). The applicant did not engage with either Council for pre-application advice to establish the most appropriate procedural approach for dealing with a cross-boundary application. The application was subject to Environmental Impact Assessment. Consultation on the proposals was undertaken by both planning authorities. Following a request for further information the application was formally withdrawn on 14.01.2016.

The application, of which the proposals were essentially unchanged, was re-submitted to the two authorities (i.e. CCC and PCC) on 15.01.2016 accompanied by an Environmental Statement. Authority to delegate determination (i.e. establish a single determining planning authority) was agreed between the two planning authorities such that PCC would be the determining authority. Consultation was then undertaken by PCC and a request to the applicant for further information was issued on 06.05.2016 (such information requests are known as 'Reg. 22' requests). Further to the request, the applicant was provided with detailed guidance based on 10 points that comprised the request for further information (email of 27.05.2016), and clarification of further points was also provided (email of 10.06.2016).

Sufficient time was granted to the applicant to submit the requisite further information. The applicant acknowledged they would be unable to meet the agreed deadline for the submission of further information, and requested that a decision was made on the proposals on the basis of the

information supplied thus far (namely the Environmental Statement as registered on 15.01.2016).

## **2. Site and surroundings**

The proposal site is approximately 6ha of arable land, and includes a short length of ditch which connects into the wider land drainage network to the east, straddling the boundary of Peterborough, Fenland and Cambridgeshire between Stanground and King's Delph. Open fields extend to the north, where the Peterborough to Whittlesey railway line, running east / west rises above the surrounding flat landscape. Beyond the railway line lies the River Nene and associated Nene Washes (SSSI, SPA, SAC and Ramsar site).

Stanground, and the area known as 'Park Farm', lie beyond open fields to the west, forming the edge of the Peterborough urban area. Park Farm is flanked by a combined foot and cycleway, forming part of both the Peterborough Green Wheel, and National Cycleway. Alongside the combined foot and cycle way flows the old course of the River Nene - a navigable waterway also known as King's Dyke. Stanground South, also known as 'Cardea' lies to the south west. Kings Delph lies to the east of the proposal site, forming a ribbon development alongside the A605 leading to Whittlesey.

Access to the site is provided to the south, through Horsey Toll Farm, via a shared private road, bridging the King's Dyke, used by several businesses, including a crane hire site, leading to the A605, opposite the B1095 road leading to Ponders Bridge. Horsey Toll Scheduled Monument lies beyond the A605 to the south of the proposal site, separated by a small field and the cluster of uses sharing the private access track. The Stanground South bypass (new route of the A605) lies some 100m west of the junction with the B1095.

The site falls within the Peterborough Fens landscape character area, and the Horsey Toll sub area. In the broader setting, Peterborough Cathedral can be viewed some 3.7km to the west. Looking from the site towards King's Delph and Whittlesey to the east, a number of wind turbines and chimneys associated with the King's Dyke brickworks can be observed.

## **3. Proposal**

The proposal is for an anaerobic digestion (AD) plant, with ancillary facilities including lagoons. The AD plant will be run on 'feedstock' (i.e. the material fed into the facility). The annual feedstock comprises approximately 18,000 tonnes of energy crops from Horsey Toll Farm, a further 20,000 tonnes of energy crop imported to the site, and 26,000 tonnes of waste coming from the food supply chain. The plant is understood to be intended as a facility capable of processing 64,000 tonnes of feedstock as per the feedstock breakdown described above, however the accompanying Air Quality Assessment has reviewed a 100,000 tonne facility.

The gas produced by the AD plant will be blended with propane (to meet the requirements of the gas distributor) before being exported to the gas grid. The AD plant will produce up to 700 cubic metres per hour of biomethane gas to export to the gas grid. In addition to the gas output, digestate, (the material left over following completion of the AD process) is also produced. Approximately 48,000 tonnes of digestate will be produced annually, and will be used as fertiliser, both within Horsey Toll Farm and exported to the other feedstock source farms.

The proposed facility (other than the access track) will sit behind landscaped bunds to all sides, measuring 20m wide and 3.2m high. The bunds will be created from the material excavated to enable the facility to sit on a base some 6m below surrounding ground levels. A bentonite (clay) wall will be placed around the facility (as an 'underground barrier') to isolate it from any surrounding groundwater.

The facility comprises 4 circular domed tanks, grouped on the western side of the proposal site, with a diameter of approximately 35m each, at a height of approximately 16m, of which 13.9m will be above surrounding ground level, leaving approximately 9m of the domes visible above the top

of the landscaped bunds.

To the east of the domed tanks, in the centre of the site, sits a technical building / reception hall measuring some 65m by 40m, at a height (to ridge) of approximately 13m, of which 11.6m will be above surrounding ground level, leaving approximately 6m of the building visible above the top of the landscaped bunds. The reception building, where food waste will be delivered, incorporates a negative pressure system and air treatment (biofilter) to control odour. Food waste will be directly fed into the digestate tanks, negating the need for any outdoor storage or handling.

A feedstock / silage clamp, for crop storage, will be located on the eastern side of the proposal site, measuring some 110m by 40m. At a maximum height of approximately 6m, the silage clamp will not rise above the surrounding landscaped bunds.

An array of additional ancillary equipment, including, for example a gas flare, a CHP (combined heat and power) unit and a gas upgrading system will be located predominately along the northern side of the proposal site and not rising above the height of the reception hall. Propane tanks, each of 12 tonnes capacity, will be located in the north east corner of the site. The CHP unit is described as a 499kW generating unit, and is understood to be intended for on-site use. A sub-station (for off-site electrical connectivity) is described as one of the elements of the proposal, however it does not appear on any of the submitted plans.

Three surface water attenuation ponds are proposed, with two located in the northwest corner of the site, and the third being located in the north east corner, beyond the landscaped bund, close to where the gas pipe connection is depicted as leading off site. The north eastern attenuation pond provides the outlet point for off-site discharge to the land drains.

8 car parking spaces will be provided for the 4 proposed employees, who are expected to arrive prior to 08:00 and depart after 18:00. The facility by its nature will be required to be operational for 24 hours a day, although deliveries are proposed to be restricted to between 7am and 7pm on Mondays to Saturdays (although the Traffic and Transport Assessment assesses hours as being from 7am to 6pm Monday to Saturday). It is suggested that there will be a maximum of 154 vehicle movements per month into the site to deliver feedstock (not including crop arisings from Horsey Toll Farm), and a monthly maximum of 114 digestate collections (not including those used on Horsey Toll Farm) leaving the site, although it is also suggested that there could be an element of backloading (i.e. a vehicle delivering feedstock could take out digestate). The propane tanks would require re-filling once every two weeks.

