

APPLICATION REF: 11/02052/WCMM

PROPOSAL: VARIATION OF CONDITIONS 1, 19, 21 AND 31 OF PLANNING PERMISSION 08/01562/WCMM TO ALLOW THE ACCEPTANCE OF ASBESTOS IN DEDICATED CELLS AND TO INCREASE THE CATCHMENT AREA FOR ASBESTOS

SITE: EYEBURY QUARRY, EYEBURY ROAD, EYE, PETERBOROUGH
APPLICANT: BIFFA WASTE SERVICES LTD

AGENT:
REFERRED BY: COUNCILLOR SANDFORD
REASON: PUBLIC INTEREST/SAFETY OF ASBESTOS
SITE VISIT: 20.01.2012

CASE OFFICER: MR A O JONES
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RECOMMENDATION: APPROVED SUBJECT TO RELEVANT CONDITIONS

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

Site and Surroundings

The site comprises the “southern extension area” within the existing Eye landfill site which lies to the south east of Eye village. The western boundary of the site is formed by the Cat’s Water Drain. The existing “southern extension” scheme covers approximately 15.7 hectares and comprises 8 engineered cells with a total void space of 1,675,000 cubic metres prior to waste settlement and restoration of the site. The site is an operational landfill site, (with an adjacent quarry site to the northwest) and has a typical appearance of such workings; in the central area there are lagoons and processing plant. The landfill operation is subject to a planning permission and a permit from the Environment Agency for 8 cells for non hazardous landfill (those subject of this proposal), a separate cell for inert waste, and the biological treatment of more than 50 tonnes of non hazardous waste per day. This is necessary because the landfill area will treat more than 50 tonnes of leachate (i.e. liquid that is controlled and drained from the landfill) per day. The eastern strip of the southern extension is being restored as a wildlife corridor as required by previous permissions. The area around Eyebury landfill is characterised by a fen edge appearance – large open flat fields and sporadic farmhouses and other dwellings. Pode Hole quarry is located to the north east of the site and is separated from Eyebury landfill by Willow Hall Lane and the Cat’s Water Drain.

Proposal

This is an application made under Section 73 of the Town and Country Planning Act 1990, for the variation of conditions 1, 19, 21 and 31 (now proposed condition 29) of permission 08/01562/WCMM. The applicant wishes to vary these conditions to enable the acceptance of asbestos waste in four dedicated stable non reactive hazardous (SNRHW) cells within the “southern extension area” of the Eye landfill site, and to increase the catchment area from which asbestos waste (only) can be accepted.

Condition 1 – relates to the approved plans and details and would need to be amended to include the revised plans showing the engineered cells to take asbestos, leachate and gas management plans, pre-settlement levels and asbestos management plan.

Condition 19 – relates to the leachate and gas management schemes.

Condition 21 – relates to the pre-settlement levels.

Condition 31 – Relates to the catchment area from which waste brought to the site must fall within. Presently this is 80% by weight of the waste brought to site for landfill (in the southern extension) must be sourced from within the administrative area of Peterborough, the administrative area of Cambridgeshire County Council or within a radius of 45km from the site.

Application 08/01562/WCMM was a Section 73 (variation of condition) application to the original permission granted for the infill of the former quarry area with wastes under reference 94/00004/MMFUL granted in 1999. The 2008 application is a stand alone permission and so it is this that currently comprises the extant permission for the site. This application was accompanied by an Environmental Assessment (EA) compiled in 2008. The development falls as Schedule 1 development under the 2011 Environmental Impact Assessment Regulations (the EIA Regulations) and therefore an EA is mandatory. The Mineral Planning Authority (MPA) must consider the environmental effects of the proposed modifications to the development together with the environmental effects of the development as a whole. Since the High Court ruling in Baker v Bath and North East Somerset, Hinton Organics (Wessex) Ltd (“the Baker Case”) it is no longer acceptable to consider modifications to development in isolation without addressing the overall cumulative impacts of the development. With this in mind the applicant has re-submitted the copy of the 2008 ES and has assessed the issues contained therein and where the applicant considers the situation or issues have changed in the intervening period or because of the changes in the scheme, an update to the ES is provided. This report will consider whether that assessment is acceptable.

