

<b>Application Ref:</b>	22/00600/MMFUL
<b>Proposal:</b>	Eastern extension for Non-Hazardous Landfill to Eye landfill, and ancillary facilities
<b>Site:</b>	Eye Landfill Site, Eyebury Road, Eye, Peterborough
<b>Applicant:</b>	Mr James Stewart-Irvine, Biffa Waste Services
<b>Agent:</b>	N/A
<b>Site visit:</b>	16.06.2022
<b>Case officer:</b>	Mr A O Jones
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<b>Recommendation:</b>	<b>REFUSE</b>

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

### **Site and surroundings**

The site covers an area of approximately 55 hectares in a rural location to the east of Peterborough and south of the A47. The majority of the site is located to the east of Eye landfill at the quarry site known as Willow Hall Quarry (WHQ). The area proposed for landfill lies within the existing WHQ site boundary, which is separated from Eye landfill by the Cats Water Drain, and which has a stand-off from the Bar Pastures Scheduled Monument, which lies immediately to the north, and includes a residential property and stables. Beyond Bar Pastures lies the western extension of Pode Hole Quarry which is currently being extracted, before restoration to primarily arable fields.

Willow Hall Lane, and the cluster of properties at the Willow Hall hamlet, including the Grade II listed Willow Hall Farm, lie adjacent to the east of the extraction and proposed landfill area, beyond which lies the Willow Hall Quarry eastern extension (also known as Willow Hall Phase II). Willow Holt, a residential property, lies to the south east of the site. The Green Wheel cuts through the site from the main Eye landfill site to the west. Open fields extend to the south, where the Nene Washes SSSI, SPA, SAC and Ramsar sits (and which has SPA functionally linked land extending up to the proposal site).

The haul road connecting the landfill area provides access from Eyebury Road, to the west of the existing landfill site, and passes through the landfill site, around the proposed Open Windrow Composting (OWC) (ref. 21/02004/MMFUL) site located centrally within the landfill site, close to Tanholt Farm, before crossing the Green Wheel and Cats Water Drain before entering the main landfill area.

The entire proposal site lies within the generally flat topography of the Fens landscape, albeit the immediate surroundings to the west, north and east comprise past, current or future quarrying and infill operations. The area around Eyebury landfill is characterised by a fen edge appearance - large open fields and sporadic farmhouses and other dwellings.

### **Proposal**

Permission is being sought for a 3.23 million cubic metre non-hazardous landfill at the site of the Willow Hall Quarry (WHQ) as an eastern extension to the Eye Landfill. Waste would be imported at a rate of 220,000 tonnes per annum (tpa) over a period of approximately 15 years. The proposal would require the removal of previously deposited inert wastes at WHQ to create appropriate void space with such materials being re-deposited in inert cells along the western flank of WHQ in the vicinity of the overhead pylons. This western flank would be restored as a 'wildlife corridor', providing habitat connectivity with the existing wildlife corridor that sits to the south, and east of the southern extension.

The creation of a non-hazardous landfill necessitates a domed restoration profile to allow for settlement, reduce infiltration and to assist in the management of surface water and landfill gas, and accordingly, the maximum height of pre-settlement restoration levels would be at some 13m above surrounding ground levels (given a settlement factor for landfilling wastes of this nature of around 25%, the post-settlement ground levels will be in the order of 9-10m above surrounding ground levels). The proposal has been amended to reduce the visual impact of the raised profile of the restored landform on the Bar Pastures Scheduled Monument immediately to the north by virtue of drawing the northeastern extent of the cell adjacent to Willow Hall Lane further south, and reducing the slope angles.

The proposed restoration includes agricultural restoration over the non-hazardous area of the site, which extends from the Green Wheel in the south to the Bar Pastures SM to the north. The 'corridor' of the Green Wheel will be subject to ecological enhancements, as will the perimeter of the southern extent of the site beyond the Green Wheel, which will be restored with inert fill material to pre-extraction levels. The restoration will comprise 34.1 hectares (ha) of the site being returned to arable land, 4.9ha of native woodland (including wet woodland), 2ha of woodland / edge / native scrub, 3,525m of native hedgerow, 1ha of ponds and swales, 2.1ha of marginal planting / wetland habitat, 14.8ha of neutral grassland / species rich grassland. The 500m section of Green Wheel running through the site will be upgraded to cycle / bridle way and 1,195m of new footpath will be provided around the southern extent of the site.

Access for the proposed eastern extension is to be taken from the existing landfill entrance on the Eyebury Road (not the existing WHQ entrance on the B1040), as per the proposals for the OWC at the landfill site.

Alongside the infill and restoration proposals, permission is also being sought for ancillary works and operations including;

- Replacement of the existing site reception, including provision of a new site reception with car park, office, welfare facilities, weighbridge, wheelwash and leachate storage tank.
- Re-routing of the internal haul road past the new site reception, to the west and north of the recycling shed (and proposed OWC), before re-joining the old internal haul route to the north of the site at the Green Wheel crossing point, then running broadly parallel with the Green Wheel to the south of the previously filled 'Central Area', before connecting with the eastern extension to east of Cats Water Drain and north of the Green Wheel alignment.
- A new Cats Water Drain crossing (for the internal haul road) at the south east corner of the Central Area.
- Infrastructure management including leachate and gas pipework extensions to connect the eastern extension to the Environmental Compound on the main site.

Infill at the site is proposed to follow on completion of infill at the current southern extension, by which point the mineral reserve at the WHQ site is expected to be exhausted, and be undertaken within the currently consented hours of operation for the existing landfill site (i.e. 0700 - 1800 Monday to Saturday - note that these differ from the extant operating hours for WHQ, which are 0700-1800 Monday to Friday, and 0700-1200 Saturday).

The stand-offs from surrounding features incorporated into the approved WHQ operations will be retained or increased, including a minimum of 10m stand off at all boundary points, extending to 15m alongside trees within the south east plantation, 16m alongside Cats Water Drain, 20m to

electricity pylons, a minimum of 50m to Bar Pastures SM, and 150m from residential properties.

Formation of the voidspace takes into account the depth of clay required to avoid basal heave (i.e. to ensure ground stability with regard to upward pressure from underground aquifers), with sufficient clay being available on site to engineer and cap the landfill cells. The maximum depth of void, to be engineered using the onsite clay resource as has been used at the southern extension, is likely to be between 3-4m below surrounding ground levels, to provide sufficient stability, and to meet engineering requirements to contain the proposed infill. Surplus clays and previously filled areas of inert waste will be placed within the western and southern extents of the site not subject to non-hazardous fill, to return them to broadly pre-extraction levels (barring those locations which will host waterbodies).

