

Application Ref: 24/00210/MMFUL

Proposal: Continuation of landfilling operations and the importation of clean naturally occurring materials to create an integrated restoration landform with nature conservation habitats

Site: Cooks Hole Quarry And Thornhaugh Landfill Site, Leicester Road, Thornhaugh, Peterborough

Applicant: Mr Peter Oldfield
Augean South Ltd

Agent: Ms Leslie Heasman
MJCA

Site visit: 18.04.2024

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 and surroundings

The proposal site comprises the adjacent sites known as Thornhaugh I Landfill and Cook's Hole Quarry. The site, which extends to some 83ha, lies to the south of the A47, beyond which lies a small cluster of dwellings around Home Farm. The village of Thornhaugh lies approximately 1km to the north east beyond open countryside. Bedford Purlieus National Nature Reserve and SSSI lies immediately to the west. Thornhaugh II Quarry lies to the south, beyond which runs the Wansford - King's Cliffe Road that forms the boundary with Northamptonshire. The village of Wansford sits some 1km to the east where the A1 runs in a north south direction.

Thornhaugh I is a landfill site with the 'frontage' to the A47 (along the northwest extent) having been filled and capped and a County Wildlife site sitting in the southwest adjacent to Bedford Purlieus. Cooks Hole Quarry is a mineral extraction site where extraction has now ceased. Cook's Hole Farmhouse Grade II listed building sits in the centre of the Cook's Hole Quarry which is bisected west - east by Thornhaugh Brook.

A network of rights of way can be found around and through the site, including Thornhaugh Footpath numbers 2, 3 and 4.

Proposal

The proposal comprises the amendment of the restoration profiles for Thornhaugh I Landfill and Cooks Hole Quarry to form one integrated, coherent landform. The proposal includes the continuation of landfilling at Thornhaugh Landfill with non-hazardous waste and stable non-reactive hazardous waste (SNRHW) at a rate of up to 120,000 tonnes per year. The currently consented void remaining at Thornhaugh Landfill Site is approximately 1,310,000 cubic metres and the maximum additional waste void created at Thornhaugh as a result of the proposed development is approximately 920,000 cubic metres. The changes to the proposed landform at Cook's Hole Quarry will be created through the importation of 1.2million cubic metres of clean, naturally occurring materials excavated from the applicants nearby specialist landfill site (East Northants Resource Management Facility, ENRMF at King's Cliffe), at an average rate of 80,000 cubic metres per year.

The proposal includes the continuation of material processing from mineral stockpiles at Cook's Hole, to be used for engineering and restoration purposes at the site, and the construction of landfill cells at Thornhaugh, with the continued export of up to 10,000 tonnes per year of material from the recycling, recovery and waste processing operations for reuse or disposal at an appropriate facility. Soil forming materials will continue to be imported for crushing and screening at a rate of up to 28,000 tonnes of material being imported per year.

The required extraction and redeposition of historically deposited waste in the unlined Phases 1 and 2 at Thornhaugh into fully engineered containment cells will continue as previously approved. A phasing plan has been provided, demonstrating the progressive approach to restoration; the Thornhaugh area of the site will continue to be landfilled in numerical order from 1-8 in terms of landfilling of the current waste void and with the final filling, capping and soil placement, of the entire site (i.e. Cook's Hole and Thornhaugh) being restored (i.e. completion of landscaping and planting) alphabetically on a phased basis from Phase A to Phase Q.

The proposal will align the cessation and restoration dates for both parts of the site, at 2042, and enables a biodiversity driven landscape scale restoration scheme. Public access will be reinstated across the site, with some of the diverted footpaths retained as permissive paths. Additional permissive routes across the site will also be provided.

The application was presented further to consultation provided by the applicant through the Thornhaugh Liaison Group in August 2023 and an exhibition held by the applicant in Wansford during October 2023, as set out in the "Statement of Local Engagement" in accordance with the Council's Statement of Community Involvement.

2 Planning History

Reference	Proposal	Decision	Date
13/01372/WCMM	Application to vary condition 11 of 13/00434/WCMM	Permitted	06/12/2013
13/01374/WCMM	Application to vary condition 11 of 13/00432/WCMM	Permitted	09/12/2013
15/00229/MMFUL	Restoration of part of quarry to original ground levels using inert materials and consequential amendments to the restoration scheme	Permitted	31/07/2015
20/00977/NONMAT	Non material amendment (revised restoration contours) to planning permissions 13/01372/WCMM	Determined	10/09/2020
20/00978/NONMAT	Non material amendment (revised restoration contours) to planning permissions 13/01374/WCMM	Determined	10/09/2020
15/01708/NONMAT	Non material amendment fo planning application 13/01372/WCMM Application to vary condition 11 of 13/00434/WCMM.	Determined	19/11/2015
15/01710/NONMAT	Revised restoration contours and fixed location of minerals processing plant Non material amendment to planning permission 13/01374/WCMM Application to vary condition 11 of 13/00432/WCMM.	Determined	19/11/2015
12/01266/MMFUL	Proposed relocation of site offices and weighbridge	Permitted	25/01/2013
10/01442/MMFUL	Construction of alternative means of access and wheelwash facility	Permitted	27/04/2011
20/01680/WCMM	Variation of condition C1 and C2 (to revise the order of approved phasing and allow the storage of Hi-pod containers) pursuant to planning permission 17/00726/WCMM	Permitted	08/03/2021
12/00463/MMFUL	Continued operation and restoration (by landfill) of Thornhaugh Landfill Site until 31 December 2029, including restoration by landfill of Phase 4B and 4C, temporary storage of materials on part of Cook's Hole Quarry, revised restoration (nature conservation) and landscaping schemes, and recycling of soils for site restoration and for export off site	Permitted	09/11/2012

