

**Application Ref:** 18/01259/DISCHG & 18/01368/FUL

**Proposal 1:** 18/01259/DISCHG - Discharge of Conditions 8 (to amend layout and design pursuant to condition 5), 23 (monitoring and control of noise), 37 (archaeology) and 46 (landscaping) of permission 08/01081/ELE (energypark)

**Proposal 2:** 18/01368/FUL - Highways and access works (roundabout and realignment of Storeys Bar Rd) pursuant to 08/01081/ELE

**Site:** Land Off Storeys Bar Road, Storeys Bar Road, Fengate, Peterborough

**Applicant:** Peterborough Green Energy Ltd

**Agent:** Mr Andy James  
BHP Design

**Site visit:** 16.08.2018

**Case officer:** Mr A O Jones

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**Recommendation:** Committee resolve to delegate authority to determine the applications in accordance with policy.

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

### **Background**

The development, often referred to historically as PREL, benefits from an extant permission granted by the Secretary of State for Energy and Climate Change in 2009 (ref. 08/01081/ELE). The consent was granted pursuant to Section 36 of the Electricity Act 1989 setting out the broad parameters of the development of an energy from waste and biomass fuelled generating station at Storey's Bar Road with a generating capacity of up to 80MW.

Alongside the S36 consent, deemed planning permission is granted under Section 90 of the Town and Country Planning Act 1990. This permission sets out the particulars of the development and the elements subject to planning control, the 'pre-commencement' elements of which have been discharged, including the detailed design and layout under Condition 5. The site essentially incorporates two main process buildings, covering the majority of the site south of the Padholme drain, and an office / research and development building, re-alignment and access provision at Storey's Bar Road to the north of the drain.

Conditions have previously been discharged under three separate discharge of condition applications, and the permission has been subject to a number of non-material amendments whereby minor changes have been previously approved. The consent has been acknowledged as having been implemented (through a material start of development) and the development can therefore be built out and operated as previously approved.

Importantly in the context of this application, the Secretary of State included a Condition (no. 8), which allows for the variation of the layout and design scheme as originally approved (under Condition 5).

### **Site and Surroundings**

The site, approximately 13.76 ha in size, is located on previously agricultural land off Storey's Bar Road on the eastern edge of the Eastern General Employment Area GEA3 (Peterborough Site Allocations DPD policy SA11), within allocated Waste Management Site W1Z (Cambridgeshire and

Peterborough Minerals and Waste Site Specific Policies DPD). The majority of the site lies to the south of Storey's Bar road, with a smaller area lying to the north. Overhead power lines run within the western edge of the site, which is also bisected by gas pipelines running along a north / south transect roughly through the middle of the site.

Open agricultural fields currently lie to the north of the site, within an area allocated for employment use known as Red Brick Farm. Padholme Drain runs alongside Storey's Bar Road, splitting the site into the smaller northern section and the larger southern section. The drain includes a flood storage area immediately adjacent to the west of the site, beyond which lies further industrial development within Fengate. To the southwest, and abutting the southern boundary of the site, lies the Peterborough Power Station, beyond this to the south the industrial area of Fengate also includes the City Council's Energy from Waste facility. Open countryside encompassing the Flag Fen Scheduled Monument, lies to the south where the Flag Fen Waste Water Treatment Works are encountered before the River Nene and associated SSSI, SPA SAC and Ramsar designated ecology areas can be found. The Flag Fen visitor Centre lies to the south east of the site, beyond which can be seen the chimneys associated with the Whittlesey brickpits and adjacent wind turbines. The open Fens extend away to the east.

### **Proposal 1 (Overview) – 18/01259/DISCHG**

The proposal is to discharge Condition 8, to amend the layout and design approved under Condition 5, of the planning permission granted by the Secretary of State (08/01081/ELE).

The amendments subject to the Condition 8 variation are subject to Environmental Impact Assessment, and the application is therefore accompanied by an Environmental Statement.

Condition 8 states:

The Development shall proceed only in accordance with the scheme referred to in Condition (5) subject to any variation as may be approved in writing by the Council.

Condition 5 states;

Except for the Permitted Preliminary Works, the commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a scheme which shall include provisions for the:

- (i) details of the siting, design, external appearance, and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the Development;
- (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
- (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;
- (iv) details of all new or modified permanent fencing and gates required on the Site;
- (v) details of artificial lighting required during the operation of the Development; and
- (vi) phasing of works included in the scheme.

The application form and Covering Letter state that included within the submission is information to discharge the following conditions;

- Condition 9 in relation to cycle parking.
- Condition 23 in relation to operational noise
- Condition 37 in relation to archaeology, and
- Condition 46 in relation to landscaping and creative conservation

### **Proposal 1 (Description) – 18/01259/DISCHG**

Permission is being sought for the discharge of Condition 8 to allow a variation to the design and layout of the scheme approved under Condition 5. The amended design will result in a single process building, 'Ethel', being located on the western half of the site, with the previously approved 'George' building, being omitted from the eastern half of the site. A separate, two storey, building,

including Administration Offices, Research and Development and Visitors Centre (hereafter referred to as 'the admin building'), still forms part of the overall plan for the site, and is located in a similar position to that previously approved, albeit to a different design. The admin building is serviced by cycle and car parking, and is linked to the process building by a footpath. The layout is predicated on the suitability of the access proposals as described below (i.e. Proposal 2).

The main process building (of which there is now only one, rather than two), with vehicular access from the proposed roundabout on the re-aligned Storey's Bar Road, will house a combined 4 flue stack of up to 80m above ground level, located at the northern end of the building. The footprint of the building will be slightly smaller than that previously approved, measuring approximately 200m by 125m, although the building at its highest point will be increased by around 15m to a maximum of approximately 35m. The combined flue stack of 80m in height will replace the 9 individual 53.8m stacks. A vehicle ramp will be located on the eastern flank of the building to a height of approximately 7m, allowing for loading and unloading of HGVs.

A guard house and visitor parking will be located to the south of Padholme Drain in front of the main building. Weighbridges and an ash bank will be located on the eastern side of the building, with a water pump house and oil tanks and pump house to the south. Car and cycle parking will be provided alongside the western elevation.

A foot / cycle way will be provided through the site, alongside Storey's Bar Road, and continuing south towards Flag Fen Visitors Centre. Landscaping and ecological mitigation will be provided across the site, including a new woodland corridor along the eastern flank of the site, planting alongside the Padholme and Cat's Water Drains and wetland habitat and ponds around the re-aligned Storey's Bar Road and new roundabout.

The proposed development, incorporating technology approved under the Section 36 consent, will generate 42.7MW electricity with an expected feedstock of 595,000 tonnes per annum. The original approved scheme had a maximum output of 80MW and feedstock of 650,000 tonnes per annum.