The site is proposed to be filled in a series of cells, numbered 9-18 as a continuation of the numbering system used at the southern extension, with a further 2 cells, 19 and 20, being those to the west of the pylons to receive inert fill only. Infill of non-hazardous waste would start at the southwest of the site in Cell 9 and progress in an anti-clockwise direction (i.e. towards the east, north, and back down the western side of the site).

The proposal states that there will be no overlap with vehicle movements associated with the current operational landfill site, and that the expected number of daily HGV trips would continue at the present rate, of up to 180 two way trips per day (i.e. 90 inbound and 90 outbound HGV movements). Other vehicle movements, associated with staffing (cars), are expected to be up to 16 two way movements per day, with Large Goods Vehicles (LGVs) expected to be on an ad hoc basis for deliveries, maintenance and repair of plant and equipment, and landfill monitoring.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
21/02004/MMFUL	Development and operation of a green waste Open Windrow Composting (OWC) Facility	Permitted	15/12/2023
21/00002/SCOP	Proposal for a non-hazardous landfill extension into Willow Hall Farm quarry to the west of Willow Hall Lane, and siting of a leachate tank (retrospective) at Eye landfill	Comments	31/01/2022
17/00279/WCMM	Variation to Conditions 2, 3, 4 and 15 of permission 12/01008/MMFUL to allow mineral extraction and infill operations within 50m of the Bar Pastures Scheduled Monument	Permitted	02/11/2017
22/01694/WCMM	Variation of conditions C2 (cessation of operations), C3 (cessation of use of the recycling area), C4 (extend time limit), C21 (approved plans and particulars), C23 (soil movements scheme), C27 (phased landscaping scheme) and C29 (soil placement scheme) of planning permission reference 10/00650/WCMM	Permitted	11/10/2023
21/01938/WCMM	Variation of conditions C1, C2, C21 and C26 of planning permission 15/01059/WCMM for extension of time for southern extension landfill and revision to restoration levels	Permitted	22/09/2023
17/00837/MMFUL	Provision of Miscanthus Beds for the treatment of landfill leachate and relocation of Mess Room (Retrospective)	Permitted	06/09/2017
14/00477/MMFUL	Provision of leachate treatment lagoons and a discharge pipeline	Permitted	29/05/2014

## **3 Planning Policy**

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

### **National Planning Policy Framework (2021)**

#### **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 and Peterborough Minerals and Waste Local Plan (2021)**

**MWLP01 - Policy 1: Sustainable Development and Climate Change**

**MWLP03 - Policy 3: Waste Management Needs**

**MWLP04 - Policy 4: Providing for Waste Management**

**MWLP10 - Policy 10: Waste Management Areas (WMAs)**

**MWLP16 - Policy 16: Consultation Areas (CAs)**

**MWLP17 - Policy 17: Design**

**MWLP18 - Policy LP18: Amenity Considerations**

**MWLP19 - Policy 19: Restoration and Aftercare**

**MWLP20 - Policy 20: Biodiversity and Geodiversity**

**MWLP21 - Policy 21: The Historic Environment**  
**MWLP22 - Policy 22: Flood and Water Management**  
**MWLP23 - Policy 23: Traffic, Highways and Rights of Way**  
**MWLP24 - Policy 24: Sustainable Use of Soils**

## **Peterborough Local Plan 2016 to 2036 (2019)**

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

## **4 Consultations/Representations**

### **PCC Pollution Team (22.06.22)**

The Environmental Health Officer provided detailed comments on 3 main aspects of the application; noise, dust and odour.

With regard to noise, the data used to assess background noise levels, being based on average values, would result in noise levels exceeding the background level by more than 10dB(A), which should require additional mitigation measures, albeit exceedances of the NPPF maximum noise levels are unlikely. The submission does not reflect an assessment of cumulative impacts of all relevant similar operations in the vicinity of the site.

Operations outside normal working hours will require further consideration and alternative noise limits will need to be specified. The impacts of reversing alarms has not been considered. Dewatering pumps should be located as far as practicable from residential properties with screening as necessary. The haul road should be inspected at regular intervals and any identified defects rectified immediately.

The applicant should set out the mitigations, and their impact, with a view to meeting the 42 dB LAeq, 1 hour (free field) criterion. Noise monitoring should be carried out periodically at agreed intervals or following receipt of a justifiable complaint.

With regard to dust, this has been assessed appropriately and the Dust Management Plan is noted.

With regard to odour, the suitability of location for the proposed activities should be demonstrated, although the assessment makes no prediction of impact from emissions from the active tipping face, the Nuisance and Health Management Plan does refer to a number of control measures which would be controlled through the permitting regime.

**Wildlife Officer (31.01.23)**

No objections subject to control by condition of a construction environmental management plan, ecological design strategy and a scheme of landscaping and aftercare. The proposed scheme demonstrates an overall net gain in biodiversity. Should any lighting be required, this should also be controlled by condition.

**Landscape Architect (07.02.23)**

Further to receipt of amended proposals, the 'Response to Representations etc' and additional photo-montages, the revised scheme is considered to represent an improvement on the initial submission which generally addressed landscape and visual impact concerns. The proposals are considered to provide more of a positive contribution than the extant approved scheme, encompassing interconnecting waterbodies and providing extensive habitat creation linking with the wildlife corridor (to the south), with the Green Wheel being enveloped in a green corridor of habitat creation.

The modification to the proposed restored landform would secure an open setting to Bar Pastures Scheduled Monument and deliver the specific landscape strategy guidelines of 'Improve and Conserve' for the management of the LCA 5b 'Eye Fen Fringe'. The proposal will still result in a 'moderate adverse' visual effect in the long term. Additional widening of the planting buffer alongside the eastern flank of Field 2 would still be encouraged. A detailed Landscape and Ecology Management Plan and maintenance schedule should be secured by condition.

**PCC Conservation Officer (01.09.22)**

The Conservation Officer acknowledges that there would be less than substantial harm on the settings of listed building (at Willow Hall Farm), but is concerned that insufficient information has been provided to support this view. The relationship between the site and the heritage asset has been assessed almost exclusively through the Landscape and Visual Impact Assessment, without giving meaningful consideration to what is significant about the site, and the relationship between the site and the heritage asset, and the impact of the proposal upon the significance of the relationship. The tree screening (between the site and the heritage asset) is a relatively recent arrangement in clear contrast to the historical setting, and therefore the focus on visibility is not appropriate. The assessment fails to assess the impacts of benefits and harm. The magnitude of impact (on the listed buildings) will be correspondingly smaller than that on the Bar Pastures Scheduled Monument due to its significance and proximity despite the fact the Listed Buildings in question have a stronger relationship with the site due their more recent direct relationship.