The applicant has been requested to clarify the details of the proposal where discrepancies have been identified in the submitted application materials.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/00842/MMFUL	Erection of Gas to Grid Anaerobic Digestion Plant to comprise four digester tanks, technical operations building, silage clamp, storage lagoons, four liquid waste tanks, Gas Flare, Gas Upgrading System (GUS) and Gas Entry Unit (GEU), separator, cooling unit, transformer, heating kiosk and two underground propane tanks	Withdrawn by Applicant	14/01/2016

### **3 Planning Policy**

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

#### **National Planning Policy Framework (2012)**

##### **Section 3 - Rural Economic Growth**

Should be encouraged through sustainable growth and the expansion of business/ enterprise including sustainable rural tourism/leisure developments which respect the character of the countryside, via the conversion of existing buildings and well designed new buildings. The retention and development of local services and community facilities should be promoted.

##### **Section 10 - Renewable Energy Development**

Applications for energy development should not be required to demonstrate the overall need for renewable or low carbon energy. Applications should be approved (unless material considerations indicate otherwise) if the impacts are or can be made acceptable.

##### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

##### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

#### **Peterborough Site Allocations DPD (2012)**

SA10 - Regional Freight Interchange

Safeguards a site for a Regional Freight Interchange. Detailed requirements are set out in Core Strategy policy CS7.

#### **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 stand alone 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).

**MW18 - Waste Management Proposals Outside Allocated Areas**

Waste management development proposals outside allocated areas will be considered favourably where they meet the listed criteria.

**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.

**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.

**MW27 - Mineral Consultation Areas**

Mineral Consultation Areas are buffers around existing or planned mineral sites. Development will only be permitted in these areas where it is demonstrated that it will not prejudice existing or future mineral extraction.

**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.

#### **MW36 - Archaeology and the Historic Environment**

Minerals and waste development will not be permitted where there is an adverse effect on a designated heritage asset, historic landscape or other historic asset of national importance and/or its setting unless substantial public benefits outweigh the harm, or any significant adverse impact on a site of local architectural, archaeological or historical importance. Development may be permitted where appropriate mitigation measures are in place following consideration of the results of prior evaluation.

#### **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.

#### **Cambridgeshire & Peterborough Mineral and Waste Site Specific Proposals DPD (2012)**

M9 Minerals Consultation Areas.

Designates a safeguarding area, M9K, around the extant Must Farm quarry site.

#### **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document took place between December 2016 and 9 February 2017. The responses are currently being reviewed. At this preliminary stage only limited weight can be attached to the policies set out therein.

## **4 Consultations/Representations**

#### **PCC Peterborough Highways Services (22.04.16)**

Access to the site is gained from a private road onto the A605 on the Peterborough City Council's Highway Network. The submitted Transport Assessment includes a single hours traffic count which is insufficient to establish traffic flows and peak times on the local network. The proposed quantity of feedstock appears incapable of being derived from the applicant's land (and would potentially require additional traffic movements to the site). Off-site digestate disposal will not necessarily correlate with the deliveries from source farms (thus the backloading proposals may not be viable). There is insufficient detail to establish the existing and proposed Horsey Toll Farm trips.

#### **PCC Pollution Team (06.05.17)**

Odour - The proposal would be subject to an Environment Agency Permit. The submitted odour impact assessment identifies that suitable levels will be achieved at sensitive receptor locations (i.e. nearby residential dwellings). To meet appropriate levels requires suitable operational and management techniques, a critical element of which is the proposed scrubber and biofilter control system; this system has to meet the proposed performance specification for the proposal to be

acceptable. A condition to control the odour emission rate is recommended. Odour conditions normally required under permit should be included in the event that no permit is required.

Noise – This would also be covered by an Environment Agency Permit. The noise limits suggested as a result of the survey are acceptable and should be controlled by condition. Additionally, HGV movements during unsociable hours should also be controlled by condition. Lighting - should lighting be required it would have to be compliant with recommended limits.

**PCC Lead Local Drainage Authority (26.04.16)**

No objections. The proposed drainage design is satisfactory, and PCC drainage concur with the comments of CCC Lead Local Flood Authority.

**PCC Archaeological Officer (14.04.16)**

The Horsey Toll Scheduled Monument lies some 350m to the south of the site and advice should be sought from Historic England in this regard. There are a number of non-statutory heritage assets within the locality, dating from the Bronze Age, through to a World War II airfield known as Shortacres. The heritage statement should include a re-assessment of known heritage assets, and include the results of the Test Pitting Survey. If approved, a detailed investigation should be secured by a pre-commencement condition, and all groundworks should be monitored by an appointed archaeologist.

**PCC Wildlife Officer (15.04.16)**

No objections. Natural England advice should be sought with regards to impacts on designated sites during the construction phase. Impacts on protected species, including badgers, water voles, reptiles, nesting birds and bats can be controlled through the use of appropriate conditions. The proposed tree, hedge and shrub planting is acceptable.

**PCC Landscape Architect (21.04.16)**

The scope and methodology of the LVIA are in accordance with recommended guidelines. A detailed assessment of the residential visual receptors with views of the proposed development should be undertaken, as well as at additional identified isolated properties.

The cumulative effect of the proposal is more likely to have an adverse impact on the landscape than is described in the LVIA (which states that the 'extent of the development next to existing industrial built form would be absorbed into the landscape'.

The proposed mitigation measures would be improved by having solid block woodland and hedgerow planting rather than intermittent and scattered planting, as this would be more typical of the isolated woodland blocks in the generally open landscape.

**Cambridgeshire County Council (05.05.16)**

Further information, as previously set out in the scoping report and requested by consultees, is required to enable full consideration of the application. In summary, the further information required is to provide an appropriate understanding in respect of; adjacent businesses and quarry site; consideration of alternative sites; archaeology and cultural heritage; ecology; floodrisk (sequential test); sewage disposal; highways and transportation; landscape and visual impact; pest control; and cumulative impacts.

Advice is also provided to ensure consideration is given to any relevant planning or enforcement history and to any requisite off-site works (such as grid connection).

Discrepancies have been identified in the plant legend and the description of development, and no reference is made to the National Planning Policy for Waste (2014).

**Cambridgeshire County Council - Floods And Water Management (15.04.16)**

No objections. The applicant has demonstrated that surface water can be dealt with on site by using attenuation basins, and that run-off will be discharged at a rate no greater than existing. The

minimum requirements of the NPPF have been met with regards above ground SUDS features being located in Flood Zone 3.

**Cambridgeshire County Council - Highways (Fenland) (18.04.16)**

Further detail is required to accurately assess the impact on the local highway network, relating to baseline figures, patterns and methods of vehicle movements.

Comment on the site access should be provided by Peterborough City Council Highways.

**Fenland District Council - Environmental Health (29.04.16)**

Object. Advise that Peterborough City Council would be responsible for planning enforcement, and that statutory nuisance enforcement would fall to both Peterborough City and Fenland District Councils. This should be considered in light of the requirement for the Environment Agency to enforce permit conditions, through the use of 'best available techniques' even when the pollution is causing justifiable complaint and harm to amenity. Appropriate baselines of any pollutants must be established to enable suitable conditions to be established.

