

Application Ref: 18/02196/MMFUL

Proposal: Dewatering of waterbody and infill with approx. 375,000 cubic meters of construction, demolition and excavation waste, with restoration to grassland and a new surface water management system

Site: Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough

Referred by: Director of Place and Economy

Applicant: Mr Mat Nicholson FCC Environment

Agent: Mr Alistair Hoyle
Axis PED Ltd

Site visit: 21.12.2018

Case officer: Mr A O Jones

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Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site Description

Dogsthorpe landfill is situated to at the north east urban edge of Peterborough. It is bounded by the A47 to the north, beyond which lies Dogsthorpe Star Pit SSSI, Welland Road to the north west, the A15 to the west / southwest and the A1139 to the east, beyond which lies the village of Eye, Peterborough Garden Park lies immediately to the south of the site, beyond the Car Dyke which runs along the southern boundary. A small cluster of waste and industrial sites are based at the west / northwest of the site. Access is provided to the A47, via Welland Road at the northwest of the site.

The proposal site incorporates the existing access road and infrastructure associated with the landfill site (e.g the wheelwash and weighbridge), and follows the internal haul road that runs along the northern side of the site to the lagoon that sits at the eastern end of the site surrounded by a belt of tree planting some 20-30 years old.

Proposal

Permission is being sought for the dewatering of the lagoon at the eastern end of the landfill site, and the infill of approximately 375,000 cubic metres of construction, demolition and excavation waste, over a 6 year period, with restoration to an agricultural grassland area, and implementation of a modified surface water management system serving the wider landfill site.

The construction of the void is expected to generate approximately 12,000 cubic metres of material, to be stockpiled in a suitable location on the wider site before used for restoration purposes.

The infill works are proposed to take place within the previously approved operational hours for the landfill site (0600 -1800 Mondays to Saturdays and 0800 - 1200 hours Sundays, Bank and Public Holidays) and will involve an estimated 25 deliveries per day (i.e. 50 HGV movements to and from the site).

The proposed restoration scheme has been amended to include conservation grassland to the margins of the agricultural grassland and waterbody, with a hedgerow proposed along the western edge of the proposed landform to delineate the grassland areas.

The proposal is EIA development, under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations and is accompanied by an Environmental Statement.

The Environmental Statement has been presented in such a way as to account for the proposed changes (since permitted) to the landfill, including the additional time for the completion of restoration and the amended restoration scheme for the wider site.

2 Planning History

Reference	Proposal	Decision	Date
16/00013/MMFUL	Erection of reverse osmosis treatment plant and associated pipeline and leachate/acid tanks	Permitted	14/03/2016
15/01214/MMFUL	Inert recycling facility	Permitted	29/01/2016
13/01562/WCMM	Non-compliance of C2 and C4 of planning permission 08/01032/WCMM - To amend the approved plans and continue landfill operations until 31 December 2019	Permitted	07/08/2014
08/01032/WCMM	Non - compliance of C2, 7 ,8 and 17 of planning permission 06/00316/WCMM	Permitted	15/12/2008
06/00316/WCMM	Modification to approved scheme for refilling and restoration at Dogsthorpe landfill site	Permitted	29/07/2008
97/P0085	Application for the determination of new conditions for extraction of clay and restoration to agricultural use by landfill	Permitted	25/04/1997
T1968	Permission to work clay on land near Dogsthorpe Brickworks	Permitted	30/01/1953
18/02185/WCMM	Variation of condition C1, 2 and 4 (to extend the date for final restoration and amend the restoration scheme) of planning permission 13/01562/WCMM	Permitted	27/09/2019

3 Planning Policy

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

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

MW02 - Strategic Vision and Objectives for Sustainable Waste Management Development

Growth will be supported by a network of waste management facilities which will deliver sustainable waste management. The facilities will be 'new generation' which will achieve higher levels of waste recovery and recycling in line with relevant targets. They will also be of high-quality design and operation, contributing towards addressing climate change and minimising impacts on communities in Cambridgeshire and Peterborough. There will be a network of stand-alone facilities but also co-located facilities in modern waste management 'eco-parks'. The network will manage a wide range of wastes from the plan area, contributing to self-sufficiency but also accommodating the apportioned waste residues from London or authorities in the East of England. Any long distance movement of waste should be through sustainable transport means - such

facilities will be safeguarded via Transport Zones. A flexible approach regarding different types of suitable waste technology on different sites will be taken and Waste Consultation Areas and Waste Water Treatment Works Safeguarding Areas will be designated to safeguard waste management sites from incompatible development. A proactive approach to sustainable construction and recycling will be taken and strategic developments will need to facilitate temporary waste facilities to maximise the reuse, recovery and recycling of inert and sustainable construction waste throughout the development period. Where inert waste cannot be recycled it will be used in a positive manner to restore sites. The natural and built historic environment will continue to be protected with an increased emphasis on operational practices which contribute towards climate change and minimise the impact of such development on local communities. (Policy CS2 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