3 Planning Policy

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

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

MWLP05 - Policy 5: Mineral Safeguarding Areas (MSAs)

MWLP06 - Policy 6: Mineral Development Areas (MDAs) and Mineral Allocation Areas

(MAAs)

MWLP10 - Policy 10: Waste Management Areas (WMAs)

MWLP16 - Policy 16: Consultation Areas (CAs)

MWLP17 - Policy 17: Design

MWLP18 - Policy 18: 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

MWLP25 - Policy 25: Aerodrome Safeguarding

MWLP26 - Policy 26: Other Developments Requiring Importation of Materials

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

PCC Pollution Team (28.03.24)

No objections subject to conditions. The extant noise limits are demonstrably achievable, and should be imposed alongside the proposed noise monitoring scheme. Existing restrictions on operating hours and reversing alarms are acceptable. The existing Dust Management Schemes are acceptable and should be controlled by condition. Lighting should be controlled by condition in case it is required in the future.

PCC Peterborough Highways Services (19.06.24)

No objections subject to conditions securing suitable access, parking, turning and cleansing.

PCC Rights of Way Officer (26.04.24)

Although welcomed, the timing of the provision of permissive paths, their surfacing and maintenance need to be considered. Fly tipping and antisocial behaviour are a concern with regard to the proposed parking area.

Lead Local Drainage Authority (10.04.24)

No objection. Satisfactory surface water management information has been presented, and the Surface Water Management Scheme should be controlled by condition.

PCC Wildlife Officer (25.04.24)

No objections subject to securing the biodiversity netgain. The proposal will result in an increase in

resources and diversity of habitats available over and above the consented restoration scheme(s). The methodology to calculate biodiversity uplift is accepted in this due to the negative bias that would otherwise be applied.

Landscape Architect (30.05.24)

No significant landscape and visual cumulative effects are predicted to arise from the proposal, and the assessment methodology is appropriate. However, the proposal will result in a more simplified and engineered landscape profile across the Thornhaugh part of the site which does not mimic the natural rolling landscape of the host landscape character area (Nassaburgh Limestone Plateau), and there will be significant changes to the experiential quality of the Public Rights of Way and loss of Ancient Hedgerows. Reconfiguration of the hedgerows and woodland north of Thornhaugh Brook should be considered. A full and detailed landscape strategy should be controlled by condition.

PCC Conservation Officer (08.04.24)

No objections, although there are practical concerns with regard the lack of proposed access to the Grade II listed Cook's Hole Farmhouse. The lack of vehicular access to the building could impact on the viability of the building in the long term. The setting of Cook's Hole Farmhouse will be subject to 'less than substantial harm'; the main changes to the landscape will be to the north which is of limited importance to the significance of the farmstead. The routes (connection and significance) to Thornhaugh to the east and Old Sulehay Lodge to the south will not be materially affected as there is no change within those parts of the landscape resulting from the proposals.

PCC Tree Officer (08.04.24)

The proposed removal of 'ancient hedgerows' H03 and H04 should be evaluated by the Wildlife Officer. Insufficient information was initially provided with regard to the impacts on particular tree and hedge groups, TG07, TG08 & TG09, and H08, H09 & H05. The Tree Protection Scheme and the submitted arboricultural details are acceptable.

Environment Agency (02.04.24)

No objections subject to flood prevention measures in the Planning Statement being controlled by condition. Surface water relating to flood risk is the responsibility of the LLFA, with wastewater discharge being subject to Environmental Permit.

Natural England - Consultation Service (26.03.24)

No objection subject to securing an appropriate Landscape and Ecology Management Plan. A LEMP will be required to set out the aims and objectives for habitat creation within the site.

Forestry Commission (05.04.24)

The wet woodland within the river corridor will benefit from a 20m buffer zone with a fenced construction exclusion zone (CEZ). It is unclear if the 15m buffer zone to the Bedford Purlieus ancient woodland will be subject to a CEZ, and the root systems should be protected from unintended incursions. Existing dust control measures should continue to be implemented across the site and the hydrology needs to be carefully considered to avoid any indirect impacts on the Ancient Woodland. A woodland management plan for the existing wet woodland and new woodland creation is recommended. A Best Practice Guidance for Land Regeneration note has been provided.

The Wildlife Trusts (Cambridgeshire) (22.03.24)

No objections. The proposed restoration scheme includes a number of priority habitats and will make a significant contribution to supporting a nature recovery network. The Trust would be pleased to provide further advice to inform the required detailed LEMP.

Thornhaugh Parish Council (11.06.24)

The Parish Council supports the application.

Local Residents/Interested Parties

Initial consultations: 17

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representations received.

5 Assessment of the planning issues

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 enhanced 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 is to provide some additional 920,000 cubic metres of void space at Thornhaugh landfill (on top of the remaining void estimated as 1,310,000 cubic metres) over an additional 7 years to 2042 beyond the end of the current MWLP period (2036), the provision of an annual average of just over 125,000 cubic metres of non-hazardous and SNRHW void space is not considered significant in terms of provision throughout the duration 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 void extension.

