Ministry of Housing,
Communities &
Local Government

Our ref: APP/E0535/W/23/3331431
Your ref: CCC/21/088/FUL

Miss Butler
21 Soho Square
London
W1D 3QP
Sophie.Butler@quod.com

29 July 2024

Sent by email only

Dear Miss Butler,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY ENVAR COMPOSTING LTD IN RELATION TO ENVAR COMPOSTING LTD, ST IVES ROAD, SOMERSHAM, PE28 3BS
APPLICATION REF: CCC/21/088/FUL

This decision was made by the Minister of State, Matthew Pennycook MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of M Shrigley BSc MPlan MRTPI who held a public local inquiry between 20 February and 1 March 2024 into your client's appeal against the decision of Cambridgeshire County Council (CCC) to refuse planning permission for the construction of a Dry Anaerobic Digestion (AD) facility, Pellet Fertiliser Facility, Healthcare Waste Recovery Facility, Waste Transfer Station, Vehicle Re-Fuelling Station, and a Biomass Fuel Storage Building, including surface water storage lagoons, extension to concrete pad, demolition of IVC buildings/tunnels and ancillary development in accordance with application Ref. CCC/21/088/FUL, dated 29 June 2021.

2. On 1 February 2024, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission granted subject to conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. She has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Laura Webster, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.10-IR1.11, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for her to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. One representation which has been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect her decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A copy of this letters may be obtained on request to the email address at the foot of the first page of this letter.

7. An application for costs was made by the Appellant against CCC (IR1.12). This application is the subject of a separate decision letter.

Policy and statutory considerations

8. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case the development plan consists of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (MWLP) and the Huntingdonshire Local Plan (adopted May 2019) (HLP). The Secretary of State considers that relevant development plan policies include those set out at IR3.12 and IR3.13.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) and associated planning guidance (the Guidance), the matters set out at IR3.1-IR3.7, and the matters set out at IR3.14-IR3.22.

11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

12. On 24 January 2023, the Huntingdonshire District Council's Cabinet agreed to the preparation of a full update to the adopted Local Plan. This is at a very early stage with town and parish council information sessions held on 24 May and 5 June 2024 to inform council of the Local Plan update. Given the very early stage, the Secretary of State considers that the emerging update to the Local Plan carries no weight.

Main issues

Landscape and visual effects

13. For the reasons given at IR12.3-12.37 and IR13.3, the Secretary of State agrees with the Inspector at IR12.26 that while the proposed chimney would introduce an industrial looking built feature to the locality, it would not totally change the character of the local landscape and countryside surrounding it. She acknowledges that the healthcare waste Energy Recovery Facility chimney would be more than twice the height of any other structure on the site, but agrees with the Inspector that the chimney would appear as a slender feature in all views and its slenderness would therefore temper resultant landscape and visual impacts to a large extent (IR12.29). She further agrees that the chimney would not be overbearing in scale from residential receptors, nor local businesses given its central position on the appeal site (IR12.30). She agrees with the Inspector's conclusion at IR12.35 that the locality does have the capacity to absorb the visual and landscape effects of the chimney of the appeal scheme, owing to its slimness and controllable colour, and because of other existing built and natural landscape features which would draw attention away from it (IR12.35). She agrees that the landscaping provision goes as far as it reasonably can do in enhancing the appearance of the area as well as providing mitigation, but even with the proposed landscape screening at full maturity, the proposed chimney would remain a prominent feature in the wider rural landscape with a 3km radius (IR12.37). Overall, she agrees that the proposed chimney would result in a moderate level of overall harm to the character, appearance and visual amenity of the area (IR13.3).

14. For the reasons given at IR12.38-12.43, the Secretary of State agrees with the Inspector that this harm would conflict with Policies LP2 and LP10(b) and (c) of the HLP as well as Policy 17(f) and (h) of the MWLP (having regard to Appendix 3 in relation to the location of waste management facilities); and there would also be conflict with paragraphs 135(c) and 180 of the Framework. Like the Inspector, she attributes significant weight to this harm (IR12.43 and IR13.4).

Perceived health and wellbeing and related business impact harms

15. The Secretary of State has carefully considered the perception of harm to health and wellbeing of residents and local business activity. For the reasons given at IR12.44-IR12.69, like the Inspector she agrees with the findings at IR12.56 that the proposed development, subject to the design and mitigation that would be required by the Environmental Permit, would be unlikely to result in adverse impacts on air quality, or any associated impacts on human health or the environment. She agrees with the Inspector's conclusions at IR12.58-12.65 on the specific concerns raised by interested parties, and further agrees that although health and safety risks to local businesses and their associated customer base are a clear concern of local people, the information put forward confirms there is no compelling supporting scientific basis to find the level of those risks to be unacceptable (IR12.66). The Secretary of State agrees with the conclusions at IR12.68 that the scientific assessment information and related evidence produced by the appellant as well as statutory consultee responses, does not suggest the scheme would result in significant harm from a health and wellbeing perspective. Nonetheless, like the Inspector the Secretary of State recognises that even with the appellant's robust evidence the local community including business owners still have serious doubts over the likely health and safety effects of the scheme (IR12.69), and acknowledges that perception matters are material (IR12.67). She agrees that the perceived health and wellbeing and related business impact harms arising from the proposed development should carry limited weight (IR12.69).

Benefits

16. The Secretary of State has considered the benefits set out at IR12.70-12.87. She agrees that carbon saving benefits would arise from the reduction in global greenhouse gas emissions (IR12.83). She further agrees that co-locating the different waste management processes would lead to benefits in terms of greenhouse gases. These include the heat, power, and bio-gasses generated by processes on the site providing the energy to operate other onsite processes, fuel vehicles and contribute to grid capacity, and the benefits resulting from the reduction in traffic flows overall through co-location (IR12.84-12.85). She agrees with the Inspector that these carbon saving benefits carry substantial weight (IR12.84).

17. For the reasons given by the Inspector at IR12.72-12.82, the Secretary of State agrees that there is a compelling need case for the facilities proposed (IR12.79) and that the proposal would assist net waste self-sufficiency (IR12.81). Taking this into account, she further agrees that providing processes that move waste up the waste hierarchy attracts substantial weight and is consistent with the local plan and national policies and strategies including MWLP Policies 3 and 4 (IR12.82).

18. The Secretary of State agrees with the Inspector that there are efficiency and sustainability benefits arising from co-locating waste processes and optimising the use of previously developed land (IR12.81, IR12.85). She considers that these benefits collectively carry moderate weight. She further agrees that the benefits of local job creation attracts significant weight (IR12.86), and that the anticipated Biodiversity Net Gain (BNG) of 12% attracts limited weight (IR12.87).

19. The Inspector considers that the shift from composting to a dedicated housed dry AD process is likely to reduce odours from the atmosphere compared to the existing situation of outdoors windrows (IR12.100). The Secretary of State considers this a benefit which attracts very limited weight.

Other matters

20. The Secretary of State agrees with the Inspector's conclusions on heritage impacts (IR12.88-12.89), consultation issues (IR12.90-12.91), fire safety and security (IR12.92-IR12.93), highway capacity and safety impacts (IR12.94-12.96), noise, light and wildlife impacts (IR12.96), (IR12.96), impact on ecology (IR12.97), EA regulation (IR12.98-99) and other potential impacts and objections raised (IR12.101).

21. The Secretary of State notes that the majority of the site is allocated as a Waste Management Area (IR7.5) designated by the MWLP Policy 10, and considers that the site is in principle suitable for the use proposed.

Planning conditions

22. The Secretary of State has had regard to the Inspector's analysis at IR14.1-14.18, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of her decision.

Planning balance and overall conclusion

23. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policy 17 (f) and (h) of the MWLP and Policies LP2, LP10(b) and LP10(c) of the HLP. She considers that the scheme is not in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

24. Weighing in favour of the proposal are the carbon saving benefits which carry substantial weight; provision of processes that move waste up the waste hierarchy which carries substantial weight; efficiency and sustainability benefits arising from co-locating waste processes and optimising the use of previously developed land which collectively carry moderate weight; local job creation which carries significant weight; BNG which carries limited weight; and the reduction of odour which carries very limited weight.

25. Weighing against the proposal are the harm to landscape and visual effects which carries significant weight, and the perceived health and wellbeing and related business impact harms which carries limited weight.

26. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

27. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted.

Formal decision

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows your client's appeal and grants planning permission for a Dry AD facility, Pellet Fertiliser Facility, Healthcare Waste Recovery Facility, Waste Transfer Station, Vehicle Re-Fuelling Station, and a Biomass Fuel Storage Building, including surface water storage lagoons, extension to concrete pad, demolition of IVC buildings/tunnels and ancillary development in accordance with application Ref. CCC/21/088/FUL, dated 29 June 2021.

Right to challenge the decision

29. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

30. A copy of this letter has been sent to Cambridgeshire County Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Laura Webster

Decision officer

This decision was made by Minister for State, Matthew Pennycook MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

Party	Date
Sheila Rayner	22 May 2024

Annex B List of Conditions

Time Limit

1. The development hereby permitted shall be commenced no later than 3 years from the dated of this permission. Within 7 days of the commencement the developer shall notify the waste planning authority in writing of the date on which the development commenced.

Commencement of phases of development

2. The developer shall notify the waste planning authority in writing of the date of the material start of the following phases of development within 7 days of each phase commencing:

i) construction of the surface water storage lagoons shown as 25 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21;

ii) bringing into use the surface water storage lagoons shown as 25 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21;

iii) decommissioning of any of the surface water storage lagoons shown on drawing no. GPP/E/CWH/20/02 Existing Site Layout Plan dated 27 Jul 2020;

iv) demolition of buildings shown as S1a and S1b on Appendix Three: Building Plan with Target Notes (Ecological Appraisal – Buildings Inspection – Greenwillows Associates Ltd, July 2021);

v) bringing into use the waste transfer station building, the biomass storage building and the pellet production facility building shown as 28, 49 and 47 respectively on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21;

vi) the first acceptance of waste to the dry anaerobic digestion (AD) plant; and

vii) the first acceptance of waste to the healthcare waste energy recovery facility (ERF).

Surface water storage lagoons

3. The surface water storage lagoons shown on drawing no. GPP/E/CWH/20/02 Existing Site Layout Plan dated 27 Jul 2020 shall not be decommissioned until equivalent capacity has been created in accordance with drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21.

Site Area

4. This permission relates only to the land shown outlined in red on drawing no.GPP/E/CWH/21/01 Rev 03 dated 26/04/21 (received 12 July 2021) and is referred to in these conditions as ‘the Site’. The land shown outlined in blue on drawing no.GPP/E/CWH/21/01 Rev 03 Site Location Plan dated 26/04/21 is referred to in these conditions as ‘the Envar Site’.

Approved Plans and Documents

5. The development hereby permitted shall be carried out in accordance with the following drawings:

GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022); GPP/E/CWH/21/04 Rev 01 Elevation of Healthcare Waste ERF dated 26/04/21 (received 22 June 2021); GPP/E/CWH/21/05 Rev 03 Elevation of Waste Transfer Building

dated 26/04/21 (received 22 June 2021); GPP/E/CWH/21/06 Rev 03 Elevation of Biomass Storage Building dated 26/04/21 (received 22 June 2021); GPP/E/CWH/21/07 Rev 01 Elevation of Pellet Fertiliser Production Facility Building dated 26/04/21 (received 22 June 2021); and GPP/E/CWH/21/08 Rev 01 Cross Sections dated 01.04.2021 (received 22 June 2021).

Waste throughput

6. No more than 200,000 tonnes of waste shall be accepted at the Envar Site in any 12-month period. No more than 12,000 tonnes of waste shall be processed at the healthcare waste ERF facility in any 12-month period.

Waste catchment area

7. With the exception of wastes accepted for treatment in the healthcare waste ERF not less than 40% by weight of wastes accepted at the Envar Site in any 12- month period shall be sourced from the East of England Region. The East of England means the counties of Norfolk, Suffolk, Cambridgeshire, Essex, Report APP/E0535/W/23/3331431 https://www.gov.uk/planning-inspectorate Page 81 Hertfordshire, Bedfordshire, and Northamptonshire together with the unitary authorities of Peterborough, Southend on Sea, Milton Keynes, and Luton. Waste from a waste transfer station within the East of England shall be regarded as arising from within the East of England.

Records of waste inputs

8. A record of the quantity and source of wastes delivered to the site, including separately the quantity of healthcare waste, to evidence the requirements of Conditions 6 and 7 above shall be maintained by the operator. This shall be made available to the waste planning authority on request within 10 working days of receipt of a written request. All records shall be kept for at least 48 months.

Construction environmental management plan

9. No development shall commence until a detailed Construction Environmental Management Plan has been submitted to and approved in writing by the waste planning authority. This shall include but not be limited to:

   i) measures to protect trees that are to be retained;

   ii) measures to minimise noise and vibration;

   iii) measures to minimise dust;

   iv) measures to minimise the impact of lighting on humans and wildlife especially bats;

   v) measures to protect nesting birds and other wildlife;

   vi) measures to minimise the risk of pollution of ground and surface water;

   vii) measures to manage construction traffic including routeing;

   viii) parking for construction workers; and

   ix) management of demolition waste.

   The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Bat Survey

10. No works to the supporting wall between the buildings shown as S1a and S1b on Appendix Three: Building Plan with Target Notes (Ecological Appraisal – Buildings Inspection – Greenwillows Associates Ltd, July 2021) including demolition or illumination of the building shall take place until a bat survey has been undertaken by a licensed ecologist and confirmed that no bats are present.

    If no bats are found to be present demolition works shall commence within 24 hours of the completion of the bat survey, under the supervision of the licenced ecologist. A copy of the survey report shall be submitted to the waste planning authority within 7 days of the completion of the survey along with confirmation that demolition works have been completed. If bats are present no works to the supporting wall between the buildings shown as S1a and S1b on Appendix Three: Building Plan with Target Notes (Ecological Appraisal – Buildings Inspection – Greenwillows Associates Ltd, July 2021) Report APP/E0535/W/23/3331431 https://www.gov.uk/planning-inspectorate Page 82 including demolition or illumination of the building shall take place until a mitigation licence has been obtained from Natural England.

Construction hours

11. No construction or demolition shall take place outside 07:00–18:00 Mondays to Saturdays (except bank and public holidays). No construction or demolition shall take place on Sundays or on bank and public holidays.

Construction drainage

12. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the Site will be avoided during the construction works have been submitted to and approved in writing by the waste planning authority. The developer will be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Materials

13. No buildings, plant, or infrastructure over 9 metres in height shall be erected until details of the external construction materials, finishes and colours have been submitted to and approved in writing by the waste planning authority. The development shall be carried out in accordance with the approved details.

Hours of operation

14. (i) No vehicle shall enter or leave the Envar Site except between 05:00 and 22:00 hours daily (including public and bank holidays).

    (ii) No plant or machinery shall operate outside buildings except between 05:00 and 22:00 hours daily (including public and bank holidays).

    (iii) No waste shall be shredded outside the buildings except between 07:00 and 18:00 hours daily (including Public and Bank Holidays).

Reversing vehicles

15. All mobile plant at the Envar Site using reversing alarms shall be fitted with and use white noise reversing alarms.

Silencing of plant and machinery

16. No vehicle, plant, equipment, or machinery shall be operated at the Envar Site unless it has been fitted with and uses an effective silencer. All vehicles, plant and machinery shall be maintained in accordance with the manufacturers' specification at all times.

Noise mitigation

17. No development of the healthcare waste ERF or the dry AD plant shall take place until a scheme of noise mitigation measures and noise monitoring has been submitted to and approved in writing by the waste planning authority. The scheme shall include details of the plant, a further assessment of noise levels and actions to be taken if the limits set out in Condition 18 are exceeded. The approved mitigation measures shall be implemented in full prior to the first Report APP/E0535/W/23/3331431 https://www.gov.uk/planning-inspectorate Page 83 acceptance of waste to the healthcare waste ERF and / or the dry AD plant and retained for the duration of the operation of the healthcare waste ERF and/ or the dry AD plant.

Noise limits

18. The rating level of the noise emitted from the Envar site shall not exceed the following levels as measured in free field conditions at the noise sensitive premises specified set out in the table below. The meaning of 'rated' is as defined in BS: 4142: 2014+A1:2019. The measurement and assessment shall be made in accordance with BS 4142:2014+A1:2019.

	Time period	05:00 – 07:00	07:00 – 18:00	18:00 – 22:00	22:00 – 05:00
Location		**Noise limit dB $L_{Aeq,T}$**			
Rectory Farm		40	41	40	32
Travellers' site		37	41	37	33
Bridge Farm		36	39	36	30
Heathfields		39	40	39	31
Raptor Foundation		40	42	40	31

Noise monitoring

19. Noise levels shall be monitored by the operating company in accordance with the scheme approved under Condition 17 to ensure the noise levels set in Condition 18 are achieved. Monitoring survey results shall be kept by the operating company during the lifetime of the permitted operations and a monitoring report supplied to the waste planning authority within 10 working days of receipt of written request.

New concrete hardstanding

20. No waste or other materials shall be stored on the land within the Site to the southeast of 'Dirty Lagoon 1' and to the southeast of the mushroom farm shown as Catchment Proposed Hardstanding and coloured salmon pink on EPG drawing no.0001 Rev P01 dated 26.11.2.

Access

21. No heavy goods vehicle (HGV) associated with the development hereby permitted shall enter or leave the Site except at Entrance E1 shown on drawing no.GPP/E/CWH/21/03 Rev 015

Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022). All HGVs shall turn right into Entrance E1 and shall turn left out of Entrance E1 unless in compliance with the Traffic Management Plan referred to in Condition 25.

Prevention of mud and debris on the highway

22. No HGV shall leave the Envar Site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Vehicle movements

23. There shall be no more than 190 HGV movements at the Envar Site per day (95 in and 95 out). For the avoidance of doubt an HGV shall have a gross vehicle weight of 3.5 tonnes or more and the arrival at the Envar Site and departure from it count as separate movements.

Record of HGV movements

24. The operator shall maintain a record of all HGV movements into and out of the Envar Site to evidence the requirements of Condition 23 above. Such record shall contain the vehicles' weight, registration number and the time and date of the movement and shall be available for inspection within 10 working days of any written request of the waste planning authority.

HGV routing

25. The development hereby permitted shall not be carried out except in accordance with the Regeneration Woodhurst Traffic Management Plan (undated) received 12 July 2021.

Cycle parking

26. Within 3 months of the commencement of development as notified to the waste planning authority in accordance with Condition 1, secure covered cycle parking shall be provided in the car park shown as 51 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022) in accordance with details that have been submitted to and approved in writing by the waste planning authority.

    The car parking spaces shown within area 52 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022) shall not be brought into use until secure covered cycle parking has been installed in accordance with details that have been submitted to and approved in writing by the waste planning authority. Following such approval, the use of the car parking spaces shall be fully implemented.

Electric vehicle charging point

27. The car parking spaces show within area 52 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022) shall not be brought into use until an electric vehicle charging point has been installed and is operational.

Lighting

28. No external lights shall be installed within the Site except in accordance with a strategy that has been submitted to and approved in writing by the waste planning authority. The strategy shall include:

    i) identification of those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and Report APP/E0535/W/23/3331431 https://www.gov.uk/planning-inspectorate Page 85 resting places or along important routes used to access key areas of their territory, for example, for foraging;

ii) showing how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

iii) demonstrating (through the provision of appropriate lighting contour plans and technical specifications) that light spill outside the Site will be minimised. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the waste planning authority.

Surface water Drainage

29. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the Site has been submitted to and approved in writing by the waste planning authority. The scheme shall be based upon the principles within the agreed Drainage Strategy for Surface Water at Envar prepared by EPG (ref: EPG-9651-DS-01) dated 26 November 2021 and shall also include:

    i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

    ii) Full results of the proposed drainage system modelling in the abovereferenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

    iii) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

    iv) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

    v) Site Investigation and test results to confirm infiltration rates;

    vi) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

    vii) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

    viii) Full details of the maintenance/adoption of the surface water drainage system; Report APP/E0535/W/23/3331431 https://www.gov.uk/planning-inspectorate Page 86
    ix) Permissions to connect to a receiving watercourse or sewer; and

    x) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

    Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

Storage of oils, fuels, and chemicals

30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume

for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Landscape planting

31. No development shall commence until a detailed phased landscape planting scheme of the on-site and off-site works based on drawings nos. KB- Sti006d Landscape and Ecological Management Plan dated Nov 2022 (received 30 November 2022) and KBSti052 Area 52 Car Park Proposed Landscaping dated July 2022 (received 17 August 2022) has been submitted to and approved in writing by the waste planning authority.

    i) Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants with species, plant sizes and proposed numbers and densities where appropriate.

    ii) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

    iii) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005, Trees in relation to construction – Recommendations.

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

Maintenance of Soft Landscaping

32. Any trees, hedging or scrub planted within the Site and off-site (within the Applicant's landownership) in accordance with the scheme approved under condition 31 above that dies, becomes diseased or is removed within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and species as those originally planted.

Biodiversity Net Gain

33. No development shall commence until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the waste planning authority. The BNG Plan shall target how a net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:

    i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;

    ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the latest appropriate DEFRA metric;

    iii) Identification of the existing habitats and their condition on-site and within receptor site(s);

    iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the latest appropriate DEFRA metric;

v) An implementation, management, and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate. The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion

v) shall be submitted to the waste planning authority in accordance with the latest DEFRA guidance applicable to BNG delivery and the approved monitoring period / intervals.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the waste planning authority in accordance with the latest DEFRA guidance applicable to BNG delivery and the approved monitoring period / intervals.