In addition to the above, the applicant has also requested to discharge conditions 9, 23, 37 and 46 as described.

### **Proposal 2 – 18/01368/FUL**

The original consented scheme included a re-alignment of Storey's Bar Road and the provision of access to the site by a roundabout, with a secondary point of access further east being permitted for temporary use for the duration of the construction phase. Over time, amendments to the scheme were approved such that the essence of the re-alignment of Storey's Bar Road was retained, but with two separate T junction points of access (one in place of the roundabout, and one in place of the temporary construction access). The scheme proposed under 18/01259/DISCHG seeks to utilise elements of both previously approved schemes, i.e. the retention of the roundabout as the main point of access to the process building, and the retention of a T junction access to serve the Visitors Centre / Office building further east on the alignment of the original temporary construction access. It is noted that the roundabout will also be capable of serving the proposed Red Brick Farm employment area adjacent to the north.

### **Overview**

The suitability of the procedural approach has been established, and this report is being presented to the Planning and Environmental Protection Committee to ensure the fundamental aspects of the proposal are subject to appropriate public scrutiny.

## 2 Planning History

Reference	Proposal	Decision	Date
18/01368/FUL	Highways and access works pursuant to 08/01081/ELE	Pending Consideration	
18/01369/NONMAT	Non-Material Amendment regarding access under condition 10 of 08/01081/ELE	Pending Consideration	
14/02058/NONMAT	Non-material amendment to planning permission 08/01081/ELE Construction and operation of an energy from waste and biomass fuelled generating station - Create dual access. Widen bridge over padholme drain. Replace roundabout with priority junction. Realignment of storey bar road between the two dual access points. Road layout with site adjustments to coordinate with amended access arrangements, location of gatehouse and entrance to car park area of research and development centre	Determined	23/12/2015
14/00077/DISCHG	Discharge of conditions attached to Permission 08/01081/ELE (Energy Park) as follows; C31 and C32 (site drainage)	Determined	04/04/2014
13/01913/DISCHG	Discharge of conditions attached to Permission 08/01081/ELE (Energy Park) as follows; C5 (Layout and design), C19 (Traffic management plan and access route), C37, C38 & C39 (Archaeology) and C46, C47 & C48 (Landscape and creative conservation)	Determined	17/02/2014
11/00067/NONMAT	Variation of condition C10 of planning permission 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared	Comments	02/02/2011

footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.

SUBMISSION OF APPENDIX D  
RESPONSE

10/00360/DISCHG	Discharge of conditions 4, 5, 10, 11, 13, 19, 30 and 40 of planning application 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.	Determined	02/02/2011
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92/00003/OUT	Industrial development for B1(c), B2 and B8 use classes	Refused	19/01/2004
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08/01081/ELE	Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.	Called in by SoS	04/11/2009
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SUBMISSION OF APPENDIX D

### **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 2a - The purpose of the planning system**

The purpose of the planning system is to contribute to the achievement of sustainable development through three overarching and interdependent objectives namely supporting economic development, social development and cohesion and protection/enhancement of the environment.

##### **Section 2b - There is a presumption in favour of sustainable development**

There is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with an up to date development plan without delay, and where there are no relevant policies or a policies are out of date granting permission unless there are other policies within the framework which provide a clear rear not to or any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the Framework as a whole.

##### **Section 12 - Achieving well-designed places**

Decisions should ensure that development will function well and add to the overall quality of the area over the life time of the development, are visually attractive as a result of good architecture, layout, appropriate and effective landscaping, are sympathetic to the local character and history, establish or maintain a strong sense of place, optimise the potential of the site, create places which are safe, inclusive and accessible.

##### **Section 12 - Impact on Designated Heritage Assets**

Local Planning Authorities should take account of the desirability of sustaining and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of development great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less then substantial harm to its significance. Any harm to or loss of the significance of the designated heritage assets should require clear and convincing justification. Where a proposed development will lead to substantial harm to the designated heritage assets permission should be refused unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm. Where harm is less than substantial this harm should be weighed against the public benefits including securing an optimum use of the asset.

##### **Paragraph 163 - Flood Risk - Site Specific FRA**

In determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a Site Specific Flood Risk Assessment. Development should only be allowed in areas of flooding where in lighting of the assessment (and the sequential test and exceptions test as applicable) it has been demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk, unless there is an overriding justification, the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems unless inappropriate, any residual risk can be managed and safe access and escape routes are included as appropriate.

##### **Paragraph 175 - Habitats and Biodiversity**

Permission should be refused if significant harm to biodiversity would result which cannot be avoided, adequately mitigated or as a last resort compensated for. Development on land within or outside of a Site of Special Scientific Interest and which is likely to have an adverse effect on it should not normally be permitted. The only exception is if the benefits clearly outweigh both its likely impact on the features for which it is designated and any broader impacts on the national network of Sites of Special Scientific Interest. Development resulting in the loss of or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional circumstances and suitable compensation strategy exists.

#### **Paragraph 175 - Biodiversity Enhancement**

Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to incorporate biodiversity in and around developments should be encouraged.

#### **Paragraph 177 - Exception to Presumption in Favour of Sustainable Development**

The presumption does not apply where development requiring appropriate assessment because of its potential impact on a habitat site is being planned or determined.

#### **Paragraph 180 - Pollution**

New development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life, identify and protect tranquil areas which have remained relatively undisturbed by noise and limit the impact of light pollution from artificial lighting on local amenity, intrinsically dark landscapes and nature conservation.

#### **Paragraph 181 - Air Quality**

Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

#### **Para 197 - Impact on Non Designated Heritage Assets**

The impact should be taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage assets.

### **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).

#### **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).

#### **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.

#### **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.

#### **MW30 - Waste Consultation Areas**

Waste Consultation Areas will be identified through the Core Strategy and Site Specific Proposals Plan and development will only be permitted in these areas where it is demonstrated it will not prejudice future or existing planned waste management operations.

#### **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.

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

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

#### **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 Policies DPD (2012)**

#### **SSPW1 – Waste Recycling and Recovery Facilities**

Site W1Z – Storey's Bar Road, Fengate, Peterborough

#### **SSPW8 – Waste Consultation Areas**

WCA W8AZ – Storey's Bar Road, Fengate, Peterborough

### **Peterborough Local Plan 2016 to 2036 (Submission)**

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 Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the Local Plan is going through the Examination stage to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 48 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

## 4 Consultations/Representations

### **PCC Conservation Officer (20.08.18)**

Object.

The impact on the significant west elevation of Peterborough Cathedral has been inadequately explored. More appropriate viewpoints than that adjacent to the rowing lake should have been taken, although it is noted that the views from the '3 cuts' to the north of the lake oscillate depending on the time of year and maintenance. Additional views should be provided from Crescent Bridge on Thorpe Road.