MW14 - The Scale of Waste Management Provision

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

MW18 - Waste Management Proposals Outside Allocated Areas

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

MW20 - Inert Landfill

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

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

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.

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.

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.

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.

Peterborough Local Plan 2016 to 2036

LP26 - Green Wedges

Green wedges have been identified to fulfil specific functions and aims. Permission for development within these area will only be granted where it can be demonstrated that this would not be contrary or detrimental to the objectives. Development adjacent to them will only be granted where there would be no adverse impact on their function.

4 Consultations/Representations

PCC Peterborough Highways Services (05.04.19)

No objection. The increase in vehicles as a result of the application is low, and it is noted that the Household Waste Recycling Centre has been relocated, significantly reducing the traffic levels in the immediate vicinity.

Lead Local Drainage Authority (28.06.19)

Further to the original submission, additional clarifications and details, including, for example, drainage calculations and cross sectional drawings of proposed lagoons and ditches, have been provided, and subject to appropriate control of the proposed drainage scheme, the proposal is acceptable.

PCC Wildlife Officer (31.01.19)

Final comments 15.09.2019

The Great Crested Newts identified in the pond to the northwest of the site and in the ditch along the northern site boundary are likely to be affected, but a detailed GCN mitigation strategy will be

required which can be secured by condition (through an Ecological Management Plan - EMP). Detailed mitigation measures will also be required in the EMP in relation to the identified population of Grass Snakes found within the Eastern Void area. Other measures, including additional surveys, will also be required for other protected species, including nesting birds, water voles and badgers.

Advice is also provided regarding the Japanese Knotweed identified in the Eastern Void Area. The restoration scheme has been revised from that originally proposed (i.e. generally grassland), to include conservation grassland margins to the agricultural grassland and hedgerow along the western flank. Although additional previously suggested revisions, including hedgerow boundaries to all margins, and the creation of shallow gradients and areas within the water body have not been incorporated into the restoration scheme, the proposed scheme has been checked against the consented scheme to establish if net gains for biodiversity will be provided (as required by the NPPF para. 170). It is accepted that the revised restoration scheme will provide a marginal increase in the area of priority habitats.

PCC Pollution Team (22.02.19)

No objections, subject to appropriate controls with regards provision and use of a wheel-wash, operational hours, dust suppression and the control of noise. It is noted that the odour management is typically subject to Environment Agency permit condition, however such conditions should be replicated to ensure any odour arising from the de-watering operation is appropriately controlled.

Natural England - Consultation Service (05.02.19)

No objection. The proposal will not have significant adverse impacts on protected sites or landscapes, in particularly the Dogsthorpe Star Pit SSSI or the Nene Washes SSSI.

Environment Agency (09.05.19)

The Environment Agency confirm that the application should be viewed as an 'inert fill' application, and that the entirety of the proposed operations will be regulated by the Environmental Permit (this includes cell engineering and dewatering operations, including the proposed discharge of water to Car Dyke). The lagoon is formed in a borrow pit excavated into the underlying Oxford Clay which is not in continuity with the Car Dyke; the landfill is engineered to landfill directive standards and will be properly contained so there should be no pollution from this to the lagoon. The proposed activity will not have a detrimental impact on the water quality of Car Dyke. Replacing the existing pumped surface water scheme with a more sustainable gravity based system is supported.

Highways England (24.01.19)

No objections. The proposal is unlikely to materially change traffic generations, rather, it will extend the life time of the site in traffic terms.