**PCC Peterborough Highways Services (24.10.23)**

Object. Eyebury Road is a 7.5T weight restricted, single lane carriageway with passing places. Vehicles predominantly use the road in a single direction of travel, using passing places, which significantly limits the capacity of the road. The road includes locations with limited visibility leading to near misses, and data shows this area is a high severity scoring cluster for harsh braking. Verges have been over-run where vehicles attempt to pass outside the passing bays. The use of heavy vehicles and volume of traffic contributes to the deterioration of the structure of the road and there is no scope to carry out any improvement to the southern section of Eyebury Road to increase the link capacity.

Major applications for residential (Eyebury Road 19/00836/OUT) and employment (Redbrick Farm 18/00080/OUT) uses are approved in outline, with a reasonable expectation that landfill operations will have ceased prior to their implementation.

The quarry / landfill complex has been operational since the 1960s, with the existing access having

been in use since the early 1980s. Eye village has significantly increased in size over that time, and the use of Eyebury Road has substantially increased, to the point where the section between Oxney Road and the existing landfill site access is operating over capacity.

The access onto Willow Hall Lane for the existing quarrying operations could, with minor alterations, be reused for the proposal. Willow Hall Lane has fewer daily movements than Eyebury Road, directly links to the strategic road network (SRN), and is suitable for 2-way vehicle movements along its length from the existing quarry crossing point to the SRN, albeit that to pass an HGV a widened area of carriageway would be required.

The proposal includes provision of a new reception office, weighbridge and internal access track amendments, which would not bind the proposal site to the existing access arrangement, and the new facilities could be located to serve an access from Willow Hall Lane instead of the current access. No detailed assessment of the potential Willow Hall Lane route has been carried out. The proposal includes three crossings which would need to be designed to current standards.

The Local Highways Authority recommend the following two reasons for refusal;

- 1- The submitted transport information does not demonstrate that there will be no significant adverse impact on the adjoining public highway.
- 2- Eyebury Road is unsuitable in its present condition to take the type and amount of additional HGV traffic likely to be generated by the proposal, and there is no scope for improvements to be carried out to this road, therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

**Lead Local Drainage Authority (27.04.23)**

No objections further to receipt of clarifications to the Flood Risk Assessment and provision of an acceptable Flood Risk Management plan and surface water management measures.

**Archaeological Officer (22.06.22)**

No objections because the proposal will affect areas of restored / made ground due to former uses associated with landfill and mineral extraction.

**Historic England (28.06.22)**

The proposal would have no direct impact on the adjacent Bar Pastures Scheduled Monument, and the retention of the 'underground clay seal bund' (installed as part of the approved extraction and infill) should prevent the risk of dewatering of archaeological deposits and paleoenvironmental remains at the scheduled monument.

The restored landform would be higher than the existing, and would represent a change which would remove some of the sense of open fenland landscape (i.e. the setting) which would be framed as 'less than substantial harm' in NPPF terms. Historic England do not have outright objections to the proposals, but have some concerns about the harm to the scheduled monument arising from the change to its setting, which need to be weighed against the public benefits of the proposals.

**Environment Agency (29.06.22)**

No objections subject to control by condition of flood risk measures. The applicant is advised to discuss the requirements of the proposed crossing of the ordinary watercourse (i.e. the Cats Water Drain) with the Lead Local Flood Authority. The Environment Agency also provided advice with regard to Permit requirements.

**Health & Safety Executive (14.06.22)**

The HSE do not advise against, on safety grounds, the granting of planning permission in this case.

**Natural England - Consultation Service (26.01.23)**

Further to clarifications on the potential impact on the Nene Washes SPA, Natural England note

that based on the information provided by the applicant it seems unlikely that the proposed development will have any significant on the Nene Washes SPA, Ramsar site. Generic advice on a range of issues was also provided, including the requirement to appropriately consider the impacts on best and most versatile agricultural land and the protection of soils.

**Planning Casework Unit (21.06.22)**

No comments.

**Cadent Gas (09.06.22)**

No objections, although there are high pressure assets in the area that will require protection at all times and easements adhered to (and have requested an informative to this effect).

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**North Level District Internal Drainage Board (16.06.22)**

No objections. A 16m stand-off to the Cats Water Drain is proposed which covers byelaw requirements. It is noted that surface water will continue to be dealt with via the existing discharge via ponds and lagoons already in situ. A formal application to the Board will be required for the proposed crossing over the Cats Water Drain.

**Ramblers (Central Office) (09.06.22)**

The development should have no detrimental impact on footpath access to and around the site.

**Councillors Allen & Simons (25.02.2022)**

Objection. The Councillors have grave concerns regarding the application, primarily the increase in heavy duty traffic which will be generated on Eyebury Road.

**Eye Parish Council**

No comments received

**Thorney Parish Council**

No comments received

**Local Residents/Interested Parties**

Initial consultations: 38

Total number of responses: 12

Total number of objections: 8

Total number in support: 0

14 received directly against this application, which was subject to three rounds of consultation, of which 8 were from different addresses.

Traffic concerns were put forward in the majority of representations, with congestion on Eyebury Road, on which it is stated that the passing places can only accommodate a single HGV at a time, being a main concern. Air quality associated with traffic movements was also raised. Consideration should be given to the use of Willow Hall Lane and the existing Willow Hall Farm Quarry entrance for access to the proposal site. Eyebury Road suffers from subsidence which would be exacerbated.

Concern was raised about the proximity of the internal haul route to residential property (the route was subsequently amended).

The dust assessment does not identify all properties that will be affected by dust. The existing



landfill site has issues with odour, dust, windblown litter and reversing beepers.

Concerns with regard to pollution of land, air and light pollution were raised.

Rubbish / litter is often left along the Eyebury Road and should be cleared.

Peterborough has an incinerator so the waste must be coming from outside the city; the local community does not benefit from the waste being brought in, but have to suffer the consequences.

There are no assurances that hazardous wastes, such as asbestos, won't be accepted at the site.

One representation was concerned that there was no financial benefit, no large employment benefits, nor any ecological benefits to the proposal, and that Peterborough could not claim to be a 'green / Environment capital' if it were to allow waste from across the country to be dumped at this location.

One set of comments notes that despite issues of smell, windblown litter and dust, the proposal does include plans for improvements such as planting and wildlife corridors, and requests that reinstated paths are to appropriate standards. The general need for the proposal is questioned.