Odour - the methodology for odour assessment is acceptable, though no baseline position has been established. Conditions should be required with regards odour levels at the site boundary and the length of time which feedstocks may be retained on site.

Noise - the existing sound levels at King's Delph have not been established, and the Noise Impact Assessment does not meet the relevant standard. The proposed acoustic bund should be constructed prior to construction works being undertaken. The timing of HGV movements should be restricted by condition and site vehicles should be equipped with suitable reversing alarms.

Lighting - any required lighting is unlikely to be positioned higher than the surrounding bund and is therefore unlikely to be an issue.

Gas storage - advice should be sought from the HSE in respect of the storage of gas.

**Historic England (14.04.16)**

No objections. A modest degree of harm to the setting of Horsey Hill Fort Scheduled Monument would be caused by the development. The public benefits of the proposal need to be weighed against NPPF policies 132 and 134.

**Environment Agency (27.04.16)**

No objections on the grounds of floodrisk. The site lies within Flood Zones 2 and 3 and evidence needs to be provided to indicate that the Sequential Test has been carried out. Additional advice is provided in respect of groundwater and contaminated land, foul drainage and odour and noise. The applicant is also advised of the additional information required when applying for the requisite Environmental Permit.

**Natural England - Consultation Service (18.04.16)**

No objections. The construction and operation of the proposal is unlikely to have any adverse effect on birds associated with the Nene Washes SSSI, SPA, SAC and Ramsar site. The Local Planning Authority is advised to consider impacts on local sites, landscape character, biodiversity priority habitats and species, and to follow standing advice on Protected Species. Biodiversity enhancements should also be provided if permission is granted.

**Middle Level Commissioners (05.05.16)**

Advice provided that responses to planning applications will only be provided if the applicant has entered into pre/post application discussion directly with the Board. Prior written consent may be required for certain water level / flood risk management issues.

For reference, the MLC previously provided commentary / advice on application 15/00842/MMFUL (the original application that was withdrawn), on 16.06.2015 as follows;

The King's Dyke navigation should not be adversely affected. Consideration should be given to the



impacts on water resources and the risk of pollution. Any works affecting MLC systems or watercourse will require an Environmental Statement and a Risk Impact Assessment. No information has been provided regarding foul sewage. Run-off from the site should be restricted to greenfield run-off rates, and consent will not be granted for a direct discharge. Horsey Toll Farm Bridge is over 70 years old and may not be able to cope with increased traffic movements, replacement would require a navigation closure. Consent will be required for works affecting the watercourse within the proposed site. All infrastructure must be positioned outside the Boards access strips. Insufficient evidence has been provided to demonstrate the acceptability of the proposed surface water / treated effluent disposal system.

**Inland Waterways Association (06.04.16)**

Support, subject to appropriate monitoring of the screening proposals to the site.

**GeoPeterborough (18.04.16)**

Request that opportunity is provided to examine, sample and record the temporary excavations associated with the proposal, in light of the Jurassic Oxford Clay and Nene terrace sequences.

**Whittlesey Town Council (14.04.16)**

Object. Noise, traffic, smell, risk of implosion/explosion. Pollution of navigable waterways and impact on wildlife. Water table and flood zone concerns. Land stability and top soil subject to drifting. Gas main connection suitability. An Environment Agency review of containment failure incidents at anaerobic digestion facilities (2010 to 2013) has been referred to highlighting safety concerns. An engineering survey is required and major works would be needed to deal with water, foul water and sewage. The Middle Level Drainage Board, March and Whittlesey Internal Drainage Board and Peterborough City Council refuse to give permission to tap into existing pipework.

**Shailesh Vara MP (19.05.16)**

Object.

The proposal site is in close proximity to a densely populated residential area, including a primary school and nursery, which may be subject to significant odour and noise impacts.

The proposals do not demonstrate that the required amount of feedstock can be provided by the surrounding land; additional feedstock imports would result in increased heavy good's vehicle movements detrimental to the local highway.

The submitted traffic survey is insufficient.

There are no clear pollution prevention measures in times of flooding.

The application should be refused as the information has not been provided in line with the Council's previous requests.

Insufficient assessment has been undertaken regarding the potential impacts on the Horsey Toll Scheduled Monument.

**PCC Cllr Chris Harper (17/04/2016 and 24/04/2016)**

Has concerns and objections on the following grounds;

- the proximity of the proposed site to a densely populated area (approximately 250m), which includes a primary school, children's nursery and a playpark.
- the issues experienced at other AD plants, including odour, bio aerosols emissions, exhaust pollution, dust, noise explosion and increases in vehicular traffic.
- negative impacts on neighbourhood amenity and health.
- pollution, from the plant and associated increased traffic, will be at odds with the Environment Capital aspirations.
- increased traffic movements in an already congested area at peak times.
- potential changes to future waste feedstock (e.g. animal waste).
- policy objections, specifically Peterborough Core Strategy policies CS10 (Environment Capital) and CS14 (Transport) and Peterborough Planning Policies PP03 (Impacts of New Developments), PP12 (Transport Implications) and PP19 (Habitats and Species of Principal Importance).

Cllr Harper also provided photographs demonstrating the congestion on the roads around the proposed site entrance.

**PCC Cllr Ray Bisby (14/04/2016)**

Has objections relating to the ecological and archaeological importance of the area, the potential for leaks and pollution, the likely requirement for lighting to add to light pollution, and increased traffic. Identifies the storage of propane gas as a potential hazard explosion and suggests that the bio waste (digestate) may be likely to be rejected as a fertiliser. Public health concerns should outweigh any benefits of the proposal.

**PCC Cllr Brian Rush (12/04/2016)**

Objects on the following grounds: noise; traffic; smell; risk of explosion; foul water polluting King's Dyke and other waterways; the siting in a flood zone; visual impact to properties on Belton Road; impacts on the Nene Washes; the site not being allocated; the site being within a Minerals Consultation Area and prejudicing future mineral extraction; the impact on the Must Farm restoration scheme and species likely to use the habitat; and archaeology. It is also suggested that routing the Stanground bypass across this site was refused due to the presence of a SSSI.

**Peterborough Civic Society (23/05/2016)**

The Civic Society does not object to the application. The proposal will have minimal impact on Horsey Hill Fort Scheduled Monument, and the views of the Cathedral from the A605 are noted as being important, but distant. The proposed bunds and planting will provide partial screening and the structures will appear as an extension to the existing industrial premises. On visual amenity grounds the proposal is considered to have a moderate but acceptable impact.

**Cambridgeshire Fire and Rescue (17/05/2016)**

Advise that provision should be made for fire hydrants, to be controlled by condition.

**Local Residents/Interested Parties**

Initial consultations: 185

Total number of responses: 152

Total number of objections: 147

Total number in support: 0

Total number making comments neither supporting nor objecting: 5

Representations have been received from 110 different addresses. In some cases these representations have been signed by numerous members of the same household, and there have also been several instances of multiple representations being received from the same person, or address.