Eye Parish Council

No comments received

Local Residents/Interested Parties

Initial consultations: 576

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

An objection has been received highlighting concerns about heavy traffic on Welland Road, and the adjacent roundabout at the A47 / A16, and that the weight limit on Welland Road is being ignored, and the impact of additional heavy traffic around the landfill site in the centre of five residential areas. A query was also raised as to why the lake area is not being used as natural expansion of the Star Pit nature reserve

An objection has also been raised with concerns about the drainage proposals, and if the reduction in the lake size will contribute to more water overflowing onto the A47, and then the Star Pit SSSI, during winter months and sudden downpours.

Another objection has been received raising concerns about the noise and dust implications for health and well being of nearby residents, and concerns about future property sales.

A petition with 29 signatories against the extended use of the landfill site due to road safety concerns on the two main roundabouts near the site (presumed to be the two roundabouts on the A47) has also been submitted. The petition also refers to an article in the 'Evening Telegraph' concerning two people being killed on this stretch of road "which is now regarded as a very hazardous area".

It is noted that consultation for this application and that for the variation of condition application, to allow additional time for, and to amend the restoration of, the remainder of the landfill site, were undertaken simultaneously, and therefore comments that may have been provided for one application have been taken into consideration for both.

5 Assessment of the planning issues

The Principle of Development

The main considerations are:

- A) Suitability of the proposal
- b) Water management
- c) Air quality / odour
- d) Noise
- e) Transportation and Traffic
- f) Nature Conservation and Ecology

a) Suitability of the proposal

The proposed works include the infill of the lagoon at the eastern end of the existing Dogsthorpe landfill site. As such, the proposal must accord with policies CS 2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (the Core Strategy) to support the strategic vision and objectives for sustainable waste management development. In particular the proposal must contribute to a network of waste management facilities capitalising on the synergies between different types of waste management techniques.

The proposal must be considered in light of the National Planning Policy for Waste, which requires landfill sites to be restored to beneficial after uses at the earliest opportunity and to high environmental standards.

The National Planning Policy for Waste sets out a number of requirements for waste planning authorities to consider when determining waste planning applications, including the requirement to "concern themselves with implementing the planning strategy in the Local Plan". It also highlights the need for Waste Planning Authorities to work on the assumption that the relevant pollution control regime will be properly applied and enforced. What has been proposed is for the use of infill materials, that for planning purposes are considered to be 'inert', to be used to enhance the surface water management system over the wider landfill site, and to provide additional agricultural grassland and ecological enhancements. The proposals are therefore considered primarily against the waste spatial strategy as set out in the Core Strategy, and operations will also be subject to Environment Agency permitting.

The Environment Agency have confirmed that the proposal should be viewed as an 'inert fill' application as the material used to restore the site is described as consisting of soils and construction and demolition materials; however they also acknowledge that the infill material may

be coded as non-hazardous, in accordance with the Landfill Tax (Qualifying Material) Order 2011, on the waste transfer notes under which the material will be transported to the site

Although the proposal site is not allocated for inert fill, it sits within the Waste Consultation Area associated with the wider Dogsthorpe landfill site (policy site ref). Core Strategy policy CS30 states that development (within a WCA) will only be permitted where it does not prejudice existing or future planned waste management operations. As the proposal will improve the sustainability of the existing surface water management scheme (by providing a gravity, rather than a pumped, system), it is considered that it will enhance the existing waste management operation at the landfill site.

The scale of waste management provision (policy CS14) sets out the requirement for the delivery of inert landfill void space over the Plan period to which the proposals will contribute. The location of such facilities is guided principally (CS15) by the Minerals and Waste Management Key Diagram and additional factors, including for example, site availability. Of the sites within Peterborough identified for inert fill in policy W2 of the SSP, nominal capacity is currently available, and all face uncertainty in providing significant capacity in the short term. Notwithstanding that there are some mineral sites not allocated for inert fill which have benefitted from permission, it is also acknowledged that there is limited availability of inert fill capacity coming forward at the strategic Block Fen / Langwood Fen allocated site (policy CS20), and it has been accepted that there may be a requirement to divert inert fill in the plan area to other available sites.

The Core Strategy (policy CS29), seeks to ensure that excessive provision (of waste management facilities) is not made within the Plan area, as such, the applicant has confirmed that they will enter into binding restrictions (a legal agreement) on the tonnages and catchment area for acceptance of waste, i.e. no more than 20percent (%) by weight of the waste imported to the site shall come from an area outside 32 kilometre radius of the site and / or the areas within the boundaries administered by Peterborough City Council and Cambridgeshire County Council.