Note: asbestos is classed as Stable Non Reactive Hazardous Waste (SNRHW)

2 Planning History

Reference	Proposal	Decision	Date
08/01562/WCMM	Variation of Condition C1, C2 and C9 of planning permission 94/00004/MMFUL to accept revised plans, allow an extension of time until 31/12/2021 and delete wording: 'Nothing other than solid inert material shall be tipped into Area 3 to backfill any voids and achieve new contours'	Application Permitted	08/03/2010

3 Planning Policy

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

National Planning Policies

National Planning Policy Framework and accompanying Technical Guidance

PPS10 - Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 10 (PPS10) sets out the Government's policy to be taken into account by waste planning authorities and forms part of the national waste management plan.

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

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.

MW18 - Waste Management Proposals Outside Allocated Areas

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

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.

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.

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

Minerals workings and waste management sites will be restored to a beneficial afteruse 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 affect 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.

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.

4 Consultations/Representations

Building Control Surveyor (04.01.12)

No objection. Building Regulations approval not required.

Pollution Team (02.02.12)

No objections. Pollution control is regulated and monitored by the Environment Agency.

Transport and Engineering Services (24.01.12)

No objections

Landscape Architect (27.01.12)

Concerns regarding siting of cells on the final landform.

Wildlife Officer (23.01.12)

No objections.

Environment Agency (23.01.12)

No objections. Re. Condition 19, advise that the EA is not concerned with the placement of the essential (gas and leachate management systems) interfering with the end use of the restored land, and that gas and leachate monitoring is covered by the sites environmental permit.

Natural England (20.01.12)

No adverse effects anticipated to either the restoration project or the wildlife corridor.

The Wildlife Trust

No comments received

Anglian Water Services Ltd

No comments received

EDF Energy

No comments received

National Grid

No comments received

Councillor D Sanders

No comments received

Councillor R Dobbs

No comments received

Parish Council (20.01.12)

No comments.

Local Residents/Interested Parties

Initial consultations: 60

Total number of responses: 4

Total number of objections: 3

Total number in support: 0

- Query the acceptable guidelines on storage and emissions from asbestos and long term impacts of placing asbestos in cells
- Can extra filters be added to remove emissions
- What are the alternatives for managing asbestos
- An incinerator is about to be built to dispose of rubbish in a productive manner - do we have to bury it in the ground
- Noise from reversing beepers
- Smell, especially in hot weather
- Litter
- The water environment still needs protecting
- It is unfair to Peterborough to bring in asbestos to Peterborough from more than 45 km out of Peterborough
- Eyebury road is an unsuitable access
- Willow Hall Lane is already used by Biffa traffic and this is unsuitable
- Concern that deleting/variation of the conditions will lower environmental standards
- Long term health implications

5 Assessment of the planning issues

The main considerations are

- The principle of allowing SNRHW at Eye landfill southern extension (including catchment area issue)
- Health and safety/air and water quality
- Construction of the SNRHW cells
- Gas and leachate management
- Landscape and visual appearance – changes to pre-settlement levels
- Consideration of these issues together with existing/unchanged situation/issues (ground conditions and contamination, water resources and flood risk, ecology and nature conservation, archaeology and cultural heritage, transport, noise, socio economic impact)
- Changes to the conditions

(a) Principle

Paragraph 2.3.4 of the Draft National Policy Statement for Hazardous Waste 2011 states that “It should be noted that, even with optimal use of this hierarchy, there will always be some hazardous waste, such as asbestos or certain residues from other treatment processes, for which disposal will be the only appropriate option.” The hierarchy referred to is the “waste hierarchy” established by the EC Framework Directive on Waste (revised 2008) which requires that where possible waste is prevented then re-used then recycled etc. The last resort is to landfill. In layman’s terms, asbestos can be dangerous to human health due to ingestion of asbestos fibres which over time can lead to serious health problems associated with the lungs/respiratory system. Thus asbestos that is disturbed/broken up is likely to be the main cause for concern. Handling asbestos as little as possible, keeping it covered and then burying is currently the best option for containment of asbestos fibres i.e. reducing impact on human health. In principle landfilling asbestos is therefore acceptable.