Three petitions have been received. Two of which comprise hand written signatures; one comprising residents largely from King's Delph (totalling 52 signatories), and one comprising residents largely from the Stanground and Stanground South areas (totalling 1491 signatories). The third petition has been completed online (totalling 721 commentators); this petition allowed additional commentary to be added to the main commentary that people were being invited to agree to. As such, the additional commentary has not been reviewed.

A number of concerns and objections have been raised, including:

- traffic
- odour
- noise
- wildlife
- pollution concerns
- proximity to homes, a school, nursery and park
- there are more appropriate locations, including industrial areas, for such a use to be sited.
- landscape and visual impact, on residential amenity, and on leisure amenity for users of

- the nearby foot and cycle path, and the navigable waterway,
- impacts on the historic environment.
- drainage, flood risk and pollution
- the lack of alternatives explored by the applicant, both in terms of location and technology proposed
- failure to propose any pest control measures
- safety
- negative effect on house prices

All the identifiable concerns raised have been addressed throughout the remainder of this report.

Although a number of representations acknowledged the scheme had some benefits, including the provision of energy from alternative technology, there was no unequivocal support expressed.

## **5 Assessment of the planning issues**

### **The Principle of Development**

The main considerations are;

- The principle of development
- Ecology
- Landscape and Visual Impact
- Traffic, Transport and Highway Safety
- Noise
- Odour
- Flood Risk and Drainage
- Heritage and Archaeology
- Other Issues
- Response to other issues identified through representations

Note; policies from the Cambridgeshire and Peterborough Minerals and Waste Development Plan are referred to as either CS (Core Strategy) or SSP (Site Specific Proposals), followed by the policy number.

### **The principle of development**

The proposal is for a waste management proposal outside an allocated area, and as such is considered against CS18, which requires proposals to be consistent with the spatial strategy for waste management and for them to contribute towards sustainable waste management, moving waste up the waste hierarchy (which is a set of priorities to help enable the efficient use of resources). It is considered that the use of waste from the food supply chain as a feedstock ensures the proposed development makes a positive contribution towards sustainable waste management. The remainder of the report will assess the proposals consistency with the spatial strategy for waste, thus enabling a view to be taken as to whether the two elements of CS18 have both been met.

As an Anaerobic digester the facility would be considered as a 'treatment' facility under the waste spatial strategy, CS14 (the scale of waste management provision) does not identify a specific quantum of treatment capacity required. CS15 (the location of future waste management facilities) identifies the spatial distribution of the waste management network within the plan area, and includes a number of relevant factors for this proposal, including;

- the need for waste management facilities
- environmental constraints and designations
- existing / planned mineral workings

- site availability
- highway capacity and safety
- the need to minimise the movement of waste
- sensitive receptors

As there are currently no operational Anaerobic Digesters within the Peterborough area the need for the facility is not in dispute (although this has been raised in one representation which also stated there was no policy support for such a facility). Site availability is not a concern either, as the proposal has been put forward with notice having been served appropriately on the landowner. The remainder of the factors from CS15 are assessed throughout the report as appropriate. Two of the petitions and 32 individual representations assert that the proposal would be more appropriately sited on industrial land or a 'more appropriate site'.

It is acknowledged that the proposals may be considered to support a 'prosperous rural economy' (NPPF 3.28), will support the provision of renewable energy (CS22) and will contribute to moving waste up the hierarchy (in accordance with The National Planning Policy for Waste (2014)). These factors supporting the principle of development must therefore be considered in the balance with the other issues identified throughout this report.

The proposal site also falls within the Mineral Consultation Area (MCA) (CS27), SSP policy M9K, associated with the Must Farm Quarry. MCA's are designated around existing or planned sites to ensure mineral reserves will not be prevented or prejudiced by other forms of development.

## **Ecology**

The proposals are supported by a Phase 1 habitat survey, and an assessment of impact on the Nene Washes (SSSI, SAC, SPA and Ramsar site), which lie some 1.8km north of the proposal site. Despite ecology and wildlife (including any potential pollution effects thereon) being raised within one of the petitions, and being a clearly identifiable concern within 49 individual responses, Natural England have no objections and have stated that the proposal is unlikely to have any adverse effect on birds associated with the Nene Washes. The Wildlife Officer similarly has no objections, subject to the use of appropriate conditions in relation to impacts on protected species.

Notwithstanding the Natural England and Wildlife Officers comments above, the proposed hours of operation also indicate that lighting would be required, and it is not clear how or if such lighting would impact on protected species. The potential impacts of any required lighting may lead to an objection on ecology and wildlife grounds.

Consultee comments are based on the submitted information only. As part of the Reg 22 request additional information was requested in relation to the extant permitted mineral operations at Must Farm. In brief, the permitted operations at Must Farm will result in the creation of a lake directly adjacent to the proposal site. As no information has been supplied to assess the potential impacts of an additional (permitted) wetland area between the proposal site and the Nene Washes it is therefore not possible to draw a firm conclusion regarding the ecological impacts of the proposal, and how such impacts should be weighed against the benefits if the proposal.

In relation to the potential for pollution impacts on the local wildlife, and any designated sites, it is acknowledged that any operation would be subject to Environmental Permitting. However we cannot, through planning, control the existence of other permits, therefore we need to take a view on the planning information submitted. With insufficient information to assess potentially negative impacts in relation to lighting and the approved restoration at the neighbouring Must Farm quarry it has not been possible to draw a firm conclusion in relation to ecology and impacts on the environment as required by policies CS34 and CS35, and how such impacts should be weighed against the benefits of the proposal.

## **Landscape and Visual Impact**

Planning policy states that development such as that proposed will only be permitted where it can be demonstrated that it can be assimilated into its surroundings and local landscape character (CS33). The proposals are accompanied by a Landscape and Visual Impact Assessment. One petition and 12 individual representations clearly identify concerns in relation to the landscape and visual impact of the proposal, whilst one of the petitions, and 21 individual representations identify a negative impact on leisure amenity, (e.g. the footpath / national cycleway (Route 12) which forms part of the Peterborough Green wheel running alongside the course of the old River Nene) in part because of the visual impact of the proposals, with a further 2 representations specifying concerns over potential lighting.

Although the Council's Landscape Architect has confirmed that the scope and methodology of the LVIA are in accordance with recommended guidelines, they have identified a number of shortfalls in the assessment. They have requested that a detailed assessment of the residential visual receptors with views of the proposal should be undertaken, as well as at additional identified isolated properties. The consultee also contends that the cumulative effects of the proposal are more likely to have an adverse impact on the landscape than is described in the LVIA, and suggests improvements to the proposed mitigation measures.

It is noted that the proposals do not include any information in respect of lighting that could reasonably be expected to be required given the proposed hours of operation.