The proposal site is also located within a 'Green Wedge' (Peterborough Local Plan policy LP26); the proposal is not considered to be contrary or detrimental to the function of the green wedge in this location as the separate identity, local and historical character of the surrounding settlements will not be affected, and the open and undeveloped character of the Green Wedge will be retained through the restoration proposals.

b) Water management

The Environmental Statement accompanying the application is supported by a Flood Risk Assessment and further information and clarifications, including calculations, specifications for the proposed drainage system and maintenance schedules have been provided to demonstrate the suitability of the proposed scheme.

The Environment Agency has expressed their support for the replacement of the existing pumped surface water scheme with a gravity based system which is considered more sustainable. Despite the significant reduction in the size of the eastern lagoon, the Lead Local Flood Authority are satisfied that the proposed surface water management system is acceptable and will not lead to an increase in flood risk either on or off site. It is understood that the size and scale of the eastern lagoon is related to the historic design of the landfill site and this area was extracted to provide clay to be used for engineering purposes (i.e. it was not specifically designed at its current size for the purposes of water retention to reduce flood risk and the flood risk calculations provided with this application demonstrate that the proposed lagoon provides of sufficient capacity for flood risk purposes).

The proposed changes to the Surface Water Management (SWM) scheme include changes to the entire system around the landfill site, which can be controlled by condition. The de-watering and engineering of the eastern lagoon comprising 'phase 1'. The second and third phase of works includes remodelling of the ditches and lagoons to the south and north of the site, with the fourth

and final phase including the ditches, deflection bunds and new lagoons to be provided at the western end. Such phasing can be controlled by condition to ensure the continuity and completion of works to minimise and prevent flood risk.

The lagoon, being excavated as a 'borrow pit', sits within the underlying Oxford clay, is not in continuity with the Car Dyke (where the SWM discharges) or the nearby Star Pit SSSI (i.e. the low permeability of the clay prevents groundwater from flowing), and, with the engineering of the landfill site being to appropriate standards, any water flowing from the site should be that which is shed from the surface. The Environment Agency has confirmed that there will be no detrimental impact on the water quality of the Car Dyke, and Natural England has confirmed that there will be no significant adverse impact on the Star Pit SSSI.

Although an objection has been raised, with concerns that reducing the lagoon size will contribute to flood risk on the surrounding roads and the Star Pit SSSI, further to the revisions and clarifications to the proposed surface water management system, neither the Environment Agency, the North Level IDB or the Lead Local Flood Authority have raised any objections, and the Environment Agency has emphasised the sustainability benefits of a gravity based Surface Water Management system in preference to the pumped system currently in operation. The proposal has demonstrated that there would be no significant adverse impact or risk to the quantity or quality of surface or ground water resources, and subject to appropriate control of the implementation of the proposed SWM is in accordance with Core Strategy policy CS39.

c) Air quality / odour

The Air Quality assessment accompanying the Environmental Statement considers the potential impacts of dust and fine particulate matter arising during earthworks, importation and restoration activities, including vehicle movements and emissions. The Environment Agency has confirmed that the site will be subject to Environmental Permit, which would seek to effectively control dust and odour emissions. Given that the nearest sensitive receptors (residential use) are located less than 150m from the north east and southeast of the site (at Chancery Lane and Peterborough Road, Eye), and less than 100m on the A1139, consideration needs to be given as to whether the proposal is an acceptable use of land, in this location. There is also residential development to the west of the site, within 150m, however considering the layout and proposed use of the site, with access provided at the west, and the engineering and infill operations at the east, primarily for dust and odour impacts, consideration should be given to the severity of impacts at the closest residential receptors to the east and south of the site.

The Environment Agency has confirmed that all aspects of the proposed operation, including the de-watering and engineering of the void, as well as the infill operation, will be subject to Environmental Permit control, and the initial response of the Pollution Control Officer advised that conditions relating to dust suppression (use of wheelwash and provision of bowser to dampen internal haul roads) would be adequate.

With regards to odour, the Air Quality assessment only considered the impact of the waste disposal operation, rather than the de-watering of the lagoon. Given the change in fill material for the proposal area from that used to fill the historical area of the site (i.e. the use of inert materials rather than 'non-hazardous' which may contain significant a significant proportion of potentially odours biodegradable material) the odour impacts of the infill operation are considered to be negligible.