In the Peterborough area, landfill of asbestos is presently only permitted at the Thornhaugh 1 site. There is also the Kings Cliffe (East Northants Resource Management Facility) site located just outside the area that accepts a range of hazardous material. The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (MW Core Strategy) policy C19 states that where there is a demonstrated need for SNRHW landfill capacity, limited extensions will be made within existing landfill sites.

The MW Core Strategy accepts that as the Thornhaugh 1 site is currently the only SNRHW waste landfill within the plan area, the extension of some existing sites is acceptable. The current permitted void space at Thornhaugh 1 is in the order of 470,000 cubic metres. There is potential at

Thornhaugh 1 to increase this void space to the order of 950,000 cubic metres with a site life to 2029 but this does not have planning permission (it is the subject of a current planning application). It is likely that about two thirds of this space would be taken up with SNRHW, i.e. 630,000 cubic metres.

The MW Core Strategy sets out that Cambridgeshire and Peterborough will generate 995,000 tonnes of hazardous waste over the plan period, i.e. to 2026. Neither Eyebury nor Thornhaugh 1 are permitted to take the whole range of hazardous waste that will be produced in the plan area. Assessing need in a quantitative sense is therefore difficult because no doubt hazardous waste will travel outside of this plan area to other sites whilst other hazardous waste will also travel into our plan area.

The figures suggest that it could be argued that there will be a need for some additional hazardous waste landfill within the plan area. Policy CS14 states that the waste planning authorities will make provision, by 2026, for a minimum of 14,000 cubic metres per annum of SNRHW void space. Peterborough will be meeting (and exceeding) this requirement. The southern extension at Eyebury is due to be completed by 2021 by which times other sufficient provision is likely to be available. In other terms, it is preferable for Cambridgeshire and Peterborough not to be reliant on one hazardous waste site and one operator. It can therefore be sufficiently demonstrated that a need can be identified.

Policy CS18 of the MW Core Strategy states that proposals for waste management development (for e.g. SNRHW) outside the allocated areas will be considered favourably where it is consistent with the spatial strategy for waste management and it can be demonstrated that they will contribute towards sustainable waste management. It is considered that as asbestos waste must be disposed of in landfill and the proposal is to utilise existing landfill facilities, that these policy criteria are met.

The existing planning permission 08/01562/WCMM is subject to condition 31 which restricts the catchment area for 80% of the current waste brought to the site. This condition is imposed to ensure that waste is treated at the nearest possible site to the source in accordance with the "proximity principle." The applicant wishes to vary this condition so that it applies only to the non hazardous waste, i.e. the asbestos waste would be excluded because the acceptance of asbestos may lead to more than 20% of waste in total coming from outside the catchment area. In simple terms, the more "specialised" the waste stream the fewer facilities exist to treat it and therefore the waste is likely to travel further than say non hazardous or inert waste. To put this into context (in terms of amounts of waste), the applicant proposes to import up to 20,000 tonnes per annum (tpa) of SNRHW which could be a maximum of approximately 200,000 tonnes over the lifetime of the development. The total void space is 1, 675,000 cubic metres. Although not directly comparable, this gives an indication as to the proportion of SNRHW in the context of the southern extension void space.

The applicant states that Cambridgeshire and Peterborough has traditionally accepted waste arisings from outside its area, notably from London. In this case the applicant cites Norfolk as being a key area from which it is anticipated that asbestos will be brought in from outside the current catchment area. Norfolk, due to various reasons, does not now have any hazardous landfill. An engineered asbestos cell at a site near Norwich and operated by Biffa, ceased accepting waste in March 2011. It is considered that due to the nature of the waste, the need to ensure that as far as possible, the asbestos cells are completed within the approved phasing timetable for the cells as a whole and that if asbestos is accepted at Eyebury it is unlikely to travel further than at present, the change to the catchment area can be justified (for the SNRHW only).

It should also be noted that when the southern extension was permitted in 1999, asbestos would have been permitted to be mixed in with the commercial and industrial (C&I), and construction and demolition (C&D) waste that is accepted at the site, i.e. it was not essential to explicitly state that the site would accept SNRHW. This was prevented when the EC Waste Framework Directive was introduced preventing the mixture of hazardous waste with other wastes.