The provision of some 1,200,000 million cubic metres of void at Cook's Hole Quarry is considered acceptable given that the importation of inert materials is an acceptable form of quarry site restoration and the material to be imported comprises clean naturally occurring material extracted from the cell construction operations at Thornhaugh and from the nationally significant infrastructure project at the East Northants Resource Management Facility, which is a Nationally Strategic Infrastructure Facility.

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 Thornhaugh I Landfill is considered to be.

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.

MWLP policy 3 also sets out that inert fill can be associated with the restoration of mineral extraction sites,

Ancillary waste management previously approved at the site will continue, in the form of materials processing, and storage of Hi-pods, and such synergies of use are time limited to the life of infill operations, represent appropriate synergies of land use and are in accordance with sustainable waste management practice and needs as set out in MWLP Policies 1 and 4.

Mineral extraction has been undertaken across the Cook's Hole site and the applicant has confirmed that no further mineral will be extracted. The remaining mineral stockpiles on site will be processed and used for engineering and restoration purposes across the site as required. The applicant acknowledges that the ongoing requirements at Thornhaugh to ensure all historically deposited waste is disposed of within engineered containment cells may necessitate incidental mineral extraction, which will be processed and used throughout the site (as per the remaining

stockpiled reserves at Cook's Hole). Additionally, the applicant acknowledges that the remaining mineral reserve across the proposal site has been exhausted and that there will be no further mineral extraction at Cook's Hole; as such this proposal clarifies the impact of this site on the mineral landbank within the authority, and a legal agreement has been willingly voluntarily entered into by the applicant which acknowledges that there is no viable mineral remaining on site and there is to be no future extraction of mineral at the site; the Council has had no adverse role in the loss of any potential mineral availability at the site.

The proposal demonstrates a progressive approach to restoration as required by MWLP Policy 19. The complexity of the project including the engineering requirements of landfill and the placement of restoration materials, will however require the completion of adjacent phases to overlap, and therefore a pragmatic approach to implementation is required along such phase boundaries. The proposed phasing allows for the contemporaneous filling of the Cook's Hole site with the Thornhaugh site; in doing so, consideration is given to the phases as set out in the permit applicable to the Thornhaugh site; i.e. the alphabetical phase order (A-Q) as presented relates to the order in which actual restoration, comprising final land forming levels, landscaping and planting, can take place, whereas the numerical order of fill at Thornhaugh (1-8) relates to the order in which contemporaneous filling of non-haz and SNRHW will occur, with the final filling and restoration of these areas to take place in alphabetical phase order (the original phase name for phases within Thornhaugh is also presented to ensure appropriate understanding of the naming convention used for permitting purposes, and which will remain applicable for the additional void created within those phases).

Ecology and biodiversity

The application is accompanied by an Ecological Impact Assessment which identified features including the Bedford Purlieus NNR and SSSI, which lies immediately to the west, and the Thornhaugh Quarry CWS within the proposal site adjacent to Bedford Purlieus as particularly relevant in terms of the proposed operation and restoration of the sites. Thornhaugh and Cook's Hole are separated by a hedgerow which it is acknowledged will, along with the adjacent stone wall, require removal to enable operations (albeit both will be re-instated). The Thornhaugh Brook and associated wet woodland that sits within a hollow and divides Cook's Hole north / south is also identified as an area of biodiversity importance and will be undisturbed by the proposals.

The EclA also address impacts on species, including notably Great Crested Newts, which have been managed under licence throughout operations, and for which amphibian fencing remains in place across the site, and further operations will be subject to Natural England licence. The EclA includes suitable assessment of the impacts on species, including birds, such as Little Ringed Plover, bats, invertebrates, reptiles and other amphibians present at and across the sites. Replacement habitats for those that will be lost during the development are embedded within the design fully mitigating all adverse effects and providing additional enhancement with overall beneficial impacts. Following restoration, the proposed development will have beneficial impacts on a range of species.

The Council's Tree Officer has assessed the Arboricultural Assessment and Tree Protection Plan (which form part of the EclA), and satisfactory further clarification has been provided regarding retention of peripheral tree groups and hedgerows. Suitable measures for the protection of on and off-site retained tree groups, including an appropriate Construction Exclusion Zone of 20m for the wet woodland associated with the Thornhaugh Brook corridor within Cook's Hole will be provided, and the boundary of the working area adjacent to the Bedford Purlieus is approximately 18.5m at its closest point and accordingly impacts on root protection areas of trees within the Purlieus are considered unlikely. The proposed tree protection mitigation is therefore considered to accord with the requirements for the protection of trees within a SSSI, the Forestry Commissions concerns are adequately addressed, and the measures can be controlled by condition.

The extant sites have approved restoration plans which form the baseline for consideration for any proposed amendments. Operational progress at the Thornhaugh I Landfill site has resulted in the creation of a County Wildlife Site including ponds for Great Crested Newts (which has enabled the translocation of the species from across the remainder of the site as required, and the completion

of capping, and soil placement at the 'front' (north east) of the site in phases 3, 6A and 6B. No restoration works have been undertaken at Cook's Hole, and previous operations undertaken by a third party mineral operator have been out of sync with the approved phasing plans, resulting in the need for an amended restoration scheme.