However, with regards to the de-watering operation, further information has been provided which acknowledges that although the cell preparation works may give rise to odourous emissions, the location of such works (at the bottom of the void) and the short term nature of the work (approximately 3 months) will mean that any such odours are unlikely to give rise to significant adverse impacts and effects. Additionally, any silts / excavated material from the base of the lagoon will be stockpiled centrally within the site, distant from any receptors, and seeded prior to re-use for restoration purposes.

Given the potential short-term impact of the de-watering and cell engineering, and the controls likely to be required through Environmental Permit conditions, it is considered necessary to control by condition the immediate response procedure that can be implemented in the event of reasonable complaint. Additionally, ensuring the appropriate management of any potentially odourous materials to be stockpiled can also be controlled by condition (which will also enable an appropriate understanding of the impact on providing the restoration scheme across the wider site).

Taking into consideration the potential severity and duration, and mitigation measures, the proposal is considered to have demonstrated that there would be no significant harm to the environment, human health or safety, existing or proposed land uses or loss to residential amenity with regards to air quality including dust and odour, in accordance with Core Strategy policy CS34.

d) Noise

The Noise assessment accompanying the Environmental Statement considers the proposal alongside the ongoing restoration works for the existing landfill site (i.e. a further 5 years of importation and spreading of soils), the existing background sound levels, including the cumulative impacts of the existing gas engines and the proposed additional residential receptors off Newborough Road.

The identified sensitive receptors are essentially the same as for those affected by dust and odour issues (see above). The character and nature of activities undertaken at the western end of the site are understood, and essentially unchanged from those historically associated with the site (i.e. access, haul road, wheelwash and weighbridge), the greatest consideration needs to be given to those receptors at the eastern and southern side of the site (i.e. Chancery Lane and Peterborough Road, Eye, and the isolated property on the A1139), and have been undertaken in compliance with noise controls associated with the historical landfilling of the site.

In addition to the historical mitigation measures, which include control over the normal operating hours, and regular maintenance of plant and machinery, additional noise screening bunds are proposed to be placed around the north and southeast corners of the void space when operations are within 3m of the existing ground level. With regard to the proposed operational hours, it is not considered necessary for the site to operate on the hours historically associated with the operation of the landfill, which required extend daytime and weekend hours to allow for the receipt of municipal waste at the site. As such, the hours can be controlled by condition to reflect more normal daily working practices to minimise amenity impacts for surrounding uses.

The Environment and Pollution Control Officer has confirmed that the historical noise controls imposed on the landfill can be effectively carried over for this proposal to ensure that suitable noise levels can be achieved at the identified receptors. The additional noise control measures (i.e. the screening bunds) can also be controlled by condition. As such, and through appropriate control by condition, the overall noise impacts are considered to be negligible and the proposal is considered to accord with Core Strategy policy CS34 with regards to protecting surround uses from noise.

e) Transportation and Traffic

The Transport and Highways section of the Environmental Statement accompanying the application analyses the impacts of the proposal on the local highway network, considering both the existing ongoing restoration works (i.e. the importation of soils to restore the landfill site) and the vehicle movements associated with this proposal, alongside the 457 dwellings off Newborough Road which have reserved matters approval (16/01197/REM). The assessment estimates that to import 600,000 tonnes of fill material over a 6 year period will equate to 25 imports per day, resulting in a total of 50 HGV movements, alongside the ongoing restoration works this equates to a 'worst case scenario' (i.e. where the two landfill based operations are running contiguously) approximately 100 movements per day.

An objection, and a petition have been received which highlight concerns about heavy traffic using the Welland Road and the nearby roundabouts at the junctions of the A47 and A16, and the A47 and the A15.

The Local Highway Authority (LHA), and Highways England (HE, with responsibility for the A47) have both been consulted on the application, and neither have raised objections. The LHA note that the increase in vehicles as a result of the application is low, and that the Household Waste Recycling Centre has been relocated, significantly reducing the overall traffic levels in the immediate vicinity. HE confirm that the proposal is unlikely to materially change traffic generation in the area, rather it will extend the life time of the site in traffic terms. Notwithstanding this extension to the lifetime of the site, the Environmental Statement notes that the junction of the A47 / A16 is not predicted to reach capacity by the future assessed year of 2028, by which time both the landfill restoration works, and this proposal are expected to have ceased.