Due to the timing of submission of various applications relating to the wider landfill site, representations received against all related applications are being taken into account to ensure that salient points are attributed to the correct application.

20 representations were received, including 6 which have come from two addresses against 21/02004/WCMM

Objections to landfill related applications / activities have been made on 1 rep. Concerns about the use of heavy traffic, alongside new developments including Allison homes and Redbrick Farm, on, and the suitability of, Eyebury Road were raised in nearly all representations. Concern was also raised about the use of passing places as waiting areas prior to the site being opened (i.e. before 6am).

Odour, with particular concern for the school and nearby housing, was also raised as a concern in nearly all representations.

Noise and dust concerns were also raised.

Proximity to nearby housing as a result of the amended internal haul route to accommodate the proposal was also raised as a concern (the haul route layout was subsequently amended to overcome this concern).

3 representations were received against 21/01938/WCMM;

Including a duplicated objection that allowing the continuation of hundreds of thousands of tonnes of waste from across the UK to be dumped in the countryside should not allow the Council to claim to be green, and will lead to more traffic and air pollution and waste in the locality.

A representation from the secretary of Peterborough Ramblers raised no objection on the basis of their being no obvious impediment to the footpaths on or adjacent to the site.

2 representations were received against 22/01694/WCMM;

Objection due to noise and smell being intrusive, particularly on warmer days. Large amount of waste is being discarded by wild animals on nearby land, causing hazards to domestic animals, and there has been an increase in rodents in the area.

There are no financial benefits to the City, or the village of Eye. The noise research is outdated, and a bulldozer can be heard operating outside proscribed working hours. The site gates are

opened early, allowing and encouraging drivers to arrive early and, on some occasions to park up and sleep overnight on Eyebury Road in the passing places. The site receives approximately 2,500 deliveries a week, contributing to air pollution and occupying the roads. The surrounding area is subject to windblown litter from the site.

1 representation was received against 22/01713/NONMAT;

There is no material benefit to the City of Peterborough, and plans to extend the poisoning of the land and air in need to be prevented. The delivery lorries contribute to air pollution, and the operator is in breach of their operating times. Floodlights cause additional light pollution, and noise is audible off site in certain weather conditions.

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

### **a) The principle of development**

Planning for waste management is primarily considered under the National Planning Policy for Waste (NPPW) and the local development Plan, which in Peterborough constitutes the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (hereafter the MWLP) and the Peterborough Local Plan (2019).

The NPPW only requires applicants to demonstrate the quantitative or market need for new or enhance waste management facilities where proposals are not consistent with an up-to-date Local Plan. The MWLP is up-to-date, and waste management needs are set out in Policy 3; although no site specific allocations are made for non-hazardous (including SNRHW) landfill, it is acknowledged that there is a forecast capacity surplus (of some 1.278 million tonnes) to potentially accommodate some of London's non-apportioned household and C&I (commercial and industrial) waste. The capacity for non-hazardous waste disposal is further split, to account for Stable Non-Reactive Hazardous Waste (SNRHW), and 'general' non-hazardous waste because of Permit requirements, under which non-hazardous waste may be disposed of in a SNRHW facility, but not vice versa.

The proposal (as amended to provide a larger buffer to the Bar Pastures Scheduled Monument) is to provide some 2.3 million cubic metres of voidspace over a 15 year period (using a conversion rate of 1m<sup>3</sup> - 0.9t the proposal would provide capacity for approximately 2.07 million tonnes of general and commercial waste). Given that this would provide just over 150,000 cubic metres of void space per year it is not considered significant in terms of provision of the plan period, which will be subject to regular review, and it is not considered necessary for the applicant to demonstrate a quantitative or market need for the proposed landfill extension.

Policy 4 of the MWLP states that any additional capacity for the disposal of non-hazardous waste should be provided through extensions to existing non-hazardous waste and Stable Non-Reactive Hazardous Waste (SNRHW) disposal sites, which Eye landfill is considered to be.

The proposed extension to the Eye landfill can be considered an 'extension' site by virtue of the fact that the Environment Agency have confirmed that the extant Permit can be varied to incorporate the additional, proposed, area, and because the Environmental Compound (which incorporates the gas and leachate management systems for the wider landfill site) operates under a standalone planning permission (14/00477/MMFUL), and would be utilised for this proposed extension (should permission be granted).

The proposal is not in conflict with Policy 3, and is considered to accord with Policy 4 of the MWLP insofar as the broad location of the proposal is concerned, and the remainder of this report will deal with the environmental and amenity impacts, and the design and contribution of the proposal to the character and quality of the area as set out in the NPPW and the MWLP.

### **b) Ground Conditions & Water Resources**

The application is accompanied by "Ground Conditions and Water Resources" assessment, Flood Risk Assessment and Hydrogeological Risk Assessment, which, between them, assess the impacts on the water environment, including flooding and surface water management as well as the hydrogeological environment, soils and previously deposited inert materials within the Willow Hall Quarry (WHQ).

WHQ has been almost entirely stripped of soils in accordance with the extant permission, with excavations following a north - south direction from adjacent to the Bar Pastures Scheduled Monument. Restoration through infilling of inert materials to pre-extraction levels has been undertaken at the northern extent of the site, with soils re-placed in 200-300m of the northern phase (broadly in a line perpendicular with the Willow Hall Lane crossing to the north towards the SM), and this part of the site is currently part way through an aftercare programme back in agricultural use. Infill was due to continue in a broadly north-south direction in accordance with approved plans, however, pending a decision on this application, fill operations have moved to the west of the site, beyond the line of pylons, to reduce the possibility of abortive fill works (i.e to reduce the quantity of materials that may need to be re-excavated and re-deposited in the event that this application were to gain approval).

Non-hazardous landfill requires an engineered containment system for deposited wastes. As per the extant landfill at Eye, the geology of the area provides opportunity for use of the underlying Oxford Clay which ranges in thickness from roughly 12 - 18m. The Oxford Clay represents a natural geological barrier, providing hydraulic containment, separating the water bearing strata of the river terrace deposits (i.e. the sand and gravel subject of extraction) and the underlying Kellaways Sand, and can therefore be used to provide a suitable engineered containment system to prevent leaching to groundwater of landfilled wastes. Engineered landfill containment is an established and controlled process, and has been demonstrated to be suitable within the wider area at Eye landfill. Leachate will be managed via connecting through to the controlled system of leachate management via Miscanthus beds as used by the extant landfilling operation at the wider Eye landfill site. The operation of the landfill would be subject to Environmental Permit. Surface water management during operations can be managed by pumping to a settlement lagoon prior to discharge to the Cats Water Drain.