The proposal is required to provide mandatory biodiversity netgain (BNG) in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), and accordingly, the approved restoration plans form the baseline for considering biodiversity value (e.g. given that extant permissions have been implemented, the biodiversity value of what is required under those permissions is taken as the baseline rather than the current status of the site). However, given that the mechanics of the current biodiversity metric (the tool that measures biodiversity value) penalise the loss of certain types of habitat considered particularly valuable (including in this case the 'loss' of habitats that have not yet been provided given the progress of operations at the site has not yet reached implementation of the required restoration schemes), it has been accepted that a more balanced approach to understanding the projected change and final biodiversity value of the approved and proposed restoration schemes would be a more reasonable approach (i.e. the calculation of biodiversity change in value has been the quantity of biodiversity units to be delivered under the proposed restoration scheme minus the quantity of biodiversity units to be delivered under the approved scheme).

The changes to the proposed landform are primarily assessed in terms of landscape and visual impact, however, the proposed raising of ground levels helps enable the provision of a more holistic restoration approach across both sites. Within the area of Thornhaugh I Landfill, the restoration is generally unchanged from the approved, and comprise a mosaic of habitats including ponds, calcareous grassland, hedgerows, scrub and broadleaved woodland for conservation interest; however, the amended landform across the entire site enables significant biodiversity gain at Cook's Hole, on which the approved restoration was a low level (i.e. without backfill) restoration to primarily pastoral use on modified grassland with broadleaved woodland and hedgerows. 12 ponds, including 6 required for mitigation, will be provided for GCN, alongside hedgerows, native woodland block planting, areas of scrub planting, calcareous and neutral grassland, naturally colonising ground cover, detention basins to provide both surface water run-off prevention and integrate conservation aims.

A Biodiversity Net Gain Plan and accompanying statutory metrics have been provided with the application alongside the proposed restoration plan, and will form the basis of the mandatory Biodiversity Gain Plan that will be required by condition. Two metrics have been provided which demonstrate the biodiversity units (BU) of the consented schemes as providing 13.69 hedgerow BU (1.5107km of hedgerow) and 242.07 habitat BU (over 78.03ha), and the proposed scheme as providing 30.57 hedgerow BU (3.4km of hedgerow) and 495.38 habitat BU (over 78.03ha); the metrics and BNG Plan demonstrate a net unit change of 253.31habitat BU and 16.97 hedgerow BU, which is a biodiversity unit gain of 104.64% and 124.78% respectively. The methodology to calculate biodiversity uplift is accepted in this case due to the negative bias that would otherwise be applied.

The phased provision of biodiversity units accords with the operational phasing of the site, with works in Phases A-G providing the biodiversity compensation and 10% net gain requirement, with all subsequent phases (e.g. Phase H-Q) providing surplus BU gain that the applicant can bank (and for which a control mechanism is provided for through the legal agreement).

Whilst some reference is made to the need for a Landscape and Ecology Management Plan in some consultee comments, it is acknowledged that under the new Biodiversity Gain requirement a Habitat Management and Monitoring Plan is the method through which to secure detailed implementation and management requirements for habitats. As such, Natural England, the Wildlife Trust and the Wildlife Officer acknowledge the significant biodiversity gain that the proposals represent, and the submitted restoration scheme and BNG Plan can form the basis for the requisite Biodiversity Gain condition, with details to be secured through a Habitat Management and Monitoring Plan and long term control (e.g. the 30 year requirement for management) secured through the Habitat Management and Monitoring Plan and a legal agreement. The proposal therefore accords with the requirement for Biodiversity Gain and MWLP Policy 20.

Cultural Heritage

The application is accompanied by a Cultural Heritage Statement and it is acknowledged that previous mineral operations across the site have removed all archaeological potential. Impacts on listed buildings at Home Farm, some 90-135m north west of the proposal site, Sibberton Lodge, some 500-540m east of the site, and the Grade II listed Cook's Hole Farmhouse within the site have been assessed.

Despite the proximity of the Home Farm group of listed buildings, infill operations and land restoration has already taken place at the closest phases and there are no proposed changes to the restoration profile and it is considered that there is no effect upon the setting of these listed heritage assets as a result of the proposals. The Sibberton Lodge group of listed buildings is separated from the site by both the A47, and extensive quarry working at Thornhaugh II, and there will be no effect upon the setting of these assets from the current proposals.

The Conservation Officer notes that the setting of Cook's Hole Farmhouse will be subject to 'less than substantial harm' with the main changes to the landscape being those to the north of the farmhouse, which is of limited importance to the significance of the farmstead. The connection and significance of the setting is generally that to the east, and Sulehay Lodge to the south, which are acknowledged to be not materially affected by the proposals.

The proposal has been amended such that appropriate post restoration access to the farmhouse can be secured from the previous Cook's Hole access point to the A47.

The proposals impact on, in particular, Cook's Hole Farmhouse and its setting, has been sufficiently described and the proposals will result in less than substantial harm to it. Post restoration access has been secured such that any future management / maintenance of the Farmhouse can be carried out, and any future non-residential use would be subject to application at that time. The proposals are therefore considered to be in accordance with NPPF paragraph 208 and MW Policy 21.

Landscape and visual effects

The operational impacts of the extant permissions have been previously considered, and the proposals impact on the timeframe for restoration is limited such that operations at Thornhaugh will align with the extant timeframe for Cook's Hole, i.e. from 2035 under the extant Thornhaugh permission until 2042. As such, the focus of this assessment is long term, e.g. post restoration, impacts of the proposed restoration landform.