After the further information request, one petition and one representation were received which highlighted a potentially significant negative visual impact in relation to views towards Peterborough Cathedral from the east. This view was endorsed by Historic England. As a result, the applicant was requested to produce additional analysis to establish to what degree the setting would be affected and the degree of harm which would be caused to its significance. From a procedural perspective it was noted that the Conservation Officer had not been consulted (due to the distance of the proposal site to the Cathedral), but would be upon submission of the requested further information.

Further information was requested from the applicant in relation to the extant permitted mineral operations at Must Farm. In brief the permitted operations at Must Farm will result in the creation of a lake directly adjacent to the proposal site, and the cumulative landscape character and visual impact cannot be wholly understood without this assessment.

To conclude, in relation to the landscape character and visual impacts; no additional information has been forthcoming in relation to; lighting at the site; the appreciation of Peterborough Cathedral; and on the immediate environment as a result of the approved lake restoration at Must Farm; and the degree to which the significance of any landscape or visual impacts can be assessed is unknown. It has not therefore been possible to draw a firm conclusion in relation to landscape and visual impact issues required under policies CS34, CS35 and CS36, and how such impacts should be weighed against the benefits of the proposal.

### **Traffic, Transport and Highway Safety**

The proposals are accompanied by a Transport Assessment. The Local Highways Authority contend that the single hours traffic count is insufficient to establish traffic flows at peak times on the local network. Furthermore, the proposed quantity of (crop) feedstock appears incapable of being derived from the applicants land (potentially requiring additional traffic movements than are set out in the assessment); there is concern that the off-site digestate removal would not necessarily correlate with the deliveries from the source farms (and thus the viability of the backloading proposals is questionable); and there is insufficient detail to establish the existing and proposed Horsey Toll Farm vehicle trips.

All three petitions, and 84 individual representations cite traffic concerns, be they related to the volume of traffic, the bridge and or road condition of the A605 or with deliveries. A single representation also highlights concerns for safe pedestrian access to the site as there is no

footpath adjacent to the A605.

The Transport Assessment as submitted also failed to take into account other relevant EIA development in the vicinity (including the 'Stanground South' (also known as 'Cardea') development), allocated sites (including the Regional Freight Interchange - see Peterborough Site Allocations DPD policy SA10), and the existing uses at Horsey Toll Farm and neighbouring uses (i.e. those sharing the access track to the A605).

Without the requested further information to help establish extant and future traffic levels it has not been possible to draw a firm conclusion in relation to traffic and highways issues required under policy CS32, and how such impacts should be weighed against the benefits of the proposal.

## **Noise**

The proposal has been accompanied by a noise assessment, and consultation advice sought from both PCC Pollution Control and from Fenland District Council Pollution Control teams.

PCC's officer advised that noise would also be covered an Environment Agency Permit, and indicated that the noise limits suggested as a result of the survey would be acceptable and should be controlled by condition. It was also acknowledged that HGV movement during unsociable hours should also be controlled by condition.

Fenland's officer advised that whilst Peterborough City Council would be responsible for planning enforcement, statutory nuisance enforcement would fall to both Peterborough and Fenland Councils. It is also noted that the Environment Agency enforcement of permit conditions is through the use of 'best available technique' even in the event that any noise pollution is causing justifiable complaint and harm to amenity. The officer was concerned that the Noise impact assessment did not conform with appropriate technical standards, and that existing sound levels at King's Delph (i.e. within Fenland) had not been established.

All three petitions, and 34 individual representations explicitly highlighted noise concerns and associated negative impacts on (in particular) residential amenity.

The access track sits between 60 and 150m east of housing within Stanground. The applicant has not provided drawings to demonstrate the layout of the proposal site in relation to the wider surroundings, including the nearest sensitive receptors at Belton Road. It is asserted that the nearest receptor is over 250m from the proposed Environmental Permit boundary, although this does not correlate with the planning permission boundary, from which there is an estimated 160m between the tip of the south western most bund and the property at 58 Belton Road.

The applicant has been requested to provide evidence in relation to cumulative impacts with the existing Horsey Toll site. More correctly, this request should have related to noise impacts on existing uses at the Horsey Toll site. A caravan has been observed at the site that is potentially in residential use. No evidence has been presented as to the status of this caravan and a precautionary approach must therefore be adopted in respect of the potential noise impacts.

Consultee comments are based on the submitted information only. As part of the Reg 22 request additional information was requested in relation to the extant permitted mineral operations at Must Farm. As no information has been supplied to assess the cumulative noise impacts of the proposal in relation to the extant Must Farm quarrying permission, the degree to which the significance of any noise impacts can be assessed is unknown (e.g. in relation to the approved operational scenarios for Must Farm quarry).

Without the requested further information to help establish appropriate baseline noise levels, cumulative noise impacts, and potentially an additional sensitive receptor, it has not been possible to draw a firm conclusion in relation to noise impacts required under policy CS34, and how such impacts should be weighed against the benefits of the proposal.

## Odour

The proposal is accompanied by an Odour Impact Assessment, Air Quality Assessment and an Odour Management Plan. Air quality and odour concerns as impacting on residential amenity were raised in all three petitions and explicitly in 75 individual representations. All three petitions and 53 individual representations raised a similar concern in relation to the proximity of the proposal site to housing and schools. One petition and 37 individual representations raised explicit concerns in relation to pollution concerns and impacts on human health.

PCC's Pollution Control Officer highlights that the proposal would be subject to an Environment Agency Permit, and contends that the submitted odour impact assessment identifies that suitable (odour) levels will be achieved at sensitive receptor locations (i.e. nearby residential dwellings). The officer also identifies that in order to meet appropriate levels suitable operational and management techniques are required, and that a critical element of this is the proposed scrubber and biofilter control system (which has to meet the proposed performance specification for the proposal to be acceptable). The officer also contends that odour conditions normally required under permit should be included, in the event that no permit is required.

Fenland DC's Pollution Control Officer contends that although the methodology for odour assessment is acceptable, no baseline position has been established. The officer recommends that conditions should be required regarding odour levels at the site boundary, and in relation to the length of time which feedstocks may be retained on site.

The Environment Agency provided an informative comment "that the proposed development may cause offensive odours and noise within the local surroundings. The planned development is within 400 metres of a large residential area which may be affected should odour or noise emission be an issue." The Agency also confirmed that the development would require an Environmental Permit and provided advice as to the information that should be provided with any Permit application.

The Core Strategy designates Waste Consultation Areas around existing and planned waste management facilities from a standard 250m, with a 400m safeguarding area designated around existing and planned waste water treatment works. The proposals are described in the application as lying over 200m from the nearest residential use. Although this distance is understood as relating to the proposed permit boundary, rather than the planning application boundary, no evidence (i.e. a scaled plan) has been provided to clarify the precise distance. The Environment Agency, in response to a request for clarification on the significance of the 400m distance referred to in their response, state that the distance is taken from their October 2012 "Guidance for developments requiring planning permission and environmental permits".