(b) Health and Safety

The introduction of SNRHW to the site in the four engineered cells raises issues of health and safety and air and water quality due to the possible release of fibres into the air or through water

permeating from the site. These matters are considered at pages 5-7 of the submitted Environmental Statement Update Report and in a separate Asbestos Management Plan. The latter is provided as Appendix A to this report.

The Environmental Statement Update Report and Asbestos Management Plan outline how the operator will have to operate to strict rules regarding the acceptance of asbestos wastes, for example; ensuring that asbestos waste is delivered in suitably enclosed containers, having a water spray available upon the deposit, and ensuring there is enough material present to entirely cover the deposited waste immediately.

The environmental permit conditions the use of these measures and also requires Biffa to carry out regular dust and asbestos monitoring to demonstrate that no escape of asbestos fibres can occur. The Asbestos Management Plan sets out a monitoring schedule and trigger points for implementation of an Action Plan.

Policy CS 34 of the MW Core Strategy is of relevance as it requires waste management development to demonstrate that there will be no significant harm to the environment, human health or existing or proposed neighbouring land uses. It is considered that the submitted information demonstrates compliance with this policy. The Environment Agency is responsible for monitoring air and water quality emanating from the site. The Agency has already issued its permit in relation to this proposal and has raised no objections. PPS 10 states that Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The proposal is therefore acceptable in this regard.

(c) **Construction of the Cells**

If SNRHW is accepted at the site it will necessitate revised engineering to the four proposed cells in order to ensure that the SNRHW is kept separate from the other waste. Plans have been submitted to show how this will work and a Stability Risk Assessment report has been submitted to demonstrate that the proposed engineering is safe. If these plans are acceptable, Condition 1 would need to be amended to include reference to these plans. Policy CS34 of the MW Core Strategy is relevant. The revised engineering of the cells will not result in any perceptible impacts upon the surroundings except that the cells containing the SNRHW will need to remain active during the completion of two non hazardous cells, delaying the restoration of that SNRHW waste cell by up to 1.25 years. This is more an issue regarding visual impact but it is considered that as this delay will occur during the operational phases of the development this will not result in unacceptable amenity issues. Again, the engineering of the cells has been accepted by the Environment Agency. It is considered that the revised engineering complies with CS34.

(d) **Gas and Leachate Monitoring**

Updated plans have been submitted showing the revised monitoring points for leachate and gas, collection wells and pipes that transport the leachate and gas to the environmental compound (already permitted) which contains treatment facilities for both. As gas and leachate monitoring will be undertaken by the Environment Agency under the permitting regulations, it is not proposed to consider these issues in any detail to avoid unnecessary duplication. The position of the gas and leachate infrastructure appears appropriate and should not affect the restoration of the site to an agricultural afteruse. Conditions 1 and 19 will need to be varied to include these plans and it is considered this is acceptable.

(e) **Landscape and Visual Affects**

The Landscape and Visual Impact aspects of the proposal have been updated because the proposals will result in changes to the pre-settlement levels. The relevant policies are CS25, CS34 and CS35 of the MW Core Strategy. Due to the nature of landfilled SNRHW it will not settle as much as non hazardous waste. Therefore to ensure that there are even contours once the settlement has occurred, those cells containing SNRHW will need to be filled to a lower level. This will create an uneven appearance to the site during the pre-settlement phase. However, most settlement will occur during the development and once restored, the site will ultimately look the same as already approved. The visual impact of this will not directly affect anyone.

The Council's consultant Landscape Architect has questioned the placing of the four cells around the site rather than grouping them together on the least prominent slopes and the possibility that the adjoining settlements do not go as planned. This has been discussed with the agent and the

cells have been so placed to ensure the landfill can proceed in line with the agreed phasing/for safe operational reasons. Also, the applicant is confident based on other similar operations that the expected post settlement levels are correct. If there are any variations this will be resolved prior to planting by increasing the depth of layer of soil over the depressed area. It is not considered that the revised pre-settlement levels due to the importation of SNRHW are in conflict with policies CS33, CS 34 or CS35. The restoration scheme will enable the majority of the site to return to a beneficial agricultural afteruse and the wildlife corridor brings benefits to biodiversity in compliance with policy CS25.