The existing site access from the Welland Road is considered suitable to continue to be used, and it is expected that deliveries to the site will come from the trunk road network, rather than the Welland Road which is subject to a weight restriction. It is noted that a heavy goods vehicle carrying out remedial works within a development site or providing services within a restricted area is permitted.

The proposal has a suitable access to the highways network and would not cause unacceptable harm to the environment, road safety or residential amenity and enforcement of highway regulations is not a planning issue. Furthermore, neither the LHA nor HE have raised any objections to the proposal, which is considered to be in accordance with Core Strategy policy CS32.

f) Nature Conservation and Ecology

The NPPF aims to ensure the conservation and enhancement of the natural environment (Ch.11). For this proposal, consideration needs to be given to both the operation of the development, and the proposed afteruse, with the final restoration having to strike a balance between the proposed afteruses of both agriculture and biodiversity enhancement, whilst acknowledging the functional requirements of the surface water management system.

The Wildlife Officer has assessed the submitted Ecology and Nature Conservation chapter (and associated appendices) of the Environmental Statement, and has confirmed that subject to appropriate control with regards the proposed mitigation measures, that there will be no adverse impacts on protected habitats or species. With regards to impacts on ground nesting birds, mitigation includes appropriate timing of vegetation removal. Further surveys of water voles and badgers, which are believed to be present in the local area, need to be subject to further survey prior to the commencement of works. Details of the required hibernacula (for grass snakes present in the area) can be provided in the landscape and habitat management plan. With regards to Great Crested Newts, a small population has been found in one of the ditches affected by changes to the surface water management system, and although it is acknowledged that the requisite license can be obtained from Natural England, the location of proposed terrestrial and aquatic habitat enhancement measures must be controlled by condition

The restoration proposals initially submitted with the application would have provided a significant reduction in the overall area of priority habitat creation compared to the approved scheme, and were not therefore considered acceptable. However, the restoration proposals have subsequently been revised to ensure provision of a similar area of ecological enhancements as the currently approved scheme.

The proposed biodiversity enhancements encompass the creation of marginal conservation grassland strips flanked by hedgerow. Potential amendments to the lagoon, which may have provided significant habitat enhancements have been rejected by the applicant, citing maintenance issues with the lagoon. Although it is disappointing that such opportunities have been missed, the enhancements proposed are considered to present biodiversity enhancements of equal or better value than those provided under the extant approved scheme, thereby complying with existing policy requirements. It is noted that the emerging Environment Bill places a requirement on developers to provide for a 10% net gain in biodiversity, and although it is questionable as to whether a 10% gain has been achieved in this instance, limited weight can be placed on this emerging policy at this moment in time.

The ecological impacts of the proposal have also been considered, and there are no significant impacts on protected habitats or species provided that the proposed mitigation measures in the submitted Ecological Appraisal and surveys and Natural England have confirmed that there are no significant impacts on designated sites, including Dogsthorpe Star Pit SSSI and the Nene Washes SSSI, SPA, SAC and RAMSAR. The underlying geology and physical separation provided by the A47 also limits the potential for the site restoration to specifically complement the Dogsthorpe Star Pit, and the biodiversity enhancement measures are therefore viewed discretely for their inherent value.

There are no significant adverse impacts on sites of bio or geo diversity importance, and it is not considered that there will be any fundamental alterations to the landscape character of the area when compared to the extant proposals, and the balance of restoration objectives is, on balance, considered appropriate, albeit with missed opportunities to provide an even greater level of biodiversity enhancements. The method of working and proposed restoration scheme are therefore considered appropriate, albeit appropriate control needs to be exercised on the management and aftercare of the restoration scheme, and the proposal is considered to accord with Core Strategy Policies CS24, CS25, CS33 and CS35, and paragraph 170 of the National Planning Policy Framework.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The application has been considered in light of the Cambridgeshire and Peterborough Minerals and Waste development Plan, the NPPF and accompanying Planning Practice Guidance, and the National Planning Policy for Waste.

The site is not allocated for inert fill but the proposal complies with policies CS14 and CS15 of the Core Strategy with regards the provision and location of waste management, and due to the limited availability of inert fill capacity coming forward at the strategic Block Fen / Langwood Fen allocated site (policy CS20) it is accepted that there may be a requirement to divert infill in the plan area to other available sites. The use of catchment restrictions ensures the proposal accords with policy CS29.