The Environment Agency do not object on flood risk grounds, and the Lead Local Flood Authority have confirmed that the flood risk plan and surface water management measures are acceptable. The North Level IDB have confirmed that the proposed stand-off to the Cats Water Drain is acceptable and advise that a formal application to them is required for the crossing point. As such it is considered that any risk to surface or groundwater throughout proposed operations is negligible and can be suitably controlled and managed through Permit or condition and the proposal accords with MWLP Policy 22 (Flood and Water Management).

Post development, the restored landform will be profiled in a domed arrangement such that surface water will be distributed towards perimeter ditches and ponds across the proposed wildlife areas such that areas of agricultural restoration (i.e. on the domed profile of the landfill) can maintain appropriate drainage for the intended use. The surface water attenuation basins have been designed to provide storage for a 100 year storm event plus a 20% allowance for climate change. The proposals are therefore considered to accord with MWLP Policies 1 and 22.

### **c) Ecology & Biodiversity**

The proposal site is located some 2.5km north of the Nene Washes SSSI, SPAC, SAC and Ramsar site (and within the functional land that supports it), some 2.7km east of Dogsthorpe Star Pit SSSI, and adjacent to the Cats Water Drain and Eyebury Road Pits County Wildlife Sites and was accompanied by a chapter within the Environmental Statement dedicated to ecology and diversity.

As an active quarry, the site has been previously assessed for its impact on the natural environment, with appropriate mitigation secured during operation of the quarry, and restoration. The Ecology and Biodiversity chapter of application therefore takes this baseline position (i.e. the

approved mitigation and restoration of WHQ).

Further to clarifications on the potential impact on the Nene Washes SPA, Natural England note that based on the information provided by the applicant it seems unlikely that the proposed development will have any significant on the Nene Washes SPA, Ramsar site.

The proposal was accompanied by a Landscape Masterplan based on the principles of the existing approved restoration scheme, and the restoration includes approximately;

- 34ha arable land,
- 4.38ha native woodland,
- 2.23ha native scrub,
- 1.865m hedgerows,
- 1ha ponds,
- 8.73ha wildflower mix,
- 1,135m of new footpath (i.e. retention of the diverted greenwheel path)

The Landscape Masterplan demonstrates significant additional ecological provision in the form of a 'wildlife corridor' along the western extent of the proposal site (providing connectivity and linkage with the wildlife corridor adjacent to the southern extension). A 'green corridor' would be provided alongside the Green Wheel Path (as opposed to the southern extent of the site as per the extant scheme), and additional woodland planting would be provided along the eastern flank of the southern half of the site (to complement the existing strip of woodland along the eastern boundary). An appropriate buffer to the Cats Water Drain would be maintained to allow for access and maintenance works to the drain as required, and which meets with the requirements of the North Level IDBs byelaws. The amended Restoration Plan (accommodating the 'drawback' from the Bar Pastures Scheduled Monument) removed some of the proposed planting at the northern extent to retain views of the Scheduled Monument.

The Wildlife Officer does not object to the scheme, which demonstrates an overall net gain in biodiversity, but would seek to control by condition a Construction Environmental Management Plan, Ecological Design Strategy, and Lighting plan (should any be needed) in the event that the proposal were to be granted.

Although the overall balance of the restoration has shifted towards greater provision of ecology and biodiversity, Natural England have not objected to the slight loss of agricultural land (in comparison to the extant approved scheme) that would result from this proposal; 35ha of the original site was Grade 2 land, with a further 21ha lying within Grade 3a, and requirements for the sustainable use of soils would remain.

The proposal is considered to accord with MWLP Policies 17, 19, 20 and 24 with regard to the ecological impacts and restoration design subject to elements of the construction, operation and restoration being adequately controlled by condition in the event that permission were to be granted.

#### **d) Landscape & Visual Impact**

The application was accompanied by a Landscape and Visual Impact Assessment, and, further to feedback on the initial proposals, a "Response to Representations from Consultees, Changes to Proposed Development, and Addendum to Environmental Statement", photo-montages and new drawings including Restoration and pre and post settlement level drawings (ref. PAS6, 7, and 15 revisions A).

The proposal site falls within National Character Area 46 'The Fens', and local Landscape Character Area 5b 'Eye Fen Fringe'. The assessment covers operational and post-restoration impacts, places emphasis on the visual impact of the proposal on heritage assets, and has regard to the impacts on Public Rights of Way. The proposal entails landfilling to pre-settlement levels of a maximum of 14.8m (18.1m aod) above original ground levels, with post-settlement maximum of 10.2m (13.5m aod) above ground levels. Restoration to the west of the pylons running through the

site, to the south of the Green Wheel, and to the northern extent adjacent to Bar Pastures Farm SM will be broadly to pre-extraction levels.

The proposed landform would be steeper and higher than the approved pre-existing levels within the site, and 'Field 2' would be substantially enclosed to the west and east, with the proposed mitigation planting along the Green Wheel affording screening to the south, although this would obscure all views from public footpaths to the north and restrict the sense of openness associated with Bar Pastures Scheduled Monument, the habitat creation would provide alternative interest and enhancement to amenity along the Green Wheel path. The amended proposals (to reduce the extent of fill at the northern end of the site in Field 1) represent an improvement against the initial proposals, with the peak of Field 1 being some 320m to the south of the SM. The Council's Landscape Architect acknowledges that the modified landform would secure an open setting to Bar Pastures Scheduled Monument when considered from the vantage of Willow Hall Lane, although the SM would be entirely obscured from the Green Wheel path to the south.

The proposal, even as amended, would still result in a 'moderate to considerable change to the setting of the designated heritage asset' considered a 'less than substantial harm' and discussed further in the Cultural Heritage section of this report. The Council's Landscape Architect does acknowledge the proposed restoration scheme would help deliver the landscape strategy guidelines of 'Improve and Conserve' for the management of Landscape Character Area 5b 'Eye Fen Fringe'.

A careful balancing of policy objectives must be undertaken and elements of design, biodiversity enhancement, restoration and aftercare objectives which are met through this proposal need to be carefully considered against the impacts on the historic environment to ensure the proposals are compliant with MWLP policies 17, 19 and 20.

#### **e) Traffic and Highways**

The application was accompanied by a Transport Statement (TS) which includes proposals for the replacement of the existing site reception to include a new car park, office, welfare facilities, weighbridge, wheelwash and leachate storage tank facilities, and an internal haul route to pass around the (now approved) composting facility (ref. 21/02004/MMFUL), crossing the Green Wheel, passing south of the 'central area' (of restored landfill) and crossing the Cats Water Drain to provide access to the proposed eastern extension fill area adjacent to Willow Hall Lane.