The Conservation Officer is also concerned that the viewpoints used to demonstrate the impacts on Flag Fen and its setting are inadequate to make a robust analysis.

### **Landscape Architect (Amey) (07.09.18)**

The changes to the consented scheme are recognised as a reduction in the overall footprint of the development by virtue of the omission of the 'George' building, but the increase in the height of 'Ethel's roof profile and significant alteration to the flue stack height will represent wide scale change regarding visual aesthetics and impacts on receptors in the unique Fen land setting. The degree of harm on the landscape and visual receptors is recognised, which adds weight to the need for successful design and delivery of mitigation proposals to ensure the proposal is assimilated as effectively as possible into the distinctive Landscape Character Area (sub-area 4A Bedford North Level).

An array of clarifications have been sought to ensure the validity of the conclusions within the Landscape and Visual Assessment, including the impact of the ramp on the eastern elevation and the impacts of the lighting strategy. However, a number of suggestions to improve the mitigation measures have also been put forward including amendments to the cladding (colour and alignment) and planting.

With regards to the Landscaping and Creative Conservation scheme required under Condition 46, it is noted that the Master Plan provided does not fulfil all the requirements of Conditions 47 and 48 and recommendations are provided accordingly.

The Landscape Architects recommendations are summarised as follows;

- Clarification of the Visual Assessment methodology
- Assess the intra-cumulative effects for users of the new section of the Green Wheel south of proposed highway
- Further visual impact assessment of the use of the ramp on the eastern elevation of 'Ethel'
- Further visual impact assessment of 'Ethel's proposed roof profile
- Additional information regarding the form and width of the proposed flue stack
- Clad the towers of the Multi-Functional Water Pump House vertically
- Reconsider the aesthetics and strategy for the cladding proposed for 'Ethel'
- Provide a photo-reveal or equivalent to demonstrate the proposed cladding for each elevation of 'Ethel'
- Proposed the flue stack to be stainless steel
- Provide further information regarding the design of SuDS systems for all hard surfacing
- Provide further information on the alignment of the fencing south of the Water Pump House with regards to how it cuts through existing trees / vegetation
- Confirm details of the heights of wall mounted flood lights to 'Ethel's elevations and column mounted yard luminaires.
- Provide further information on the proposed bollard lighting aligning the connecting path between the Visitors centre and 'Ethel', and consider introducing low level planting to contain lighting glare
- Undertake a Visual Impact Assessment on the proposed lighting strategy

- Clarify the phasing of proposed planting and creation of ecological habitats

With regards to the Landscaping and Creative Conservation scheme required under Condition 46, the Landscape Architects advises that consideration should be given to;

- The retention of the planting associated with the 3m bund, but the removal of the bund itself
- The placing of an additional tree buffer north of the 5m wide field margin adjacent to Cat's Water Drain
- The spacing and species of planting groups throughout and across the site
- The provision of a detailed Landscape Management Plan and maintenance schedule, which include the removal and replacement of failed planting
- The supply of method statements for the protection and management throughout construction and operational phases of development for any existing trees, hedgerows and landscape features
- The inclusion of all details required under the provisions of Conditions 37 and 48.

**PCC Wildlife Officer (21.08.18)**

Object.

The full ecological impact of the proposal has not been adequately assessed as a result of the partial completion of ecological surveys. The results of such surveys need to be carried through to appropriate avoidance, mitigation or enhancement measures.

Surveys that have been completed demonstrate that great crested newts and bat roosts are unlikely to be affected.

A detailed Ecological Management Plan, setting out all measures to ensure impacts to protected species are adequately avoided and mitigated should be provided, along with details of how the habitats on site will be managed to benefit biodiversity. Such a plan will inform both Condition 11 (in terms of the construction phase of development) and Condition 46 (in terms of the operational phase of development).

**PCC Pollution Team (03.09.18)**

The Air Quality assessment has adequately demonstrated that the discharge from the proposed stack is acceptable in relation to human health. The detailed dispersion modelling has been undertaken in accordance with the appropriate methodology.

Although full details of the equipment and activities are not currently available, the extant permission requires the development to adhere to specified noise levels. The noise assessment indicates that mitigation measures may be required to ensure that the development does not exceed the noise limits.

The modelled odour concentrations for the operational phase of development are acceptable. The details of the dust and odour management plans are acceptable, and it is noted that these are stand-alone documents which can be readily reviewed and updated.

The Proposed Lighting Strategy states that "A full detailed lighting layout will be required to follow". Although the extant permission requires compliance with light limitations (Condition 7), the strategy should be reviewed to ensure that light levels will be demonstrated in the event of reasonable concern expressed by the Local Authority.

With regards to Condition 23, no specific programme for the monitoring and control of noise has been submitted, but is required prior to commissioning (i.e. operation).

**Lead Local Drainage Authority (20.08.18)**

The drainage proposals within the Flood Risk Assessment use out of date information. SuDS must be utilised wherever possible and any scheme must discharge its surface water at the greenfield rate. The surface water scheme should be revised to meet current standards.

**PCC Peterborough Highways Services (12.09.18)**

With regards to Proposal 1, dimensioned plans or swept path analysis for the site are required in relation to Condition 5 part (iii).

It is also noted that the extent of the site does not incorporate sufficient area for the full extent of highway works.

With regards to Proposal 2, in addition to clarification of the precise alignment of the proposed works, further information, including a Stage 1 Safety Audit, tracking plans, foot / cycle way amendments are all required. Advice is also provided with regards amendments to the speed limit for Storey's Bar Road and the need for stopping up parts of that road affected. Additional information has been requested with regards to the provision of cross sectional drawings to demonstrate the suitability of the proposals alongside the drain, and the need to ensure appropriate visibility splays are provided.

The Local Highways Authority also advise that the highway works are completed prior to the commencement of development (of Proposal 1) and seek clarifications regarding the requirements for the provision of temporary access, construction activities and how this affects the extant Condition 10.

**Archaeological Officer (18.08.18)**

Although the staged evaluation required by Condition 37-39 has been fulfilled, confirmation is required as to whether the archiving has been completed, and full discharge of the condition is not recommended until such confirmation is received.

On the basis of the reviewed results from the evaluation, monitoring of all groundworks should be considered in order to further reduce the residual effects of the scheme on potential buried remains and to enhance the current understanding of the site.

**PCC Travel Choice (15.08.18)**

Sufficient cycle parking is provided across the site, although the Site Masterplan needs to be clear that these are covered spaces. Provision of staff lockers and changing facilities should be noted in the Travel Plan, and it is disappointing that the Plan does not make provision for the charging of electric vehicles or designated parking bays for car sharing.