The Planning Inspectorate

Report to the Secretary of State

by M Shrigley BSc MPlan MRTPI

an Inspector appointed by the Secretary of State

Date 21 May 2024

TOWN AND COUNTRY PLANNING ACT

CAMBRIDGE COUNTY COUNCIL

APPEAL BY

ENVAR COMPOSTING LTD

Inquiry Held on 20 to 23 and 27 February to 1 March 2024

Envar Composting Ltd, St Ives Road, Somersham PE28 3BS

File Ref: APP/E0535/W/23/3331431

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List of abbreviations used in the Report

AD	Anaerobic digestion
AQC	Air Quality Consultants
BUG	Biogas Up-Grade facility
CCC	Cambridge County Council
CHP	Combined Heat and Power
CO_2	Carbon dioxide
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EIA	Environmental Impact Assessment
EiC	Evidence in Chief
EfW	Energy from waste
Envar	Envar Composting Limited
ERF	Energy Recovery Facility (also referred to as Healthcare waste Energy Recovery Facility or HERF)
ES	Environmental Statement
HCV	Heavy Commercial Vehicle
HERF	Healthcare waste Energy Recovery Facility
HGV	Heavy Goods Vehicle
HLP	Huntingdonshire Local Plan (May 2019)
IBA	Incinerator Bottom Ash
IED	Industrial Emissions Directive
km	Kilometres
m	Metres
MWLP	Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021)
NO_x	Oxides of Nitrogen
NO_2	Nitrogen Dioxide
OR	Officer Report
PCBs	Poly-Chlorinated Biphenyls
POWI	People Opposing Woodhurst Incinerator
ReX	Re-examination
SoS	Secretary of State
tCO_2e	Tonnes of carbon dioxide equivalent
tpa	Tonnes per annum
WMA	Waste Management Area
XX	Cross Examination

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Envar Composting Ltd, St Ives Road, Somersham PE28 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Envar Composting Ltd against the decision of Cambridgeshire County Council.
- The application Ref CCC/21/088/FUL, dated 29 June 2021, was refused by notice dated 24 April 2023.
- The development proposed is for the construction of a Dry Anaerobic Digestion (AD) facility, Pellet Fertiliser Facility, Healthcare Waste Recovery Facility, Waste Transfer Station, Vehicle Re-Fuelling Station, and a Biomass Fuel Storage Building, including surface water storage lagoons, extension to concrete pad, demolition of IVC buildings/tunnels and ancillary development.

Summary of Recommendation:

That the appeal be allowed, and planning permission granted subject to conditions.

1.0 Preliminary Matters

1.1 The Inquiry opened on 20 February 2024 and sat for 8 days. I carried out an unaccompanied site visit on 28 and 29 February in the local area.

1.2 In compliance with the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997, the appeal was originally to have been decided by an Inspector. However, the appeal was subsequently recovered by the Secretary of State (SoS), in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. This was explained in the direction issued during the appeal process, dated 1 February which was served on me, the Council, and the Appellant.

1.3 The specific reasons for the direction are that the appeal involves proposals for development of major importance having more than local significance, proposals giving rise to substantial regional or national controversy, proposals which raise important or novel issues of development control, and/or legal difficulties and proposals of major significance for the delivery of the Government's climate change programme and energy policies.

1.4 In the lead up to the Inquiry I held a Case Management Conference (CMC) on 12 December 2023 with the main parties to the appeal. At the CMC the procedure for the Inquiry; the likely main issues; and the Inquiry programme were discussed.

1.5 There were originally 2 reasons for refusal. A copy of the Decision Notice can be found at CD1.4.1.

1.6 Following the submission of a Statement of Common Ground (SoCG) (CD2.4.1) in the lead up period to the CMC, Cambridgeshire County Council (CCC) agreed to only contend the first reason for refusal (RfR) specified on the Decision Notice, concerning the landscape impacts disputed. The second stated reason for refusal being related to the 'perceived' health and well-being risks to local businesses and residents, was not pursued by the Council.

1.7 It was highlighted during the CMC itself and in post CMC correspondence, that a planning balance would still need to inform any decision irrespective of the RfR 2 being contended.

1.8 Therefore, whether there are any benefits associated with the scheme and if so, would they outweigh any potential harm(s), should any benefits or harm arise was a further aspect expected to be engaged in by the main parties. This would include consideration of 'perceptions' to health and wellbeing risks. Therefore, I have factored those circumstances into my overall recommendation.

1.9 The Environmental Statement (ES) has been reviewed by the Planning Inspectorate in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations). The Planning Inspectorate on behalf of the SoS agrees that Proposed Development falls within Schedule 1 (9) and as such is considered EIA development.

1.10 The Appellant submitted an Environmental Statement (ES) to the CCC. The Planning Application was submitted to CCC as the waste planning authority on 22 June 2021 and validated on 19 July 2021 under reference CCC/21/088/FUL. Two Regulation 25 requests for further information were subsequently issued by CCC on 21 October 2021 and 08 June 2022. These requests have been submitted with the ES addenda as Appendix 1 Core Document (CD) CD1.1.3A. The requested further information resulted in an addendum to the ES and a subsequent second addendum. This is found in CD1.1.2 to CD1.1.4.

1.11 I am satisfied that the ES was produced in accordance with the 2017 EIA Regulations, and the information produced has been taken into account in preparing this Report. All other environmental information submitted in connection with the appeal, including that arising from questioning at the Inquiry has also been considered.

1.12 In addition, during the Inquiry an application for costs was made by Envar Composting Ltd against CCC. This application is the subject of a separate Report recommendation.

2.0 The Appeal Site and Surroundings

2.1 The appeal site is approximately 8.91 hectares in size and is located towards the southwestern most part of the Parish of Somersham.

2.2 The wider Envar site (the appellant's land holding as a whole) covers approximately 18.5 hectares. The majority of the site is in use, with planning permission, and under an environmental permit for in-vessel and open windrow composting, waste transfer and waste drying.

2.3 Close to the northwestern boundary of the appeal site is the B1086 (St Ives Road). There is a further road, 'The Heath', which runs between Woodhurst and Bluntisham located to the southwest.

2.4 A range of uses nearby are set out in Section 6 of this report.

2.5 In terms of surrounding settlements, the appeal site lies around 3 kilometres (km) southwest of Somersham village. Bluntisham is approximately 2.5km away, with Woodhurst village in the order of 1.5km to the northwest and Pidley-cum-Fenton settlement roughly 2.5km to the north, and St Ives a similar distance roughly southwards.

3.0 Planning Policy

National policy

3.1 The 2023 revised National Planning Policy Statements (NPSs) came into force on 17 January 2024. Whilst the NPSs are for the delivery of Nationally Significant Infrastructure Projects, their policy content is a material consideration.

3.2 The Government's Overarching NPS for Energy (NPS EN-1) incorporates national policy for delivering energy infrastructure:

- At Paragraph 3.3.37 EN-1 states that *Energy from Waste (EfW) plants operate at over 90 per cent availability but also produce residual carbon emissions, due to the presence of fossil-based carbon which exists alongside the biodegradable materials in the waste.*
- Paragraph 3.3.38 identifies that: *The principal purpose of the combustion of waste, or similar processes (for example Advanced Conversion Technologies (ACTs) such as pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy[1] and to recover energy from that waste as electricity, heat or fuel. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery. This is to ensure that environmental impacts are minimised, and that the resource value extracted is maximised.[2]*
- Paragraph 3.3.19 goes on to say *Given the changing nature of the energy landscape, we need a diverse mix of electricity infrastructure to come forward, so that we can deliver a secure, reliable, affordable, and net zero consistent system during the transition to 2050 for a wide range of demand, decarbonisation, and technology scenarios.*
- Paragraph 3.3.41 *Energy recovery from residual waste has a lower Green House Gas (GHG) impact than landfill with the possibility for reducing emissions if plants are equipped with CCS. The amount of electricity that can be generated from EfW is constrained by the availability of its feedstock, which is set to reduce further by 2035 because of government policy.*
- Paragraph 3.3.42 *EfW is only partially renewable due to the presence of fossil-based carbon in the waste. Only the energy contribution from the*

[1] Waste Hierarchy as set out in regulation 12 of the Waste (England and Wales) Regulations 2011

[2] 52 Our waste, our resources: a strategy for England. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

biogenic portion is eligible for renewable financial incentives. If the waste is pre-treated to separate out the biogenic fraction, then this can be considered wholly renewable.

3.3 The NPS for Renewable Energy Infrastructure (EN-3), Section 2.7 refers to biomass and waste combustion in detail:

- Paragraph 2.7.2 states that *In accordance with the waste hierarchy[3] Energy from Waste (EfW) also plays an important role in meeting the UK's energy needs. Furthermore, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales.*
- Paragraph's 2.7.6 and 2.7.7 *note As the primary function of EfW plants is to treat waste, Applicants must demonstrate that proposed EfW plants are in line with Defra's policy position on the management of residual waste[4]. The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of residual waste treatment at a national or local level.*
- Paragraph 2.7.42 identifies *EfW plants need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy.*
- Paragraph 2.7.43 then specifies that *Applicants should undertake an assessment of the proposed waste combustion generating station, examining the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant Waste Local Plans, or plans where a proposal is likely to involve more than one local authority.*
- Paragraph 2.7.44 sets out that *Applicants should set out the extent to which the generating station and capacity proposed is compatible with, and supports long-term recycling targets, taking into account existing residual waste treatment capacity and that already in development.*
- Paragraph 2.7.46 goes on to state that *The results of the assessment of the conformity with the waste hierarchy and the effect on relevant waste plans should be included in the application to the Secretary of State.*

Waste Management Plan for England

3.4 The Waste Management Plan for England (2021) and its associated documents, together with local authorities' waste local plans seek to ensure that waste management plans are in place for the whole of the UK. The Plan focuses on waste arisings and their management. It provides analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of Waste (England and Wales) Regulations 2011. It also sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

[3] Waste hierarchy as set out in Regulation 12 of the Waste (England and Wales) Regulations 2011, and also see Section 5.15 of EN-1
[4] 2021 Waste Management Plan for England p.45: https://www.gov.uk/government/publications/waste-management-plan-for-england-2021

Defra Energy from Waste Guide

3.5 Defra's Energy from Waste Guide (2014) sets out more guidance on the delivery of energy from waste facilities. It highlights key environmental, technical, and economic issues concerning energy from waste. The guide provides support for the further expansion of energy from waste to manage waste which cannot be recycled.

National Planning Policy for Waste (NPPW)

3.6 Paragraph 1 of the NPPW includes the following as playing a role in delivering the country's waste ambitions through: delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities; providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle; helping to secure the re-use, recovery, or disposal of waste without endangering human health and without harming the environment; and ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

3.7 Paragraph 7 states that "When determining planning applications, waste planning authorities should: only expect 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. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need; recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy; consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies; ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

The National Planning Policy Framework (The Framework)

3.8 The Framework confirms the presumption in favour of sustainable development. Sustainable development has three overarching objectives (economic, social, and environmental), which are interdependent and need to be pursued in mutually supportive ways.

3.9 Paragraph 11 pf the Framework states that: *Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.

National Planning Practice Guidance (NPPG)

3.10 NPPG is also a material consideration and the content most relevant to the consideration of this planning application are the sections on Air quality, Climate change, Natural environment, Renewable and low carbon energy, and Waste.

The Development Plan

3.11 The development plan comprises the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (MWLP) and the Huntingdonshire Local Plan (adopted May 2019) (HLP).

3.12 The most relevant MWLP policies in relation to this appeal are:

- Policy 1: Sustainable Development and Climate Change
- Policy 3: Waste Management Needs
- Policy 4: Providing for Waste Management Needs
- Policy 10: Waste Management Areas (WMAs)
- Policy 17: Design
- Policy 18: Amenity Considerations
- Policy 20: Biodiversity and Geodiversity
- Policy 21: The Historic Environment
- Policy 22: Flood and Water Management
- Policy 23: Traffic, Highways and Rights of Way Policy 24: Sustainable Use of Soils
- Policy 25: Aerodrome Safeguarding
- Appendix 3: The Location and Design of Waste Management Facilities

3.13 The most relevant HLP policies in relation to this appeal are:

- LP2 Strategy for Development
- LP5 Flood risk
- LP10 The Countryside
- LP11 Design Context
- LP12 Design Implementation
- LP14 Amenity
- LP15 Surface Water
- LP16 Sustainable Travel
- LP17 Parking Provision and Vehicle Movement
- LP19 Rural Economy
- LP29 Health Impact Assessment
- LP30 Biodiversity and Geodiversity
- LP31 Trees, Woodland, Hedges and Hedgerows
- LP34 Heritage Assets and their Settings
- LP35 Renewable and Low Carbon Energy
- LP36 Air Quality
- LP37 Ground contamination and groundwater pollution

Other relevant legislation and guidance

3.14 Relevant legislation applicable includes the Industrial Emissions Directive 2010/75/EU and revised Waste Framework Directive 2008/98/EC which have been transposed into English legislation through the Waste (England and Wales) Regulations 2011, as well as national policy on waste as set out within the Waste Management Plan for England (2021). The EU Withdrawal Act 2018 maintains established environmental principles and ensures that existing EU environmental law will continue to have effect in UK law, including the Industrial Emissions Directive (IED) and BAT Conclusion Implementing Decision made under it.

3.15 The principle of self-sufficiency and proximity is set out in paragraph 4 of Part 1 of Schedule 1 of the Waste (England and Wales) Regulations 2011. This is within the context of the requirement to establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households including where such collection also covers waste from other producers.

3.16 The network must enable waste to be disposed of, and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies. This is to ensure a high level of protection for the environment and public health. The network must also be designed to enable the UK to move towards self-sufficiency in waste disposal and the recovery of mixed municipal waste from households considering geographical circumstances or the need for specialised installations for certain types of waste.

3.17 Additionally, the 'waste hierarchy' is a legal requirement in England, as set out in the Waste (England and Wales) Regulations 2011. The waste hierarchy ranks the options for waste management. Priority goes to preventing the creation of waste in the first instance, followed by preparing waste for reuse, to recycling, and then recovery including by incineration where there is energy

recovery. Disposal via landfill for example, or incineration without energy recovery, are regarded as the worst options within the hierarchy.

3.18 The 2011 Regulations require all parties involved in waste management and waste producers to, on the transfer of waste, take all reasonable measures to apply the priority order in the waste hierarchy except where for specific waste streams departing from the priority order is justified by lifecycle thinking on the overall effects of generating and managing the waste.

3.19 Regulators under the Environmental Permitting (England and Wales) Regulations 2016 must exercise their relevant functions (such as granting environmental permits) for the purpose of ensuring that the waste hierarchy is applied to the generation of waste by a waste operation. To assist people implementing the waste hierarchy duty, Defra produced separate guidance.

3.20 Defra have also published guidance on applying the waste hierarchy to hazardous waste but although the waste hierarchy applies to healthcare waste this is discussed elsewhere in the Department of Health's Health Technical Memorandum 07-01: Safe management of healthcare waste. The document refers to focus on the waste hierarchy through procurement practices, and the elimination, minimisation, recycling, and recovery of waste. Defra have produced statutory guidance specific to food waste: Food and drink waste hierarchy: deal with surplus and waste (updated, 1 April 2021).

3.21 Furthermore, the Environment Act 2021 includes the requirement for a long-term target to be set in the following priority areas: air quality, water, biodiversity and resource efficiency and waste reduction. Most of Part 3: Waste and resource efficiency is in force. As of 12 February 2024, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Nonetheless, if a planning application for a development was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG.

Other Planning Documents

3.22 Huntingdonshire Landscape and Townscape Supplementary Planning Document (SPD) (March 2022).

4.0 Planning History

4.1 The following planning application reference number history has been detailed by CCC and is accepted by the main parties as relevant context to inform the appeal:

- H/1011/92/CW - Composting to produce a peat substitute from organic vegetable waste (Granted 08/12/1993 – not implemented);
- H/0739/94/CW - Extension to composting building (Granted 11/10/1994);
- H/5023/02/CW - Concrete apron for the preparation of green waste (Granted 07/11/2002 – not implemented);
- H/5005/04/CW - Extension of an existing building to enclose 8 existing composting tunnels; composting of organic feedstocks to produce compost for

agriculture, horticulture, and landscaping; establishment of ADAS Composting Research Project (Granted 15/07/2004 subject to S106 agreement dated 14/07/2004 restricting the catchment area from which waste may be drawn);

- H/5021/05/CW - Change of use of Heath Tops from residential to part residential and part educational facility and offices (Granted 12/12/2005);
- H/5003/06/CW - Replacement building to contain four enclosed composting tunnels (Granted 22/05/2006);
- H/5000/07/CW - Erection of semi-permanent office building (Granted 12/06/2006; temporary permission expired 30/04/2012);
- H/5001/07/CW - Plant to treat wastewater from composting site (Granted 26/03/2007);
- H/5002/07/CW - Cladding of open barn to provide enclosed composting building (Granted 26/03/2007);
- H/5005/07/CW - Extension of concrete pad for maturation of compost (Granted 11/04/2007 – not implemented);
- H/5015/09/CW - Erection of three composting tunnels and waste reception building (Granted 14/09/2009 – not implemented);
- H/5037/09/CW - Variation of condition 7 of H/05005/04/CW to state "No vehicle shall enter or leave the site except between the hours of 0700 and 1800 Mondays to Fridays except Public Holidays and 0700 and 1330 on Saturdays. Working on site shall take place between the hours of 0700 and 1800 on any day of the week" (Granted 04/01/2010);
- H/5021/11/CW - Demolition of old composting tunnels and ancillary structures; extension to waste reception building; new building to house new composting tunnels, bio-filters & manoeuvring area; covered link to connect buildings; relocation of weighbridge & office; alteration of access to B1086 (Granted 19/04/2012);
- H/5003/12/CW - Extension of concrete pad for maturation of compost with drainage balancing lagoons, reed bed; perimeter earth bunds screening (Granted 07/06/2012);
- H/5000/14/CW - Erection of four-metre-high litter-net fencing (Granted 16/05/2014);
- H/5001/14/CW - Construction of a wastewater lagoon, additional discharge tank to waste-water treatment plant and buffer tank for rainwater harvesting (part retrospective) (Granted 11/09/2014);
- H/5004/17/CW - Section 73 planning application to develop land without complying with condition 7 of planning permission H/05037/09/CW (Variation of Condition 7 of planning permission H/5005/04/CW: Extension of an existing building to enclose 8 existing composting tunnels; composting of organic feedstocks to produce compost for agriculture, horticulture and landscaping; establishment of ADAS Composting Research Project) to extend the hours of operation including vehicle movements to 0500 to 2200 hours daily (Granted 08/11/2017);
- H/5005/17CW - Change of use of existing building (no. 16 on Existing Site Layout Plan) and adjacent land from composting and maturation of compost to recovery of waste in biomass boilers, drying waste, storage of biomass and drying material and bulking up and shredding waste wood (part retrospective). Erection of two external flue stacks and two biomass feed hoppers (retrospective). Extension of concrete hardstanding (retrospective). Erection of storage bays and two drying material hoppers. Change of use of existing building (no. 11 on Existing Site Layout Plan) from composting to composting and waste transfer. Change of use of part of existing building (no. 10 on

Existing Site Layout Plan) from composting to food waste transfer. Extension of perimeter earth bund. Installation of an internal roadway. Installation of two weighbridges and a weighbridge office (Granted 08/11/2017);

- H/5006/17/CW - Section 73 planning application to develop land without complying with condition 2 of planning permission H/05003/12/CW (Extension of concrete pad for maturation of compost with drainage balancing lagoons, reed bed; perimeter earth bunds [for] screening) to extend concrete pad into area of balancing lagoon office (Granted 08/11/2017);
- H/5007/17/CW - Section 73 planning application to develop land without complying with conditions 2 and 5 of planning permission H/05021/11/CW (Demolition of old composting tunnels and ancillary structures; extension to waste reception building; new building to house new composting tunnels, biofilters & manoeuvring area; covered link to connect buildings; relocation of weighbridge & office; alteration of access to B1086) to allow alternative access arrangements office (Granted 08/11/2017); and
- H/5005/17/CW/N1 – Non-material amendment to the site layout plan to allow changes to the position of the internal access road, earth bund, weighbridges, and weighbridge office (Granted 04/05/2018).

4.2 The appellant has also submitted a planning application to the Council under reference CCC/23/093/FUL for the construction of a waste transfer station and a biomass building, four fire water holding tanks, wastewater treatment plant and new surface water attenuation lagoon. The application was validated by CCC on 25 August 2023 and has not yet been determined.

5.0 The Proposals

5.1 The main elements of the appeal development proposed are shown on the proposed Site Layout Plan (CD1.2.7 - Proposed Site Layout Plan /drawing reference GPP-E-CWH-21-03 Rev 15), and are the following:-

a) Dry anaerobic digestion (AD) facility;
b) Waste transfer station;
c) Healthcare waste energy recovery facility (ERF);
d) Pellet fertilizer production facility (PFPF);
e) Woodchip biomass fuel storage building;
f) Vehicle refuelling station;
g) Four replacement surface water storage lagoons;
h) Extension to concrete pad; and a
i) Car park extension.

5.2 As part of the appeal scheme the submitted Landscape and Ecological Enhancement Plan (CD1.2.8) shows that: the existing bunds on the east, southeast, north and northwest boundaries of the site would be improved with planting of 1073 linear metres of native trees; 121 metres of hedge with native hedgerow trees planted around the proposed clean water storage lagoon; 160 linear metres of native privet hedge on the St Ives Road boundary; 150 native trees in a belt between the proposed surface water storage lagoons and the proposed waste transfer and PFPF buildings; 133 linear metres of native privet hedge and trees at Heath Tops car park; as well as Wildflower planting around the clean water storage lagoon.

a) Dry AD facility

5.3 This would be developed on the site of some of the existing in vessel composting infrastructure roughly at the centre of the site. Four existing buildings would be retained, the existing tunnels would be demolished and replaced by digesters and a biofilter.

5.4 The proposed digesters (combined) would measure in the order of 37m by 24.5m metres and 11m in height. Dry AD uses minimal mechanical sorting, and the digestion process takes place from waste in its solid form whereas in wet AD the waste is first turned into a pulp prior to being processed.

5.5 The proposed AD plant is expected to process approximately 70,000 tonnes per annum (tpa) of co-mingled food and green waste through the introduction of anaerobic bacteria. Heat from the proposed ERF would power the biological processes. Electricity would be provided by two 1MW combined heat and power units. The outputs would be bio-methane and digestate. The bio-methane would be pressurised, cleaned, and fed into the gas grid via an underground pipeline or used on site as a fuel for road-going vehicles.

5.6 Approximately 50,000tpa of nutrient-rich 'digestate' would be dried using heat from the proposed ERF to create a product for use as a fertilizer and soil improver.