An Environmental Statement accompanies the application which is considered to be comprehensive and meets the requirements set out in the Town and Country Planning Environmental Impact Assessment Regulations 2017. Detailed topic areas have been assessed and considered:- noise, dust and air quality impacts have been considered and are in accordance with policy CS34. Highway and traffic issues, including safety of all road users in the vicinity of the site, have been considered and is in compliance with policy CS32. With regards to landscape and visual impacts, the proposal is in compliance with policies CS24, CS33 and CS24. The impact on water resources and the water environment have been assessed and the proposal is in compliance with policy CS39. The impacts on ecology, site restoration and provision of biodiversity enhancements has also been considered and the proposal is in compliance with policies CS25, CS34 and CS35.

Cumulative impacts with the ongoing restoration works at the adjacent Dogsthorpe landfill site have also been taken into account.

Comments of consultees and representations have been taken into account and suitable conditions attached to address any issues raised and in all other respects the proposal is acceptable. As such, there is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Executive Director of Place and Economy on the grounds that the development has failed to adequately mitigate its impacts.

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

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

C 2 The development shall be carried out in complete accordance with the following submitted plans;

Statutory Plan (red line plan), drawing number 2284-03-101, dated December 2018

General Arrangement Plan, drawing number 2284-03-102, dated December 2018

Revised Restoration Scheme, Figure 3.5(Rev. D), dated August 2019

Phasing Plan for SWM System, drawing number WR7433/DR/05(Rev. 1) dated 15/05/19

Proposed Surface Water Management System, drawing number WR7433/DR/01(Rev. 5), dated 26/07/19

Noise Site Boundary Screens, Figure 6.2, dated December 2018.

The details of which are approved except as amended by the following conditions.

Reason: For the avoidance of doubt and to enable the Waste Planning Authority to adequately control the development to minimise the impact on the amenities of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS2 and CS34.

C 3 The importation of restoration materials and completion of all restoration and landscaping works shall be completed within 9 years of the date on this decision notice, or within 12 months of the final importation of fill material, whichever is the sooner.

Plant, machinery, buildings and structures not required for the operation of the landfill gas power station, nor the leachate treatment plant, shall be removed within 6 months of the final importation of fill material, and the site shall be fully restored to an agricultural and nature conservation after use within 12 months of the final importation of fill material.

Reason: To minimise the duration of the adverse impacts and disturbance hereby permitted in

the interests of the amenity of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25 and CS34.

- C 4 No development shall commence until and unless a scheme for the appropriate storage and re-use of the material to be excavated during the construction of the void, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but is not necessarily limited to, identifying the location for the proposed stockpile, management of the stockpile, identifying the location for the stockpiled materials re-use, and identifying the restoration and aftercare requirements for the area where the stockpile has been located.

The storage and re-use of the excavated material shall thereafter be carried out in complete accordance with the approved scheme.

Reason: To ensure that any excavated materials are stored in an appropriate location to minimise amenity impacts, and re-used in a suitable location to enable appropriate restoration, in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy Policies CS25 and CS34.

- C 5 Vehicular access to and from the site shall be by way of the existing site access to Welland Road only, as shown on the 'Statutory Plan', drawing number 2284-03-101, dated December 2018.

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

- C 6 Only inert wastes of a type akin to that set out in the "Waste Acceptance (Waste Types and Leachate Source Term" (doc. ref. 4232/R/005/01) shall be accepted for disposal at the site.

Reason: In the interests of water pollution prevention in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C 7 Prior to the importation of any waste materials, a scheme for the phasing of the fill operation must be submitted to, and approved in writing by, the Local Planning Authority.

Thereafter, the development hereby approved shall be carried out in complete accordance with the approved scheme.

Reason: To ensure a timely restoration of the site to a beneficial afteruse in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

- C 8 No commercial vehicles leaving the site shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.

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

- C 9 Except in emergencies, no operations authorised or required by this permission shall be carried out except between the following times:

0700 hours and 1800 hours Mondays to Saturdays

and at no other times including Sundays, Bank Holidays and Public Holidays.

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

- C10 A bowser shall be available at all times as required to dampen internal haul roads and operational areas as necessary to prevent the egress of dust from the site.