Additional advisory points are raised about the review and update process for the Travel Plan, and the potential for instilling a culture of sustainable travel at the initial point of occupation.

**Historic England (31.08.18)**

In terms of Proposal 1, the amendments would not be such as would materially alter the impacts which would have arisen from implementation of the consented scheme.

In relation to Proposal 2, although the setting of the Flag Fen Scheduled Monument will not be affected, no information has been presented to assess whether the ditch systems and water features will impeded measures to sustain and improve buried waterlogged deposits within the Monument. Further information on this matter is required.

**Natural England - Consultation Service (07.09.18)**

Object.

Further information is required to determine the impact on the Nene Washes and Holme Fen designated ecological sites. Such assessment should include air quality impacts, the identification of appropriate measures to mitigate any adverse impacts through changes to air quality and an assessment of the impacts through other effects including hydrology and contamination, impact on functional land (i.e. land that supports the designated sites) and details of measures to mitigate any adverse impacts.

An in combination assessment should also consider other plans or projects, and any recent developments that have been given permission that may or may not be operational.

**Environment Agency (25.09.18)**

Object

The Flood Risk Assessment (FRA) fails to demonstrate that the proposed finished floor levels are adequate to resist the potential depths of flooding over the lifetime of the development. As the development is essential infrastructure, all critical equipment should be located above the potential flood depths for the 0.1% (1 in 1000) scenario including climate change (flood depths of 0.5-1.0m).

It is acknowledged that the Sequential and Exception Tests are not applicable due to the extant consent.

The Agency have no objections to the unattenuated discharge of surface water from the site into Padholme Drain because this is only likely to occur when the plant is not in operation.

The Agency also advise that the overall pollution load into the atmosphere from the stack has reduced, and note the air quality impact assessments conclusion that the new design will offer a substantial improvement on the previous design in terms of air quality. The existing design already benefits from an Environmental Permit, and any changes to air quality will be assessed through the permit variation process.

**Health & Safety Executive (20.09.18)**

The HSE does not advise, on safety grounds, against the granting of planning permission.

**Cadent Gas (10.08.18)**

The consultation has been referred to the Asset Protection Team due to the proximity to National Grid Transmission assets.

**National Grid (05.09.18)**

Object.

The proposals cross, and are in proximity to, a High Pressure Gas Pipeline.

**Vivacity (23.08.18)**

The extant approval 08/01081/ELE is noted, and accordingly, comments are provide only in respect of the application for highways and access works (18/01368/FUL).

Vivacity are seeking to ensure that access is maintained to Flag Fen throughout the construction period, and highlight concerns over the impact of construction noise, particularly if this should coincide with expected construction works on other nearby projects, including the recycling centre.

The absence of a landscaping plan is a concern, and should be provide prior to consent being granted, with appropriate native species being used.

**North Level District Internal Drainage Board (10.08.18)**

No objections. The North Level IDB advise that their byelaws apply to the Adderley Drain.

**Cambridgeshire Count Council (03.09.18)**

No comments.

**Fenland District Council (20.08.18)**

No objections.

**Eye Parish Council (24.08.18)**

Eye PC confirmed they had no comments in relation to Proposal 2.

## **Local Residents/Interested Parties**

Initial consultations: 5  
Total number of responses: 1  
Total number of objections: 0  
Total number in support: 0

One comment was received seeking clarification with regards the consultation process and availability of statutory consultee comments.

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

The main considerations are;

- 1 - The principle of development
- 2 – Air quality and emissions
- 3 – Noise and vibration
- 4 – Traffic and transport
- 5 – Ecology and nature conservation
- 6 – Landscape and visual impact
- 7 – Archaeology and cultural heritage
- 8 – Hydrology, hydrogeology and floodrisk
- 9 – Other issues

### **1 - The Principle of Development**

The development benefits from an extant permission granted by the Secretary of State for Energy and Climate Change in 2009 (ref. 08/01081/ELE). All pre-commencement conditions have been discharged and it is acknowledged that the permission has been implemented by virtue of the construction of a car park. The site benefits from an allocation for waste management facilities in the Cambridgeshire and Peterborough Minerals and Waste (CPMW) Site Specific Proposals DPD, Policy W1 (allocated site W1Z), and is surrounded by a Waste Consultation Zone (W8Z) as prescribed by the CPMW Core Strategy, Policy CS30, which seeks to protect suitable sites from inappropriate development that may prejudice the existing or allocated waste management use. The site also falls within the Eastern General Employment Area (GEA3) in the Peterborough Site Allocations DPD, Policy SA11.

The submitted Environmental Statement also highlights a range of European and National policies of relevance, including the EU Renewable Energy Directive (2009/28/EC), the UK Renewable Energy Strategy 2009, the Waste Management Plan for England 2013 and the UK Clean Growth Strategy 2018. These policies are considered to be relevant to the principle of the development that has already been established by virtue of the original consent granted pursuant to Section 36 of the Electricity Act 1989. The proposal is considered to fall within the parameters of paragraph 2 of the Section 36 consent in terms of the proposed power output and main constituent parts of the development.

The remainder of this report will set out how the proposal complies with other relevant legislation, including the Habitats Directive (92/43/EEC), the National Planning Policy Framework, and relevant development plan, including, primarily the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD and Location and Design of Waste Management Facilities SPD.

As described above, application 18/01368/FUL has been submitted to ensure that the access arrangement as set out in the layout plans submitted with 18/01259/DISCHG can be subject to

appropriate planning control. The access proposals are considered fundamental to the progression of the discharge of condition application 18/01259/DISCHG, whereby the layout of the entirety of the site is determined by the availability of appropriate access, and as such the two proposals are considered side by side for the benefit of a holistic understanding of the proposals.

## **2 – Air quality and emissions**

The proposed reduction to a single 'process' building, with a corresponding decrease in feedstock input (from 650,000 to 595,000 per annum) and power output (from up to 80MW to 47MW), has been subject to an Air Quality Assessment which accompanies the Environmental Statement. The Environment and Pollution Control Officer has confirmed that the detailed dispersion modelling has been undertaken in accordance with the Environment Agency's methodology for screening impacts, and concludes that the assessment adequately demonstrates that's the discharge from the proposed stack height can be screened as insignificant in relation to human health, and insignificant or very small at local sensitive ecological sites (i.e. the impacts do not require further assessment as they are considered to be acceptable).

Natural England, however, have identified the need for additional information to be satisfied that the impacts of Proposal 1 on designated sites, including the Nene Washes and Holme Fen are adequately understood. Whilst it may appear self evident that the reduced waste inputs and power outputs would result in a cleaner operation than that already consented and benefiting from an Environmental Permit, Natural England are required to take an evidence based approach, taking into consideration new guidance and knowledge of risk that has become available since the original planning application was determined.