(f) Consideration of cumulative effects

As stated earlier, the proposed changes to the scheme set out above, cannot be considered in isolation but must be assessed as part of the whole scheme/development. The original ES (resubmitted with this application) has been re-evaluated alongside the revised information. The following is a summary of the issues not directly impacted by the revised proposals:-

Ground conditions and contamination

This section of the ES relates in the main to the ground investigation report undertaken prior to the development commencing. This is unchanged by the current proposal and has already been accepted. The proposal complies with policies CS34 and CS39 of the MW Core Strategy.

Water resources and flood risk

This section of the ES contains assessment on the impacts of the landfill operation on groundwater, surface water, flood risk and how trade effluent would be dealt with. This section remains relevant and is unchanged by the revised proposal. The proposal complies with policy CS39 of the MW Core Strategy and the NPPF – the Flood Risk Assessment was undertaken in accordance with PPS 25 but the physical characteristics of the site, methodology employed and conclusions are still relevant. Groundwater will be monitored by the Environment Agency through the permitting regime and the EA has raised no objections.

Ecology and nature conservation

The ecology proposals remain as already approved and the chapter has been updated just to set out that the approved wildlife corridor to the east of the proposed cells has already been implemented. The ecological and landscape schemes previously approved and still relevant have taken the opportunity to improve biodiversity within the site and comply with policy CS35 of the MW Core Strategy and with the NPPF. The approved schemes also assist with delivering benefits associated with climate change as required by policy CS22.

Archaeology and cultural heritage

The submitted report concludes that there are no known archaeological remains in the southern extension area due to previous extraction and earthworks. There are no other heritage assets affected by the proposal. This chapter of the ES remains relevant and complies with policy CS36 and the NPPF.

Transport

A transport assessment (TA) was submitted with the original ES and remains relevant. The physical aspects e.g. site access and hours of operation are unchanged. The TA set out that there are an average of 23 large goods vehicle (LGV) two way trips per day and 102 heavy goods vehicle (HGV) trips per day associated with the Eye landfill. There were 70 two way movements a day associated with the Cemex (quarrying) operations. Therefore there is a total of 195 two way LGV/HGV movements for the whole site. There is a Section 106 agreement attached to the permission for the Cemex operations which restricts the lorry movements to 225 two way movements per day.

In reality the number of lorry movements will be far less than this and will not be affected by the importation of the SNRHW. The fact that the asbestos waste will be coming from further afield will not impact upon the highway conditions near the site or in the Peterborough area. The Highway Authority raises no objections. The proposal is in compliance with policy CS32 of the WM Core Strategy.

Noise

The noise chapter of the original ES remains the same. The changes to the proposal will not alter

the scheme as approved. The Environment and Pollution Control Officer has confirmed that the current site operations have not resulted in complaints and he has raised no objections. The proposal complies with policy CS34 of the MW Core Strategy.

Socio economic impact

The socio economic impact of the proposal remains unchanged from previously approved.

The changes to the scheme when assessed with the development as approved do not result in any unacceptable impacts upon the environment. Where there are potential impacts, as set out above, these will be adequately mitigated and largely monitored through the site permit enforced by the Environment Agency.

(g) **Changes to the conditions**

If the application is approved, conditions 1, 19, 21 and 31 will be varied to reflect the changes to the approved scheme.

The opportunity has been taken to review the other conditions attached to 08/01562/WCMM because since the original permission 94/00004/MMFUL was granted in 1999, several schemes (to comply with or discharge conditions) amended by various letters have been approved. The identification of the approved schemes due to these variations has proved difficult. With the assistance of the applicant the conditions have been consolidated where possible to make them easier to understand for monitoring purposes (for both the Council and site operatives). The substance of the conditions and schemes approved has not changed except where set out above.