As identified in the Landscape and Visual Impact Assessment accompanying the application, the proposal site sits within the Nassaburgh Limestone Plateau landscape character area and will impact on Public Rights of Way, with limited impact on the setting of the Cook's Hole farmhouse and nearby residential properties. The proposals include a raising of approved restoration contours across the southern extent of Thornhaugh I Landfill and the northern extent of Cook's Hole, although the currently approved highest point of 71.5m AOD (above ordnance datum) would not be exceeded. The Council's Landscape Architect acknowledges there will be no significant landscape and visual cumulative effects to arise from the proposal and that the assessment methodology is appropriate. The requirement for an engineered landform at Thornhaugh I Landfill (as a result of the 'domed profile' requirement of landfill), which will increase in scale as a result of this proposal will result in a landform that does not mimic the natural rolling landscape of the host landscape character area, however, there are variations in the landform and gradients across the site and it is considered that an element of further fine grain detail within the requisite Habitat Management and Monitoring Plan should enable minor variations to the tone of the approved landform contours and the use and mix of planting in the broad areas identified on the restoration plan can adequately compensate for the engineering requirements of the landfill site.

The proposed amended landform will impact on Public Rights of Way, and the users experience of them, particularly Footpath No. 3, which runs along the boundary between Thornhaugh and Cook's

Hole, and Footpath No. 2 which runs north-south across the site will note greater changes in elevation than with the currently consented scheme. The Councils Public Rights of Way Officer has not raised any objections to this, and the difference in elevation is one of subjective difference to any given user. To provide greater connectivity and enhancement of the rights of way network, permissive paths are proposed to surround the site on all sides, connecting with the Old Oundle Road at the north western and southwestern extents of the sites, with a further permissive path proposed from Footpath No. 2 where it intersects the Thornhaugh Brook running to the east of the site and a permissive path between Footpath No 4 and the permissive route in the north of Thornhaugh to provide a route that runs adjacent to the A47. The PRow Officer has requested that surface and management of such paths are secured, and this can be achieved through legal agreement.

Given the uncertainty, and need for any future non-residential use of the Cook's Hole farmhouse to be subject of future application, the proposal has been amended to remove the proposed parking area which addresses concerns about potential antisocial behaviour and highways requirements around the associated access. As such, the design, landscape and visual impact, proposed restoration and impact on PRow is considered to accord with MWLP policies 17, 19, 20, 21 and 23.

Flood risk and surface water

The proposal site has been subject to groundwater assessments which were presented alongside extant consents (2015 for Thornhaugh and 2011 for Cook's Hole) which the Environment Agency have confirmed are still relevant, acceptable and adequately demonstrate that there will be no significant risk to groundwater or surface water quality. The Flood Risk Assessment accompanying the application therefore focuses on surface water management.

There are no proposed works within the Thornhaugh Brook corridor that runs west-east through Cook's Hole and which is the only part of the site within Flood Zones 2 and 3. The remainder of the site (incorporating both Thornhaugh and Cook's Hole) sits within Flood Zone 1.

The changes to the restoration profile require a new surface water management scheme, which has been submitted alongside the application. This identifies catchment areas across the site, proposed storage capacities and maximum discharge rates of individual detention basins based on the final restoration profile. Surface water management during the operational phase of the development at Thornhaugh will continue in accordance with the requirements of the extant Environmental Permit in relation to leachate and potentially contaminated surface water. Proposed operations within the Cook's Hole part of the site, which will be subject to infill with clean, naturally occurring materials, will require different management, with temporary settlement basins being constructed as necessary down slope of any working areas to minimise the potential for discharge of silt laden runoff to the Thornhaugh Brook.

The proposed restoration surface water management system will allow for surface water to be stored in attenuation basins designed to accommodate the 1 in 100 year rainfall event plus a 40% allowance for climate change. Discharge to the surface water drainage ditch adjacent to the eastern boundary of the site and to Thornhaugh Brook will be passively controlled by gravity (e.g. no pumping) such that greenfield runoff rates are not exceeded.

The Environment Agency and the Lead Local Flood Authority are content that the proposed surface water management plan is appropriate for both operational and post restoration phases of development, and need to be controlled by condition (for surface water management operations not covered by Environmental Permit such as those associated with the operational phase of development at Thornhaugh I Landfill), and the proposal is therefore considered to accord with MWLP Policy 22.

Transport and Traffic

The proposal site incorporates both Thornhaugh I Landfill and Cook's Hole Quarry which have permission to operate to 2035 and 2042 respectively. The Transport Statement accompanying the

application sets out the historical and predicted HGV movements associated with both sites. Given that the mineral operations will cease at Cook's Hole as part of the proposals, the net traffic generation of the proposal will reduce compared to the extant consents from a maximum total of 238HGV movements per day to 228HGV movements per day.

Clay for landfill engineering at Thornhaugh and restoration materials for Cook's Hole will be imported from the applicants ENRMF facility which lies some 5km to the west of the site; this will account for approximately 75% of all HGV movements. Given the need to control the types of material imported and placed in various parts of the site, which will be set out in conditions, it is not considered necessary to control HGV routing.

In terms of vehicle movements, the proposal with regard to Thornhaugh landfill operations will be extended by 7 years, at an average of 120 HGV movements (two-way trips) per day.