Additional ecological information has been submitted, which the applicant contends satisfies the requirements of the Habitats Directive and demonstrates that there will not be a significant impact on designated sites including the Nene Washes SSSI, SPA, SAC and RAMSAR. The views of the Wildlife Officer and Natural England are currently being sought, and an update to Committee will be provided.

The Environment Agency advised that the consented scheme already benefits from an Environmental Permit, and that the reduced input would lead to a reduction of the overall pollution load into the atmosphere. They also note that the air quality impact assessment conclusion that the new design will offer a substantial improvement on the previous design in terms of air quality. Any changes to air quality will be assessed through the permit variation process.

CPMWCS policy CS34 requires waste management development to only be permitted where it can be demonstrated that there would be no significant harm to the environment, human health and safety, existing or proposed neighbouring land uses, visual intrusion or loss to residential or other amenities. With regards to air quality, when there are no objections from the Environment Agency, the Environment and Pollution Control Officer, Natural England or the Wildlife officer, the proposals can be considered to not significantly impact on human health or the natural environment and will be in accordance with CPMWCS policy CS34 and the Habitats Directive (92/43/EEC).

## **3 – Noise and vibration**

The noise and vibration assessment accompanying the Environmental Statement concludes that mitigation may be required for the operational phase of the development. The Environment and Pollution Control Officer notes that although full details of the equipment and activities associated with the operation of the development are not currently available, existing condition 24 requires the noise from the operation of the development to not exceed 44dB(A) and 40dB(A) during the daytime and night-time respectively. It is the responsibility of the operator / applicant to ensure compliance with these levels, and the principle of noise associated with the development is therefore not an issue.

The potential requirement for noise mitigation during the commercial operation of the development

is acknowledged, and the extant consent controls the maximum noise permissible noise levels. As such, the proposal is considered to accord with CPMWCS policy CS34 with regards to protecting surrounding uses.

The applicant initially sought to discharge to Condition 23, which requires a programme for the monitoring and control of noise generated by the commercial operation of the development to be submitted and approved prior to commissioning (i.e. before the first commercial operation of the development). However no such programme has been submitted and the condition cannot be discharged at this time.

The noise and vibration assessment also considered the construction phase of the development, and acknowledges the potential to generate short term increase in noise levels, a concern also raised by Vivacity in relation to the required construction works for the highway amendments. However the extant consent requires submission of a Construction Environment Management Plan (Condition 11), incorporating how noise from the construction will be controlled and mitigated, prior to the commencement of development. Although one has previously been approved, it relates to the previously consented scheme and a new plan is therefore required prior to the commencement of development of this scheme. The applicant is aware of this requirement and must therefore provide such a scheme for approval.

#### **4 – Traffic and transport**

The Traffic section of the Environmental Statement concludes that the proposals would not have an adverse impact on safety and a negligible impact in highway capacity terms. The omission of the 'George' building and corresponding decrease in the overall generating capacity and feedstock inputs will result in a maximum number of two-way HGV movements per day will be 150 (75 deliveries per day), which was considered to be the likely maximum number in the application for the consented scheme. It is noted that any future development on the 'George' part of the site would be subject to a separate full application.

The proposal has also been considered in light of the proposed Red Brick Farm development, and it is not considered that the access arrangements for this allocated employment site will be prejudiced.

The Local Highways Authority have noted that the requirements of Condition 5 part (iii) have not been fulfilled, and have requested additional information with regards dimensioned plans or swept path analysis to demonstrate that the details of vehicular circulation roads, turning facilities and loading and unloading facilities, including tracking points at the entrance to the site are acceptable. Further information has been provided to demonstrate the suitability of the site to accommodate the largest predicted vehicle movements, and further comment is awaited from the Local highways Authority.

The LHA have also identified that the red line for proposal 1 does not cover the entirety of the area required for the access amendments. However as these are subject to the application under proposal 2 it is considered that the full extent of highway works required for the purposes of the overall operation of the development are subject to appropriate planning control.

With regards to proposal 2, notwithstanding that the roundabout access and the 'T junction' access towards the northeast of the site have both been subject to independent approval, this is the first time the two access options have been presented in tandem. As such, the Local Highways Authority have requested a range of additional information to ensure that the overall access scheme is safe and suitable for the development, including a Stage 1 Safety Audit and tracking plans for the roundabout.

The extant permission requires a Construction Traffic Management Plan (Condition 19) to be submitted and approved prior to the commencement of development. This plan will be required to take account of the comments of Vivacity in relation to the maintenance of the access to the Flag



Fen Visitors centre throughout the construction period.

Proposal 1 includes an application to discharge Condition 9 in relation to cycle parking. However this is a compliance condition (requiring 60 cycle parking spaces to be provided adjacent to the reception / administration building), and cannot be discharged. The cycle parking as demonstrated on the Site Materials and Hardstandings plan shows the cycle parking to be covered, and the applicant has been requested to reflect this (i.e. the fact that the cycle parking is covered) on the Site Masterplan for the purposes of clarity.

Subject to the provision of the additional information being to the satisfaction of the Local Highways Authority, the proposal will be considered to be in accordance with CPMWCS policy CS32.

## **5 – Ecology and nature conservation**

The Ecology and Wildlife section of the Environmental Statement, including the further information provided with the ecological addendum has identified the potential impacts on protected species and designated ecological sites, including the Adderley and Storey's Bar Road County Wildlife Site, which runs through the site, and the Nene Washes SSSI, SPA, SAC and Ramsar, and identified a range of potential mitigation measures. Such measures are required to be drawn through to a detailed ecological management plan to inform both the Construction Environmental Management Plan for the construction phase of development (requires under Condition 11), and the landscaping and creative conservation scheme (required under Condition 46) for the operational phase of the development.

The assessment has established that the proposal will not result in the loss of habitats that are considered to be important ecological features, and that appropriate mitigation measures can be implemented. Such measures will be secured through the Construction and Environmental Management Plan required under condition 11. However, Natural England have advised that the ecological chapter of the Environmental Statement should also consider the potential impacts on notable and qualifying species through construction and operational lighting.

Natural England have also identified that further information is required to determine the impacts on the Nene Washes and Holme Fen designated ecological sites, including air quality and hydrology / contamination impacts, impacts on functional land associated with the designated sites (i.e. land falling outside of the designated sites that nevertheless supports the sites) – and have not yet provided finalised comments in relation to the addendum information. They have also advised that an in combination assessment should include consideration of any other proposed plans or projects, and any recent developments that have been given permission that may or may not be operational. Natural England advise that the assessment does not meet the requirements of the Habitats Regulations.