5.7 The green and food waste would be delivered daily between 5:00am and 22:00pm and deposited in the reception building. The dewatering, drying and storage would be within a sealed and enclosed building. Other infrastructure would be a biomethane storage tank, three liquid waste tanks, two emergency flares, a biogas upgrade unit, and a grid entry unit. The process and plant would operate 24 hours per day, 7 days per week.

b) Waste transfer station

5.8 Existing waste transfer operations would be moved to a new building in the northwest sector of the site. The steel portal framed building would be 70m by 40m in footprint, and 10m in roof ridge height. The roof would be covered in solar panels.

5.9 Waste would be offloaded in the reception bay then moved to separate storage bays within the building. Cardboard, paper, and packaging would be baled. When sufficient material has been accumulated it would be loaded into HGVs in a covered bay at the side of the building for export off site for processing. Suitable wood would be used in the biomass boilers and green and food waste in the proposed dry AD plant.

5.10 The throughput would be 20–25,000tpa of commercial and industrial waste (including cardboard, plastics, metal, paper, and wood) as well as construction and demolition waste (including rubble, hardcore and general municipal waste streams). It is proposed that waste would be drawn from the catchment area specified in 'Condition 5' of planning permission H/5005/17/CW, specifying not less than 40% by weight from the East of England region. The hours of operation would be 5:00am to 22:00pm daily.

c) Healthcare waste energy recovery facility (ERF)

5.11 This entails a steel frame building measuring 53m by 39m and 10m s in roof ridge height. It would have dark green box cladding for the walls and the roof dark grey in colour.

5.12 A chimney stack also part of the proposal would be approximately 26m in height and 1.07m diameter and coloured light grey. It would be located to the north of the proposed dry AD facility, partially on the site of an existing surface water lagoon.

5.13 The design capacity of the plant would be able to deal with waste at 2 tonnes per hour. Inputs would be up to 12,000 tpa comprising of the following waste typologies as confirmed in the appellant's Planning Statement (June 2021) (CD1.1.2):

- Health care waste– produced by organisations providing health and social care or in a person's own home where health and social care is provided.
- Hazardous waste – includes waste matter that can cause harm to the environment or human health e.g., medicines, needles, dressings.
- Hygiene waste – non-clinical but contains body fluids such as outer dressings and gowns; medicines that can no longer be used or items contaminated with medicines.
- Law enforcement confiscated material waste – such as tobacco, alcohol, firearms, and prohibited drugs.

5.14 The appellant makes the case that the waste would be sourced within Cambridgeshire and Peterborough, as far as possible and around 40% from the East of England region.

5.15 The waste would be delivered predominantly in light goods vehicles and vans at a rate of around 1 to 2 vehicles per hour. Bulk loads in articulated lorries would be unlikely to exceed 2 per day.

5.16 The waste would be in sealed bags or containers which would be manually loaded into the container management system within the building using a forklift or grab. It would then be emptied into the feed hopper then mechanically fed into the primary combustion chamber. The containers would be transferred to the container wash for disinfection. Liquid waste would be injected into the treatment process. Within the primary combustion chamber the waste would pass over two hydraulically driven hearths. Approximately 2 tonnes per day of 'incinerator bottom ash' (IBA) would be collected, quenched, and stored in a sealed skip for export off site for disposal or recycling if the relevant criteria are met.

5.17 As well as IBA, air pollution control residues would be collected (approximately 28 tonnes per month). Like the IBA it would be placed in a sealed skip for export off site for disposal.

5.18 Hot gases produced from the primary combustion chamber would be transferred to a secondary combustion chamber for oxidisation at the

necessary temperature and residence time. The hot gases would then be transferred to the waste heat boiler. The steam from the waste heat boiler would be used to generate electricity for use on site and export. Heat would be used in the proposed dry AD plant and in the proposed pellet fertilizer production facility.

5.19 The combustion process involved would be 24 hours per day, 7 days per week. Deliveries of waste would occur between 5:00am and 22:00pm.

d) Pellet fertilizer production facility (PFPF)

5.20 The PFPF entails a steel portal framed building measuring 70m by 40m in footprint and 11m in roof ridge height. The roof would be fitted with solar panels. The box profiled cladding forming its walls would be dark green in colour and the roof would be light grey in colour.

5.21 The PFPF would be located between the proposed healthcare ERF building and the existing biomass boiler and dry product storage building, on the footprint of two surface water lagoons in the centre of the site.

5.22 Some of the organic output of the dry AD plant would be transferred to the PFPF where it would be combined with ammonia and CO_2 to produce a fertilizer product which would be in granular form.

5.23 The process described would capture CO_2 from sources such as combustion flue gases and biogas separation. The CO_2 would then be used to stabilise the ammonia. The heat that would be used would be sourced from other on-site processes.

e) Woodchip biomass fuel storage building

5.24 The woodchip biomass storage building proposed would be to the north of the proposed PFPF. It would be a steel portal framed building measuring 70m by 40m in footprint and 10 metres in roof ridge height. The roof would also have solar panels. The walls would entail box profiled cladding in dark green and the roof would be light grey.

5.25 Delivery of wood chip would take place between 5:00am and 22:00pm daily. Shredding activity would take place between 07:00am and 18:00pm daily. The building is stated as being required as because the 20–25,000 tpa biomass (wood chip) that is used to fuel the existing biomass boilers is currently stored outside where its quality can deteriorate.

f) Vehicle refuelling station

5.26 The appeal development includes the installation of a compressed natural gas (CNG) refuelling station to the northeast of 'Entrance 1'. The biogas produced by the proposed dry AD plant would be capable of being used as an alternative to diesel in the applicant's fleet of commercial vehicles. It would be stored in a vessel situated close to the dry AD facility. A small-scale compressor would be located close to the proposed refuelling station.

g) Four replacement surface water storage lagoons

5.27 In order to build the appeal scheme, the sites of three existing surface water lagoons would be built over (this is to construct the proposed healthcare waste ERF and the proposed PFPF).

5.28 Four new lagoons would be constructed at the north of the site, parallel with the boundary with the former mushroom farm. One lagoon would be for 'clean' water collected from the roofs and roads and the remaining three would be for 'dirty' water from waste treatment areas for subsequent treatment for reuse on site or discharge off site under a licence. A replacement water treatment plant would also be installed between two of the new lagoons.

h) Extension to concrete pad

5.29 The extension to an existing concrete pad is shown on drawing no. 0001 Rev P01 dated 26.11.21 presented as Appendix D of Drainage Strategy for Surface Water at Envar (referred to in Planning Statement Addendum Appendix 5, 1 March 2022) and has been considered in the appellant's Flood Risk Assessment.

5.30 The proposed new hardstanding would be on the land immediately to the southeast of the proposed surface water storage lagoons and the adjoining north-easterly offshoot of the Envar land holding. The pad would allow increased hardstanding space for existing site operations.

6.0 Matters agreed between the main parties

Surrounding area

6.1 The immediate context of the appeal site is mostly rural in nature, but with some non-agricultural enterprises as well as traditional agricultural businesses and some isolated dwellings.

6.2 The following uses are located at the approximate distances from the Planning Appeal boundary (the nearest point from the red line site boundary):

- Mr Anderson's new warehouse building (former mushroom farm) approximately 25m from the northern appeal site boundary
- A Travellers' Site, approximately 50m from closest northwest boundary of the appeal site;
- The Raptor Foundation (with a mix of uses/sui generis uses) is approximately 90m to the northwest, the associated residential property approximately 55m to the northwest. There are also three dwellings to the northwest;
- M R J Joinery is located approximately 2250m to the southwest on Somersham Road;
- A & S Fenner Ltd (a bathroom supply shop) is located approximately 570 metres to the southwest on Somersham Road;
- Apex Brick Slips is located approximately 705m to the southwest on
- Somersham Road;

- The boundary of Colne Heath Farm is located 310m to the east of the appeal site boundary with the chicken shed 550m to the east of the appeal site boundary;
- Bridge Farm is located 670m from the site;
- Silks Farm Nursery and Pre-School is located approximately 505m to the north of the appeal site boundary;
- Cuckoo Bridge Nursery and Farm Shop is located approximately 1.05km to the north of the appeal site boundary on the B1086 St Ives Road;
- The orchards of Heath Fruit Farm are approximately 1.8km to the east;
- Bluntisham Recycling Centre is located on Bluntisham Heath Road at a distance of 750m to the southeast. The Bluntisham Recycling Centre is a household waste recycling centre and operates under environmental permit number BB3700MM);
- The Grey Recycling facility is located on Bluntisham Heath Road approximately 1,200m to the southeast. The Grey Recycling facility is a copper granulation plant and operates under standard rules site permit 'SR2008 No 3: 75kte household, commercial and industrial waste transfer station' with treatment.
- Other activities operating under environmental permits in the vicinity include intensive poultry farms, and restoration activities including Mick George Ltd's inert restoration of the old railway cutting to the north of the Envar Site.

6.3 Additional points of agreement about the site and surrounding area include:

- The landscape around the Envar Site has no particular designation.
- There are no SSSIs within 3km (and no European protected sites).
- With the exception of two milestones, there are no designated heritage assets until over 1km from the Envar site.
- The Appeal Site is located in Flood Zone 1 which represents the lowest probability of flooding at a 1:1000 annual probability.
- No Public Rights of Way (PRoW) are physically affected by the Appeal Site.

Current operations on the Envar site and employment

6.4 The principal element of the current waste management operations is the composting of green waste and food waste. The first stage of the composting process is in-vessel, in tunnels, with the air released treated by biofilter. Once treated 'in-vessel' the compost is matured in open windrows on the hardstanding areas, with regular turning.

6.5 The Envar site also operates as a waste transfer station where small loads of various waste streams are bulked up for transfer to specialist waste management facilities for treatment or disposal.

6.6 There are also two small-scale biomass boilers with a thermal capacity of 999kW and which use wood as a feedstock. Surface water from the waste processing and compost maturation areas is collected in a series of attenuation lagoons. A wastewater treatment plant processes the surface water to enable it to be discharged to the local watercourse in accordance with a discharge consent issued by the Environment Agency.

6.7 The current planning permissions limit the quantity of waste that may be accepted at the site to 200,000 tonnes per annum (tpa) by condition. The number of vehicle movements is not directly controlled by the planning conditions. However, the throughput limit does in effect limit the amount of traffic that would be generated. The permitted hours of operation are:

- Vehicle access 05:00am to 22:00pm daily;
- Plant and machinery outside buildings 05:00am to 22:00pm daily;
- Shredding outside buildings 07:00am to 18:00pm daily.

6.8 The Envar Site currently employs over 40 personnel on site (some employees are transient across different sites). The proposal is expected to generate 22 full time new employment positions. During the determination of the application by CCC some 30 employees were stated as being in full time employment. Since that time the Appellant has taken on additional staff with 50 employees employed at the Envar site, as confirmed during the appeal.

7.0 The Case for Envar Composting Limited (the appellant)

7.1 This summary contains all material points in relation to Envar Composting Limited's case and is substantially based upon the closing submissions made. It is also taken from the evidence given on behalf of the appellant from other documents submitted to the Inquiry.

7.2 Given the planning balance arguments posed it is necessary in the appellant's view to firstly acknowledge the appellant's case made in relation to the principle of the development in the location proposed.

7.3 Relevant local and national policy, guidance, and legislation combined seek sustainable waste management development as part of the effort to tackle climate change interests and broader environmental goals facing England. This begins with legislation,[5] and continues down through national and then local policy. In particular at a local level via, Minerals and Waste Local Plan (MWLP) Policy 1 'Sustainable development and climate change' (CD4.1.2), and through Policies 3 and 4 (reflecting the principles of net waste self-sufficiency, proximity, and the waste hierarchy)[6].

7.4 Such context is recognised in the Officer Report (OR) to CCC Planning Committee (CD1.4.2). At Paragraph 8.2 it states that, at national level '*There is a raft of legislation, policy and targets which seek to deliver more sustainable waste management and protect the environment.'* The OR then refers to the local level policies that reflect this underlying position.

7.5 The Envar Site, of which the appeal site is part of, is argued to be a sustainable waste management location for overarching reasons including:

[5] Such as the Waste (England and Wales) Regulations 2011, transposing the revised Waste Framework Directive (2008/98/EC), which at Schedule 1 enshrine the waste hierarchy and the principles of net waste self-sufficiency and proximity, or the Climate Change Act 2008 which, as amended, requires the UK to achieve Net Zero by 2050.
[6] As per Mr Whitehouse XX

- The site is almost all a Waste Management Area (WMA) designated by the MWLP Policy 10. The whole Envar Site falls within the WMA consultation area (CCC raises no issue regarding the only part of the proposal outside the WMA, namely the proposed lagoon area);
- It is nearly all previously developed land (PDL);
- It has a long history of waste management, including of the cutting-edge variety, which has led to the present built form and operational position, in accordance with various planning permissions over the years;
- It sits on the B1040 St Ives Road, which it is common ground is a busy main road (by reference to nature as well as volume of traffic);
- It is one of the few designated waste management sites in the waste planning area of sufficient size that it is possible to achieve the benefits of co-location, as CCC officers recognised OR in Paragraph 9.35 '*It is one of a few existing permanent waste management (non-landfill) sites within Cambridgeshire and Peterborough that is large enough to accommodate a range of waste management processes.'* and as CCC has itself acknowledged at the Inquiry[7];
- It sits in an undesignated landscape, which is not a "valued" landscape for the purposes of NPPF 180(a). Nor, pertinently, does CCC point to any of the "potential indicators of landscape value" set out by the Landscape Institute in the long Table 1 within the Institute's technical note 02/21 (CD5.1.8) as applying to this landscape[8]; and
- It is not in the setting of any designated heritage assets[9], nor does it harm any designated heritage assets.

7.6 MWLP is the waste-specific part of the development plan, and also the most recent (adopted 2021), whereas the Huntingdonshire Local Plan ("the HLP"), is concerned primarily with housing and employment, and is a 2019 document, the MWLP therefore has a particular status and relevance to the appeal.

Landscape and visual effects

7.7 It is accepted by the appellant that there will be some harm to landscape and visual amenity. The Landscape Visual Impact Assessment (LVIA) (CD1.1.3G) and the evidence of Catherine Bean (CB) (CD2.6.2, plus appendices) and Sean Bashforth (SB) (CD2.6.1, CD2.6.1 A & B) detail the nature of this harm. It is the degree of harm, which is the subject of dispute with CCC, and the significance of such harm in policy terms.

7.8 CCC raises no issue regarding the proposals landscape and visual impact except for the HERF chimney (the chimney). And whilst some members of the public had objected on the basis of the landscape/visual impact of the Proposals as a whole, the comments made to the Inquiry were focused on the effect of the chimney.

[7] Mr Whitehouse XX
[8] Mr Reynolds XX
[9] Mr Reynolds Proof 2.1.4 and Mr Whitehouse XX

7.9 In gauging the landscape and visual effects of the chimney, there is no challenge to CB's 4km study area (albeit Mr Paul Reynolds' (PR) additional 4 "viewpoints" he refers to are well within it). CB characterises the landscape of the 4km study area as semi-rural, due to its numerous, sizeable, and visible non-rural elements. Whereas for PR the landscape is simply rural/agricultural.

7.10 PR denies the relevance to characterisation of the 4km study area landscape of Wyton airfield and the St Ives urban extension, which are specifically identified as 'key characteristics' of the wider 'LCA3 Central Claylands' character area in the HDC Landscape and Townscape SPD 2022 ("the SPD")[10], which fall within the specific 4km study area (which study area represents some 20% of LCA3), and of which there is clear visibility.

7.11 This makes PR's the claim that the chimney would change to the entire character of the 4km study area unreasonable. This is because the vast and visible areas of non-rural/agricultural development at Wyton airfield and St Ives northern urban extension are maintained to be irrelevant to the character of the study area, yet a 1m wide 26m tall chimney, in accordance with Mr Reynolds evidence, would change its entire character. In the appellant's view this is simply implausible.

7.12 By contrast, CB on behalf of the appellant gives appropriate regard to the key characteristics identified by the SPD and to both the rural/agricultural and non-rural elements of the landscape, the latter including, of importance, the semi-industrial/industrial Envar Site itself and its immediate surroundings.

7.13 These sit within the wider semi-rural landscape of the 4km study area, marked by numerous other visible non-rural elements. But if the landscape becomes more rural as one moves from, for example, the B1040, equally the visibility of the Envar Site and the Proposals reduce.

7.14 Whilst land use in the 4km study area is predominantly rural/agricultural, the character is not simply rural/agricultural, due to the visible, sizeable, non-rural elements it contains. Thus, sometimes appearing industrial or semi-industrial.

7.15 The appellant highlights there is a lack of appreciation by CCC and Mr Reynolds of how far the chimney would be seen in the area based on the ZTV produced by CB.

7.16 CB has considered the sensitivity of the landscape to in accordance with Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3). The chimney will not change the character across the entire 4km study area landscape. Its landscape impact will be, as per CB's evidence, a moderate-minor one[11].

7.17 The chimney, viewed objectively, without consideration of its functional purpose or perceived harm to health implications, would be slender barely 1m

[10] CD4.2.2, page 73
[11] Mrs Bean Proof 4.2.22, affirmed EiC and ReX

wide and 26m high, and would be coloured unobtrusive grey (as per the cross-section for HERF, CD 1.1.9).

7.18 The chimney would appear as a thin and unobtrusive line, in an immediate context that already has non-rural, semi-industrial elements, and is not purely rural/agricultural in character. It would make little impression. Furthermore, the widely held view amongst interested parties that it would be accompanied by a regularly visible plume has no foundation. This is common ground with CCC.

7.19 Moreover, the landscaping that forms part of the appeal scheme, which includes sizeable belts of trees, would be a positive addition, meeting the aspirations of the SPD's 'looking forward' section, which PR misses from his assessment. Contrastingly, SB addresses this alignment with the SPD in his Proof[12], and rejected attempts in XX to derive some policy test based on harm from the SPD.

7.20 Although the appellant agrees there would be harm to landscape and visual amenity from the chimney, they argue it is an unavoidable part of the design of the appeal scheme allowing its overall benefits. The following associated points being underscored under that broad rationale:

(1) It is needed to address the local capacity need for some 15,500-24,000 tpa of healthcare waste and move healthcare waste up the waste hierarchy consistent with the principles of net waste self-sufficiency and proximity. Thus, the HERF has a compelling need.

(2) Equally, the HERF is integral to the benefits, including for example, the c.40,000 tpa of CO_2 equivalent climate change benefits, and to most usefully use the heat from the HERF, it is needed here on the Envar Site, situated by the dry AD and PFPF and the other site processes they draw on.

(3) The HERF requires a chimney of this height for the reasons explained by Dr Owen and Mr Othen which are not disputed by CCC.

(4) The chimney is a slender item and cannot be of a colour or materiality that is less obtrusive than is proposed, which would be secured by condition.

(5) The chimney has been sited centrally, in accordance with the pre-application advice to that effect.

(6) The landscaping scheme is doing all that it can, and Mr Reynolds does not depart from CCC officers' view that it is as good as can practicably be achieved (as per CCC OR, paragraph 13.43).

(7) The upper parts of the chimney cannot be screened by the landscaping, even once mature.

[12] Mr Bashforth Proof Paragraphs 5.25-5.26, (CD2.6.1)

Other alleged harms

7.21 As for the other alleged harms raised by interested parties the appellant makes the case that there is no evidential foundation to them, not least the allegations of harm to human health/well-being. The appellant also points to the fact that it is common ground between them and CCC there would be no such harm.

Benefits

7.22 There is no suggestion from CCC that the appellant could, or should, be doing something different to what it has proposed. The proposals would result in the following benefits:

- Put the 'wet' food and green waste presently processed by in-vessel composting ("IVC") and windrows to markedly better use, through dry anaerobic digestion ("dry AD"), producing significant amounts of biogas and a digestate that, combined with other elements, including from the dry AD and from the waste transfer station and the in-vessel/windrow composting still on site, will be made into a naturally derived pellet fertiliser in the pellet fertiliser production facility ("PFPF"). The biogas would replace fossil fuels and the pellet fertiliser will replace traditional fossil fuel produced (nitrogen, phosphorus, potassium) fertiliser, and offer additional environmental benefits (as Mr Cooper's evidence has explained[13]). Thus, moving waste up the waste hierarchy;
- Make the dry AD and PFPF processes, including the digestate drying process, work by providing heat from, the healthcare waste energy recovery facility ("the ERF" or "HERF"). The HERF would combust healthcare waste that cannot be recycled (owing to its nature), and which is presently either going out of area, or being treated without full energy recovery, or both;
- Through the HERF, this will see the healthcare waste kept 'in-area'. Supporting net waste self-sufficiency and the proximity principle, and addressing an identified present local capacity need of approximately 15,500-24,000 tonnes per annum (such figure is not disputed by CCC but, its planning witness Mr Whitehouse disputed that there is a present need);
- Further, by the HERF recovering its energy, the healthcare waste will be put to notably more productive use than the "baseline" position, thus also moving waste up the hierarchy and aligning with national support for recovery of energy from waste that cannot be recycled;
- Through the above co-located processes, plus a modest contribution from installation of rooftop solar PV, the Proposals will reduce greenhouse gas emissions by what Mr Othen in his evidence calculates as equating to in the order of 40,000 tonnes of CO_2 per annum;
- The biogas produced can be used to fuel the Appellant's fleet, displacing diesel, which Mr Cooper has explained, but which Mr Othen (conservative throughout in his assessment) has not allowed for;

[13] Mr Cooper's Proof, Rebuttal and EiC

- Make the existing biomass and waste transfer processes more efficient by placing them under cover in modern buildings, reducing (biogenic) energy spent on drying woodchip and allowing for mechanisation of waste transfer so reducing the use of (diesel powered) mobile plant, bringing further greenhouse gas reduction benefits (albeit unquantified by Mr Othen in his evidence, underscoring the conservatism in his calculations), as well as broader environmental benefits (e.g. noise, dust, odour impact).
- Reduce call on the potable water grid, bringing further (again unquantified) greenhouse gas reduction benefits;
- Allow for machinery, both fixed (such as the reception building shredder, or the screener at the end of the IVC/windrow process) and mobile (such as the windrow turner) to be powered by electricity or biogas, rather than diesel, bringing further (again unquantified) greenhouse gas reduction benefits;
- Create permanent jobs (as well as construction jobs and the inevitable increase in indirect jobs, assisted by the Appellant's "local first" policy).
- Improve biodiversity through landscape improvements, in particular through new tree belts);
- By reducing the quantity of waste going through the IVC/windrow process, not only reduce greenhouse gas emissions (noted above), but also reduce broader environmental impacts such as odour, noise, airborne dust/detritus, and steam plumes.