The site will continue to be accessed via the existing large priority controlled simple T-junction on the A47 at Thornhaugh I Landfill throughout operations, with this entrance to be closed post-restoration although sufficient pull in space will be retained for monitoring and maintenance purposes, the details of which can be secured by condition. Given the phased nature of development, which includes the engineering and filling of part of the site entrance and (Thornhaugh) phases 4, 5 and 6 it is necessary to ensure that appropriate parking, turning and manoeuvring space is retained throughout the operational development of the site as features such as the car park, weighbridge and wheel wash will be required to be moved, and this can be controlled by condition.

The historic point of access to Cook's Hole Farmhouse (currently stopped up during the operational phase) will be retained and re-opened post-restoration to enable access to the farmhouse. A small amenity carpark was originally proposed close to this access, however given the uncertainty about the level of future use and access requirements for the farmhouse, this car park has been removed from the proposals. Although any future non-residential use of Cook's Hole Farmhouse would be subject to an application and at that point consideration can be given to the suitability of the access for alternative means, it is necessary to retain access to Cook's Hole Farmhouse post restoration given its listed status and the need to maintain the building in an appropriate condition.

A safe and suitable access to the site can be achieved for all users of the subsequent development and no associated increase in traffic associated with the proposal compared to the extant permission. The Local Highway Authority have raised no objection, and the proposal is considered to accord with MWLP Policy 23 subject to the conditions outlined above.

Noise

The application was accompanied by a Noise Assessment, Noise Monitoring Scheme, and a report demonstrating compliance with extant noise limits, and the site is proposed to be operational in accordance with the approved hours for Thornhaugh (e.g. 0700 to 1800 Monday to Friday and 0700 to 1300 Saturday). Landfilling, capping and restoration works have been completed at the north of the site, providing additional mitigation for sensitive receptors closest to operations.

No further mineral extraction will take place, although mobile plant will be used to process remaining mineral stockpiles and materials arising from construction operations at Thornhaugh. The assessment sets out the full array of potential noise sources associated with the proposal, including plant and vehicle movements, water pumps and tipping activities and has been carried out using appropriate methodology.

The Pollution Control Officer is satisfied that the extant noise controls are effective, demonstrably achievable, and should be controlled by condition for this proposal. As such, the proposal is considered to accord with MWLP Policy 18.

Air quality

In comparison with the extant permission there is little fundamentally different with the proposal with regard to impacts on air quality, dust and odour, and the Pollution Control Officer recommends the extant dust control measures are acceptable and should be carried forward. There is no change to previously identified and assessed receptors, and the proposal incorporates the continuation of landfill re-engineering (within Thornhaugh to ensure all waste is disposed of in modern engineered containment cells). Previously approved dust control measures are applicable and will continue to be used as required, and due to the legislative overlap with permit requirements pertaining to landfill activities it will be necessary to ensure sufficient control over non-landfill activities by controlling the scheme of dust management through condition. As such, the proposal is considered to accord with MWLP Policy 18.

Other issues

Soils

Although the site is not comprised of best and most versatile land, there is still a need to ensure the responsible use of the available valuable on site soil resource for restoration purposes. The application is accompanied by a Soil Handling Scheme which demonstrates the sustainable use of the on site soil resource, which includes stockpiles presently on site and soils still to be stripped within Cook's Hole. These resources will be complemented as required by the importation and retention of sufficient soil forming materials to enable the proposed restoration to be achieved.

Aerodrome safeguarding

The site lies within the aerodrome safeguarding area associated with RAF Wittering. The proposed operational methodology and restoration do not include large water bodies that could contribute significantly to a habitat that would support large flocking birds that could create a hazard to air traffic. As such, the proposal is considered to accord with MWLP Policy 25

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 Local Plan, the Peterborough Local Plan, the NPPF and accompanying Planning Practice Guidance and the National Planning Policy for Waste.

The material considerations focus on addressing waste management needs, ecology and the provision of biodiversity netgain, cultural heritage, traffic and transport, flood risk and surface water management and the landscape and visual impacts of the proposal. The conditions outlined below, which include relevant updates offer appropriate mitigation in line with Policies 1, 3, 4, 5, 6, 10, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

An Environmental Statement has been provided which demonstrates that the proposal will not have significant impacts on the environment that would warrant refusal of the application.

A legal agreement confirming the cessation of mineral extraction, securing the management of permissive paths, and securing the onsite provision of biodiversity netgain and sale of any additional biodiversity netgain units will be secured. Comments of consultees have been taken into account, a legal agreement and suitable conditions to address any issues raised are presented below 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 Advance notification shall be provided within 7 days of the commencement of operations to the Local Planning Authority advising of the date the phasing of the development will begin to be undertaken in accordance with the approved phasing plans as set out in Condition 4.

Reason: Due to the extant permission and current operations on site, the date of commencement may not be readily apparent. It is in the proper planning interests that the Local Planning Authority can both ensure that development is taking place in accordance with the permission hereby granted and to agree a proper monitoring regime for the site with the developer.

- C 3 The development hereby permitted shall be carried out in complete accordance with the submitted and approved documents and plans:

- The site location, Figure PS1.1 Drawing ref. AU/CH/02-24/24197 dated 07/02/24
- The planning application boundary Figure PS1.2 Drawing ref. AU/CH/02-24/24198 dated 07/02/24
- The proposed restoration profile Figure PS3.1 Drawing ref. AU/CH/02-24/24202 dated 07/02/24
- The proposed phasing of the operations at the sites Fig.PS3.2 Ref. AU/CH/02_24/24203revA dated 24/07/24
- Restoration Plan for Cook's Hole Quarry and Thornhaugh Landfill Site Drawing No. THORN036 Rev A dated June 2024
- Areas in which materials can be stockpiled Figure C1 Ref. AU/CH/07-24/24414revA dated 24/07/24
- Areas for Hi-Pods and material processing Fig C2 Ref. AU/CH/07-24/24415rev A dated 24/07/24
- Vehicular access to the sites at various stages of the development Figure C3 Ref. AU/CH/07-24/24416revA dated 24/07/24

Reason: To clarify what is hereby approved.