The Wildlife Officer advises that in terms of the surveys that have been completed (prior to the submission of the ecological addendum), it has been demonstrated that great crested newts and bat roosts are unlikely to be affected. However, the full ecological impact, including both construction and operational phases, has not been adequately assessed as a result of the partial completion of the updated phase 2 surveys. This information is required to be carried through to appropriate avoidance, mitigation or enhancement measures for Conditions 11 and 46.

An Ecological Impact Assessment Addendum, including a Habitats Regulations Assessment has been submitted (17/09/2018) to address the issues described above. Natural England and the Wildlife Officer have been consulted and comments are expected in due course, and Committee will be provided with an update.

## **6 – Landscape and visual impact**

The site's location within the Landscape Character Area sub area 4b Bedford North Level needs to be considered in light of the extant consent, allocation and location within the Peterborough Urban

Area, and the Red Brick Farm allocation to the north. Notwithstanding this, the landscape strategy for the Bedford North Level Character Area is to conserve and restore, and the proposal sites location immediately adjacent to the Flag Fen Scheduled Monument requires careful consideration.

The Landscape and Visual Impact Assessment has been scrutinised by the Landscape Architect, who has noted that certain viewpoints within the LVIA are noted as 'substantial adverse', from Storey's Bar Road, and 'very substantial adverse' from Flag Fen. The recognition of the degree of visual harm adds weight to the requirement for successful design and delivery of mitigation proposals to assimilate the proposals effectively.

The LVIA concludes that, overall, the effects of the proposed development would at most, be equal to that of the consented scheme. Whilst it is important to consider the 'baseline' for the assessment, i.e. against the consented scheme, the Landscape Architect has requested additional information to be satisfied with the robustness of this conclusion, including clarification on the methodology of the photography of viewpoints, further visual impact assessment of 'Ethel's roof profile, clarification as to the visual impact of the use of the ramp on the eastern elevation, additional 'photo-reveals' or equivalent to demonstrate the cladding of 'Ethel' and a Visual Impact Assessment of the lighting strategy.

Although the Landscape Architect has requested a raft of additional information to assess the appropriateness of the conclusions reached within the LVIA, they have also offered numerous suggestions which, in our view, will offer mitigation enabling the proposal to be assimilated within the landscape more effectively, off-setting the degree of visual harm which is acknowledged as being pertinent to both the proposed and consented schemes. Such mitigation includes effective screening around the ramp to minimise off-site glare from vehicle headlights, alterations to the cladding proposals, and amendments to the landscaping presented on the Landscape Masterplan.

The applicant has agreed to take on board all of the mitigation measures requested by the Landscape Architect and agreed by Officers as being appropriate, and has provided revised drawings (28/09/2018) to demonstrate the alternative cladding scheme recommended. Although the full suite of revised proposals has not yet been provided these will be fully assessed and, if necessary, further amendments can be negotiated. Committee will be provided with an update.

Some elements of the Landscape Architects recommendations have not been requested, including additional assessment from the new section of the Green Wheel. This has not been deemed necessary as there is no existing path here and the provision of this new section is a benefit that will be provided only as a result of the proposal. Further details of the phasing of planting and creation of ecological habitats are not considered to be a requirement of the amendment of the phasing element of Condition 5, rather, they are details that will be pertinent in relation to the scheme required under Condition 46.

The Landscape Architect has also recommended that the cladding of the flue stack should be replaced with stainless steel. Although the applicant has been advised to consider this recommendation it is acknowledged that the stack will be a significant structure and the suitability of mitigation may vary depending on seasonality and individual preference. The applicant has been asked to present a designers response to this recommendation if it is not carried through. Committee will be provided with an update.

The applicant has also acknowledged that a detailed lighting design is required and will be presenting one in due course. It is acknowledged that the Secretary of State deemed it appropriate to leave this to a condition, and accordingly, the lack of such a lighting strategy, or Visual Impact Assessment of such a strategy, is not considered to go to the heart of the matter in this instance.

Although the Landscape Masterplan is not sufficiently detailed to discharge Condition 46, the revised proposals taking into account the recommended changes, including the removal of a 3m bund which would be an alien feature in the landscape at the eastern edge of the site, and the inclusion of additional tree planting towards the south, southeastern boundary with Flag Fen, will

be considered sufficient to make the Masterplan acceptable in principle in terms of the overall mitigation provided by Landscaping. The Masterplan is considered to have sufficient flexibility to incorporate appropriate mitigation measures still to be determined as a result of the ongoing ecological survey work, and the condition allows for the scheme to be approved prior to commencement of the main development.

Vivacity have noted the lack of landscaping plan accompanying Proposal 2 (the access application, ref. 18/01369/FUL), however as this falls within the area of Proposal 1, it is considered that this can be provided under the extant Condition 46, and the request for the use of appropriate native species is duly noted.

Subject to the provision of the detailed amendments as recommended, the proposals can be considered to be assimilated into its surroundings and local landscape character area to a similar degree to the consented scheme, and equally will be no more significant harm to existing or proposed neighbouring land uses, visual intrusion or loss of amenity, nor adversely affect a designated heritage asset to a greater degree than the consented scheme, and would therefore be considered to be in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy Policies CS33, 34 and 36.

## **7 – Archaeology and cultural heritage**

Historic England have advised that, as identified in the Environmental Statement, there will be some residual direct impacts on preservation conditions at Flag Fen, and indirect impacts on its landscape setting. Although these impacts would vary in detail over the impacts of the consented scheme, taken together, the harm which would be caused to the significance of the designated heritage asset (i.e. Flag Fen SM) would not be materially different from that which would arise from the implementation of the consented scheme. The same is also true of the impacts on the settings of listed buildings and the slight harm which would be caused to their significance from implementation of either the consented, or proposed scheme.

With regards to Proposal 1, Historic England recommend that the harm caused to the significance of the heritage assets is weighed against the public benefits of the amended scheme. As such, the public benefits of the scheme are already considered to have been established by virtue of the consented scheme, and the balance needs to be weighed by comparing the impacts of the consented and proposed schemes.

The Conservation Officer is concerned that the impact of Proposal 1 on the significant west elevation of the Cathedral has been inadequately explored. The viewpoint taken from the western edge of the rowing lake is cited as being unsuitable, and it is noted that the views from the 'three cuts' to the north of the rowing lake oscillate depending on the time of the year and maintenance. Additional views were requested from Crescent Bridge on Thorpe Road to understand the significance of the impact of the proposal on the western elevation of the Cathedral, and have subsequently been provided. Although formal comment from the Conservation Officer is still to be received, the viewpoints appear to clearly demonstrate that the proposals will not be visible from either Crescent Bridge, or Cathedral Square.