Overall planning balance conclusions of the appellant

7.23 In conclusion, the balance of harm from the chimney versus the benefits of the appeal scheme assessed against the development plan is argued as falling in favour of the appellant.

8.0 The Case for Cambridge County Council (CCC)

8.1 This summary contains all material points in relation to CCC's case and it is substantially based upon the closing submissions made. It is also taken from the evidence given on behalf of CCC and from other documents submitted to the Inquiry.

8.2 The landscape and visual effects on the locality, and the associated planning balance triggered are agreed by CCC to be the main issues.

Landscape and visual effects

8.3 It is the Council's case that the proposed chimney, as an industrial feature, would cause harm the landscape and visual amenity of the locality. As narrow as the chimney may be (1.07m wide), it will rise to 26m tall. Which is the equivalent in height of a 9-storey tower, sitting on high ground in a generally flat area.

8.4 In terms of the detailed assessment of landscape and visual effects identified by the Appellant, Catherine Bean (CB) confirmed in XX, the importance of GLVIA (Guidelines for Landscape and Visual Impact Assessment). Based on GLVIA guidance 'landscape' matters because it provides:

- A shared resource which is important in its own right as a public good;
- An environment for flora and fauna;
- The setting for day to day lives – for living, working and recreation;
- Opportunities for aesthetic enjoyment;
- A sense of place and a sense of history;
- Continuity with the past through its relative permanence and its role in acting as a cultural record of the past;
- A source of memories and associations, which in turn may contribute to wellbeing;
- Inspiration for learning, as well as for art and other forms of creativity.

8.5 The above themes identified were also broadly referred to in the representations made by members of the public before the inquiry. Moreover, CB agreed that it is important to start by establishing the landscape and visual baseline of the area.

8.6 There is little difficulty in CCC's view that a 26m high chimney/incinerator is an industrial feature. So, the question which then arises is what is the character of the existing area into which such a feature would be introduced.

8.7 CB agreed in XX, as per her methodology, that the baseline is an essential part of the exercise to establish (i) sensitivity (ii) magnitude of change (iii) and, therefore, the significance of effects. Thus, in the LVIA she identified compatibility as relevant to the sensitivity of the resource[14] and the degree of change (whether noticeable, or a change to character and appearance, etc.) as a key ingredient of magnitude of change.

8.8 Paul Reynolds (PR) (the CCC's Landscape Witness) maintains in his judgment this is a rural landscape; CB confirmed in her view that it should be regarded as semi-industrial, although she also mentioned semi-rural.

8.9 But either way, her disagreement with PR relied principally on identifying a series of features which, putting it neutrally for the purposes of submissions, she treated as non-rural.

8.10 CB agreed in XX that there is a nexus between rurality and the issue of tranquillity/remoteness. Turning to these features, many of them were first considered by her, in any detail, only in her Rebuttal evidence. The Council notes that this did not really qualify as 'rebuttal' evidence at all and ought to have featured in her main proof since industrialisation of the landscape had clearly and explicitly been identified as an issue in the Council's Statement of Case and she had already touched on the issue in her main proof.

8.11 CB regarded the size of buildings as indicative of whether they are a rural/agricultural or industrial feature. A building can be very large indeed but still read as a rural agricultural building. CB agreed that the design/materials of the building are also relevant. She also appeared to agree, that the nature of the activity matters too. This is clear, because although she seemed to want to make the point that what goes on inside a building is not relevant, CB

[14] LVIA para 3.2.19 (CD1.1.3G)

acknowledged that local people were more sensitive receptors than passing motorists and that one would expect local people to know what goes on at a local site.

8.12 Applying the rationale that the design/materials of buildings is a relevant factor as well as the nature of the activity, PR's approach is argued to be more persuasive: the glasshouses of Cuckoo Bridge Nursery and a poultry farm are clearly not "non-rural" features; the design and material used at existing buildings at the Envar site and the Woodhurst Farm site are rural/agricultural in appearance ; a caravan site is not out of kilter with a rural landscape ; a rugby club (including goal posts) is not out-of-place in a rural landscape; the brick merchants building and consideration of whether it is non-rural in appearance is also a factor.

8.13 CB in her evidence relies on the water towers (at a distance away) as supportive of tall structures being a feature of the existing landscape, but as PR explained water towers do not read as an industrial rather than rural feature.

8.14 As for the presence of a local airfield and local roads, consideration should be given as to whether these are indicative of a non-rural landscape. In respect of the airfield, PR made the point in XX that the airfield is on the outskirts of the study area and behind any views towards the Envar site. The landscape does not need to be a green wilderness in order to be considered rural. PR making the point that even if a landscape contains some non-rural features that does not mean that overall, it is not a rural landscape.

8.15 CB agreed in XX that in assessing a landscape baseline one goes first to the relevant national character assessment (in this case, NCA88) which covers a huge area, then to a district area assessment. In this case that comprises the Huntingdonshire Landscape and Townscape SPD. However, as CB confirmed in XX the 'study area' in her LVIA comprises only 20% of the Central Claylands Area, and most of the identified 'key characteristics' of the much broader Central Claylands area are plainly not material.

8.16 CB's criticisms of PR's approach to which of the key characteristics are relevant, are suggested to be unfair on the basis of what credible basis could PR be criticised for not identifying "Extensive cover of ancient woodland in the north-west" as a relevant characteristic when the site is not in the north-west.

8.17 CB agreed that it is necessary, as both she and PR had done, to drill down into establishing the character of the 'local' area, identified in the LVIA as a 4km radius from the appeal site, since the SPD is only a starting point.

8.18 With respect to CB's assessment of the residual landscape impacts she: i) did not set out anywhere (in spite of a failed attempt in re-examination to suggest that she did) her assessment of magnitude of change in landscape, which is one of the two inputs (sensitivity and magnitude of change) necessary under her matrix (Table 8 LVIA) to conclude on the overall impact; and ii) concluded that the residual impact was 'low', but this was not a term that bears any correlation to the terms referenced in her Table 8 matrix.

8.19 CB in XX was taken to her Table 8 matrix in order for her position to be understood. She had set out that she treated the sensitivity of the surroundings as "moderate". Since she had not set out her assessment of magnitude of change, she was taken to her categories of magnitude of change at 3.3.5 of the LVIA.

8.20 CB accepted what was obvious namely that on her own assessment the chimney would be a noticeable change and that it would affect several receptors, on which basis the magnitude of change would be moderate - the Council say higher.

8.21 Therefore, applying CB Table 8 matrix the impact would not be "low" whatever that equates to in her matrix but "moderate". And as per Table 9 in the LVIA this equates to: "Intermediate change in environmental or socio-economic conditions. Effects that are likely to be important considerations at a local level".

8.22 In terms of the conclusions on landscape visual impacts made by CB in Table 13. Of the 11 representative viewpoints selected for the LVIA, she concluded that, in her judgment, at completion the impact significance should be considered moderate from 6 viewpoints and major/moderate from a further 3 viewpoints (viewpoints 2, 3 and 5). This is striking, because in relation to 9 of the 11 representative viewpoints she considered the impact to be moderate or higher. PR having identified during the appeal process further viewpoints A, C, and D, CB also considered the impact from D to be major-moderate.

8.23 It should be noted that the representative viewpoints 2, 3, 5 and D which CB categorises as major/moderate adverse represent views are not clustered together but are views from all sides.

8.24 Through the explanation at Table 9 of the LVIA. The meaning of "moderate" is defined as "likely to be important considerations at a local level". However, CB has four representative viewpoints straddling "major", which she defines at Table 9 as: *Very large or large change in environmental or socio-economic conditions. Effects both adverse and beneficial which are likely to be important considerations at a regional or district level because they contribute to achieving national, regional or local objectives, or, could result in exceeding of statutory objectives and/or breaches of legislation.*

8.25 In the impact magnitude matrix at Table 8, CB recognises 6 categories of significance (major, major/moderate, moderate, moderate/minor, minor, not significant). In respect of four representative viewpoints (including D), CB assesses the adverse impact to be in Tier 2 out of 6 i.e., just below the greatest impact possible.

8.26 This raises the question as to whether the appellant has fairly represented the views of their own landscape and visual impact expert. This is because in opening the appellant suggests these impacts as only being described as 'modest' and including having regard to the proof by Sean Bashforth (SB).

8.27 On CB's analysis, the extent of harm is clear and is not fairly represented in the appellant's planning evidence. SB in his Proof[15] states that the chimney would have "little if any, landscape or visual impact".

8.28 The appellant has agreed with PR that the chimney would be visible from Viewpoints A, C and D, and has agreed with PR that from D the adverse impact would be major/moderate.

8.29 Had the appellant conducted a Zone of Theoretical Visibility (ZTV) at the application stage, Viewpoints A, C and D would have been in front of both officers and members. The appellant did not do one. But for PR, viewpoints A, C and D would have been missed and these demonstrated views from the south.

8.30 CCC make the argument that PR's baseline assessment is more persuasive and realistic. That overall, the character of the relevant area is rural and thus the introduction of the chimney is an out of character industrial feature.

8.31 The incinerator chimney would introduce an industrial feature into a rural landscape. As agreed by CB and set out earlier in these submissions, that issue affects the issues of sensitivity, magnitude of change, and consequently level of impact.

8.32 PR concluded (based on post-mitigation effects):

- The sensitivity of the wider landscape was moderate to high[16] (CB says Moderate);
- The magnitude of change resulting from the industrialisation of the rural landscape would be high[17]. This means, as per the LVIA at 3.3.5, that the proposal would completely change the character and/or appearance of landscape (for a long time or permanently), and would affect many receptors;
- Combining sensitivity with magnitude of change as per LVIA Table 8, the adverse impact would be major/moderate[18] (as defined at Table 9);
- As to visual impacts, he regarded the level of sensitivity to be high in Viewpoints 2, 6, 9, and D. (It is notable that PR regarded fewer viewpoints than CB to fall into the highly sensitive bracket. He took the view that the sensitivity of a further seven viewpoints is moderate);
- He regarded the adverse impact to be major/moderate in seven viewpoints, comprising 5 from the original 11 viewpoints (1,2,4,8, and 10) and viewpoints C and D;
- Of those 5 from the original viewpoints, he and CB were agreed on the level of sensitivity for all but View Point 10. And disagreed on the magnitude of change for all but View Point 2.

[15] At para 5.10
[16] PR Proof 4.1.12
[17] PR Proof 4.2.5
[18] PR Proof 4.2.5

8.33 Whilst CB and PR differ in their landscape individual judgments, they align on two key planning areas:

- Firstly, the extent of adverse landscape impact would not be lower than moderate, meaning that the changes are likely to be important considerations at local level; and
- Secondly, in the majority of representative viewpoints, the adverse impact would be moderate or higher. The extent of adverse visual impact would comprise a number of representative viewpoints from which the effect would be major/moderate, and others from which the effect would be moderate and thus of local importance.

8.34 Thus, the appellant cannot escape the fact that even on its own expert evidence the chimney would cause harm to the landscape and to visual amenity. The site sits in the countryside, and the countryside, in the Council's opinion, would be significantly harmed.

Perception of harm to health and well being

8.35 Perception of harm to health and wellbeing considerations (originally the subject of RfR 2) were agreed not to be advanced as a reason for refusal prior to, or during the Inquiry, nor do CCC through their planning witness Mr Chris Witehouse's (CW) evidence suggest that the proposal should be refused on this basis. But instead CCC raise the matter as a material consideration in the overall planning balance expected for the case.

8.36 In the weighing exercise, CW in his evidence attributes the matter 'limited weight' which is the lowest band in his scale above nil. It became apparent during the evidence of SB that the appellant accepts that this matter is a material consideration, having refused to agree this through the SoCG.

8.37 Dr Owen was wrong to suggest that in raising this matter in the way that they do, the Council was "waiving its findings"[19] in respect of the technical scientific evidence. It is the fact that CCC did and do accept that the risks are within acceptable tolerances which explains why the point is identified as a "perception".

8.38 The perception does exist as per the representations made in writing and by members of the public at the Inquiry. CW's Proof at paragraphs 5.5 to 5.11, seeks to group the various concerns in the following categories:-

- Perceived impact of consumptions of dioxins through food grown in the local area;
- Perceived impact of the development on children attending Silks Farm Nursery School;
- Perceived waste processing effects on health; and
- Perceived impact of traffic movement on noise and air quality.

[19] Dr Owen proof at para 4.2 (CD2.6.3)

8.39 Many oral representations were made during the Inquiry with evocative examples of local concerns to the appeal scheme. Including from Mr Bluff a local egg producer on Day 1 and from Natasha Marco on Day 6 on behalf of the local nursery.

8.40 The case of *Smith* (CD 5.1.13) has also been referred to bearing in mind the overall approach (a) there must be "some reasonable basis" (b) that is widely drawn, as SB accepted in XX (c) that falls short of evidence demonstrating that the risks stray beyond acceptable tolerances on the technical scientific evidence.

8.41 Although the Council accept that the risks are within acceptable tolerances, members of the public would have seen or are able to see the response at the application stage by the UK Health Security Agency that "it is not possible to rule out adverse health effects from these incinerators completely"[20] and Dr Owen's own evidence cannot eliminate the risks altogether however small they are. The issues being highly complex in nature as a further point.

8.42 Therefore, as to weighting triggered there is not a vast difference applied by CW and SB. CW's weighting of limited was consistent with the approach taken by Inspectors (as per the appendices to his proof) at the Northacre Energy Inquiry (decision letter dated 21st February 2023) and the Merchant Park Inquiry (decision letter 5th December 2022).

8.43 In the former, notwithstanding the Inspector finding there to be no objective justification he nonetheless gave the perception of harm to public health limited weight. SB oscillated on weight from "very little" in his Proof to "less than limited" in his Rebuttal to "slight" in oral evidence –but he appeared to accept in XX that since the band above Nil in his scale was "limited" that as he did not give the matter nil weight it had to fall within the limited band.

Conflict with the Development Plan and the Framework

8.44 The argument made by CCC is that the proposal breaches Policies LP2, LP10 and Policy 17 of the Development Plan. These policies include a reflection of paragraphs 135c and 180b of the Framework.

8.45 Specifically, 135c is mirrored by Policy 17(f) – save that 17(f) says "must" and 135c says "should" but it does not appear to be suggested by either party that there is a material difference in that; and 180b is mirrored by LP10b (with the same must/should observation) and in the strategic policy at LP2.

8.46 It is CCC's case that these breaches render the proposal in conflict with the plan overall, and the appellant accepts through SB that it is not a "numbers game" (i.e., how many policies are breached and how many are not). In relation to local policy interpretation issues raised by the main parties:

a) Policy 17(f) includes the words "while not preventing or discouraging appropriate innovation or change". If the proposal amounted to appropriate

[20] Dr Owen Proof at para 3.22 (CD2.6.3)

innovation or change, that does not mean that the policy should be read as if the requirement to be sympathetic to local character including landscape setting is removed, and SB in XX accepted that "part two" of 17(f) and equally 135c does not trump "part one";

b) Policy 17(h) relates to the requirement for a landscape enhancement scheme to demonstrate that the development can be assimilated into its surroundings and local landscape character. In this case it is common ground that the landscape enhancement scheme cannot screen the chimney (its upper parts) and it is obviously an issue between the parties based on the landscape and visual impact evidence whether or not the development (and in particular the chimney) would be assimilated – it is difficult to see how a development which both parties agree would result in adverse effects (i.e., harm) to the surroundings and landscape character can at the same time be said to assimilate with it;

c) If the scheme harms its surroundings in terms of landscape and visual impact, it is difficult to see how it can sensibly be argued that the proposal is at the same time sympathetic to local character including landscape setting;

d) The appellant appeared to suggest through XX of the Council, though their position was less clear through the evidence of SB, that LP10b (and the equivalent wording in LP2) should be read on the basis that a scheme should recognise the intrinsic character and beauty of the countryside only as far as possible. Such an approach provides a gloss to the policy which is simply not what the policy says. The hypothetical scenario was put to SB in XX of a scheme which by its nature could not recognise the character and beauty of the countryside and caused substantial damage to it, and whether such a scheme would not fall foul of 180b. SB did not seem to wish to engage with the question. The issue is whether a proposal does or does not recognise the intrinsic character and beauty of the countryside, not the extent to which it is able to do so;

e) 180b of the Framework and the corresponding local policies should not be read as if the fact that countryside is undesignated removes its protection[21];

f) LP10c can plainly include visual impacts within the meaning of "other impacts" if these would adversely affect the use and enjoyment of the countryside. It is clear that the adverse visual impacts identified by the landscape impacts sit hand-in-hand with use and enjoyment of the countryside for example where these impacts affect public rights of way. The appellant through SB takes a contrived approach to the interpretation of the policy based on his interpretation of the supporting text at 4.113 (and in any event supporting text should not be read as if it is policy[22]). The supporting text confirms "a proposal should not adversely affect the character and tranquillity of the countryside and should ensure that it will

[21] Cawrey at [49], CD 8.1.1
[22] R (on the application of Cherkley Campaign Ltd) v Mole Valley DC [2014] EWCA Civ 567

not give rise to impacts that would reduce the opportunities for others to use and enjoy the countryside, including for wildlife". This does not exclude visual harm which affects opportunities for local walkers to enjoy the countryside. The policy should be read based on what it states.

8.47 MWLP Policy 4 is not included within RfR 1 and the Council have not relied upon it as a breach. It is noted that the policy is a "not support" policy as distinct from a "breach of" policy. CCC have not sought to introduce Policy 4 into its objection against the scheme.

8.48 CCC's case is that the proposal specifically breaches Policies LP2, LP10b, LP10c, 17(f) and 17(h), as the breach of the development plan when considered overall. This engages the statutory s38(6) presumption in favour of the development plan.

Benefits

8.49 The appellant's Statement of Case (CD2.3.1) sets out the benefits in paragraphs 5.3 to 5.26, which are defined as:

1. Optimising the use of previously developed land and assisting net waste self-sufficiency. Analysis of this benefit within the Statement of Case is included in the consideration of need (at paraph 5.6).
2. Providing processes that move waste up the waste hierarchy.
3. Supporting the transition to a low carbon future.
4. Delivering efficiencies and sustainability benefits from co-locating waste facilities together.
5. Job creation.

8.50 All of the above have been treated as benefits by CCC. CCC subsequently reject the appellant's claims that these benefits have not been taken into account as baseless.

8.51 On the issue of need, CW as expert witness has considered: Addenbrookes Hospital incineration capacity. Including, that it is operating at around 85% of its overall capacity; that other Cambridge and Peterborough Hospital Trusts send their waste further afield; plus, the existing contractual arrangements in place and the unknown end date for renewal; and that clinical waste volume is expected to rise.

8.52 In respect to moving waste up the hierarchy; carbon savings; and co-location benefits the NHS Clinical Strategy 2023 sets out management practices and provision to reduce incineration requirements by 35%[23]. The Climate Change Committee Report (CD 5.1.6) highlights that growth of EfW plant is undermining efforts to reduce emissions. In other words, there is a balance between reducing waste volume and increasing incineration capacity.

8.53 Further balance factors are also noted by CCC in that: although there is a small proportion of total carbon savings from the appeal scheme it needs to be

[23] NHS Clinical Strategy 2023 Page 9

considered against a scheme which does not involve a 26m high incinerator chimney; a significant part of the green and food waste processed at the Envar site would still be reliant on fossil fuels (estimated by the appellant to be in the order of 40-50%); the total volume of waste which would be processed at the site would not increase; and the proposal would involve a higher amount of greenhouse gas emissions from the site, albeit it is recognised savings would be achieved on a wider scale.

Overall planning balance conclusion of CCC

8.54 Given chimneys impact, the Council argues the appeal scheme would lead to landscape and visual impact harm, also harm to the wider countryside, which amounts to significant harm. This effect would conflict with the development plan overall. Although the Council recognise the benefits which would flow from the proposal, those benefits are not of sufficient weight to displace the statutory presumption in favour of the development plan.

8.55 The view of CCC is that the assessed benefits do not outweigh the harm arising to the landscape and visual appearance of the area from the chimney and the conflict with the development plan that arises.

9.0 Interested Parties (who spoke at the Inquiry)

9.1 There were several interested parties who attended and spoke during the Inquiry, including persons speaking on behalf of the local community and businesses through organised groups. In tandem with the written representations, they raised issues related to (but not limited in extent to) the following matters:

Rt Honourable Mr Shailesh Vara Member of Parliament (MP) for North West Cambridgeshire

9.2 He referred to the magnitude and strength of the large-scale community protest to the appeal scheme in the decision-making process. Mr Vara also spoke about the visual impact of the chimney which would not be a moderate impact within a flat landscape. It would be harmful to the rural setting.

9.3 Dioxins and other pollutants that have the potential to harm human health are further important issues. The proximity of the development to surrounding uses such as: residents' homes, including the traveller site, businesses, farms, a local nursery, the Raptor Foundation (for rare birds and conservation as well as supporting people with special needs) are therefore important considerations.

9.4 The Local Plan for the area was referred to which sets policies for protecting the area against harms from visual impact, odour, and forms of pollution. In recognition of the aspirations, aims, objectives and policies of the Local Plan there needs to be the right outcomes for residents. The consultation process has been deficient in planning the scheme. The proposal subject to this appeal was alleged to be a step too far.

Steve Criswell – County Councillor (Cllr)

9.5 He raised amongst other things concern regarding the unlimited expansion of the existing use of the site. The sustainability of the scheme is questionable relative to local waste and notional energy generation on site; as well as adverse waste import implication from wider areas and the greening of NHS hospital waste incineration, being competing considerations.

9.6 Additionally, the site is already an 'eyesore' and does not assimilate into the landscape. It is an unwanted feature in the local landscape which the appeal scheme would unduly exacerbate. The chimney height, in particular, is unsympathetic to the area and contrary to the development plan policies.