The proposal includes the continued use of the existing access to Eyebury Road, with vehicles routed south at the site access towards Oxney Road and Parnwell Way before joining the Strategic Road Network at the A1139 dual carriageway, and confirms that operations would not overlap with the extant landfilling operations at the site.

The proposal sets out that the operations would remain consistent with the current level of traffic generation at the site, which is stated as being a maximum of 180 two-way trips per day (e.g. 90 in and 90 out). Given that the current level of traffic generation at the site (in relation to landfilling operations) is finite and required to cease upon completion of fill and restoration at the southern extension, and, whilst any future traffic generation may be 'consistent' with previously approved operations, they must be considered as new traffic movements.

The proposal also entails the use of an internal haul route crossing point over the Green Wheel path, a new bridge crossing over the Cats Water Drain, and continuation of extant approved plans for the diversion, retention of the diversion, and reinstatement of the Green Wheel.

The TS acknowledges that the extant mineral extraction operations at the proposal site utilise a crossing at Willow Hall Lane, and confirms that the extant incoming waste vehicles depositing inert waste under the approved scheme for (i.e. for WHQ) would remove the need for continued use of the crossing by such vehicles (although all remaining mineral would continue to be exported from the site via the crossing).

The TS contends that by virtue of the established use of the Eyebury Road access that the

proposals would not constitute a material intensification of its use, that there are no significant impacts forecast above what impacts currently occur, that there are no recognised difficulties arising from the existing operation and that the proposal can be accommodated without any additional changes to the off-site transport network.

A 'Cumulative Effects' chapter was also presented within the ES. The 'Access and Transport' section concluded that there would be 'negligible' adverse cumulative effects from identified proposals, including residential development at Eyebury Road (19/00836/OUT), Land North of Broadlands (19/00657/FUL), Red Brick Farm (18/00080/OUT), or at the (since approved) OWC operation at the landfill (21/02004/MMFUL).

Further information was provided in the form of a full Transport Assessment, a 'Response to the LHA', and a Transport Assessment Addendum, which included reasons why the proposal could not utilise the existing approved access for WHQ.

Traffic concerns and the impacts on users of Eyebury Road, and the road itself, were raised in responses by Ward Councillors, and across the majority of representations.

National Planning Policy Framework paragraph 115 states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

As a Unitary Authority, Peterborough has both a Local Plan, and a Minerals and Waste Local Plan, which together comprise the development plan; the NPPF and the development plan start from the same premise, that the developer must have produced a sound and reliable transport assessment. The Peterborough Local Plan (LP13), states that,

"The Transport Implications of Development Planning permission for development that has transport implications will only be granted if:

- a. appropriate provision has been made for safe, convenient and sustainable access to, from and within the site by all user groups, taking account of the priorities set out in the LTP; and
- b. following appropriate mitigation the development would not result in a residual cumulative severe impact on any element of the transportation network including highway safety following appropriate mitigation."

The MWLP, Policy 23 states that;

"Mineral and waste management development will only be permitted if:

- (a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, to the degree reasonably available given the type of development and its location. If, at the point of application, commercially available electric Heavy Commercial Vehicles (HCVs) are reasonably available, then development which would increase HCV movements should provide appropriate electric vehicle charging infrastructure for HCVs;
- (b) safe and suitable access to the site can be achieved for all users of the subsequent development;
- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;
- (d) any associated increase in traffic or highway improvements would not cause unacceptable harm to the environment, road safety or residential amenity, and would not cause severe residual cumulative impacts on the road network; and
- (e) binding agreements covering lorry routing arrangements and/or HCV signage for mineral and waste traffic are agreed, if any such agreements are necessary and reasonable to make a

development acceptable.

The Local Highways Authority are concerned that the submitted information does not make clear that safe, convenient and sustainable access to and from the site by all user groups is achievable for the lifetime of the development; adequate consideration needs to be given to the impact of new developments, including those at Eyebury Rd, 19/00836/OUT, and Redbrick Farm, 18/00080/OUT, which, given the current status of the landfill site, and extensions of time for completion which it has been afforded has been concluded are acceptable for the operations that have permission at the landfill site (i.e. completion of fill operations at the southern extension, 21/01938/WCMM, and the OWC, 21/02004/MMFUL).

Although the timescales for implementation of those nearby permissions are satisfactory with regards to the capacity of the link at Eyebury Road as it currently used in association with the landfill site, the proposed eastern extension is a new activity at the site. Consideration is also given to the fact that access for the proposed new operation is being sought from a weight restricted road. Additionally, the proposal site benefits from an extant permission with alternative access (i.e. onto the B1040), although from the submitted information it is accepted that the extant routing agreement subject to S106 at the Willow Hall Farm quarry site could prove challenging and that use of this access route would increase the distance from the site to the SRN at the A47.

Further to clarification that the extant approved quarry access route was not favourable to the applicant, the applicant was advised to give consideration to the potential use of Willow Hall Lane as a point of access; the current crossing point is located some 2.2km from the junction with the A47, as opposed to some 4.5km from the current Eyebury Road access point to the A47 as identified in the applicants Transport Assessment (Table ES9.5). Whilst consideration of alternatives is not a policy requirement, given the congestion experienced along Eyebury Road, the weight restriction, alongside the predicted cessation of landfill activities taken into consideration in nearby applications, the Council has attempted to work with the developer to seek an appropriate and sustainable alternative means of access to that proposed.

The submitted transport information, incorporating the Transport Statement, Cumulative Impacts Chapter of the ES, the applicants response to the LHA, the Transport Assessment and Transport Assessment Addendum, do not demonstrate that there will be no significant adverse impact on the adjoining public highway, and there is no scope for improvements to be carried out to Eyebury Road to prevent the vehicles likely to be generated by this development from having an adverse effect on the safety and free flow of traffic upon it. Accordingly, the proposals do not accord with the NPPF, Policy 13 of the Peterborough Local Plan, or Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### **f) Air Quality and Nuisance**

The Air Quality and Nuisance Chapter of the Environmental Statement addresses a range of amenity impacts associated with proposal, including dust, odour, litter, birds, vermin and insects. Impacts from the extant quarrying and inert fill have been previously assessed with regard to dust impacts, and despite the proximity to the site of several sensitive receptors the extant management measures are acceptable and will continue to apply. The assessment demonstrates that the removal and replacement of some previously deposited inert materials (i.e. from Cell 17 to cells 19 and 20), would have no greater an impact than the currently approved operations. The Environmental Health Officer is content that the dust assessment has been undertaken appropriately and the Dust Management Plan, which would be a 'live document' forming part of the environmental management system of the site required by Permit.