The Conservation Officers concerns regarding the suitability of viewpoints to establish the impact on Flag Fen are also noted, but must be weighed alongside the comments of Historic England, who are responsible for the Scheduled Monument, and Vivacity, who operate the Flag Fen Visitors Centre, both of whom acknowledge the existing consent and do not raise objections with regards adverse impact on the setting of Flag Fen.

The Landscape Architect has also raised a number of issues which could be addressed to the benefit of the setting of the Scheduled Monument, and the visitor experience at Flag Fen, including the use of additional tree planting along the south – southeastern ditches, consideration of how the ramp along the eastern elevation of Ethel will be used and the lighting strategy.

With regards to Proposal 2, Historic England have requested further information to ascertain whether the proposed ditches and water features will impede measures to sustain and improve the buried waterlogged deposits within the Flag Fen Scheduled Monument.

The City Council's Archaeologist has confirmed that the Environmental Statement has reviewed the available information and concludes that the proposed amendments (for Proposal 1) result in no additional ground disturbance to that which was previously consented. No further mitigation to reduce direct impacts to archaeological remains within the boundary of the site are proposed and the staged evaluations required by Condition 37-39 has been fulfilled, albeit confirmation of the archiving of reports is required to discharge the remainder of Condition 37. The Archaeologist also advises that monitoring of all groundwork should be considered in order to further enhance the residual effects of the scheme on buried remains and to enhance the current understanding of the site.

The significance of the impacts of Proposal 1 on both designated and non-designated heritage assets are being considered and balanced against the public benefits of the proposal, which have previously been considered by the Secretary of State when granting the original consent.

Subject to the applicant demonstrating that the ditches and ponds associated with Proposal 2 will not impede measure to sustain and improve the buried waterlogged deposits within Flag Fen, the impacts upon designated assets can be considered to be less than substantial and can be suitably mitigated, the planning balance would favour the public benefits that the proposal will bring and it would be considered to be in compliance with Core Strategy policy CS36, and the NPPF paragraphs 128- 135.

Although no additional conditions can be imposed in relation Proposal 1, the applicant is advised to monitor all groundworks, and in relation to Proposal 2, as this extends beyond the site of proposal 1, this can be controlled by condition. The proposals are therefore considered to be in accordance with CPMWCS policy CS36.

Condition 37 cannot be fully discharged until the applicant confirms completion of archiving.

## **8 – Hydrology, hydrogeology and floodrisk**

Although the proposal site falls within Flood Zone 3, the Environment Agency have confirmed that due to the extant consent, the Sequential and Exception Tests are not applicable.

The Drainage Officer has noted that the Flood Risk Assessment (FRA) is based on out of date information, and advises that SuDS must be used wherever possible and any scheme must discharge water at the greenfield rate. The submitted drainage scheme should be revised to meet current standards. The Environment Agency, who are responsible for the Padholme Drain, do not object to the un attenuated discharge of surface water from the site into the Drain because it is only likely to occur when the plant is not in operation. It is therefore considered that a drainage scheme for the site is achievable, and the requirement for such a scheme under Condition 31 can be met because the principle of such a scheme is not unachievable.

There will be no significant adverse impact or risk to the quantity or quality of surface or ground water resources or the flow of groundwater at or in the vicinity of the site upon receipt of satisfactory schemes to discharge conditions 19 and 31 of the extant consent, and the proposed amendments are therefore considered, in principle, to be in accordance with CPMWCS policy CS39.

Notwithstanding that the sequential and exception tests are not applicable, and that issues relating to water resources and water pollution prevention can be overcome. The development must also accord with the requirements of the NPPF in respect of floodrisk (para163), which requires development to be appropriately flood resistant and resilient. As such, the Environment Agency have requested further information because the FRA does not demonstrate that the proposed

finished floor levels are adequate to resist the potential of flooding over the lifetime of the development, and that all critical equipment should be located above the potential flood depths.

Although the additional information requested by the EA is required before any approval can be granted for Proposal 1, it is noted that the existing consent suggests that incorporating such flood resistant and resilient measures is achievable. Therefore upon receipt of information satisfactory to the Environment Agency this can be considered to be in accordance with paragraph 163 of the NPPF.

The hydrological impacts on buried remains at Flag Fen have been considered in relation to both Proposals 1 and 2 as set in the Archaeology and Cultural Heritage Section above.

## **9 – Other issues**

The gas pipelines that bisect the site are not considered to be affected in a materially different way than under the consented scheme. The Health and Safety Executive have confirmed they do not object on safety grounds. Cadent Gas and National Grid, with responsibility for the pipelines, have been invited to review their comments in light of both the extant consent and the comments of the Health and Safety Executive. Although neither have provided further commentary, the footprint of the proposals has been compared against that of the consented scheme, and does not appear to encroach any further onto the pipelines and associated buffers. It is also noted that the applicant is required to comply with all relevant guidelines when undertaking any works within or adjacent to the pipeline.

### **Outstanding requirements (08/01081/ELE)**

There are elements of the extant permission requiring additional information as a result of the amended scheme, as set out below. Such issues do not go to the heart of the matter and are included for the purposes of clarity regarding how the amended scheme impacts on any outstanding requirements in relation to updating / amending any previously approved scheme, and / or matters that are required to be resolved prior to the scheme being commissioned (i.e. becoming commercially operational).

Although the application has been accompanied by an Environmental Statement there are a number of issues that are outstanding, but which do not go to the heart of the matter. This has previously been acknowledged by virtue of the fact that they are issues subject of control by condition, and it is unreasonable therefore to require such information to be provided at this stage, albeit despite the fact that commencement of the development has taken place already, commencement of the amended development as proposed should not be undertaken until these outstanding issues are resolved.

Condition 4 in relation to street naming and numbering still requires formal agreement prior to commissioning (as previously described in the decision notice for 10/00360/DISCHG).

Condition 10 requires the site access road to be completed to “the satisfaction of the Council” prior to the commencement of development. The details for the access have been previously approved (11/00067/NONMAT) and this remains pertinent insofar as it relates to the access road being completed in advance of further construction works. However the second element of the condition requires access to only be provided via a single point of access. This element is subject to a non-material amendment, delegated for Officer consideration, which would allow for the two points of access subject of application 18/01368/FUL to be used, rather than a single point of access.

Conditions 11 (Construction Environmental Management Plan) and 19 (Construction Management Plan) have been previously approved (10/00360/DISCHG) in relation to the previously approved overall scheme under Condition 5. As such, the applicant is advised to update these two Plans to reflect the amended overall scheme prior to any further construction work being undertaken.

Condition 31, requiring a scheme showing the method and working of drainage facilities has been previously approved (14/00077/DISCHG). The applicant is advised to update this Plan to reflect the amended overall scheme prior to any further construction work being undertaken (see also detailed commentary re. hydrology / floodrisk / drainage – and note cross reference to the ‘access’ application requiring a drainage scheme).