9.7 The perception of harm to the wellbeing of residents is also a very important issue. It relies on the competence of the operator and regulator. No guarantee can be given the scheme is 100% safe to the public.

Andy Notman (Cllr) Chairman of Woodhurst Parish Council

9.8 Raised several concerns including about Conservation Area impacts and landscape issues in reference to local water towers and public viewpoints in the appellant's evidence.

Natasha Marko – spoke on behalf of the community action group People Opposing Woodhurst Incinerator (POWI) (who refer to ~3.4k objectors)

9.9 She identified a range of harms arising from the intensification of the use; the dominant visual impact of the changes; lack of need; co-location arguments; CO_2 emission implications per annum; and local plan interface; plus, that the site is already subject to flies, odour, and complaints regarding existing operations.

9.10 Silks Farm provides care to around 136 children including early years (and children and under 18 months old); the outdoor forest school provision was also referred to, teaching children 0.6km away; health and educational needs are vital alongside meeting Ofsted standards and the school helps to support the community with childcare and working parents' commitments.

9.11 Nitrogen and particulate matter have the potential to result in harm and lifelong disabilities; there are related traffic implications and health and safety risks from those relative to the service provision. There are overarching objections to the development on health and safety grounds alongside all other concerns raised by the community as a whole.

Jean Fairburn (local resident)

9.12 She referred in part to the perceived health effects and history of the site, including an alleged fire; the issues of toxins, air quality and human health; as well as the problems associated with monitoring measures, and monitoring being absent.

Colin Hammond (local resident)

9.13 Attendee of the Raptor Foundation. The Raptor Foundation provides a 'safe place' with quality-of-life benefits for the people who visit it, including mental health benefits. It also offers the chance for: weekly groups to meet; Duke of Edinburgh students; and work experience activities as social and educational benefits. He raised concerns in relation to birds and associated activities being curtailed by the development.

9.14 *Helen Thatcher (local resident)*

9.15 She referred to the concept of a successful place to live, work and visit which the scheme would be at odds with. The development would be visually prominent bearing in mind the high ground setting and topography, and that it would be out of balance with its surroundings. She referenced an alleged historic fire as a hazard and litter issues. Educational trips to the Raptor Foundation would be adversely impacted and the Foundation could close because of the proposed development of the Envar Site. She also referred to other shared residents' concerns such as the lack of road capacity, and air quality implications.

9.16 Local people identify the area as 'agricultural' with fields and orchards. The chimney would be alien in the skyline, it is not a natural feature whereas trees clearly are; residents regard the landscape and area as 'precious'; views of the appeal proposal would be a permanent blight on the landscape; landscape and on features that have been present for 100's of years and no-one would expect to see a 26m high chimney in such a location. Harm to Raptor Foundation birds was also referred to.

John Marsh (local resident)

9.17 He spoke about the development causing harm from increased air and environmental pollution levels, particularly bearing in mind the relative proximity of schools, the traveller's site, the settlements of Woodhurst and St Ives and surrounding farms. He also referred to perceived harm to health. Furthermore, although the chimney stack is said to be 26m in height such calculation is not based on 'firm' analysis, and it may need to be taller.

Kym Moussi (local resident)

9.18 The environmental permit regime and what is enjoyed currently was referred to, as well as the Environment Agency as regulator. In doing so matters concerning an asthma fatality case; World Health Organisation (WHO) objectives and particulates in the environment; pollution and air quality were mentioned. These issues being related to formal Health Impact Assessment and dealing with notions of health risk. The point was being made that even if relevant thresholds are adhered to, the scheme still has the potential to result in health and safety harm.

Phil Speaight (local resident)

9.19 Mr Speight referred to living around half a mile away from the Envar Site and the amenity impacts, noise, and disruption from ongoing site activities. He also referred to issues concerning vehicles and traffic, noting the baseline

movements mentioned by the appellant were recorded during national COVID lockdown periods; and highlighted a series of pollutants from waste management processes and the potential cancerous effects they can cause.

9.20 In addition, he made the overarching point that it is a human right/need to be able to breathe good quality clean air. He also referred to other shared residents' concerns about a historic fire at the Envar site as well as protecting nature and conservation interests of the area.

Alysoun Hodges (local resident)

9.21 Referenced Policy 18 of the MWLP and alleged conflict with that. Also, that the Raptor Foundation has a positive impact on people which should be considered and more should be done to support young peoples' lives and wellbeing.

Simon Bluff (business owner/resident)

9.22 Simon Bluff spoke about objections to the scheme as the owner of a local egg farm business. The concerns being the perceived effects of the development are a threat to local business in the area, including the egg production business. He referred to supermarkets not having confidence to buy produce from the area, and also mentioned local farming efforts and good work already done to restore the local landscape which would be eroded by the appeal scheme.

Elizabeth Blows (Raptor Foundation/resident)

9.23 Elizabeth Blows spoke on behalf of the Raptor Foundation raising wide ranging health and wellbeing implications. These included the impacts of pollutants on birds of prey and Raptor Foundation birds will be more vulnerable than wild birds and that dioxins and other pollutants in the environment were a major concern where scientific papers are pointing to harmful effects.

9.24 She made the point that birds have a more sensitive respiratory systems than humans and therefore the pollutants are likely to cause physiological harm to a greater extent, a point that she stated was endorsed by current scientific knowledge. Ultimately the appeal proposal would lead to increased pressure to close the Raptor Foundation, owing to the environmental changes and the presence of the proposed chimney.

Philippa Hope (local resident)

9.25 She spoke about the negative impacts on existing local businesses and that rural enterprise in the area would be harmed. The appeal proposal would have significant negative effects on the local community. Other more sustainable sites and options should be considered first given the proposals would lead to the loss of livelihoods and the strong objections of the community were considered to be appropriate reasons to reject the scheme.

Lorna Watkins (local resident)

9.26 She made points including: there being no targets for the healthcare waste disposed in reference to NHS Strategy 2023; there is contradiction in proximity and co-location arguments; the jobs created many not be accurate and there may be jobs losses in the local community; the waste management infrastructure proposed are normally on industrial sites rather than a rural location; the import and amount of healthcare waste (some 9000 tonnes in the first 5 years) is a concern; the close to source arguments should be questioned in real term waste miles; based on 60km figures the carbon assessment is questionable as further afield locations are referred to.

Charlotte Holiday (local resident)

9.27 She referred to wide ranging family and children health concerns for those people living nearby, noise and disruption during unsociable hours including from vehicle reversing beepers. It was alleged that out of hours work has taken place on the Envar site and that the site is subject to Environment Agency complaints as well as Police involvement following disputes about operational activity; light pollution; general neighbourly activity harmful to amenity; harm to agricultural businesses from the waste management activities were also mentioned.

10.0 Written Representations

10.1 Written representations were made during the appeal period. These included interested party objections relating to the following issues:

Need/alternatives/site selection

- There is no local or national need for an incinerator. Capacity exists for the disposal of clinical waste already within an 80 Km radius. The nearest medical waste incinerator, at Addenbrookes Hospital in Cambridge is currently operating at below its permitted capacity of 4,500 tonnes/year. It has surplus capacity even with an increase in healthcare waste due to the COVID pandemic.
- Envar state there is an increased need because of the pandemic not based on fact. Nationally, the UK has more incineration capacity existing than genuinely residual waste to burn to process 12,000 tonnes per year where there is no local or national need. This is at odds with local and national policy.
- The 'NHS Clinical Waste Strategy 2023' will do away with the need for Incinerating Clinical waste in the volumes that it has in the past. Therefore, the proposal is not viable and defeats the objective of the UK being environmentally friendly. This is a change since Envar made their original proposal.
- The NHS has aspirations to deal with clinical waste in-house and if incineration is to continue, the smaller localised facilities would be more appropriate.
- Comparison has been made with hospital incinerators. These are utilising on-site material and operate at a more modest scale as in the case of Addenbrookes Hospital.
- The principle of incineration is contrary to looking after the environment and current commitments to Net Zero (i.e., reducing carbon emissions).

- The development would be better located somewhere else, for example in existing industrial locations.
- Alternative technologies/management are available to incineration.
- Recycling would be a better option.
- The Envar proposal is a strategic facility and requires much greater consideration when identifying a suitable location. If considered alongside suitability of the road network, geographical source of waste, plus prevailing wind direction and human habitation, it is hard to justify this as a suitable location.
- The waste material will be imported from far and wide. It is hoped that 25% will be sourced within 40km. If that target is reached, that still leaves 75% being transported from anywhere in the country. The environmental impact of transporting health-care related waste over long distances must be weighed against the benefits of co-location.
- Emissions will also be concentrated within a smaller area.
- The English countryside should be protected and not used and monetised by industry in this way.
- There is much to be commended in the appellant's plans to improve waste processes, produce energy, and increase on-site sustainability but this is not enough to outweigh all the harms the scheme would result in.
- It will be detrimental to local businesses that are already established in the area causing job losses.
- The appellant has not provided data or evidence of the claimed CO_2 reducing benefits of the proposal to prove that benefits outweigh the harms from the carbon footprint of producing pellets from waste incineration heat/energy.

Consultation

- Lack of consultation with residents. 24 properties within a 1 Km radius is inadequate.
- Strength of public opinion/opposition should be paid regard to. Parish/Town Councils responsible for around 50,000 residents have all objected to the proposal. Community concerns and objections against is detailed by the Parish Councils, Councillor Steve Criswell, independent speakers, groups, charities, residents, local businesses, and a petition with around 4,000 signatures against the development.

Visual impact

- Degradation of the local landscape due to the scheme, and in particular the chimney –would be a constant visual reminder of the waste incineration processes occurring in the locality.
- The site is in a very prominent and raised rural location, within a circle of 7 towns or villages, all within 2 miles. As a result of around 20 planning applications over the last 30 years, the site has grown from the conversion of manure into mushroom compost, through recycling of green waste to a more intensive form of waste management.
- The proposal is industrial and would be out of keeping with the rural location.
- The chimney plume would be visible for many miles in a very flat Fenland character area.

- The Envar development is already too large for a rural setting.
- The reputation of the scenic beauty of St Ives will be destroyed.
- The Envar site is on top of a hill and will be highly visible from all directions.
- It will be a blight on the rural landscape (including the setting of expanding rural villages) and will look like a prominent industrial site.
- The visual impacts of the appeal scheme are contrary to the Local Plan for the area.
- The image of the area would be seriously/unacceptably eroded.

Highway safety/traffic

- Increased traffic and heavy vehicles in an already busy area would be detrimental to amenity and highway safety.
- The surrounding road network is not suitable for the increased volume of traffic and the size of vehicles anticipated.
- The access is perilously close to an accident black spot, the crossroads with the road leading to Bluntisham.
- The scheme will lead to an increased risk of accidents.
- Increased deterioration of the road network. The roads around the Envar site are in a bad state of repair due to frequent waste lorries going into the site, especially towards St Ives and using the A14. Fenland roads are already liable to subsidence.
- The B1040 to the site is already seriously damaged and not suitable for lorries that already use it.
- Most of the increased traffic would, presumably, arrive at site using the A14, A141, A1307, much of it travelling through St Ives which is already congested. The likelihood is that, to avoid queuing at busy times, vehicles will attempt to rat run through surrounding villages whose road infrastructure is unsuitable for such heavy traffic movements.
- There would be a large increase in traffic through already busy local junctions – the road infrastructure is not adequate to cope.
- The proposed route for traffic is prone to flooding and will be difficult for lorries to get through.
- New housing developments in the area built since the original proposal exacerbate traffic and road infrastructure concerns.
- Travel to the site will be through St Ives a Market Town already a pinch point for traffic congestion.

Air quality/perceived health and well-being risks to local businesses residents

- No one can ever guarantee the incinerator is safe. Members of the community have no guarantees nor security as to what waste is processed and running for 365 days of the year.
- Decreased air quality for residents due to incinerator processes would ensue. Causing overarching detrimental effects bearing in mind peoples' homes, agricultural businesses, other businesses, including a bird sanctuary, and a nursery.
- Irreparable damage to the environment and the health of the people.
- There would be air pollution, additional dioxins within the soil and light pollution.
- In terms of calculation of nitrogen dioxide background levels. The data that Envar uses is out of date.

- Data to inform impact assessments (health impacts, etc) is incomplete/inaccurate.
- The Health Impact Assessment is inadequate owing to missed properties.
- The development is too close to homes and surrounding villages including Somersham, Bluntisham, Woodhurst, and St Ives.
- Health should not just be viewed through the lens of harmful emissions that sit outside the planning arena. The mental health impact of anxiety caused by the imposition of such a facility and the constant reminder of the 'finger in the sky' should not be underestimated and must be a material planning consideration. Fear of health problems is a genuine concern of the community.
- People who live in Bluntisham and other villages are worried by the potential for emissions to cause health issues over the long term. Something that can only be detected when the damage to health has already been done.
- The pollutants emitted from the chimney would seriously damage food production/food security in a rural area.
- Many other countries have banned the practices planned by Envar on health and environmental grounds. Allowing this would flout scientific opinion.
- Local businesses, including farmers and other food producers would be impacted owing to risk of contamination on the air and soil from the incinerator, which would impact on their customer base.
- A lack of customer confidence would risk the viability of nearby businesses (farms, nursery, and bird sanctuary as examples). This would be a breach of MWLP Policy 18 (unacceptable adverse impact on the amenity of nearby occupiers of any land or property).
- The proposed incinerator would be burning 3.5 times more waste p.a. (12,000 tonnes p.a.) than Addenbrookes' incinerator (3,500 tonnes p.a.). Moreover, the Addenbrookes' Hospital incinerator chimney is 67 m tall dispersing at a much higher level and so further away from people on the ground, compared to the far smaller stack height proposed by Envar.

Heath Fruit Farm

- Heath Fruit Farm (located 1.8km to the East of Envar's site) has unique positive qualities to the area (operating for 100 years or more) and supplies local produce to the farmers markets and should not in any way be endangered by the emissions from the proposed burning of hospital waste. The farm is due west of the proposed plant - so would be in direct line of the prevailing winds.
- Heath Fruit Farm is also recognised as a County Wildlife Site (CWS) for being a habitat for wildlife including: Brown Hares, Woodcock, Kestrels, Owls, Woodpeckers, Roe Deer, and many species of bee and butterfly. As well as hundreds of migratory thrushes such as Fieldfares and Redwings, which may be adversely impacted on.

Raptor Foundation

- The Raptor Foundation is close to the site and would be adversely affected from the continual noise of the machinery used daily, the dust and odours from the knocking down of buildings and the additional lorries on the road.

- There would be a significant impact on other small local businesses as well, that rely on bringing customers from outside the area not only to visit the Raptor Foundation, but also to visit other attractions, restaurants, hotels etc, within the area. There is onsite accommodation and a camping site. Visitors would be put off knowing that there is an incinerator nearby.
- Members of staff could potentially lose their jobs at the Foundation, and some 130 animals could be affected.
- Harm to birds. Birds of prey have a specialised respiratory system and even small amounts of contaminants such as dust and dioxins breathed in can cause health issues. Whilst the birds are flying free it would be impossible to stop them going over the site. In addition, the main hospital and rehabilitation aviaries are on the roadside of the centre closest to the incinerator, and it is not possible to relocate them without massive cost to the charity.
- It would be hard to detect ill/sick birds until it is too late. Birds cared for include those which are critically endangered out in the wild or threatened in the wild.
- The site has been listed on 'I Naturalist' owing to endangered native species of insects and moths, including the Goat moth that is only found in 3 places in Cambridgeshire. By planting over 800 native species of tree on what was barren land, the Foundation now attracts a range of native birds, insects, and dragon flies that during the breeding season make this their chosen site for nesting and those like the Robin and wren that stay all year. Such positive work will be undone as ecology and biodiversity would be negatively impacted.
- During Raptor Foundation flying displays, birds fly free with no control over where they fly. In particular, falcons may range out and fly in the area of the incinerators and through any emissions.

Egg farm business

- The proposal still will impact a nearby egg farm business (28,000 free range laying farm) a field away, as especially the health care waste energy recovery facility will detract visually and leave the egg farm customers in doubt of the safety of the eggs.
- It is what is perceived by the public looking at the egg farm which has importance to business viability. The scale of the development and the height will also affect wider farming diversification especially opportunities in leisure.

Wildlife

- The wildlife of the area will be negatively affected by the pollution from the development.
- There are various Nature Reserves in the area and the area has protected native species of birds, mammals, and insects as well.

Amenity/quality of life

- Noise (including at night), pests (such as flies), odour and smoke issues and possible exacerbation of those.

- Harm to people's health and wellbeing. Including harm to the mental and physical health of individuals who attend the Raptor Foundation.
- Alleged that Envar do not have a good record in management of the existing site so community confidence in compliance with any necessary requirements is low.
- The rugby club train across the road as do hundreds of other children.
- Unacceptable overbearing impact. The overbearing qualities can be psychological as well as physical.

Other representations during the planning application period

10.2 A total of 1091 representations were noted as being received during the planning application determination period administered by CCC, and copies of those have been provided to inform the Inquiry. All but 4 of the representations objected to the application in whole or in part. Three supported the scheme and one had no objections. The objections to the scheme include the following:-

- Endorsement of Bluntisham Parish Council's objections/comments;
- Traffic, transport, and highway safety harm through increased risk of traffic accidents;
- Increased congestion on roads and damage to infrastructure and buildings;
- Inadequate access to site;
- Inadequate parking provision;
- Inadequate public transport provision;
- Contribution to improve traffic lights at crossroads;
- The adverse implication of waste dropped from lorries;
- Adverse air pollution and impact on health;
- The tall chimney will spread toxic particles;
- The development will cause anxiety / mental health problems;
- The development is too close to adjoining properties;
- Negative effect on NHS / Magpas air ambulance;
- There are no UK standards to evaluate risks;
- Harmful effects on local businesses / economy;
- In gauging health effects and other harmful effects, the proposal is close to: farms (poultry, orchards, etc), a residential travellers' site, Silks Farm Nursery School, and the Raptor Foundation;
- Water environment - flood risk, pollution of ground/surface water;
- Visual impact and landscape
- Heritage harm to listed buildings / conservation area / archaeology;
- Negative impact on recreation sites and the right to enjoy outdoors;
- More open space needed rather than its erosion;
- Harm to on wildlife, biodiversity, and ecology;
- Harmful impact on Fen Drayton Lakes and Ouse Fen;
- Odour;
- Noise;
- Hours of operation;
- Light pollution / loss of light;
- Loss of privacy;
- Fire risk;
- Hazardous waste storage / risk of spillage;
- Use of emergency flares;

- There is no need for the development;
- There would be acceptance of waste from other regions;
- Climate change and sustainability goal detriment;
- The proposal relies on outdated technology where there are other alternatives;
- The principle of the scheme would deter recycling;
- The impact on TV/phone/internet services in the area is not measured;
- Conflict with the local authority plans;
- There is not enough information/submission inadequate to make an informed assessment;
- There is missing / purposefully omitted information;
- Strain on existing community facilities would be worsened;
- No independent report to inform decisions;
- There has been a lack of consultation;
- No adequate facilities are provided by Envar and the applicant's track record is material;
- Envar's employees don't respect local residents;
- Negative effects to property values;
- The project doesn't come up in searches;
- CCC lacks adequate resources to monitor the Envar site and there is disrespect towards planning and regulatory authority;
- Retrospective request for planning permission being problematic.

11.0 Planning Conditions

11.1 On a without prejudice basis, draft conditions have been agreed between the appellant and the Council and discussed further on Day 8 of the Inquiry. Thus, for the purposes of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant records its agreement to the imposition of the pre-commencement conditions set out (or to any variations of them imposed by the Inspector which are to substantially similar effect).

11.2 The focus of the discussions was to ensure that all matters of control and mitigation were properly addressed, and all conditions were necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.

11.3 Were the SoS to consider that this proposal should be allowed, and permission granted, I have considered in my assessment below, possible conditions that I recommend should be applied. These can be found in Annex D.

12.0 Inspector's conclusions

12.1 Taking into account the evidence in this case, including the submissions and representations on which I have reported above, I have reached the following conclusions. The numbers in square brackets [ ], refer to preceding sections of this Report from which some of my conclusions are drawn.

12.2 Having regard to the reasons for refusal pursued by the Council, together with the development plan context, statutory obligations, and the contributions of interested parties on other matters, I find that the main considerations which need to be addressed relate to:

- The landscape and visual effects on the locality, and whether any harm(s) arising are outweighed by any benefits in the associated overall planning balance.

Landscape and visual effects

12.3 At my site visit I saw that the appeal site lies within a countryside location near to a crossroad junction. A mixture of bunding, walls, fences, and hedgerows run around the site's periphery which has a commercial character. The immediate locality otherwise entails agricultural fields, trees, hedgerows, and related traditional rural businesses interspersed with non-agricultural uses such as Bluntisham Recycling Centre and Grey Recycling in close vicinity along Bluntisham Heath Road. From vantages nearby, a traveller's site, infrequent isolated dwellings and businesses are noticeable.

12.4 The character of the wider area includes modest settlements (Bluntisham, St Ives, Woodhurst, Pidley-cum-Fenton and Somersham) which roughly encircle the appeal site, in addition to two large dominant water towers nearby as further conspicuous characteristics of the area. Elsewhere further afield Wyton airfield is a visible part of the landscape. The general flatness of the wider landscape, which incorporates open fields, and tree belts, with some raised landform crests are striking components of the locality's varied character and appearance.

12.5 The main argument made by CCC during proceedings was that landscape and visual harm arising from the presence of the HERF chimney stack conflicts with Policies LP2 and LP10 limbs (b) and (c) of the Huntingdonshire Local Plan (May 2019) (HLP) and Policy 17 limbs (f) and (h) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (MWLP). In line with CCC's arguments I accept that the application of these policies requires reflection of paragraphs 135c and 180b of the Framework.

12.6 The content of HLP Policy LP2[24] confirms the development strategy for Huntingdonshire is to recognise the intrinsic character and beauty of the surrounding countryside; HLP Policy LP10[25] states that all development in the countryside must recognise the intrinsic character and beauty of the countryside and that all development in the countryside must not give rise to impacts that would adversely affect the use and enjoyment of the countryside by others.