- C 4 The landfilling of only inert waste, non-hazardous waste and Stable Non-Reactive Hazardous Waste shall be undertaken only in engineered cells as shown on "The proposed phasing of the operation at the sites" Figure PS3.2 Drawing ref. AU/CH/02-24/24203revA dated 24/07/24. Only clean, naturally occurring materials arising at Thornhaugh Landfill site and the East Northants Resource Management Facility shall be used as restoration fill material at Cook's Hole Quarry and Thornhaugh I Landfill Site.

Development shall be carried out in accordance with "The proposed phasing of the operation at the sites" Figure PS3.2 Drawing ref. AU/CH/02-24/24203revA dated 24/07/24.

Each phase in Thornhaugh I Landfill Site shall be restored within one year of the landfill operations within that phase including the placement of the final capping layer, being completed.

Immaterial deviations in the phasing boundaries shown on Figure PS3.2 (Drawing ref. AU/CH/02-24/24203revA dated 24/07/24) may be acceptable to allow for the engineering requirements of landfilling and capping at Thornhaugh I Landfill Site and for the construction of supporting gradients needed for earthworks in adjacent phases at the sites to provide the final approved contours.

The landfilling of Thornhaugh I Landfill Site shall be completed by 21 February 2041 and restoration of the entire site shall be completed no later than 21 February 2042.

Reason: To ensure that the site is restored in a timely manner and to reduce the visual impact of the landfill operations as development progresses in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 3 and 19.

- C 5 Minerals stockpiled on site and extracted during the construction of the landfill cells in Thornhaugh will be processed using mobile plant in the area shown on "Areas for hi-pods and material processing" Figure C2 Drawing ref. AU/CH/07-24/24415revA.

Reason: In the interests of general amenity minimising the risk of pollution in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 17 and 18.

- C 6 Only inert construction and demolition waste types shall be processed through the recycling operation. Inert waste processing can only be undertaken in the areas hatched in yellow on "Areas for hi-pods and material processing" Figure C2 drawing ref. AU/CH/07-24/24415revA.

Reason: The scheme for recycling that has been submitted is limited to the consideration of recycling inert waste only.

- C 7 The stockpiles of materials awaiting processing for use in engineering and restoration will be confined to the area shown on "Areas in which materials can be stockpiled" Figure C1 Drawing ref AU/CH/07-24/24414revA.

No stockpiles shall be stored below the water table or in areas susceptible to flooding. The stockpiles shall not exceed the restoration profile levels shown on "The proposed restoration profile" Figure PS3.1 Drawing ref. AU/CH/02-24/24202 dated 07/02/24 by more than 3 metres.

Reason: In the interests of minimising the visual appearance of the stockpiles and minimising the risk of flooding and pollution accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 18 and 22.

- C 8 Only the area marked for the location of hi-pod storage on the "Areas for hi-pods and material processing" Figure C2 drawing ref. AU/CH/07-24/24415revA can be used for the purpose of the storage of hi-pods until that area is required for the purposes of landfilling in accordance with the approved phasing plans.

Reason: To clarify what is hereby approved and to secure a safe and suitable access to the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

- C 9 No soils (top or subsoils) shall be removed from the site and the development hereby permitted shall be carried out in complete accordance with The Soil Handling and Management Scheme dated February 2024 as set out at Appendix ES4.4.

Reason: To minimise any adverse impacts for surrounding users and ensure the sustainable use of soils in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 18 and 24.

- C10 Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund and the drainage system should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: In order to prevent pollution of the natural environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 18 and 22.

- C11 Unless required for continued environmental monitoring purposes, all buildings, plant and machinery and hardstanding ("the site infrastructure") shall be permanently removed from the site within 6 months of the final landscaping taking place. Should any site infrastructure be required to be retained for environmental monitoring purposes beyond this date, a plan/scheme shall be submitted to and approved in writing by the Local Planning Authority which identifies the retained infrastructure and the length of time it is to remain on site. The site infrastructure shall thereafter be retained and removed from the site in accordance with the approved plan / scheme.

Reason: In the interest of achieving a proper restoration of the site to nature conservation and in the interest of the long-term visual appearance of the suite in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 17 and 19.

- C12 The development hereby permitted shall be carried out in complete accordance with Appendix ES4.3 Tree Protection Scheme (V1) June 2024 including the Tree Protection Plan (updated 2024) Dwg. no. 125-L032-018 dated Jun 2024 Fig 1-01.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

- C13 Development must not begin unless a biodiversity gain plan has been submitted to and agreed by the planning authority, which shall include the specific matters:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- (b) the pre-development biodiversity value of the onsite habitat,
- (c) the post-development biodiversity value of the onsite habitat,
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- (e) any biodiversity credits purchased for the development, and
- (f) such other matters as the Secretary of State may by regulations specify.

The development shall be carried out in accordance with the agreed details and thereafter maintained in accordance with the approved management arrangements specified in the HMMP approved under Condition 14.