## **6 Conclusions**

### **Proposal 1**

To discharge Condition 8, the five constituent parts of Condition 5 need to be satisfied, they are:

- (i) details of the siting, design, external appearance, and dimensions of all new or modified buildings and structures which are to be retained following the commissioning of the Development;
- (ii) details of the colour, materials and surface finishes in respect of those buildings and structures referred to in (i) above;
- (iii) details of vehicular circulation roads, parking, hardstandings, turning facilities and loading and unloading facilities on the Site;
- (iv) details of all new or modified permanent fencing and gates required on the Site;
- (v) details of artificial lighting required during the operation of the Development; and
- (vi) phasing of works included in the scheme.

The applicant is continuing to work with Officers to overcome consultee objections and ensure the proposals address all material considerations and are policy compliant. The outstanding matters can be summarised as follows;

- Confirmation of Conservation Officer satisfaction with regards the additional wireframes demonstrating visual impact on the Cathedral.
- Clarification of methodology for viewpoints in the LVIA.
- Confirmation of Landscape Architect contentment with the screening proposed to be used on the ramp on the eastern elevation of Ethel to minimise off site headlight glare, amended cladding to the Multi Function Water Pump House and to ‘Ethel’.
- Provision of ‘designers’ response with regards to flue stack cladding proposals.
- Clarification of the impact of fencing to south of the Water Pump House to additional tree / vegetation screening.
- Clarification of the lighting strategy, including confirmation of review procedure, height of ‘Ethel’ and yard lights, bollard lighting on the pathway, and use and timing of lighting systems, and provision of a ‘night time image’ of the proposals.
- Provision of a satisfactory Landscape Masterplan demonstrating removal of 3m bund and including additional planting to Cat’s Water Drain (the full details for Condition 46 discharge are not required at this stage).
- Confirmation of Natural England and Wildlife Officer comments with regards to information provided in the ecological addendum.
- Completion of all outstanding ecological surveys.
- Confirmation of finished floor levels and provision of critical equipment in accordance with floodrisk requirements.
- Confirmation of Local Highways Authority satisfaction with tracking provision across the site, alignment of access amendments and mapping base layer, and corrections to foot / cycle way requirements.

Condition 9 – in relation to provision of cycle parking

The cover letter also refers to information being provided to discharge Condition 9 in relation to cycle parking. However this is a compliance condition (requiring 60 cycle parking spaces to be provided adjacent to the reception / administration building), and cannot be discharged.

### Condition 23 – in relation to commercial operation noise

Condition 23 requires a programme for the monitoring and control of noise generated by the commercial operation of the development. The submitted information does not include such information and cannot therefore be discharged at this point. However this is not a pre-commencement condition and the applicant has been advised that they are required to provide such a programme prior to the commissioning (i.e. the first supply of electricity on a commercial basis) of the development (see also detailed commentary re. noise).

### Condition 37 – archaeology

This condition has been previously discharged (14/00077/DISCHG) subject to “all records being compiled in a structured archive in accordance with part 5 of the (approved) report”. The applicant has confirmed that the archiving process is being undertaken. Upon confirmation of completion of archiving this condition can be fully discharged.

### Condition 46 – landscaping and creative conservation

A Landscape Masterplan has been provided with the application, demonstrating the broad principles of the landscaping and creative conservation mitigation proposals. This plan does not contain the level of detail provided under the previously approved scheme (13/01913/DISCHG), and required by condition 47 and in addition to the amendments to the Masterplan as discussed above, the applicant is advised to update the Plan with appropriate detail prior to any further construction work being undertaken.

## **Proposal 2**

The NPPF states that there is a presumption in favour of sustainable development – in terms of decision taking this means approving development proposals that accord with the development plan without delay.

Subject to the satisfactory resolution of the outstanding details, as described above, the proposal will be acceptable having been assessed in light of all material considerations including weighing against relevant policies of the development plan.

The material considerations for Proposal 2 centre on the issues of; ensuring the access and highway network serving the site can be made suitable and able to accommodate any increase in traffic, and the nature of traffic associated with the development, and that any associated increase in traffic and highway improvements do not cause unacceptable harm to the environment and road safety; and the avoidance of significant adverse impacts on surrounding uses, including Flag Fen visitors centre, and the archaeological environment;

Subject to the resolution of outstanding matters and appropriate conditions to ensure an acceptable mitigation measures, the proposal will be in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS32, CS34, CS36 and CS39.

It is also noted that application 18/01369/NONMAT will enable the operational use of two points of access to the site, rather than the single point of access as defined under the Condition 10 of the extant consent. This non material amendment will only be progressed subject to the satisfactory resolution of Proposal 2.

## 7 Recommendation

### Proposal 1

The case officer recommends that Discharge of Conditions is delegated to the Head of Planning for determination upon satisfactory resolution of the outstanding issues as described within this report, namely;

- Confirmation of Conservation Officer satisfaction with regards the additional wireframes demonstrating visual impact on the Cathedral.
- Clarification of methodology for viewpoints in the LVIA.
- Confirmation of Landscape Architect contentment with the screening proposed to be used on the ramp on the eastern elevation of Ethel to minimise off site headlight glare, amended cladding to the Multi Function Water Pump House and to 'Ethel'.
- Provision of 'designers' response with regards to flue stack cladding proposals.
- Clarification of the impact of fencing to south of the Water Pump House to additional tree / vegetation screening.
- Clarification of the lighting strategy, including confirmation of review procedure, height of 'Ethel' and yard lights, bollard lighting on the pathway, and use and timing of lighting systems, and provision of a 'night time image' of the proposals.
- Provision of a satisfactory Landscape Masterplan demonstrating removal of 3m bund and including additional planting to Cat's Water Drain (the full details for Condition 46 discharge are not required at this stage).
- Confirmation of Natural England and Wildlife Officer comments with regards to information provided in the ecological addendum.
- Completion of all outstanding ecological surveys.
- Confirmation of finished floor levels and provision of critical equipment in accordance with floodrisk requirements.
- Confirmation of Local Highways Authority satisfaction with tracking provision across the site, alignment of access amendments and mapping base layer, and corrections to foot / cycle way requirements.

### Proposal 2

The case officer recommends that authority is delegated to the Head of Planning to grant planning permission with appropriate conditions subject to the satisfactory resolution of the outstanding issues as described within this report, namely;

- Confirmation of Local Highways Authority satisfaction with tracking provision across the site, alignment of access amendments and mapping base layer, and corrections to foot / cycle way proposals.
- Provision of satisfactory tracking information for the roundabout.
- Confirmation of the ditches and ponds not having a significant impact on groundwater and buried remains at Flag Fen.
- Completion of a Stage 1 Safety Audit and designers response.