12.7 Additionally, MWLP Policy 17[26] refers that new mineral and waste management development must be sympathetic to local character including landscape setting; and that new mineral and waste management development must provide a landscape enhancement scheme which takes account of any relevant landscape character assessments and which demonstrates that the

[24] CD4.1.1
[25] CD4.1.1
[26] CD4.1.2

development can be assimilated into its surroundings and local landscape character.

12.8 I acknowledge that the focus of MWLP Policy 17 and HLP Policies LP2 and LP10 is on the protection of the character and appearance of the countryside, by encouraging sympathetic and respectful forms of development.

12.9 From a wider plan perspective, I also accept that other parts of the HLP such as policy LP19 (h) is only relevant if the proposal constitutes the expansion of an existing business outside its existing operational area and assessed under the second limb of policy LP19 (h). This is discussed in paragraph 9.30 and elsewhere of the OR, and the main parties do not give me cause to deviate from the findings of the OR in that regard.

12.10 In tandem with the local policy context forming the dispute, Paragraph 180 of the updated Framework is relevant (acknowledging the Framework has been subject to paragraph numbering alteration since CCC's Decision Notice and its reference to Paragraph 174b) as it advises me that planning decisions should contribute and enhance the natural and local environment by amongst other things at 180 b) recognising the intrinsic character and beauty of the countryside. The thrust of Paragraph 135 c) is for planning policies and decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

12.11 In gauging the strength of the arguments made, the content of the submitted Landscape and Visual Impact Assessment (LVIA) is important as it examines the sensitivity of the local landscape visual resource within a 4km area. It characterises the magnitude of change in terms of impact on rural landscape character and visual resource, using significance criteria when bringing sensitivity and order of magnitude considerations together. In doing so, the site is identified as falling within National Character Area 88 Bedfordshire and Cambridgeshire Claylands.

12.12 Broadly speaking, the content of the LVIA finds that the appeal scheme including the proposed chimney (or HERF stack) would not cause unacceptable landscape and visual impacts within the wider landscape based on a 4km study area. Chiefly, because any landscape and visual impacts would be localised to within 3km of the Envar site. As per the conclusions found in Section 9.1.7 of the LVIA.

12.13 Any effects beyond 3km extent are identified by the LVIA as being low or negligible. This is due to both the distance of view and the positioning of the appeal site as it sits within what is described as an existing small developed 'semi-industrialised area', with several other buildings, large sheds, moving machinery and fencing that are characteristic of the proposed development, found within a wider area outside of the appeal sites boundary.

12.14 I note that the areas of agreement between the respective landscape and visual impact witnesses of the main parties [8.33] is also important in that they agree: i) the extent of adverse landscape impact would not be lower than moderate, meaning that the changes arising from the chimney are likely to be

important considerations at a local level; and ii) in the majority of representative viewpoints assessed, the adverse impact would be moderate or higher. The extent of adverse visual impact would comprise a number of representative viewpoints from which the effect would be major/moderate, and others from which the effect would be moderate and thus of local importance.

12.15 I also acknowledge the additional viewpoints referenced by CCC, post the LVIA being undertaken are useful to all parties. Even with those added viewpoints, in the main the appellant accepted that although the chimney would be a noticeable change and that it would affect several receptors, the magnitude of change and impact would still be 'moderate'. The Council argued a higher level of impact [8.32].

12.16 I appreciate that part of the arguments for the difference involves the respective baseline positions of the main parties as well as professional judgment.

12.17 Based on the evidence submitted, to imply that the study area considered as a whole is partly industrial or is semi-industrial in character would be an inaccurate description, in my view. Its prevailing character and appearance contains both semi-rural and rural expanse components within the 4km study area, as partly expressed by the LVIA.

12.18 Nonetheless despite the significant agricultural land expanses forming the study area, the landscape does have some noticeable large, built engineered structures associated to it. This includes reference to the existing operational character of the Envar site, which contains large sheds, as well as large sheds at Woodhurst Farm and the Raptor Foundation.

12.19 I recognise the local surroundings forming the landscape are clearly valued by residents and individuals using local visitor attractions. Some of whom spoke passionately at the Inquiry about these matters. However, the main parties do not argue it should be treated as a 'valued landscape' when applying the context of the Framework. I have no reason to conclude differently when applying the Framework provisions, but also factoring the absence of specific local plan designations to suggest otherwise, together with the information within the submitted LVIA.

12.20 I agree that the character and appearance of the locality around the appeal site and within the 4km area is not reflective of deep rural countryside and tranquillity levels remote from all forms of human influence and development. Instead, the area is noticeably subject to such influences.

12.21 For example, there are a range of existing businesses and other types of uses in the area which the main parties have referred me to. These include: various concerns on the Somersham Road proceeding towards St Ives; on the B1086 (running north of the B1040 towards Somersham) a nursery/pre-school and then a plant nursery; and on Bluntisham Heath Road two enterprises which operate machinery and equipment for the purposes of recycling (Bluntisham Recycling Centre and Grey Recycling).

12.22 There is new warehousing to the northeast (on the site of what was a mushroom farm installation), with a travellers' site beyond that, surrounded by agricultural fields either side of the B1040 (also known as St Ives Road).

12.23 The land to the east and to the southeast of Envar is agricultural, but to the south, on Somersham Road (the southerly continuation of the B1040 beyond its junction with Wheatsheaf Road/Bluntisham Heath Road), is a joinery workshop. Following the road there is a bathroom supply shop and dwellings, with a builder's merchant immediately beyond, all surrounded by agricultural fields. On the other side of the B1040, is the Raptor Foundation, and there are also sporadic dwellings, again with agricultural fields beyond. Furthermore, the presence of the nearby settlements inclusive of the extension to St Ives and the airfield are further notable visual and landscape components.

12.24 Importantly, in addition to these local developments also forming the character and appearance of the area are large shed-type buildings as well as the elevated water towers (close to Heath Fruit Farm) which can already be viewed at a distance.

12.25 The presence of the water towers are existing dominant engineered structures in the locality's skyline. Although not uncommon in rural locations they are large scale physical manmade features that do not fit neatly into the category of rural character development. They do have some industrial looking visual qualities associated with them by virtue of their scale and construction materials.

12.26 I also recognise it is not unusual to have some aspects of more industrial looking built features or degrees of prominent non-rural looking developments (such as an airfield) conspicuous within rural or semi-rural environments. In that context, the proposed chimney would no doubt introduce an industrial looking built feature to the locality. But it would not totally change the character of the local landscape and countryside surrounding it.

12.27 That is chiefly because the existing noticeable engineered structures within the locality which already break the skyline in nearby locations are relevant. Some of the structures are of a greater mass than the proposed chimney. I am also mindful that from longer range distances the material use they comprise of becomes far less clear and the scale, colour and outline of the structures becomes the dominant visual and landscape factor.

12.28 Additionally, I appreciate that the proposed development would increase the prominence of the Envar site from some viewpoints in the landscape. The presence of the chimney is likely to draw attention to the overall scheme changes which may otherwise not be noticed when assessing the magnitude of change.

12.29 The HERF chimney at 26m would be more than twice the height of any other structure on the site and it would be impossible to screen its upper section. Nevertheless, I also recognise that the chimney would appear as a slender feature in all views, and its slenderness would therefore temper resultant landscape and visual impacts to a large extent.

12.30 The chimney would not be overbearing in scale from residential receptors, nor local businesses given its central position on the appeal site. Plus, the Envar site already contains a number of large buildings which owing to the site's relatively elevated location can be seen from a number of public viewpoints and from some of these viewpoints breach the skyline.

12.31 In tandem with those points, I acknowledge it is important to consider the appellant's design reasons for a 26m stack to the HERF, which is a point of concern for many local people. The evidence highlights 26m was settled on, through detailed atmospheric dispersion modelling in the Air Quality Assessment. This resulted in calculated contributions of pollution to the local environment that was considered against appropriate methodology in order to ensure the protection of human health and the environment. The resultant emissions were screened as either insignificant against the assessment levels, or, remained sufficiently low to be considered to be not significant.

12.32 In explaining the appellant's design position, their witness Dr Owen, referred to her experience and professional judgement of required stack heights. Supported by the similarity of stack heights commissioned for other, similar processes[27]. It is her opinion, as an air quality expert, that the proposed heights are appropriate and necessary to promote effective dispersion of pollutants as evidenced by the results of the air quality assessment. Indeed, such conclusions were supported by CCC's own independent air quality expert. Thus, I have no strong basis to disagree with the appellant's stack height figure.

12.33 Moreover, I appreciate any potential plume visibility from the chimney is a further factor to be borne in mind. Having regard to the supporting modelling conclusions it is not suggested by the appellant that a plume would 'never' be visible from the HERF stack.

12.34 However, the likelihood of a plume being visible or witnessed is identified as being small and during limited meteorological conditions. Consequently, the potential for a plume to be created and having a notable impact being assessed and concluded as negligible by Dr Owen's evidence. The Council's own assessment concurs[28] and I have no compelling reasons or contrary evidence to disagree with any of those conclusions.

12.35 All in all, owing to the range of existing built development and existing landscape features such as trees, tree belts and hedgerows present in the area, I consider that the locality does have capacity to absorb the visual and landscape effects of the chimney of the appeal scheme, owing to its slimness and controllable colour, and because of other existing built and natural landscape features which would draw attention away from it.

12.36 For all those reasons I find the appellant's evidence of the level of likely resultant effects or impacts to be more convincing overall. The level of overall impact from the changes would be moderate in nature.

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[27] Paragraphs 3.14, 3.15, 3.19 and Appendix 1 of Dr Owens proof (CD2.6.3 & CD2.6.3A)
[28] Paragraph's 13.35 to 13.38 of the OR (CD1.4.2)

12.37 Furthermore, there was general agreement between the main parties that the landscaping provision secured goes as far as it reasonably can do in enhancing the appearance of the area as well as providing mitigation. Even with the proposed landscape screening at full maturity. The proposed chimney would not be assimilated into its surroundings and would remain a prominent feature in the wider rural landscape within a 3km radius, a point accepted by the appellant.

12.38 Accordingly, I cannot conclude the proposal is in accordance with the development plan policies in dispute referred to by CCC. I agree with CCC that to suggest otherwise would be downplaying the findings of the appellant's own landscape expert where character and visual harm is apparent [7.7 & 7.8].

12.39 Bearing in mind the full and precise wording of HLP Policy LP10(b) I accept that the appeal scheme as a whole recognises the beauty of the countryside as far as it is practically able to. The design and form of the proposed chimney is dictated by function and would be seen as a slender profile physical feature. Nonetheless, I find the chimney component taken in isolation does conflict with limb (b) of the policy because of the character and visual amenity landscape harm the structure clearly results in, which is subsequently harmful to the beauty of the countryside.

12.40 As to Policy LP10(c), I also accept that the chimney's presence in the locality could spoil the enjoyment of the character and appearance of the countryside for some residents or visitors to the area, owing to its visual presence. However, I highlight this would be to varying degrees dependant on the person and specific vantage points as detailed in the appellant's LVIA and related landscape evidence.

12.41 In that regard, I note in the LVIA impact magnitude matrix at Table 8, CB recognises 6 categories of significance (major, major/moderate, moderate, moderate/minor, minor, not significant). In respect of four representative viewpoints (including D), CB assesses the adverse impact to be in Tier 2 out of 6 i.e., just below the greatest impact possible.

12.42 In relation to MWLP Policy 17 limb (f) I note although the chimney has been centrally positioned within an existing developed commercial site albeit with some agricultural looking buildings and is slender in profile, it is not 'sympathetic' to surrounding built development and the landscape setting as a whole, because of its height and industrial looking qualities. Furthermore, Limb (h) of Policy 17 is also not complied with, given it is agreed by the main parties that the landscaping scheme can do nothing to improve the relationship of the chimney with its surroundings by way of assimilation.

12.43 Overall, I find that the proposed chimney would lead to material adverse harm to the landscape character and appearance of the locality. Such harm would conflict with Policies LP2 and LP10(b) and (c) of the HLP as well as Policy 17 (f) and (h) of the MWLP (having regard to Appendix 3 in relation to the location of waste management facilities). There would also be conflict with 135 c) and 180 of the Framework. Combined all those policies aim to respect and protect the character and appearance of the natural and local environment including

having regard to the beauty of the countryside. I attribute significant weight to the harm identified.

Other considerations

12.44 The perception of harm to health and wellbeing of residents' and local business activity was a large feature of the discussions at the Inquiry raised by interested parties. Many of the interested party objections made orally and in writing focus on the HERF within the second reason for refusal of the Decision Notice.

12.45 Given the substance and seriousness of the issues raised as material considerations by parties opposing the scheme, I accept that the following policies are important to have in mind in the outcome of the appeal:

- MWLP Policy 4 which provides for a broad spatial strategy for the location of new waste management development and the promotion of co-location;
- MWLP Policy 18 which promotes effective integration; and
- HLP Policy LP19 that considers the rural economy and promotes support of new business development.

12.46 Concerns raised during the Inquiry have included, although were not limited to, those from Simon Bluff (a neighbouring chicken/egg farmer)[29], and the Chief Executive Officer of the Raptor Foundation, Elizabeth Blows[30].

12.47 Combined, they amongst others have extensive concerns over the welfare of birds, as well as the safety implications for people living and farming locally (including chickens, livestock, fruit produce at Heath Fruit Farm), growing other food produce or sending their young children to school at the local nursery (Silks Farm Nursery School and Pre-School). Additionally, other leisure or recreational facilities have been detailed by interested parties when raising health concerns to the appeal proposal, including reference to the use and proximity of St Ives Rugby Club by adults and children.

12.48 In relation to the interested party objections, the appellant's evidence[31] presents a suite of expert information on air quality; human health risk assessment; plume visibility and other related matters including underlying methodology.

12.49 I also recognise the appellant's evidence as a whole draws on:-

1) A traffic air quality assessment considering the emissions to atmosphere from vehicle movements associated with the site operations – 'Air Quality Impacts of Traffic Emissions; Envar Composting Limited, Issue 2; December 2021'[32];

[29] CD2.5.9
[30] CD2.5.8
[31] CD2.6.3, CD2.6.3A and CD2.6.3B
[32] CD1.2.4F

2) An air quality assessment considering the emissions to atmosphere from the site processes – 'Detailed Air Quality Assessment of Proposed Discharges from Envar Composting Limited, Huntingdon; Envar Composting Limited, St Ives Road, Woodhurst, Somersham, Huntingdon, Issue 2; January 2022'[33];

3) An assessment of the potential impact on human health of releases of Dioxins, Furans, and Poly-Chlorinated Biphenyls (PCBs) to atmosphere from the HERF - Human Health Risk Assessment of Emissions from a Proposed Healthcare Energy Recovery Facility; Envar Composting Limited, Issue 2; January 2022[34];

4) An assessment of the potential for a visible plume to occur from the HERF – 'Consideration of Potential for a Visible Plume from The Healthcare Waste Energy Recovery Facility, Envar Composting Limited, Huntingdon (July 2022)' and 'Consideration of Potential for a Visible Plume from The Healthcare Waste Energy Recovery Facility – Note 2; Envar Composting Limited; Huntingdon November 2022'[35].

12.50 The site processes included in the air dispersion modelling assessment referred to included: a single point source release from the HERF; emissions from the biofilter servicing the dry AD plant; a single point source release from the Biogas Up-Grade facility (BUG); a single point source release from the fertiliser pellet production plant abatement technologies (fertiliser plant); two exhaust stacks, each serving one of the two proposed Combined Heat and Power (CHP) units; and emissions from the two existing biomass boilers.

12.51 I note that in the absence of emissions monitoring data from operational plant, and allowing for regular variation in emissions during processing, modelling at the maximum permitted emission level, which would also be the least stringent manufacturer's guarantee required by the operator for any new process, ensures confidence that the impact is predicted on a conservative basis.

12.52 In the case of the HERF, continuous emissions monitoring and process control would be required, and the Environmental Permit is identified as needing to include strict conditions for managing the process in the event of elevated emissions.

12.53 The appellant has referred me to, Article 46 (6) of the Industrial Emissions Directive (IED), upon which the Environmental Permitting (CD5.1.11) regime is based. Which states that plant shall under no circumstances continue to incinerate waste for a period of more than 4 hours uninterrupted where emission limit values are exceeded, and the cumulative duration of operation in such conditions over one year shall not exceed 60 hours. As such, any elevated emissions would be investigated and the waste feed would be stopped or the process would be shut down entirely should the maximum time

[33] CD1.2.4C
[34] CD1.2.4E
[35] CD1.2.9

limit be reached. Therefore, any period of elevated emissions would be managed in line with the requirements specified in the IED.

12.54 I acknowledge that the conclusions of the scientific assessments undertaken and provided as part of the Environmental Impact Assessment supporting the planning application suggest that no significant harm would result if the appeal scheme was allowed. However, environmental permitting requirements would still need to be assessed independently.

12.55 I also acknowledge that the assessments have been produced by an independent and experienced environmental consultant specialising in air pollution and environmental permitting. Therefore, I give the content of the findings of such assessments substantial weight.

12.56 Moreover, the assessments were reviewed by CCC's own independent specialists (AQC) as well as being considered by expert statutory consultees. Further to AQC's advice and with no expert statutory consultees objecting, CCC's planning officers concluded that the proposed development, subject to the design and mitigation that would be required by the Environmental Permit, would be unlikely to result in adverse impacts on air quality, or any associated effects on human health or the environment (as per the OR CD1.4.2 paragraph 21.19). I have no strong reason to disagree with those findings.

12.57 The technical assessments referenced include regard to Dioxin and Furan Human Health Risk Assessment and the associated Tolerable Daily Intake thresholds which are subsequently screened as being 'insignificant' to adults and children based on the numerical low level risk value. I am also aware that many assumptions used in the appellant's assessment are conservative and apply worst case scenarios in the methodology explained.

12.58 Turning to some of the specific concerns raised by interested parties. The appellant assessed the Raptor Foundation to be a receptor. They found[36] that with limited large-scale water resources in the area for direct use by humans or animals, and despite applying significantly worst-case and largely unrealistic assumptions, the contribution of Dioxin and Furan intake from water sources in the area would be negligible, equating to less than 0.1 % (or less than one-thousandth of the total intake).

12.59 I have heard and read contributions from Elizabeth Blows identifying that birds of prey have specialised respiratory systems which are more sensitive and susceptible to environmental pollutants in the air, which could be absorbed through respiration and activities such as preening of feathers, drinking, or feeding. Scientific opinion has been referenced supporting her case. The appellant acknowledges respiratory systems of birds in their evidence[37].

12.60 Yet, notwithstanding the location of the Raptor Foundation, none of the statutory or expert consultees, such as the CCC Ecology Officer have raised concerns for the protection of the birds residing there. The overall suggestion

[36] CD 2.6.3 Appendix 3
[37] CD 2.6.3 at para 3.58

from them is that there is limited scientific concern regarding these pollutants in relation to bird health.

12.61 Furthermore, individual members of the public have raised specific health issues, referring to type 2 diabetes as well as other health and respiratory issues which could be exacerbated by the appeal scheme. However, contributions from the HERF and other site processes have been screened as either insignificant or not significant, with a substantial safety buffer to ensure that pollutants remain within the levels that are considered to be acceptable.

12.62 Whilst I note the concerns raised, the information before me does suggest that using industry recognised assessments, the level of emissions would be at insignificant or not significant levels, even when considered under worst case scenarios.

12.63 In relation to other interested party objections. I also note that emissions from vehicles, have been screened out as insignificant without the need for further assessment. I consider that position is reasonable and it follows a clear methodology and rationale unopposed by CCC.

12.64 In addition, a minority of objections raise concern regarding emissions from on-site sources other than the HERF, for example such as emergency flaring use, biogas build up or odour emissions from wastewater. Nevertheless, I have factored the appellant's assessments evidenced including responses to the Regulation 25 Notices as part of the EIA (CD1.2.4B and CD1.2.5B). They cover all relevant expected emissions from the appeal site with the proposal, and reasonably exclude the site flares on the grounds that they would create an emission for a very short period only and only during emergency conditions to cover the process of shutting the Envar plant down.

12.65 Furthermore, the various water storage lagoons around the site (existing and proposed) are indicated in the evidence to being aerated, as this would ensure that aerobic conditions are maintained. Therefore, accepting odour problems would be unlikely is credible.

12.66 Although health and safety risks to local businesses and their associated customer base are a clear concern of local people, the information before me confirms there is no compelling supporting scientific basis to find the level of those risks to be unacceptable. Furthermore, there would be further regulatory assessment and control of emissions as part of the Environmental Permitting process.

12.67 That said, the collective local community and business owners' views [9 to 10.2] offer very real day to day, and I believe genuine concerns on how they perceive the appeal scheme would impact on their lives and livelihoods. I acknowledge that perception matters are material.

12.68 Even so, the scientific assessment information and related evidence produced by the appellant as well as statutory consultee responses, does not suggest to me the scheme would result in significant harm from a health and wellbeing perspective. Nor would it prevent any existing rural business activity from directly occurring. Although I do accept that some supplier and consumer

choices may alter because of the presence of the scheme and its perceived effects.

12.69 I also recognise that even with the appellant's robust evidence the local community including business owners still have serious doubts over the likely health and safety effects of the scheme. But because of the appellant's objective scientific arguments, which I acknowledge are complex, and I appreciate scientific thought does evolve over time, I find that only limited weight can be applied to such perceived health and wellbeing and related business impact harms arising from the proposed development.

Benefits

12.70 The appellant's Statement of Case (CD2.3.1) sets out the benefits argued in paragraphs 5.3 to 5.26, as well as their other evidence (CD2.6.1, CD2.6.1 A, & B) which when combined are broadly defined as:

1. Optimising the use of previously developed land and assisting net waste self-sufficiency, included in the consideration of need.
2. Providing processes that move waste up the waste hierarchy.
3. Supporting the transition to a low carbon future.
4. Delivering efficiencies and sustainability benefits from co-locating waste together.
5. Job creation.
6. Providing 12% Biodiversity Net Gain.

12.71 CCC confirmed during the Inquiry they have duly factored all benefits posed by the appellant whilst still supporting refusal of the scheme.