6 Conclusions

The proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

The Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD policies CS14, CS18, CS19, CS22, CS23, CS25, CS29, CS32, CS33, CS34, CS35, CS36 and CS39

Saved policy OIW15 of the Peterborough Local Plan (First Replacement)

The National Planning Policy Framework, PPS 10 Planning for Sustainable Waste Management, EC Waste Framework Directive on Waste 2008, Strategy for Hazardous Waste Management in England 2010, Waste (England and Wales) Waste Regulations 2011 are material considerations.

The proposal has been assessed against the above policies and material considerations and in accordance with the provisions of the Town and Country Planning Environmental Impact Assessment Regulations 2011. The cumulative effects of the proposed changes to the approved scheme together with those elements of the scheme that will remain as previously assessed are considered to be acceptable, as any impacts that have been identified are satisfactorily mitigated against and will be sufficiently controlled by planning conditions or other regulatory requirements. The proposal is in compliance with development plan policy and where there is a possibility of conflict ie need for SNRHW and catchment area, it is concluded that there is not sufficient conflict with adopted policy or with material considerations that would justify a refusal of the application.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **APPROVED** subject to the following conditions:

- C 1 The development hereby permitted shall be carried out in complete accordance with the following details:
1. "Eye Southern Extension Landfill: Planning application - SNRHW (Asbestos) Cells" dated November 2011 (including Environmental Statement Update Report)
 2. Environmental Statement and Appendices, Golder November 2008
 3. Letter from Golder (inc. annexes 1 – 23) dated 28 March 2011
 4. The following plans:
PAS1 Site Location Plan ref. E5038200 dated 25/07/2008

PAS2 Planning Application Boundary ref. E5038300 dated 25/07/2008
PAS3 Rev.A Site Layout and Waste Deposition E5038401 dated 20/10/2011
PAS4 Site Reception and Vehicle Movements ref. E5038500 dated 21/08/2008
PAS5 Post-Settlement Post-Restoration Levels ref. E5038600 dated 25/07/2008
PAS6 Restoration Landform and Planting Scheme ref. E5038700 dated 01/04/2008
PAS7 Design of Stable Non Reactive Hazardous Waste Cells ref. E5039000 dated 20/10/2011
PAS8 Cross Section through Cell 3 ref. E5039100 dated 20/10/2011
ES3.2 Leachate Management Layout (Revision A) Ref. E5034201 dated 20/10/2011
ES 3.4 Landfill Gas Management (Revision A) ref. E5034401 dated 20/10/2011
ES3.5 Pre-settlement Pre-Restoration Levels (Revision A) E5034501 dated 20/10/2011

Reason: In the interests of protecting the amenity of adjacent occupiers and to minimise the duration and disturbance from the development in accordance with policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 2 This permission shall be for a limited period expiring on 31 December 2021 at which time the waste deposition authorised by this permission shall cease and the land reinstated to a condition suitable for agricultural use in accordance with PAS 6 Restoration Landform and Planting Scheme ref E5038700, amended as appropriate by Ecological and Landscaping considerations set out in Conditions 3 and 26. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of protecting the amenity of adjacent occupiers and to minimise the duration of disturbance from the development in accordance with policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 3 The development shall be carried out in accordance with the Ecological Management Plan for Wildlife Corridor and Lakes Area, as amended by letter from Golder dated 10/09/08 and drawing E5031700 dated 03/10/08.

Reason: In order to protect and enhance the biodiversity value of the site in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 4 A vehicle wheel cleaning facility shall be kept operational at all times for the duration of the life of the site and internal traffic arrangements must ensure that any vehicle entering onto the public highway passes through the facility for the duration of the landfill and restoration operations hereby permitted.

Reason: In the interests of highway safety in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 5 Vehicular access shall only be gained from the existing point of access from the public highway.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 6 The surface of the site access road shall be kept clean by regular mechanical sweeping to ensure mud and other detritus is not deposited on the public highway.