The applicant was requested to provide evidence in relation to cumulative impacts with the existing Horsey Toll site. More correctly, this request should have related to odour impacts on existing uses at the Horsey Toll site. A caravan has been observed at the site that is potentially in residential use. No evidence has been presented as to the status of this caravan and a precautionary approach must therefore be adopted in respect of the potential odour and air quality impacts.

Policy CS34 requires that there is no demonstrable significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss to other residential amenities. Whilst there is a perception of harm, it is acknowledged that the proposal would be subject to Environmental Permit control and as no specific objection has been raised by the statutory consultees, the impacts on the known sensitive receptors cannot be considered to represent significant harm. Notwithstanding this, an additional potentially sensitive receptor (i.e. the caravan sited within Horsey Toll Farm) has been identified immediately adjacent to the proposed development and it has not been possible to draw a firm conclusion in relation to odour and air quality impacts required under policy CS34, and how such impacts should be weighed against the benefits of the proposal.

## Flood Risk and Drainage

The proposal is accompanied by a Flood Risk Assessment and Drainage Strategy. The proposal site also sits within all three Flood Zones and is subject to the sequential test. The applicant contends that a number of industrial and farm locations were identified near Peterborough around known gas grid network connections, but that no other site had the correct capacity at the required pressure; such sites are reported as being partly or entirely within flood zone 3 and the applicant concludes that “in the majority of cases, development in a flood zone could not have been sequentially avoided”.

Additional information has been requested to evidence the assertions presented within the 'Sequential Test' accompanying the application. As none has been forthcoming it is impossible to draw firm conclusions as to whether or not the proposal passes the Sequential Test. The flood risk at the proposal site also needs establishing in relation to the concerns about the potential for pollution impacts resulting from any flooding incident.

Although eight individual representations raise explicit concerns on flood risk grounds, the Environment Agency have no objections on the grounds of flood risk, but have specified that evidence needs to be provided to indicate that the Sequential Test has been carried out.

As a cross boundary application, the development is subject to two Lead Local Flood Authorities - PCC and CCC. The PCC Drainage Officer has raised no objections, and is content that the proposed drainage design is satisfactory. The PCC Officer also agrees with their CCC counterpart (who also has no objections) that surface water can be dealt with on site by using attenuation basins such that run-off will be discharged at a rate no greater than existing, and that the minimum requirements of the NPPF have been met with regards above ground SUDS features being located in Flood Zone 3. Three individual representations have explicitly expressed concern that there should be no drainage to a watercourse from the proposed development.

The Middle Level Commissioners (MLC) (the relevant Internal Drainage Board) have advised that they no longer provide bespoke responses to planning applications unless they are subject to their pre/post application discussion process; the applicant was advised that prior written consent may be required for certain water level / flood risk management issues. MLC comment was provided on the initial (15/00842/MMFUL) application. Of the issues identified in these original comments it is noted that the Board advised that all infrastructure must be positioned outside the Board's access strips, although they also advise that any works affecting MLC systems or watercourses will require an Environmental Statement and a Risk Impact Assessment. Of relevance here is that the applicant has been advised that further information is required in relation to any requisite off-site connections. The MLC also advised that the King's Dyke navigation should not be adversely affected and that consideration should be given to the impacts on water resources and the risks of pollution.

It is considered that whilst details of foul sewage have not been provided these could be controlled by condition. Likewise, the proposed drainage systems have not drawn objection from the statutory consultees. However, the failure to address the requirements of the sequential test leaves a concern regarding the potential pollution impacts which may result from a flooding incident. It is not clear that there would be no unacceptable impact on water resources in accordance with CS policy 39.

Further information has also been requested in relation to Must Farm Quarry. The distance between the permitted quarry and the closest part of the proposal site (the lagoon in the north east corner) is unknown, but estimated to be within 50m. The permitted extraction and the proposed AD facility, sitting below ground level can reasonably be anticipated to have an effect on groundwater flows in the vicinity. Policy CS39 requires proposals to demonstrably have no significant adverse impact or risk to groundwater flows, and there are concerns that the proposal could therefore prejudice the existing approved mineral workings.



## **Heritage and Archaeology**

The proposal is accompanied by a heritage and archaeology statement and the results of a Test-Pit Survey of the site. Four individual representations raise explicit concerns relating to archaeological issues, whilst one petition and one individual response raised concerns relating to the impact on the setting and views of Peterborough Cathedral. No information has been provided with the application with regards to any off-site connections, either above or below ground, that may be required to ensure the proposed development can fulfil its intended function. No details have been provided in relation to any upgrading works that may be required with regards to the bridge crossing the old course of the River Nene (as identified by the Middle Level Commissioners).

The Archaeological Officer has advised that the submitted heritage and archaeology statement does not provide a conclusive assessment of known heritage assets and does not adequately incorporate the results of the Test Pitting survey submitted as Appendix 15.

The closest Scheduled Monument (designated asset) is that at Horsey Hill Fort, some 250m to the south of the site. Other than the proposed access to the A605, the proposal site and the Horsey Hill Fort SM are separated by the array of uses currently around Horsey Toll Farm, including the crane hire site, and a field. Historic England does not consider that the proposal will result in serious harm to the significance of the Scheduled Monument. Therefore the provisions of paragraph 134 of the NPPF apply. This states that where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

Historic England acknowledge the importance of the context of the landscape within which the SM sits, and the prominent views of the crane hire company between the SM and the proposal site. Notwithstanding this, a modest degree of additional harm to the SMs significance is adjudged to be caused by the proposed development. The Council's Landscape Architects have advised that the cumulative effect of the proposal is more likely to have an adverse impact on the landscape than is described in the LVIA, and, as described elsewhere in this report further information has been requested with regards landscape and visual impact assessment.

Potential impacts on Peterborough Cathedral (a Grade I listed building, including aspects Scheduled or registered under the Ancient Monuments and Archaeological Areas Act 1979, and the Historic Buildings and Ancient Monuments Act 1953) also contributing to the impact on the historic environment are also of relevance, and have been discussed under the Landscape and Visual Impact sub heading.

For the proposed development to function as intended, it is clear that additional archaeological impacts to those identified in the application will require resolution. Whilst it is acknowledged that potential upgrading works to the bridge may be agreed outside of the scope of this application, it is clear that provision of off-site gas and / or electricity will be required. Such impacts cannot be disassociated with the proposal and must therefore be considered holistically at this time.

Without the requested additional information it is not therefore possible to weigh the benefits of the proposals against the impact on designated and undesignated heritage assets, and compliance or otherwise with policy CS36 in relation to archaeology and the historic environment cannot be established.

### **Other issues**

#### **- Consideration of alternatives**

The applicant has also been requested to provide additional information regarding the reasonable alternatives studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects, as required by Schedule 4 of the EIA Regulations.