12.72 In tandem, the evidence contained in CD2.6.4 is important to have regard to in assessing the alleged benefits as it provides a detailed technical explanation of how the appeal proposal would be utilised. The technical information gives me an insight into operations such as composting; waste acceptance criteria; pre-processing; shredding; In Vessel Composting (IVC) tunnel use; testing, unloading, processing and maintenance activities. It highlights that Envar want to enable 'closed loop' processes for the waste materials it handles.

12.73 The appellant identifies the appeal proposal itself as: providing a more optimal solution to the waste needs of the surrounding areas than is currently available; developing gas to grid capability and local waste solutions; co-locating plants to enable current and potential process outputs which would otherwise be wastes, to be used again in the production of valuable products (in particular fertilizer pellets); to ensure the future sustainability of the site including financially and in relation to carbon performance; and to protect and enhance employment and contributions to the local economy.

12.74 I accept that most of the energy in incoming waste is presently lost as heat in the process of aerobic digestion, which could be captured and better utilised. Moreover, nitrogen available in wastewater is presently underused.

12.75 The site has been identified as one of the only waste management sites where co-location would be possible in the Cambridgeshire area. The site having the

space, materials, capacity, and available investment to realise the benefits of co-location and energy/materials sharing.

12.76 Related to such processes, I acknowledge that healthcare waste includes hazardous and non-hazardous material and wastes which are classed as offensive, where incineration with energy recovery is considered the preferred option. Although the NHS Clinical Waste Strategy[38] and other localised onsite and in-house hospital facilities (such as Addenbrookes) were referred to by interested parties during proceedings, controlled incineration in a new facility is demonstrated as being preferred and necessary based on a lack of realistic alternatives in order to meet the anticipated rising amount of clinical waste [7.4, 7.5, 7.20(1), 8.51] expected.

12.77 But even when adopting the position that incineration rather than landfill is preferred, the information to the case[39] suggests the input to the healthcare facility would still only represent 6% of the total site tonnage allowance and is the only change in waste inputs brought to the site. With the operation reducing the amounts of biomass allowed to be handled in exchange for the healthcare material. The majority of these wastes would come into the site in bulk form and would be managed in line with the requirements of the site permit.

12.78 The output of the HERF would be heat which would be captured and used in the DryAD and the pellet fertiliser production facility. It was also evidenced that much of Cambridgeshire's current healthcare waste materials are sent for autoclave within the County before being transported to Birmingham, Leeds, and Kent for treatment. Other materials are transported long distances for treatment in thermal facilities and incinerated. The CCC OR summarises this aspect.

12.79 Underpinning need arguments are addressed at length in the OR (Section 9)[40] and are agreed with the Council in the Main SoCG[41]. I have carefully reviewed all of this evidence, including the overlapping issues related to the NHS Clinical Waste Strategy, and I concur there is a compelling need case for the facilities proposed made by the appellant. [7.2, 7.3 7.4, 7.5, 7.6]

12.80 Furthermore, I accept that not allowing the scheme is likely to lead to some disbenefits, including: Increased waste (from waste which could otherwise be reused in other plants through co-location); continuation of energy loss from green waste where gas potential is not being realised; fuel use inefficiencies for transporting waste over longer distances; continuation of healthcare waste sent to landfill or burned in other counties; and the probable loss of multiskilled work opportunities for local people at the facility.

12.81 Thus overall, I recognise optimising the use of previously developed land and assisting net waste self-sufficiency is linked to wider development plan policy

[38] CD6.1.12 and CD6.1.13
[39] Mr James Coopers proof CD2.6.4 Paragraph's 13.14 to 13.17
[40] CD1.4.2
[41] CD2.4.1

compliance and waste management need arguments which have not been contested by way of CCC's decision leading to the appeal. I give moderate positive weight to such benefits.

12.82 Similarly, providing processes that move waste up the waste hierarchy attracts substantial positive weight and is consistent with the local plan and national policies and strategies including MWLP Policies 3 and 4. I also appreciate that waste activities are already taking place on the Envar Site and the greater co-location of activities proposed is strongly supported by policy.

12.83 Based on the appellant's evidence[42] I accept that the appeal scheme would have a substantial beneficial impact on UK greenhouse gas emissions. The appeal scheme would reduce global greenhouse gas emissions by around 40,000 tCO2e per year. This would be equivalent to the domestic emissions produced by around 28,000 occupants of Cambridgeshire.

12.84 The appellant demonstrates co-locating the different waste management processes leads to benefits in terms of greenhouse gases. This includes the heat produced by incineration of healthcare waste to be utilised, reducing the need for the use of fossil fuels. It would also lead to a reduction in traffic flows overall. Supporting the transition to a low carbon future is a crucial component of the arguments before me. In recognition of the urgency of tackling climate change at all levels of planning policy evidenced such carbon saving benefit carries compelling substantial overarching weight.

12.85 In terms of recognising the need for delivering efficiencies and sustainability benefits of co-locating waste facilities together. As explained in the appellant's evidence, the heat, power, and bio-gasses generated by processes on the site would provide the energy to operate other onsite processes, fuel vehicles and contribute to grid capacity. Such benefit also attracts significant positive weight. As does providing excess electricity at times back to the grid generated from the solar panels.

12.86 The proposals would allow in the order of 22 additional jobs at the Envar Site. I attribute significant weight to the benefits of local job creation. I have considered wider interested party commentary on notional job loss the scheme is alleged to result in elsewhere. But beyond the 'perception' points I have already had regard to there is nothing convincing which demonstrates to me rural enterprises, as a whole, would not be able to still flourish.

12.87 Additionally, I acknowledge that the overall biodiversity net gain anticipated to be delivered was improved from around 7% at the time of the submission to approximately 12% when the application was reported to CCC's Planning Committee. I am satisfied that this can be secured by planning condition. But the total gain on offer is small. It therefore attracts only limited positive weight.

12.88 The statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the

[42] Mr Othen CD2.6.5, CD2.6.5A & B

desirability of preserving conservation areas and listed buildings or their setting, or any features of special architectural or historic interest which they possess.

12.89 Section 17 of the OR[43] gives a full account of the likely impacts to heritage assets. CCC have agreed that the setting of relevant surrounding heritage assets would be preserved. Following my site visit to the area I have no reason to disagree. I am satisfied there would not be any harm to surrounding designated heritage assets nor other non-designated assets referred to in the evidence, because of the distances involved as well as intervening natural landscape features.

12.90 I note that the appellant[44] gives an account of the consultation history undertaken by them including since the formation of local community groups such as People Opposing Woodhurst Incinerator (POWI). Above that, there is the consultation process administered by CCC during the planning application period. Given those elements, I do not find that the consultation issues broadly mentioned by interested parties hold any weight in counting against the scheme appealed.

12.91 That is largely because, I have no reason to believe relevant statutory duties have not been fulfilled, nor that any party has been disadvantaged in how the scheme has been advertised in the public domain leading to the appeal. The high degree of public interest to the outcome of a decision on the scheme indicates to me that public consultation occurring has been effective.

12.92 I have also had regard to comments of the historic fire recorded at the site during December 2018, running until January 2019. Since that time, I am satisfied that Envar have taken appropriate steps from a fire safety and security perspective including bolstering on site firefighting capabilities and camera surveillance for the matter not to weigh against the current proposal.

12.93 Plus, in the absence of any statutory consultee objecting on such grounds, all the evidence before me indicates that fire safety and risk reduction measures would be adequate. The appellant's submissions also provide me an indication of Envar's ongoing social responsibilities and commitments, above the regulatory requirements incumbent on it, which I have no strong reason to doubt they would not comply with these commitments.

12.94 In terms of highway safety impacts, the Highway Authority, as set out in paragraphs 12.2 to 12.13 of the OR, and based on analysis of the appellant's transport statement, its addendum, and the 2017 planning applications and traffic and accident data consider that there would be no justification for an objection to the proposed development on highway capacity or safety grounds. They considered that the proposed HGV route to the Type A Roads shown on the Cambridgeshire Advisory Freight Map, is acceptable, being itself a Type B Road with few residential properties.

[43] CD1.4.2
[44] Mr Coopers proof of evidence (CD2.6.4) at paragraphs 3.1 to 3.34

12.95 Policy 23 of the MWLP[45] requires impacts on the transport network to be cost effectively mitigated to an acceptable degree and any increases in traffic to not cause unacceptable harm. The appeal scheme would not increase the overall permissible amount of waste that can be handled at the site (which is 200,000 tpa). Moreover, I also accept there would be small increases in traffic which would not cause capacity or safety issues. There are no objections raised from the Highway Authority to the contrary.

12.96 There is nothing convincing before me to suggest that junction capability, road safety or road condition would be unduly compromised by the scheme having regard to statutory consultation responses of the Highway Authority and subject to conditions. A range of conditions would ensure appropriate vehicle routing and other appropriate associated safety requirements. I am also satisfied appropriately worded planning conditions could ensure noise, light and wildlife impacts are acceptable.

12.97 The appellant demonstrates there would be no harm to surrounding ecology and CCC have not sought to contest such grounds since they accepted the position defined in paragraph 21.12 of the OR[46].

12.98 I appreciate there are further wider public concerns including those articulated by Cllr Steve Crisswell, which argue that there is a lack of confidence in the EA as regulator for monitoring matters or those linked to aspects of permitting and public health. But the Framework is clear that planning decisions should be on whether development is an acceptable use of land, rather than on the control of processes or emissions, and that decision takers must assume that the pollution control regime (notably in this case involving the EA) will operate effectively.

12.99 I am also mindful of the appellant's related arguments that the Office for Environmental Protection has powers to hold public authorities to account as a further appropriate check and balance if there was a suggestion of any failing by the environmental regulator at a future date in a hypothetical scenario.

12.100 In terms of any other odour related impacts. I agree that the proposed shift from composting to a dedicated housed dry AD process is likely to reduce odours from the atmosphere compared to the existing situation of outdoor windrows.

12.101 I have carefully considered the range of other potential impacts and objections referred to by interested parties in written and oral submissions [9.0 to 10.2] alongside the conclusions of CCC, as well as the other background evidence informing the appellant's case. I find that none of those other factors significantly weigh against the appeal scheme.

13.0 Planning Balance

[45] CD4.1.2
[46] CD1.4.2

13.1 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission the authority shall have regard to the provisions of the development plan, so far as material to the application and any other material considerations.

13.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

13.3 In this case I have found that the appellant does not demonstrate full compliance with the development plan because of the harmful impact of the chimney on the character and visual amenity of the area which contravenes local policy. I have found that the proposed chimney would result in a moderate level of overall harm to the character, appearance, and visual amenity of the area.

13.4 Accordingly, by virtue of such harm there would be conflict with Policies LP2 and LP10(b) and (c) of the HLP as well as Policy 17 (f) and (h) of the MWLP (having regard to Appendix 3 in relation to the location of waste management facilities). There would also be conflict to 135 c) and 180 of the Framework. Combined all those policies aim to respect and protect the character and appearance of the natural and local environment including having regard to the beauty of the countryside. I have attributed significant weight to such harm.

13.5 Although I do not find a particular breach of the development plan arises from health and wellbeing or business impacts of the development, further harm also arises from the 'perceived' health and wellbeing impacts of the proposal on residents and on local business activity. In light of all evidence, I have attributed limited weight to such perceived harms.

13.6 As the appeal proposal does not fully accord with the development plan, subsequently it does not lead me to apply paragraph 11 (c) of the Framework which would otherwise mean that planning permission for the appeal scheme should be granted without delay.

13.7 Instead, the outcome of a decision turns on whether any benefits of the proposed development would outweigh the harms and subsequent conflict with the development plan identified.

13.8 In this case, the collective benefits of: optimising the use of previously developed land; assisting net waste self-sufficiency; enabling and providing processes that move waste up the waste hierarchy; supporting the UK's transition to a low carbon future; delivering efficiencies and sustainability benefits from co-locating waste facilities together; job creation; and the small BNG uplift on offer, when all combined carry substantial overarching weight.

13.9 I note that the benefits of co-location and moving waste up the hierarchy together with the carbon savings the appeal scheme would result in, are particularly significant overarching benefits relative to national policy.

13.10 Overall, bringing all points together in the round, I find that the collective benefits argued by the appellant are of a combined weight and magnitude which would outweigh the total collective harms the scheme would result in.

13.11 Even if I had found CCC's conclusions on the level of landscape and visual harm to be more convincing having regard to wider baseline inputs [8.32], the collective tangible benefits argued, and on offer, are still sufficient to outweigh such harm in this case.

13.12 I acknowledge that this is a balanced decision and based on relative weights of the benefits against the harms. If the Secretary of State agrees, I have set out the conditions that should be applied in Annex D.

14.0 Inspector's Recommended Planning Conditions

14.1 Standard time limit and approved plans planning conditions would be required in accordance with statutory provision contained within Section 51 of the Planning and Compulsory Purchase Act 2004; and to allow a formal mechanism for amendment of the plans. (Conditions 1 and 5).

14.2 A condition setting out the commencement of phases as well as a condition related to the surface water lagoon(s) provision would be required to allow CCC to properly monitor compliance with the conditions of any planning permission granted taken as a whole, having regard to waste processes, overall surface water lagoon capacity provision and decommissioning. (Conditions 2 and 3).

14.3 A site area clarification condition would be required to ensure consistency having regard to all the plan information submitted by the appellant. (Condition 4).

14.4 A waste throughput condition would be necessary because a higher waste throughput threshold has not been assessed in highway capacity and safety terms by the appeal scheme. Such a condition would also allow CCC to have adequate control of waste handled in accordance with adopted development plan provision. (Condition 6).

14.5 It would be necessary that with the exception of wastes accepted for treatment in the healthcare waste ERF not less than 40% weight of wastes accepted at the Envar Site in any 12-month period would be sourced from the East of England Region. The East of England meaning the counties of Norfolk, Suffolk, Cambridgeshire, Essex, Hertfordshire, Bedfordshire, and Northamptonshire together with the unitary authorities of Peterborough, Southend on Sea, Milton Keynes, and Luton. Waste from a waste transfer station within the East of England would need to be regarded as arising from within the East of England. Such a condition would be appropriate on the basis to ensure that a large proportion of waste handled on the appeal site is locally sourced in line with sustainability goals. (Condition 7).

14.6 A condition requiring the keeping of up to date and accurate records of the quantity and source of waste inputs delivered to the site, for the life of the

development, would be required in tandem with the waste throughput and waste catchment condition monitoring by CCC. (Condition 8).

14.7 A Construction Environmental Management Plan would need to be secured prior to commencement and then subsequently adhered to in order to allow the protection of the amenities of surrounding uses as well as the protection of wildlife during construction phases. (Condition 9).

14.8 A bat survey condition would ensure that protected species are not harmed by the development. (Condition 10).

14.9 Conditions regulating construction hours as well as the hours of operation of the development are both necessary in order to protect the amenities of neighbouring uses in the area. (Conditions 11 and 14).

14.10 Conditions are required to secure drainage and material use details in order to minimise the risks of flooding and in the interests of protecting local amenity. (Condition 12 and 13).

14.11 A suite of planning conditions for noise matters, specifically relating to: 'white noise alarms' for reversing vehicles; silencing of plant machinery; noise mitigation measures; securing set noise limits (which shall not be exceeded for locations including Rectory Farm, the Travellers Site, Bridge Farm, Heathfields and the Raptor Foundation); and a further condition to enable noise monitoring survey work and compliance are all required to ensure satisfactory noise levels take place during operation of the development relative to neighbouring uses and having regard to local people's quality of life. (Conditions 15, 16, 17, 18 and 19).

14.12 A specific condition preventing the storage of waste on the new concrete hardstanding to be created within the site boundary is also required because the implications of noise, odours and bioaerosols on the traveller's site from such use has not been assessed. (Condition 20).

14.13 A range of planning conditions regarding: access; prevention of mud and debris on the highway; vehicle movements; keeping records of HGV movements; HGV routing; cycle parking; electric vehicle charging are all considered to meet statutory tests and are needed to ensure highway safety levels are maintained as well as to encourage sustainable travel and in the interests of sustainable transport provision infrastructure. I note that the term Heavy Commercial Vehicle (HCV) and specific vehicle tonnage was referred to by the main parties. However, based on the tonnage referred to the term HGV is more suitable to apply. (Conditions 21, 22, 23, 24, 25, 26, 27).

14.14 A condition securing the prior approval of lighting would be needed to ensure the amenities of local people are protected as well as to ensure there is no harm to local wildlife. (Condition 28).

14.15 A surface water drainage detail condition would be required to enable flood risk to be managed to an acceptable level as well as allowing water quality to be protected and the wider improvement of habitats. (Condition 29).

14.16 The storage facilities for onsite oils, fuels, and chemicals would need to be controlled by a condition ensuring the storage provision is impervious to seepage and suitability located. This would be needed to prevent pollution of the water environment. (Condition 30).

14.17 Planning conditions are necessary to secure detailed phased landscaping works as well as soft landscaping works within the site and extending to other land within the appellant's ownership. With appropriate implementation and replacement provision clauses. This would need to be undertaken in the interests of protecting the character and appearance of the local area. (Conditions 31 and 32).

14.18 Additionally, a Biodiversity Net Gain condition would meet statutory tests. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) makes it mandatory. Such provision would be necessary and appropriate in order to secure a due increase in biodiversity net gain and aligned with local and national policy. (Condition 33).

15.0 Inspectors Recommendation

15.1 For the reasons given above I recommend that the appeal should be allowed and that planning permission is granted.

M Shrigley

INSPECTOR

Appendix A

Appearances

For the Appellant

James Burton of Counsel (39 Essex Chambers) instructed by Quod Limited. Who called:

Mr James Cooper, BSc	Head of Compliance at Envar Limited
Mrs Catherine Bean, BA, PGDip, CMLI	Senior Associate Landscape Architect at Applied Landscape Design Limited
Dr Amanda Owen, BSc, PhD, MIEMA	Managing Director and Principal Environmental Consultant at Environmental Visage Limited
Mr Stephen Othen, MA, MEng, CEng, MIChemE	Technical Director at Fichtner Consulting Engineers Limited
Mr Sean Bashforth, BA, MA, MRTPI	Senior Director at Quod Limited

For the Council

Ed Grant of Counsel (Cornerstone Barristers), instructed by Pathfinder Legal Services on behalf of Cambridgeshire County Council. Who called:

Paul Reynolds, BA (Hons) PGDip MA CMLI UDGRP FRSA	Tapestry (Tapestry Urbanism Ltd)
Christopher Whitehouse BSc (Hons) MRICS	NextPhase (Planning Consultancy)
Miss Emma Fitch BSc (Hons) MSc MRTPI	Service Director Planning, Growth & Environment, Cambridgeshire County Council

Interested Parties (who spoke at the Inquiry)

Rt Hon Mr Shailesh Vara Member of Parliament for North West Cambridgeshire

Cllr Steve Criswell – County Councillor

Cllr Andy Notman – Chairman of Woodhurst Parish Council

Natasha Marko - Community action group People Opposing Woodhurst Incinerator POWI (who refer to representing 3.3k+ objectors)

Colin Hammond (Resident/attendee of the Raptor Foundation)

Helen Thatcher (local resident)

John Marsh (local resident)

Kym Moussi (local resident)

Phil Speaight (local resident)

Alysoun Hodges (local resident)

Simon Bluff (local resident/egg farm business owner)

Elizabeth Blows (Raptor Foundation/local resident)

Philippa Hope (local resident)

Lorna Watkins (local resident)

Charlotte Holiday (local resident)

Appendix B

List of Inquiry Documents

INQ1	Appellant's Opening Statement (also CD9.1.1)
INQ2	Appellant Appearances List (also CD9.1.2)
INQ3	Council's Opening Statement (also CD9.1.3)
INQ4	Council Appearances List (also CD9.1.4)
INQ5	Transcribed section of CW evidence, agreed to be sufficiently accurate (also CD10)
INQ6	Summary of Helen Thatcher's response to Mrs Bean's oral evidence on 23.02.2024
INQ7	NHS Clinical Waste Strategy (Version 1, 31 January 2003) (published 7 March 2023) (also CD6.1.12)
INQ8	Appendices to the NHS Clinical Waste Strategy (Version 1, 31 January 2003) (published 7 March 2023) (also CD6.1.13)
INQ9	Sustainable Healthcare Recycling Waste Management flyer (also CD6.1.14)
INQ10	Revised Condition 18 for Noise Limits agreed by the main parties
INQ11	Site visit itinerary (also CD12.1) and Site visit itinerary map (also CD12.2)
INQ12	Appellant's closing (also CD13.1)
INQ13	Council's closing statement (also CD13.2)
INQ14	Appellant application for costs (also CD14.1)
INQ15	Council's response to application for costs (also CD14.2)

Appendix C

List of Core Documents

Core Documents can be found at:

https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/envar-planning-appeal

CD1.1	**Original Application Documents and Plans (as submitted)**
CD1.1.1	Application Form (29 June 2021)
CD1.1.2	Planning Statement (June 2021)
CD1.1.2A	Planning Statement Appendix 1 – Pre-Application Advice