Reason: In the interests of protecting surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C11 The scheme for the control of noise as outlined in Chapter 6 of the Environmental Statement (dated December 2018), including the provision of 3m noise screens as depicted on Figure 6.2 (Noise Site Boundary Screens), dated December 2018, when operations are within 3m of ground level, shall be complied with at all times. Notwithstanding the details within the ES, the level of noise emitted from the development during normal operations and maintenance shall not exceed 55dB expressed as an LAeq, 1hr, between the permitted hours of 0700 hours and 1800 hours Mondays to Saturdays and 52dB expressed as an LAeq, 1hr, at any other time at noise sensitive properties.

- C12 Noise monitoring shall be undertaken in accordance with a scheme to include, but not necessarily limited to, the noise assessment to be undertaken within 28 days of notice issued by the Local Planning Authority in the event of reasonable complaint, to be submitted prior to the first deposit of waste. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of protecting surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C13 For temporary operations essential for site preparation work and restoration such as bund formation and removal, and soil replacement, the free field noise level due to operations at the nearest point to the locations identified in condition 11, shall not exceed 70 dB LAeq, 1 hour (free field). The Planning Authority shall be notified between 7 and 21 days in advance of essential temporary operations. Temporary operations shall not take place for more than eight weeks in any calendar year.

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

- C14 All buildings or tanks to be used for the storage of fuels, together with ancillary handling equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the storage capacity and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

Reason: In the interests of the prevention of pollution in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C15 The drainage and surface water management of the development shall be carried out in complete accordance with the following submitted plans and documents, including the 'lifetime maintenance' of the surface water management system;

Proposed Surface Water Management System, drawing number WR7433/DR/01, rev dated 26/07/19
 Phasing Plan for SWM System, drawing number WR7433/DR/05, rev 2, dated 04/11/2019
 Catchment Areas, drawing number WR7433/DR/06, dated 22/01/2018
 Section Location Plan, drawing number WR7433/DR/07, dated 24/07/2019
 Sections Sheet 1, drawing number WR7433/DR/08, dated 24/07/2019
 Sections Sheet 2, drawing number WR7433/DR/09, dated 24/07/2019
 Specification for Construction of the Surface Water Management Scheme at Dogsthorpe Landfill Site, Doc. ref. WR7433/01, dated January 2019
 Maintenance for the Surface Water Management Scheme at Dogsthorpe Landfill Site, Doc. ref. WR7433/04, dated July 2019

Reason: In the interests of water resources management and prevention of floodrisk in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C16 No development shall commence until and unless a scheme for the control of odour during the de-watering of the waterbody and construction of the voidspace, is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but is not necessarily limited to, the complaint receipt and investigation procedure, control and prevention of odour measures, and mitigation measures to be implemented within 24 hours notice of any complaint received by the operator.

The development thereafter shall be carried out in complete accordance with the approved scheme.

Reason: To secure an appropriate odour management scheme in the interests of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34. This is a pre-commencement condition because appropriate controls needs to be exercised on the initial activities which may give rise to odour nuisance.

- C17 The development as hereby approved shall be carried out in complete accordance with the mitigation and surveying requirements as set out in Chapter 5.0 - Ecology and Nature Conservation, and accompanying appendices, of the Environmental Statement (dated December 2018) in relation to nesting birds and badgers, and to include appropriate surveying for Water Voles.

Reason: To protect species of nature conservation importance, in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS35.

- C18 No development shall take place until and unless a Landscape and Habitat Management Plan (LHMP) based on the Revised Restoration scheme, Figure 3.5, Rev. D, dated August 2019, has been submitted to, and approved in writing by, the Local Planning Authority. The LHMP shall include, but is not necessarily limited to, the timing of planting, species numbers, size, spacing and density, seedmix, location of hibernacula and Great Crested Newt habitat enhancement areas, and aftercare management for a period of 5 years.

The development shall thereafter be carried out in complete accordance with the approved LHMP. From the completion of restoration, the date of which is to be agreed in writing with the Planning Authority, the aftercare of the site shall commence, it shall endure for a period of 5 years and shall be carried out in complete accordance with the approved scheme.

Reason: To secure appropriate restoration in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25, CS33 and CS34. This is a pre-commencement condition to ensure that appropriate mitigation measures are aligned with the programme of works and to mitigate the impacts on protected species.

C19 No topsoil or basal clay shall be removed from the site.

Reason: For the avoidance of doubt of the extent of the proposed development and operations hereby permitted in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS34 and CS39.

Copies to Cllrs. Simons. Allen. Brown