Reason: To ensure that mud and dirt is not deposited on Eyebury Road in the interests of highway safety in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 7 The operations hereby permitted shall only be carried out between the following times:-
07.00 – 18.00 hours Monday to Friday
07.00 – 18.00 hours Saturdays
and at no other times or on Sundays, Public Holidays or bank holidays.
- Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C 8 Soil stripping and soil replacement operations within 250 metres of any residential property shall only be carried out between the hours of 08.00 to 17.00 Mondays to Fridays.
- Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C 9 The previously tipped putrescible wastes in Area 3 (i.e. Cells 4 and 5), as identified in the ES Volume 3 Ch 5, shall be excavated and deposited in an engineered containment cell constructed within Area 2 in accordance with the mitigation measures outlined in the ES Volume 2 Ch 5.2.7.
- Reason: To ensure the protection of water resources in accordance with policies CS39 and CS46 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C10 The scheme for Soil Movement and Phasing (ES Volume 3 Ch ES3.1), as amended by letters from Golders dated 31 July 2008 and 13 October 2008 (and approved by MPA letter dated 15 October 2008) shall be implemented in accordance with the approved details.
- Reason: To protect the existing soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C11 The applicant shall give at least seven days notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil stripping. Soil stripping shall only be carried out when the full depth of the soil to be stripped or otherwise transported is in a suitable dry moisture condition and not at all between the months of October and March. Topsoil shall first be stripped from any subsoil storage areas. Topsoil and subsoil shall first be stripped from any clay or over burden storage area.
- Reason: To protect the existing soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C12 Plant and vehicles shall not cross areas of unstripped topsoil and subsoil except for the purposes of soil stripping.
- Reason: To protect the existing soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C13 Dust control measures including a powered water bowser shall be employed to dampen down internal hard roads and operational areas as required during dry weather to prevent dust or wind blown materials being carried onto adjacent property.
- Reason: In order to protect the amenity of adjacent occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C14 Any fuel or chemical storage above ground and refuelling facilities shall be bunded to at least 110% of the tank capacity and constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse, land or underground strata.

Reason: To protect the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C15 Except for temporary operations, the free field Noise Level (LAeq, 1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 50 dB LAeq, 1hr. Measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to the amenity of the nearby residential properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C16 For temporary operations, the free field noise level at noise sensitive properties shall not exceed 65 LAeq, 1hr expressed as in the same manner as for Condition 15. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. 5 days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and any other temporary activity as may be agreed, in advance of works taking place, with the Mineral Planning Authority.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to the amenity of the nearby residential properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C17 Reversing beepers - model BBS-107 Heavy Duty Backalarm by Brigade Electronics, shall be used on all items of mobile plant and trucks which require reversing alarms and will be functioning in all locations at the quarry where such plant items and dump trucks operate.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area, and minimise disturbance to the amenity of the nearby residential properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C18 All reasonable precautions to prevent the spread of litter from the working area including the provision of catch fencing shall be taken. Any litter from the site which is deposited on nearby land shall be removed and returned to the infill site.

Reason: In order to protect the amenity of nearby residential occupiers in accordance with policy CS34 in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C19 The landfill gas management and landfill leachate management systems shall be implemented in accordance with the approved details as amended by letter from Golder dated 31 July 2008 and drawings ES3.2 (ref. E5034201) and ES3.4 (ref. E5034401) dated 20/10/2011. Implementation of the systems will ensure that:
The gas and leachate well heads are of a design that does not become an unseen obstruction to agricultural machinery.