A Nuisance and Health Management Plan has been submitted as an appendix to the Air Quality and Nuisance chapter, including an environmental risk assessment which sets out a medium probability of exposure, consequence and magnitude of risk, with the probability of exposure greatest in cells 9, 10 and 11, (Cell 13 is approximately 180m and Cell 14 approximately 220m from the nearest residential receptor, although both these cells are closer to commercial premises) which, subject to control measures would present a low residual risk; as such it is considered that effective management, controlled through the permitting regime, the site would not result in an

unacceptable adverse impact on the amenity of existing occupiers.

With regard to dust, although concerns have been raised that not every potentially affected residential receptor has been identified, this is not always necessary, and the Environmental Health Officer is content that the impacts of dust have been assessed appropriately and the Dust Management Plan is noted.

Despite some of the proposed filling areas being within the typical 250m distance from residential receptors, air quality issues such as dust and odour are considered to have been appropriately assessed and whilst the operation of the site would require additional management measures to ensure satisfactory mitigation measures the planning system should focus on whether the development is an acceptable use of land, and the impacts of those uses, rather than the control of the processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced, and as such, it is considered that the proposal accords with the amenity considerations of MWLP Policy 18.

### **g) Noise & Vibration**

The application is accompanied by a chapter within the Environmental Statement on Noise and Vibration, and a brief section within the Cumulative Effects chapter, and the assessment is underpinned by survey work used to inform the noise limits specified in the extant permission for quarrying and inert activities at Willow Hall farm Quarry on which the Environmental Health Officer cautions against reliance primarily due to the use of average noise levels being presented as typical. Notwithstanding this, it is acknowledged that the NPPF guidance specifies maximum permissible noise limits (of 55dB(A)LAeq, 1h (free field)) with an aim of not exceeding background noise limits by more than 10dB(A) at noise sensitive receptors, and that Policy 18 of the MWLP seeks to ensure that new development will not result in unacceptable adverse impacts from noise resulting in disturbance.

The proposed landfill design is such that the entire area of quarry would not be utilised for landfilling, with the area south of the Green Wheel remaining as an area for inert fill to pre-extraction levels (and thus having no discernible difference in operational impacts from the current approved operation in this area). Cells 10 and 11 (as depicted on PAS5 Layout and Base of Eastern Extension Landfill, rev. A) are proposed to be located such that a buffer of approximately 150 to the nearest sensitive receptors is maintained, although this is less than the 250m distance that would typically be used as a buffer for a Consultation Area for a Waste Management Area (MWLP Policies 10 and 16). The operation of these cells would necessarily entail above ground operations not currently approved, and the character and volume of noise generated would be distinct from what is currently approved, however, this buffer, and the management and operation of these cells, would enable the opportunity for additional mitigation measures to be incorporated into the design and use of the site such that any adverse impacts could be incorporated. Such measures could if required be implemented during temporary operations which can be limited to eight weeks in a calendar year.

The proposed hours of operation, 0700-1800 Mondays to Saturdays differ from the extant permission (17/00279/WCMM) for the quarry (0700-1800 Mondays to Fridays and 0700-1200 Saturdays), and, due to the proximity of sensitive receptors to the east of the proposal site (e.g. 27 Willow Hall lane and Willow Holt), if permission were to be granted the extant hours of operation (for WHQ rather than the Eye southern extension) would be carried forward. Similarly, different noise limits would need to be imposed to control operations undertaken outside of operational hours, such as the use of dewatering pumps and other control mechanisms that may be required for the safe operation of a landfill site.

The extant noise controls at Willow Hall Farm quarry have proven to be effective, and the imposition of the same controls, and working hours, would not result in unacceptable adverse impacts on the amenity of nearby existing occupants. However, the operation of a landfill, particularly around the eastern flank of the proposal site, would entail operations taking place above pre-existing ground levels which would create a different noise environment from current approved operations. However, through the use of permissible temporary noise levels it is



expected that suitable additional mitigation measures would be achievable, and could be controlled by condition such that the proposal is in accordance with MWLP Policy 18.

## **h) Heritage**

The Cultural Heritage chapter of the Environmental Statement identifies the 'Iron Age and Roman Settlement at Bar Pastures' Scheduled Monument (the 'Bar Pastures SM') immediately adjacent to the north of the proposal site, two further Scheduled Monuments (bowl barrows) between 700-1000m to the east / southeast, and Grade II listed buildings Willow Hall, and Priors Farmhouse both some 100m to the east of the application boundary. All of which are described in terms of their Scheduled Monument description or listing building description respectively and identified as being subject to no direct effects. Indirect effects resulting from air quality, dust or noise emissions are considered to be limited. Indirect effects as a result of visual changes to the landscape are acknowledged and presented as representing a relatively modest change to the existing and permitted landform, despite the proposed landform rising to 13m above surrounding ground levels in an open fenland landscape.

The Conservation Officer acknowledges that the proposal is likely to result in less than substantial harm to the settings of listed building (at Willow Hall Farm) but is concerned that insufficient information has been provided to support this view. They were also concerned that the relationship between the site and the heritage asset had been assessed almost exclusively through the Landscape and Visual Impact Assessment, without giving meaningful consideration to what is significant about the site, and the relationship between the site and the heritage asset, and the impact of the proposal upon the significance of the relationship. They also contend that the tree screening (between the site and the heritage asset) is a relatively recent arrangement in clear contrast to the historical setting, and were concerned that the focus (of assessment) on visibility was not appropriate.

Although the Conservation Officer was concerned that the assessment failed to assess the impacts of benefits and harm, the magnitude of impact (on the listed buildings) will be correspondingly smaller than that on the Bar Pastures Scheduled Monument due to its significance and proximity despite the fact the Listed Buildings in question have a stronger relationship with the site due to their more recent direct relationship.

Following initial consultation, the scheme was amended such that the buffer between the northern extent of the fill area and the Bar Pastures Monument was increased (as depicted on Revision A of the 'Layout and Base' Restoration drawing, PAS5) and Cell 17 reduced in size, particularly along the eastern flank, from some 115m to some 290m to reduce the visual impact on the setting when viewed from the only publicly accessible views of the SM along Willow Hall Lane. The amended layout was reflected in the amended Restoration drawing (PAS15 rev. A), accompanied by several photomontages illustrating the proposals, a contention that focusing upon the visual effects to setting being proportionate to the likelihood of anticipated effects on setting, and public benefits of the proposal put forward for consideration.