Reason: In accordance with the requirements of Schedule 14, Part 1 of paragraph 14 of the Environment Act 2021. This must be a pre-commencement condition because it relates to the creation and retention of biodiversity net gain in accordance with schedule 7A to the Town and Country Planning Act 1990 and this information is required before works commence on site.

- C14 Within 12 months of implementation of the planning permission a 30-year Habitat Management and Monitoring Plan (HMMP) for the provision of Biodiversity Net Gain (BNG) shall be submitted to the Local Planning Authority for approval. The HMMP shall be prepared in general accordance with the "Biodiversity Gain Plan" approved under Condition 13 and the "Restoration Plan for Cooks Hole Quarry and Thornhaugh Landfill Site" (Drawing No. THORN036 Rev. A dated June 2024). The HMMP shall be based upon Natural England's Habitat Management and Monitoring Plan Template, completed in accordance with Natural England Guidance and supported by the submission of the HMMP Checklist.

The development shall be carried out in accordance with the documents and timings as approved, for the duration of the HMMP.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and Peterborough Local Plan Policy LP28.

- C15 No operations, including the working of any plant or machinery, transport of excavated materials, delivery of infill materials and restoration shall be undertaken outside the hours of;

0700 to 1800 on Mondays to Fridays
0700 to 1300 on Saturdays.

No operations other than emergency maintenance works or pumping associated with gas and surface water management and environmental monitoring shall be undertaken outside these hours.

Prior to the commencement of any temporary operations, which may take place for no more than 8 weeks per calendar year, the operator may notify the Local Planning Authority 7 days prior to the commencement of any such temporary operations of a change to operational hours for that temporary period. The Local Planning Authority reserve the right to remove the allowance for a temporary change to operational hours in the event of reasonable complaint.

Reason: In the interests of the amenity of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

- C16 Except for temporary operations, the rating level of noise emitted from the site shall not exceed the specified noise criteria levels (measured as LAeq, 1 hour (free field) during working hours as set out below.

Location	Site Noise Limits
Home Farm House	55
Leedsgate Farm	50
Nightingale Farm (Mon-Friday)	50
Nightingale Farm (Saturday)	46
Sibberton Lodge	51
Oaks Wood Cottage	55

At the locations listed above, the noise emitted from the site shall not exceed 42dB, LAeq, 5mins (free field) at any other time.

The noise levels shall be determined at the nearest noise sensitive properties as listed above. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

The development hereby approved shall be carried out in complete accordance with the Noise Monitoring Scheme dated February 2024 as set out at Appendix ES4.5

Reason: In the interests of the amenity of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

- C17 For temporary operations such as site preparation, soil stripping and replacement and screen bund formation and removal, the free field noise level due to operations determined at the nearest noise sensitive dwellings (as listed in condition 16) shall not exceed 70dB LAeq, 1 hour (free field). 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 Local Plan Policy 18.

- C18 No reversing alarms shall be used except quieter option alarms, such as adjustable or broadband "whitenoise" systems.

Reason: In the interests of the amenity of the nearest residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

- C19 The development hereby permitted shall be carried out in complete accordance with the Dust Control Measures as set out at Table ES14.3 in the Environmental Statement dated February 2024

Reason: In the interests of protecting nearby residential properties and users of public rights of way from dust and odour in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

- C20 The development hereby permitted shall be carried out in complete accordance with the Lighting Scheme as set out at Appendix ES4.2 dated February 2024.

Reason: In order to protect the amenity of nearby residents and to reduce light pollution in a predominantly rural environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

- C21 The development hereby permitted shall be carried out in complete accordance with the Surface Water Management Scheme as set out at Appendix ES4.1 dated February 2024.

Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with Cambridgeshire and Peterborough Minerals and waste Local Plan policy LP32 and Chapter 14 of the National Planning Policy Framework 2023.

C22 The footpaths shall be reinstated and provided in complete accordance with the details shown on the "Public rights of way and permissive rights of way at different stages of the development" Figure PS2.3, drawing ref. AU/CH/02-24/24201 dated 07/02/24, within 6 months of the final phase of the development being landscaped and shall be retained as such thereafter.

Reason: In order to maintain and enhance public rights of way provision on the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C23 Throughout operations, the site shall be accessed by vehicles by the single point of access off the A47 only, as shown on the "Vehicular access to the site at various stages of the development" Figure C3. Drawing ref. AU/CH/07-24/24416revA.

Following restoration access to Cook's Hole Farmhouse will be provided at the point of access as shown on "Vehicular access to the site at various stages of the development" Figure C3. Drawing ref. AU/CH/07-24/24416revA.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C24 Wheel cleaning facilities shall be retained on site in a location adjacent to the hard surfaced access into the site. Should the wheel cleaning facility break down, temporary wheel cleaning measures shall be deployed until the permanent wheel cleaning facility is operable. The wheel cleaning facility shall remain in use on site until the final landscaping has been completed.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C25 Prior to the commencement of each phase of the operation or restoration, adequate space shall be provided within the site for the parking, turning, loading and unloading of all vehicles associated with that phase of the operation, restoration or recycling activities and this space shall be kept available for such purposes for the duration of that phase of the landfill operation, restoration or recycling activity.

Reason: In the interest of highway safety and free flow of traffic on the A47 in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C26 Details of the post-restoration monitoring access shall be submitted to, and approved in writing by, the Local Planning Authority, prior to its first use for the intended purpose.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

Copies To Councillors:

Councillor Gavin Elsey

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