Reason: To prevent pollution and to ensure the beneficial restoration of the land to agriculture in accordance with policy CS25 in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C20 Any waste skips/containers shall only be stored on the site during the duration of landfill operations in locations to be submitted to and agreed in writing by the Mineral Planning Authority.
- Reason: In order to protect the amenity of nearby residential occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C21 Pre-settlement levels will be determined in accordance with the approved scheme 'Pre-Settlement Waste Levels' dated May 2008 as amended by drawing ES3.5 (ref. E5034501) dated 20/10/2011.
- Reason: In order to protect the visual amenity of the area in accordance with policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C22 Following the completion of capping or inert landfill subsoil shall be re-spread across the surface to a minimum depth of 700mm. Following spreading the subsoil shall be ripped with a winged tine subsoiler at a spacing and depth to be approved by the Mineral Planning Authority. All rocks, stones and other deleterious material in excess of 100mm in size which arise during subsoiling shall be removed from the site.
- Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C23 Following the spreading of subsoil in accordance with Condition 23 topsoil shall be re-spread evenly over the surface to a depth of 300mm. The surface shall then be subsoiled (ripped) to a depth of 400mm with tines spaced at 600mm. Any stones larger than 75mm in size that arise from the subsoiling (ripping) shall be removed.
- Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C24 Following the spreading of topsoil an adequate number of samples of topsoil shall be analysed to determine fertiliser and other ameliorates required to promote normal plant growth. The results of these analyses shall be forwarded to the Mineral Planning Authority and details of treatment, seed mixtures and rate of application shall be approved in writing by the Mineral Planning Authority prior to their application.
- Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C25 An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the Mineral Planning Authority not later than three months prior to the date on which it is first expected that the replacement of topsoil shall take place.
- The submitted Scheme shall:
- (a) Provide an outline strategy in accordance with the Technical Guidance to the National Planning Policy Framework March 2012 for the five year Aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field / under drainage system and provide for an annual meeting between the applicants, the Mineral Planning Authority and 'an appropriately qualified person'.
- (b) Provide for a detailed annual programme, in accordance with the Technical Guidance to the National Planning Policy Framework March 2012 to be submitted to the Mineral Planning Authority not later than two months prior to the annual aftercare meeting.

Unless the Mineral Planning Authority, after consultation with 'an appropriately qualified person', agree in writing with the person or persons responsible for undertaking the aftercare steps that there shall be lesser steps or a different timing between steps, the aftercare shall be carried out in accordance with the submitted Scheme.

Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C26 The phased landscaping scheme encompassing advance and restoration planting set out in 'Eye Landfill Southern Phased Landscape Restoration' dated May 2008, as amended by approved drawing PAS 6 Restoration Landform and Planting Scheme ref E503870 dated 01/04/08, shall be implemented as approved, subject to the planting details on the revised plan being amended to those set out in;
- planting details for Scrub Mix, and provision for additional neutral grassland north of hedge 5, as set out in letter from Golder dated 10th September 2008,
 - 'Site Compartment Plan' ref E5033800 dated July 2008 in the Ecological Management Plan.

Reason: In order to protect the visual amenity of the local area in accordance with policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C27 The development shall be implemented in accordance with the details approved under Condition 26. Any seeding or planting which is removed, dies or becomes diseased within a period of five years from initial planting shall be replaced with planting of a similar size and species during the next planting season.

Reason: In order to protect the amenity of adjacent occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C28 Should for any reason infilling cease for a period in excess of twelve months, the applicant shall upon written request from the Mineral Planning Authority produce a scheme for the written approval of the Mineral Planning Authority for the restoration of the site, including a schedule of timings, provision for seals and soiling and agricultural operations in similar manner to that referred to in the aforementioned conditions.

All restoration work, with the exception of aftercare shall be completed in accordance with the approved scheme within eighteen months of the scheme being approved.

Reason: In order to protect the visual amenity of the site and to ensure its restoration to beneficial afteruse in accordance with policies CS25 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C29 At least 80% by weight of the non-hazardous waste brought into the site for landfilling in the area the subject of this permission (known as the southern extension) shall be sourced from the following areas:

1. the administrative area of Peterborough City Council
2. the administrative area of Cambridgeshire County Council
3. within a radius of 45 kilometres from the site

Weighbridge records shall be submitted to the Mineral Planning Authority annually on a date to be agreed with the operator, and shall set out the originating location and the type of waste imported to the site or shall be made available to the Mineral Planning Authority within one week of such request.

Reason: To limit the area from which waste can be imported to seek to ensure that waste is treated at the nearest appropriate facility and that transportation is limited as far as practicable in accordance with CS29 of the Cambridgeshire and Peterborough Minerals

and Waste Core Strategy Development Plan Document 2011 and policy WM3 of the East of England Plan 2008.

- C30 The total number of HCV movements for the purposes of all operations and development undertaken pursuant to quarrying, mineral processing, waste disposal and waste processing within the quarry shall not exceed:
- (a) 450 per day between Monday and Friday inclusive
 - (b) 230 per day on Saturdays
- and at no other times or on Sundays, Public Holidays and Bank Holidays.

Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

Copies to Councillors D A Sanders, R J Dobbs

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