Although a similar request has been made in respect of the Sequential Test in regards to flood risk, no evidence has been put forward as to the other sites alleged to have been studied. It has also been raised explicitly in one representation that an alternative output (i.e. a 'gas to electric' output) would have enabled a greater array of potential sites to have been considered. Due to the sensitive nature of the site that has been selected by the applicant, this is not considered an unreasonable request. Therefore, the application as submitted is not considered to be in accordance with the requirements of Schedule 4 of the EIA Regulations.

Policy CS38, regarding the sustainable use of soils, states that minerals and waste development will only be permitted where it can be shown that there is a need for the development, which is not in dispute, and where an absence of suitable alternative sites using lower grade (agricultural) land has been demonstrated. Four representations have explicitly expressed concerns in relation to the loss of agricultural land. No information has been presented regarding the quality of the agricultural land at the proposal site, and no consideration of alternative sites, demonstrating that the proposal site is the most suitable from a soils perspective has been undertaken. The benefits of the proposal can not therefore be assessed against the potential impacts and the proposals have not been demonstrated to be in accordance with policy CS38.

- **Pest control measures**

The applicant has failed to identify any potential pest control measures, an issue raised explicitly in ten representations. Policy CS34 requires development to demonstrably have no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss to residential or other amenities. Although no further information has been provided as requested regarding any potential pest control measures, it is considered that in the event that permission were to be granted, such measures could be adequately controlled by condition.

- **Regional Freight Interchange - allocated site**

Where the proposal site falls within the PCC boundary it sits within the allocated Regional Freight Interchange (RFI) site (Peterborough Site Allocations DPD Policy SA10). Although it is noted that there is no equivalent allocation within the Fenland area, the Peterborough Site Allocations DPD describes the RFI as likely to require a total of 135ha, of which approximately 33ha sits within the Fenland administrative area.

The proposal site extends to some 6.3ha over the Peterborough and Fenland administrative areas and it is clear that should permission be granted this would remove a proportion of the available area for the allocated RFI site. Whilst it is unlikely that the loss of a relatively small area would prejudice the allocated site coming forward, there are in combination impacts that should be addressed by any application. It is acknowledged that the practicalities of establishing any such cumulative impacts is limited due to the amount of currently available information (i.e. there is presently no application for the RFI), however Peterborough Core Strategy policy CS7 identifies a number of 'particularly relevant' issues that any application at the RFI site would have to address.

The key consideration for the proposed development in light of the allocated site is the land take and location of the proposal site in the context of the RFI allocation. As a relatively small area of land within the allocated site, and being located adjacent to the existing uses within the area and utilising the same point of access to the A605, it is not considered that the proposed development would prejudice the RFI site from being developed. The proposal is not therefore considered to be contrary to policy SA10.

**Fire Hydrants**

The Fire and Rescue Authority recommend that provision should be made for fire hydrants within the proposal. In the event that planning permission were to be granted this could be controlled by condition.

## **Response to other issues identified through representations**

### **Safety**

21 representations have explicitly expressed safety fears, both in general terms relating to Anaerobic Digestion process and facilities, and specifically in relation to the storage and use of propane gas in close proximity to a densely populated area. These are not considered to be material planning considerations as the development would be subject to alternative legislation regulating such issues.

### **Ground conditions and land instability**

Three representations have expressed concerns in relation to the suitability of the ground conditions to support such development. These are not considered to be material planning considerations and the development would be subject to alternative legislation regulating such issues.

### **House price impact**

19 representations have explicitly expressed concerns in relation to the proposal negatively affecting house prices in the vicinity. The protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material planning consideration.

### **Problems at McCains AD plant**

Two representations have expressed concerns about issues (including odour) that have been experienced at the nearby AD facility at the McCains factory, and about how these have been resolved. Whilst the cumulative impact of the proposed development with that at McCains needs to be addressed, the success or otherwise of effective regulatory regimes at an alternative site using similar technology is not a material planning consideration.

### **Effective enforcement**

Three representations have explicitly expressed concern about the effectiveness of any enforcement regimes that should be in place. As described in relation to the AD facility at the McCains factory, the effectiveness of regulatory regimes is not a material planning consideration.

### **Future development**

Three representations have explicitly expressed concerns that this development may lead to future expansion / additional AD development at the site. Although the applicant has highlighted that future expansion is not planned, any such expansion / addition to the site would be subject of a separate application, and is not therefore considered to be a material planning consideration.

### **Localism and Human Rights**

One petition and four representations have explicitly expressed concerns in relation to the proposal in light of the requirements of the Localism Bill and the Human Rights Act. It is considered that due process has been adhered to and the proposal has been appropriately assessed. Consideration and determination of the application is not considered to undermine the requirements of the Localism Bill nor impact on Human Rights.

### **Employment**

One petition and one response has explicitly expressed concerns regarding the potentially negative impact on existing employment levels resulting from existing businesses being likely to

relocate elsewhere. There have not been any responses from the neighbouring business indicating concerns to this effect, and nor from any recognised business associations. As such this is not a concern that will be weighed in the planning balance.

### **Political purpose**

One objection has been received in response to a perception that the development (and objection to it) is being used for political purposes. It is considered that due process has been adhered to and the proposal has been appropriately assessed. It is not considered that the objection is of relevance to the planning balance, and furthermore there is a complaints procedure that may be engaged should the objector be so minded.

### **Public consultation**

Two representations have explicitly expressed concern in relation to the public consultation surrounding the proposals. The background to the proposals, i.e. it being initially submitted to only one authority (CCC), including the withdrawal and re-submission, is thought to have contributed to these concerns. However, due process has been adhered to, and it is not considered that any party has been prejudiced in their access to information about the proposals, or their ability to submit comments.

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

The proposal is considered as a waste management proposal outside an allocated area (CS18). Whilst satisfying one of the criteria for this policy, in making a positive contribution towards sustainable waste management, the lack of additional information prevents a definitive conclusion being drawn regarding its consistency with the spatial strategy for waste management. As such, it is correct for a precautionary approach to be adopted. The merits of the proposal, including compliance with aspects of national policies regarding the economy and rural diversification, the provision of renewable energy and moving waste up the waste hierarchy, cannot be satisfactorily weighed against the potentially negative impacts as they are not fully known. Such potentially negative impacts include:

- Alternatives. The consideration of alternative sites as required by the EIA regulations may demonstrate a more appropriate location.
- Ecology. The potential impact of lighting at the site, which is likely to be required, on protected species. The cumulative impacts with the restoration scenario for the approved Must Farm quarry. The proposal is not therefore in accordance with policies CS15, CS27, CS34 and CS35.
- Landscape and visual impact. Residential visual receptors with views of the proposal. The cumulative effects of the proposal, specifically with the approved mineral workings at Must Farm. The potential impact of lighting at the site. The proposal is not therefore in accordance with policies CS33 and CS34.
- Traffic, transport and highway safety. The ability of the highway network to accommodate increase in traffic. The proposal is not therefore in accordance with policies CS15 and CS32.
- Noise. The residential use or otherwise of the caravan at Horsey Toll Farm needs to be established. The noise impact whereby the baseline has not been adequately established. The cumulative effects of the proposal with the operational scenario for the approved Must Farm quarry. The proposal is not therefore in accordance with policies CS15 and CS34.
- Odour. The residential use or otherwise of the caravan at Horsey Toll Farm needs to be established. Also weighed into the balance is the information provided by the Environment Agency, which, whilst not objecting, notes that a large residential area may be affected

should odour be an issue. The proposal is not therefore in accordance with policies CS15 and CS34.