Paragraph 200 (previously 194) of the NPPF requires applicants to describe the significance of any affected heritage assets, including any contribution made by their setting, and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 208). Similarly, MWLP Policy 21 requires a proposal to 'provide clear and convincing justification for any harm to, or loss of, the significance of a heritage asset (or from development within its setting)'.

Although comments from Historic England were received prior to the latest changes to the NPPF, resulting in some differentiation in referencing, the essential tenets remain; subject to the retention of the existing underground clay seal (already installed as part of the approved extraction and inert fill works) there are not considered to be any direct impacts on the adjacent Bar Pastures SM. The Conservation Officer's concerns with the methodology and approach to assessment notwithstanding, it is acknowledged that the proximity and impact on the setting of the Bar Pastures SM is of a greater magnitude than that on the nearby Listed Buildings, and accordingly,

the focus of this report is on the impacts on the setting of Bar Pastures SM. The revised plans represent an improvement in terms of reducing the visual impact on the setting of the Bar Pastures SM from the public vantage points along Willow Hall Lane, although views from the Green Wheel to the south would be entirely obscured.

The applicant has presented 15 points that they consider to be public benefits (i.e. those to be weighed against the 'less the substantial harm' to the significance of the Bar Pastures SM in accordance with Paragraph 208 of the NPPF) in their 'Response to Representations etc. & Addendum to Environmental Statement'. Of those listed, continuation of current extraction operations is not considered relevant (this can continue regardless), there is no capacity gap for provision of non-hazardous landfill (including SNRHW) in the MW Local Plan, albeit the provision of additional voidspace over longer timescales than the Plan period may be required and may provide greater capacity for fluctuations. Ongoing employment for 8 full time (equivalent) staff, and associated support and monitoring staff is of limited public benefit. The bringing forward of cessation of the Willow Hall Lane crossing point must be considered against the impacts of the use of Eyebury Road as a point of access, for some 15 years. The generation of electricity from landfill gas could be achieved from any site, regardless of its location. The amended proposals represent an improvement against the initial submission, not a public benefit per se. Similarly, the retention of previously restored land (at the northern end of the site) at the northern extent of the site also represents an improvement against the initial submission, not a public benefit per se.

Essentially, 11 of the points presented by the applicant (as described above) are not considered to represent public benefits, with some actually representing a worsening of impacts on the public, such as the use of Eyebury Road for 15 years. However, it is acknowledged that 4 of the applicant's listed 'public benefits' would not otherwise be achievable without this proposal. These points relate to the improvements to ecology / biodiversity which would result from the restored site being over and above those for the extant scheme, and which themselves must be considered against the reduction in provision of best and most versatile agricultural land.

Historic England advise that "The significance of the scheduled monument lies in its surviving form and its archaeological and paleoenvironmental potential. Although considerably changed since the Roman period, the open fenland landscape context of the scheduled monument also makes a contribution to its significance." The Scheduled Monument is positioned on a former gravel terrace, within the Fens, which gave it a prominent position and made it a feature within the landscape. The proposal would create a substantive raised landform directly adjacent to the Scheduled Monument, undermining its prominence within the area and detracting from the character of the immediate landscape for the Scheduled Monument which is broadly flat and open.

Despite the applicant's attempts to reduce the visual impact of the finished raised landform when viewed from Willow Hall Lane and present a restoration scheme more sympathetic to the setting of the Bar Pastures Scheduled Monument, the proposal still results in 'less than substantial harm' which must (NPPF paragraph 208) be weighed against the public benefits of the proposal. Whilst not considered contrary to MW Policy 3, the provision of additional non-hazardous waste disposal voidspace is considered to be a marginal public benefit, and whilst the restoration proposals do represent a positive uplift in provision of biodiversity against the approved scheme, less Grade 2 best and most versatile agricultural land would be returned into use post restoration. Additionally, the extant approved scheme was considered acceptable and so limited public benefit from the proposals can be derived in this instance.

The reservations of Historic England and the Conservation Officer were echoed by the Landscape Architect, although further to the amendments to the scheme, the Landscape Architect advised that despite the SM being obscured from view to the south, the immediate open setting of Bar Pastures Scheduled Monument, could be achieved.

Despite the amendments to the scheme, which the applicant has made in an attempt to address concerns surrounding the proposals impact on, in particular, the Bar Pastures Scheduled Monument, the need to strike a balance between harm and public benefit is finely balanced in this instance. The suitability of the assessment has been queried by the Conservation Officer and Historic England, whilst not having an outright objection, emphasise their concerns about the harm

arising from the change to the setting and the need to weight this against the public benefits. MWLP Policy 21 arguably goes further than the NPPF in this regard, and whilst acknowledging the need to balance harm and public benefit, is clear that as a first principle development should avoid harm on the historic environment. Given the finely balanced judgement between public benefit and harm, the proposal is not considered to accord with NPPF paragraph 200 or MWLP Policy 21.

### **i) Other issues**

The proposal site has been subject to archaeological investigation to enable mineral extraction and as such there is no requirement for any additional work in this field.

There is gas infrastructure near the existing internal haul route that would require appropriate protection and easements which should be brought to the applicant's attention.

Windblown litter is identified as an issue with the existing landfill site, and raised as a concern against any future proposals, however it is considered that suitable mitigation measures can be implemented such that the proposals could comply with MWLP Policy 18 in this regard.

Concerns have also been raised as to whether hazardous wastes could be accepted at the site in future; control over the broad waste streams could be achieved through condition, and any future amendments to such control would be subject to a new application.

The Peterborough Energy Recovery Facility (referred to as an incinerator in representations) is primarily used to manage municipal, rather than commercial and industrial waste streams, as such it is recognised that there is still a requirement for management for such waste streams within the Peterborough area.

## **6 Conclusions**

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

## **7 Recommendation**

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

- R 1 The submitted transport information does not demonstrate that there will be no significant residual cumulative adverse impact on the adjoining public highway in terms of both highway safety and capacity, contrary to Policy LP13 of the Peterborough Local Plan.
- R 2 Eyebury Road is unsuitable in its present condition to take the type and amount of additional HGC traffic likely to be generated by this proposal, and there is no scope for improvements to be carried out to this road, therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway, contrary to Policy LP13 of the Peterborough Local Plan.
- R 3 The proposal does not demonstrate clear and convincing justification for the harm it would cause to the setting of Bar Pastures Scheduled Monument as required by Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 21.

Copies to Councillors – Councillor Steve Allen  
Councillor Rylan Ray  
Councillor Nigel Simons

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