- Floodrisk and drainage. There may be a sequentially more preferable site. Pollution potential during a flooding incident. The proposal is not therefore in accordance with paragraphs 100-104 of the NPPF and policy CS39.
- Heritage and Archaeology. The impact on known (designated and un-designated) heritage assets, including those subject to any requisite off site connection works. The degree of harm to Peterborough Cathedral. The proposal is not therefore in accordance with policy CS36.
- Minerals Consultation Area – The cumulative impacts; associated with noise during the operational scenario for the Must Farm quarry; associated with the effect on groundwater flows; associated with both the operational and restoration scenarios from a landscape and visual impact perspective; and associated with the restoration scenario and ecological impact. The proposal is not therefore in accordance with policy CS27.

A number of additional concerns have been presented through the consultation process, which, whilst representing a depth of feeling in the locality, do not constitute material planning considerations.

## **7 Recommendation**

The case officer recommends that Planning Permission is **REFUSED**

### **R 1 Ecology**

The proposal does not demonstrably show that cumulatively there will not be any significant adverse impacts on sites or features of importance for wild flora or fauna as required by policy CS35. Specifically;

- a) There are unknown ecological impacts in respect of the post restoration scenario for the approved quarry and the nearby Nene Washes designated site.
- b) There is insufficient information to assess the impacts of any lighting that will be required.
- c) There is insufficient information to assess the potential pollution impacts resulting from a flooding incident.

### **R 2 Landscape**

The proposal does not demonstrably show that the scheme can be assimilated into its surroundings and local landscape character area as required by policy CS33. Specifically;

- a) A detailed assessment of residential visual receptors needs to be undertaken, particularly for those properties directly to the west of the proposed development, and for isolated residential properties between viewpoints VP-E and VP-F, and properties at Georg Alcock Way, Farcet.
- b) Confirmation of the use of the static caravan at Horsey Toll farm is required to establish whether an additional sensitive receptor viewpoint is required.
- c) No assessment has been made of the cumulative landscape and visual impacts with the extant mineral permission for the Must Farm quarry.
- d) The landscape character and visual impact assessment impact fails to address the impact on Peterborough Cathedral, and the cumulative impact on designated heritage assets, including the Horsey Hill Fort Scheduled Monument cannot be accurately assessed.
- e) The Landscape Character and Visual Impact assessment fails to take into account the worst case scenario (i.e. during winter when screening may be more limited).
- f) The proposed hours of operation indicate the likelihood of lighting being required. The visual impact and effect on the character of the landscape of any such lighting has not been assessed.

- R 3 Highways  
The proposal does not demonstrably show that the access and highway network serving the site are suitable or could be made suitable and able to accommodate any increase in traffic and / or the nature of the traffic associated with the development without unacceptable harm to the environment, road safety or residential amenity, as required by policy CS32. Specifically;
- a) The location of the proposed facilities has not been evidenced as being fully assessed against highway safety and capacity as required by policy CS15.
  - b) The single hour of count data in the Transport Assessment is insufficient and local peak hours need to be established.
  - c) Clarification is required as to the origins and importation of feedstock both from within the Horsey Toll Farm and crops from elsewhere.
  - d) Clarification is required as to whether the entirety of the Horsey Toll Farm holdings are to be given over to feedstock provision, or whether additional movements associated with the farm holdings will still be required. The provision of expected yield per hectare figures is required to add veracity of the traffic figures.
  - e) The worst case scenario, discounting backloading, needs to be addressed as it is not clear that backloading will be feasible with the crops and digestate involved in the process.
  - f) The existing trip generation, including all other users of the access road, needs to be clarified, and taken into account alongside other relevant EIA developments, including Stanground South, and allocated sites, including the Regional Freight Interchange.
- R 4 Noise  
Insufficient evidence has been presented to demonstrate that surrounding uses and sensitive receptors will not be significantly harmed, as required by policies CS15 and CS34. Specifically;
- a) The noise assessment does not conform to the appropriate standard (i.e. BS4142:2014)
  - b) Existing sound levels at King's Delph have not been established
  - c) Confirmation is required as to the use of the static caravan at Horsey Toll Farm to establish if an additional sensitive receptor site in close proximity to the site.
  - d) The cumulative noise impact with the extant Must Farm quarry has not been assessed.
- R 5 Odour  
Insufficient evidence has been presented to demonstrate that surrounding uses and sensitive receptors will not be significantly harmed, as required by policies CS15 and CS34. Specifically;
- a) Confirmation is required as to the use of the static caravan at Horsey Toll Farm to establish if an additional sensitive receptor site in close proximity to the site.
  - b) The proposal is within 400m of a large residential area which may be affected by offensive odours.
- R 6 Flood risk and drainage  
Insufficient information has been provided to determine if the site is sequentially preferable as required by the NPPF Section 24 paragraphs 100 – 104. In addition there is insufficient information to assess the potential pollution impacts resulting from a flooding incident.
- R 7 Heritage and Archaeology  
Insufficient evidence has been presented to demonstrate the scale of the impact on designated heritage assets or on sites of local archaeological or historical importance as required by CS policy 36. Specifically;
- a) The Heritage Assessment should include all known heritage assets (including the former airfield of local importance) and incorporate the results of the Test Pitting survey.
  - b) The cumulative impact on the historic environment with the approved mineral workings at Must Farm must be assessed.
  - c) The impacts of any requisite off site gas and or electricity connections needs to be assessed.

d) The impact of the proposal upon the setting of Peterborough Cathedral needs to be assessed

R 8 Mineral Consultation Area

Insufficient evidence has been presented to assess the potential prejudicing of the extant Must Farm Quarry as required by policies CS27 and CS39.

a) There is insufficient information to assess the cumulative impacts, including visual impact and historic environment of the proposal alongside the operational and post restoration scenarios of the Must Farm Quarry.

b) There are unknown cumulative impacts on the flow of groundwater at or in the vicinity of the site.

R 9 Alternatives

Insufficient information has been provided to enable a consideration of alternative sites as required by Schedule 4 of the EIA Regulations, and it has not been demonstrated that a suitable alternative site using lower grade agricultural land is not available as required by CS policy 38.

Copy to Cllrs Bisby, Harper, Rush, Whitby, Lillis and Clark

This page is intentionally left blank