CD1.1.2B	Planning Statement Appendix 2 – Need Assessment, Healthcare Waste
CD1.1.2C	Planning Statement Appendix 3 – Traffic Management Plan
CD1.1.2D	Planning Statement Appendix 3 – Transport Statement
CD1.1.2E	Planning Statement Appendix 4 – Flood Risk Assessment
CD1.1.2F	Planning Statement Appendix 5 – Ecological Appraisal of Buildings Report
CD1.1.2G	Planning Statement Appendix 5 – Phase 1 Ecology Survey Report
CD1.1.2H	Planning Statement Appendix 6 – Landscape & Ecological Enhancement Scheme
CD1.1.2I	Planning Statement Appendix 6 - Landscape & Ecological Enhancement drawing KB-Sti.005b
CD1.1.2J	Planning Statement Appendix 6 - Landscape & Ecological Enhancement drawing KB-Sti.006b
CD1.1.3	Environmental Statement (June 2021)
CD1.1.3A	Environmental Statement Appendix 1 – Scoping Opinion
CD1.1.3B	Environmental Statement Appendix 2 – Statement of Community Involvement
CD1.1.3C	Environmental Statement Appendix 3 - Statement of Competency
CD1.1.3D	Environmental Statement Appendix 4 – Air Quality Assessment (Issue No.1 June 2021)
CD1.1.3E	Environmental Statement Appendix 5 - Health Impact Assessment (Issue No.1 June 2021)
CD1.1.3F	Environmental Statement Appendix 6 – Noise Assessment (April 2021)
CD1.1.3G	Environmental Statement Appendix 7 – Landscape and Visual Impact Assessment (LVIA) (P02 May 2021)
CD1.1.3G	Environmental Statement Appendix 7 – LVIA Drawings
CD1.1.3H	Environmental Statement Appendix 7 – LVIA Viewpoint 1 pt1
CD1.1.3I	Environmental Statement Appendix 7 – LVIA Viewpoint 1 pt2
CD1.1.3J	Environmental Statement Appendix 7 – LVIA Viewpoint 2
CD1.1.3K	Environmental Statement Appendix 7 – LVIA Viewpoint 2 Montage
CD1.1.3L	Environmental Statement Appendix 7 – LVIA Viewpoint 3
CD1.1.3M	Environmental Statement Appendix 7 – LVIA Viewpoint 3 Montage
CD1.1.3N	Environmental Statement Appendix 7 – LVIA Viewpoint 4

CD1.1.3O	Environmental Statement Appendix 7 – LVIA Viewpoint 5
CD1.1.3P	Environmental Statement Appendix 7 – LVIA Viewpoint 5 Montage
CD1.1.3Q	Environmental Statement Appendix 7 – LVIA Viewpoint 6
CD1.1.3R	Environmental Statement Appendix 7 – LVIA Viewpoint 7
CD1.1.3S	Environmental Statement Appendix 7 – LVIA Viewpoint 8
CD1.1.3T	Environmental Statement Appendix 7 – LVIA Viewpoint 9
CD1.1.3U	Environmental Statement Appendix 7 – LVIA Viewpoint 10
CD1.1.3V	Environmental Statement Appendix 7 – LVIA Viewpoint 11
CD1.1.4	Non-Technical Summary (June 2021)
CD1.1.5	Tree Report (July 2021)
CD1.1.6	Site Location Plan (ref. GPP/E/CWH/21/01 Rev 03)
CD1.1.7	Existing Site Layout Plan (ref. GPP/E/CWH/20/02 Rev 00)
CD1.1.8	Proposed Site Layout Plan (ref. GPP/E/CWH/21/03 Rev 11)
CD1.1.9	Elevations and Floor Plan of Healthcare Waste ERF (ref. GPP/E/CWH/21/04 Rev 01)
CD1.1.10	Elevations and Floor Plan of Waste Transfer Building (ref. GPP/E/CWH/21/05 Rev 03)
CD1.1.11	Elevations and Floor Plan of Biomass Storage Building (ref. GPP/E/CWH/21/06 Rev 03)
CD1.1.12	Elevations and Floor Plan of Pellet Fertiliser Production Facility (ref. GPP/E/CWH/21/07 Rev 01)
CD1.1.13	Cross Sections (ref. GPP/E/CWH/21/08 Rev 01)
CD1.1.14	Isometric Model (ref. GPP/E/CWH/21/08 Rev 01)
CD1.2	**Additional/Amended Reports and/or Plans submitted after validation**
CD1.2.1	Heath Fruit Farm (email 24 February 2022 James Patmore to Deborah Ahmad)
CD1.2.2	1st Planning Statement Addendum (March 2022)
CD1.2.2A	1st Planning Statement Addendum Appendix 1 – CCC Regulation 25 request 21.10.2021
CD1.2.2B	1st Planning Statement Addendum Appendix 2 – Flood Risk & Surface Water Drainage Response (Drainage Strategy November 2021)
CD1.2.2C	1st Planning Statement Addendum Appendix 3 – Ecological Response (Heath Fruit Farm (email 24 February 2022 James Patmore to Deborah Ahmad)
CD1.2.2D	1st Planning Statement Addendum Appendix 3 – Ecological Response (Biodiversity Metric 3.0 14.02.2022)

CD1.2.2E	1st Planning Statement Addendum Appendix 3 – Ecological Response (Pre-development habitats (drawing ref. BMD.21.0072.DRE.901) (February 2022)
CD1.2.2F	1st Planning Statement Addendum Appendix 3 – Ecological Response (Post development habitats (drawing ref. BMD.21.0072.DRE.902) (February 2022)
CD1.2.2G	1st Planning Statement Addendum Appendix 3 – Ecological Response (Biodiversity Net Gain Assessment (February 2022))
CD1.2.2H	1st Planning Statement Addendum Appendix 4 – Transport Statement Addendum (February 2022)
CD1.2.2I	1st Planning Statement Addendum Appendix 5 – Planning Need Addendum (January 2022)
CD1.2.3	2nd Planning Statement Addendum (August 2022)
CD1.2.3A	2nd Planning Statement Addendum Appendix 1 - CCC Regulation 25 request 08.06.2022
CD1.2.3B	2nd Planning Statement Addendum Appendix 2 – Air Quality Assessment – Nitrogen Deposition on County Wildlife Site
CD1.2.3C	2nd Planning Statement Addendum Appendix 3 – Revised Landscape & Ecological Enhancement Plan ref. KB-Sti006c
CD1.2.3D	2nd Planning Statement Addendum Appendix 4 – Revised Biodiversity Net Gain Assessment (Biodiversity Metric 3.1 August 2022)
CD1.2.3E	2nd Planning Statement Addendum Appendix 4 – Revised Biodiversity Net Gain Assessment (Biodiversity Net Gain Assessment Rev A (August 2022))
CD1.2.3F	2nd Planning Statement Addendum Appendix 4 – BMD.21.0072.DRE.901 Rev A Pre-development habitats
CD1.2.3G	2nd Planning Statement Addendum Appendix 4 – BMD.21.0072.DRE.902 Rev B Post development habitats
CD1.2.3H	2nd Planning Statement Addendum Appendix 5 – Highway authority consultation response (10.06.2022)
CD1.2.4	1st Environmental Statement Addendum (March 2022)
CD1.2.4A	1st Environmental Statement Addendum Appendix 1 – CCC Regulation 25 request 21.10.2021
CD1.2.4B	1st Environmental Statement Addendum Appendix 1 – Reg 25 request Appendix (Air Quality Review, dated October 2021)
CD1.2.4C	1st Environmental Statement Addendum Appendix 2 – Air Quality Assessment Response (Detailed Air Quality Assessment of Proposed Discharges From Envar Composting Limited, Huntingdon (January 2022))
CD1.2.4D	1st Environmental Statement Addendum Appendix 2 – Air Quality Assessment Response (Detailed Response to Concerns Raised over the Air Quality Impact of the Proposed Changes to Operation at Envar Composting Limited, Huntingdon (February 2022))
CD1.2.4E	1st Environmental Statement Addendum Appendix 2 – Air Quality Assessment Response (Human Health Risk Assessment of Emissions from a Proposed Healthcare Energy Recovery Facility (January 2022))
CD1.2.4F	1st Environmental Statement Addendum Appendix 2 – Air Quality Assessment Response (Air Quality Impacts of Traffic Emissions (December 2021))
CD1.2.4G	1st Environmental Statement Addendum Appendix 3 – Noise Assessment Response (Noise Addendum v1.0 (February 2022))

CD1.2.4H	1st Environmental Statement Addendum Appendix 4 - Landscape and Visual Impact Response (Landscape and Ecological Enhancement Plan Addendum (August 2021))
CD1.2.4I	1st Environmental Statement Addendum Appendix 4 - Landscape and Visual Impact Response (Landscape and Visual Impact Assessment Rev P03 (February 2022))
CD1.2.4J	1st Environmental Statement Addendum Appendix 5 – Draft Construction Environmental Management Plan (January 2022)
CD1.2.5	2nd Environmental Statement Addendum (August 2022)
CD1.2.5A	2nd Environmental Statement Addendum Appendix 1 – CCC Regulation 25 request 08.06.2022
CD1.2.5B	2nd Environmental Statement Addendum Appendix 2 – Air Quality and Health Assessment Response (Environmental Visage Response to 2nd Regulation 25 Request for Further Information)
CD1.2.5C	2nd Environmental Statement Addendum Appendix 3 - POLICY LP29 HDLP – Rapid Health Impact Assessment Tool (October 2019)
CD1.2.5D	2nd Environmental Statement Addendum Appendix 4 - Huntingdonshire District Council Landscape Officer Consultation Comment
CD1.2.5E	2nd Environmental Statement Addendum Appendix 5 – Landscape and Visual Impact Assessment Rev P05
CD1.2.6	Central Planting Summary Document (August 2022)
CD1.2.7	Proposed Site Layout Plan (ref. GPP/E/CWH/21/03 Rev 15)
CD1.2.8	Landscape and Ecological Enhancement Plan (ref. KB-STi006 Rev D)
CD1.2.8	Dry AD Energy Efficiency Note (November 2022)
CD1.2.9	Plume Visibility Briefing Note 2 (November 2022)
CD1.2.10	Biodiversity Net Gain Assessment Revision 3 - BNG Assessment (3.1) (November 2022)
CD1.2.11	Biodiversity Net Gain Assessment Revision 3 - Pre Development Habitats (November 2022)
CD1.2.12	Biodiversity Net Gain Assessment Revision 3 - Post Development Habitats (November 2022)
CD1.2.13	Biodiversity Net Gain Assessment Revision 3 – Biodiversity Metric 3.1 (November 2022)
CD1.2.14	Biodiversity Net Gain Assessment Revision 3 – Landscape and Maintenance Summary Scheme (November 2022)
CD1.2.15	Biodiversity Net Gain Assessment Revision 3 – Landscape and Ecological Enhancement Plan ref. KB-STI006D (November 2022)
CD1.3	**Statutory Consultee and Other Responses to Application**
CD1.3.1	Huntingdonshire District Council (Landscape) 08 09 2021
CD1.3.1A	Huntingdonshire District Council (Landscape) 05 04 2022
CD1.3.1B	Huntingdonshire District Council (Landscape) (rec'd 14.04.22)
CD1.3.2	Huntingdonshire District Council (Environmental health) 14 09 2021
CD1.3.3	Environment Agency 27 09 2021
CD1.3.3A	Environment Agency 09 03 2022

CD1.3.4	Natural England 25 08 2021
CD1.3.4A	Natural England 03 05 2022
CD1.3.4B	Natural England 04 09 2022
CD1.3.4C	Natural England 04 01 2023
CD1.3.5	UK Health Security Agency 08 04 2022
CD1.3.5A	UK Health Security Agency 07 09 2022
CD1.3.5B	UK Health Security Agency 23 12 2022
CD1.3.6	Cambridge City Airport 31 07 2021
CD1.3.6A	Cambridge City Airport 22 03 2022
CD1.3.7	Health and Safety Executive 15 09 2021
CD1.3.8	Cambridgeshire Fire and Rescue Service 01 09 2021
CD1.3.9	Cambridgeshire County Council Transport Assessment Team 26 08 2021
CD1.3.9A	Cambridgeshire County Council Transport Assessment Team 05 05 2022
CD1.3.9B	Cambridgeshire County Council Transport Assessment Team 12 09 2022
CD1.3.9C	Cambridgeshire County Council Highway Engineer 24 03 2022
CD1.3.9D	Cambridgeshire County Council Highway Engineer 10 06 2022
CD1.3.10	Cambridgeshire County Council Local Lead Flood Authority 19 08 2021
CD1.3.10A	Cambridgeshire County Council Local Lead Flood Authority 19 05 2022
CD1.3.10B	Cambridgeshire County Council Local Lead Flood Authority 05 09 2022
CD1.3.11	Cambridgeshire County Council Public Health
CD1.3.12	Cambridgeshire County Council – Ecology Officer 19 08 2021
CD1.3.12A	Cambridgeshire County Council – Ecology Officer 29 04 2022
CD1.3.12B	Cambridgeshire County Council – Ecology Officer 21 10 2022
CD1.3.12C	Cambridgeshire County Council – Ecology Officer 28 12 2022
CD1.3.12D	Cambridgeshire County Council – Ecology Officer 22 03 2023
CD1.3.13	Cambridgeshire County Council – Carbon and Energy Manager
CD1.3.14	Cambridgeshire County Council – Historic Environment Team (Archaeology)
CD1.3.15	Councillor Steve Criswell (CCC Somersham & Earith Division and HDC

	Somersham Ward) 10 09 2021
CD1.3.15A	Councillor Steve Criswell (CCC Somersham & Earith Division and HDC Somersham Ward) 16 04 2022
CD1.3.16	Somersham Parish Council 17 09 2021
CD1.3.16A	Somersham Parish Council 12 04 2022
CD1.3.16B	Somersham Parish Council 06 09 2022
CD1.3.17	Bluntisham Parish Council 02 09 2021
CD1.3.17A	Bluntisham Parish Council 12 04 2022
CD1.3.17B	Bluntisham Parish Council 21 09 2022
CD1.3.17C	Bluntisham Parish Council 05 01 2023
CD1.3.18	Woodhurst Parish Council 16 09 2021
CD1.3.18A	Woodhurst Parish Council 15 04 2022
CD1.3.19	Pidley cum Fenton Parish Council
CD1.3.20	St Ives Town Council 10 09 2021
CD1.3.20A	St Ives Town Council 28 03 2022
CD1.3.20B	St Ives Town Council 29 09 2022
CD1.3.20C	St Ives Town Council 22 12 2022
CD1.3.21	Earith Parish Council 03 09 2021
CD1.3.21A	Earith Parish Council 02 09 2022
CD1.3.21B	Earith Parish Council 06 01 2023
CD1.3.22	Colne Parish Council 09 09 2021
CD1.3.22A	Colne Parish Council 07 04 2022
CD1.3.23	Hemingford Grey Parish Council 22 09 2021
CD1.3.23A	Hemingford Grey Parish Council 13 04 2022
CD1.3.23B	Hemingford Grey Parish Council 09 01 2023
CD1.3.24	Holywell cum Needingworth Parish Council 08 09 2021
CD1.3.24A	Holywell cum Needingworth Parish Council 06 04 2022
CD1.3.24B	Holywell cum Needingworth Parish Council 08 09 2022
CD1.3.24C	Holywell cum Needingworth Parish Council 15 12 2022
CD1.3.25	Warboys Parish Council 20 09 2021
CD1.3.25A	Warboys Parish Council 12 04 2022

CD1.3.26	Wyton on the Hill Parish Council
CD1.3.27	East Cambridgeshire Joint Villages HCV Group
CD1.3.28	Cambridge Friends of the Earth 08 09 2021
CD1.3.28A	Cambridge Friends of the Earth Additional submission Cadmium
CD1.3.28B	Cambridge Friends of the Earth Addenbrookes Abnormal Emissions
CD1.3.29	Campaign to Protect Rural England (CPRE) Cambridgeshire and Peterborough 10 09 2021
CD1.3.29A	Campaign to Protect Rural England (CPRE) Cambridgeshire and Peterborough 02 07 2022
CD1.4	**Application Decision**
CD1.4.1	Decision Notice (24 April 2023)
CD1.4.2	Committee Report (19 April 2023)
CD1.4.3	Minutes of Committee Meeting (19 April 2023)
CD2.1	**Appeal Submission Documents**
CD2.1.1	Online Appeal Form (16 October 2023)
CD2.1.2	Cover Letter (16 October 2023)
CD2.1.3	Notice (16 October 2023)
CD2.1.4	Landscape and Maintenance Summary Scheme Rev October 2023[47]
CD2.1.5	Proposed Dry AD Healthcare Waste Recovery Landscape and Ecological Enhancement Plan Ref. KB Sti006 Rev e2[48]
CD2.2	**Appeal Correspondence**
CD2.2.1	Quod letter to PINS (11 December 2023)
CD2.2.2	Case Management Conference note (19 December 2023)
CD2.3	**Statements of Case**
CD2.3.1	Envar Compositing Ltd. Statement of Case (October 2023)
CD2.3.2	CCC Statement of Case (December 2023)
CD2.4	**Statements of Common Ground (SoCG)**
CD2.4.1	Main Statement of Common Ground
CD2.4.2	Statement of Common Ground Landscape & Visual Matters

[47] Withdrawn see Quod letter to PINS (11 October 2023)
[48] Withdrawn see Quod letter to PINS (11 October 2023)

CD2.5	Representations to the Appeal
CD2.5.1	Ms Philippa Hope (9 Bramley Grove PE28 3XG)
CD2.5.2	Miss Claire Arnold (5 Barley Way, PE26 2QP)
CD2.5.3	Mr Michael Beer (Yassou Church Street, PE28 3BN)
CD2.5.4	Miss Susan Bell (3 Miller Way CB23 5FJ)
CD2.5.5	Mr G Benson (3 Home Farm Close PE28 3BF)
CD2.5.6	Mrs Pamela Benson (3 Home Farm Close PE28 3BF)
CD2.5.7	Mr Billy Blissett (7 Eagle Walk PE28 4BY)
CD2.5.8	Mrs Elizabeth Blows (The Raptor Foundation PE28 3BT)
CD2.5.9	Mr Simon Bluff (Colne Heath Farm House PE28 3LH)
CD2.5.10	Mrs Sarah Bond (8 St Johns Close PE27 4TT)
CD2.5.11	Mr Andrew Bouch (8 Priory Road PE27 4SD)
CD2.5.12	Mr Robert Bousfield (Heath Fruit Farm PE28 3QL)
CD2.5.12A	Mr Robert Bousfield (Heath Fruit Farm PE28 3QL)
CD2.5.13	Mrs Christine Caudwellbrown (31 Goldcrest Road PE27 5DQ)
CD2.5.14	Mr Richard Chamberlain (1 Braefield PE28 9EZ)
CD2.5.15	Mrs Anna Chivers (6b The Bank PE28 3DJ)
CD2.5.16	Miss Sarah Cooper (38 Westwood Avenue PE15 8AX)
CD2.5.17	Miss Sophie Davies (83 High Street PE27 4SJ)
CD2.5.18	Councillor Steve Criswell (23 The Bank PE28 3DJ)
CD2.5.18A	Councillor Steve Criswell (23 The Bank PE28 3DJ)
CD2.5.18B	Councillor Steve Criswell (23 The Bank PE28 3DJ)
CD2.5.19	Mr Colin Hammond (49 Ramsey Road PE26 2XN)
CD2.5.20	Miss Emma Hammond (39 Slade Close PE26 1JG)
CD2.5.21	Miss Irene Healiss (The Norwood Building PE26 1AL)
CD2.5.22	Ms Anne Hadfield (18 The Sycamores PE28 3XW)
CD2.5.23	Mr Chris Grant (28 Crane Close PE28 3YG)
CD2.5.24	Mr Paul Frost (59 St Marys Road MK43 9HA)
CD2.5.25	Mrs Jane Godfrey (Manor Farm PE28 3LE)
CD2.5.26	Miss Bethany Clough (4 Edinburgh Drive PE27 3DB)

CD2.5.27	Mr Antony Herbert (96 The Trundle PE28 3JS)
CD2.5.28	Mr Steve Hickson (Kiddi Caru Day Nurseries Group, Tuscany House, RG21 4AF)
CD2.5.29	Doctor Suzanne Hitchin (5 Church Road PE28 2RJ)
CD2.5.30	Mrs Tracey Hope (9 Bramley Grove PE28 3XG)
CD2.5.30A	Mrs Tracey Hope (9 Bramley Grove PE28 3XG)
CD2.5.31	Bluntisham Parish Council (9 Bramley Grove PE28 3XG)
CD2.5.32	Ms Jean Fairbairn
CD2.5.33	Mr David Knights (10 Constable Road PE27 3EQ)
CD2.5.33A	Mr David Knights (10 Constable Road PE27 3EQ)
CD2.5.33B	Mr David Knights (10 Constable Road PE27 3EQ)
CD2.5.34	Mrs Judy Wilson (10 Presses Close PE28 3XL)
CD2.5.35	Mr Mark Lewinski Grende (32 Fairview Grove CB25 0LB)
CD2.5.36	Mrs Amie Lill (34 High Street PE28 3LA)
CD2.5.37	Mrs Angie Lyon (1 Asplins Avenue PE27 4SX)
CD2.5.38	Mr Scott Mackie (18A Haddows Close CB24 3DJ)
CD2.5.39	Mrs Joanne Mackintosh removed to be redacted
CD2.5.39A	Mrs Joanne Mackintosh removed to be redacted
CD2.5.40	Ms Natasha Marko (Moat Cottage PE28 3BW)
CD2.5.40A	Ms Natasha Marko (Moat Cottage PE28 3BW)
CD2.5.40B	Ms Natasha Marko (Moat Cottage PE28 3BW)
CD2.5.40C	Ms Natasha Marko (Moat Cottage PE28 3BW)
CD2.5.40D	Ms Natasha Marko (Moat Cottage PE28 3BW)
CD2.5.41	Mr John Marsh removed to be redacted
CD2.5.42	Mrs Shannon Mccarthy (89 High Street PE26 1BZ)
CD2.5.43	Miss Bridgette Mills (17 Ashton Close PE27 4UB)
CD2.5.44	Mr Stuart Moore (The Grain Barn PE28 3DG)
CD2.5.45	Mrs Kym Moussi (1 Hogarth Close PE27 3HJ)
CD2.5.46	Mrs Christine Newlove (18A Silver Lane PE27 4SL)
CD2.5.47	Mr Andrew Notman (The Long Barn PE28 3BN)

CD2.5.48	Mrs Rebecca Obermeier (5 Church Road PE28 2RJ)
CD2.5.49	removed to be redacted
CD2.5.49A	removed to be redacted
CD2.5.50	Mrs Mandy Powell (Ploughman Hall CB24 5LP)
CD2.5.51	Mrs Jo Puckering (60 Victoria Crescent PE28 2AL)
CD2.5.52	Mr Paolo Puddu (St Ives Photo, The Raptor Foundation PE28 3BT)
CD2.5.53	Mr Ian Ralls (Suite 101, 23 Kings Street CB1 1AH)
CD2.5.54	Ms Katherine Rennie (The Shires PE28 3BN)
CD2.5.55 and 55A to O	Mrs Lorna Watkins removed to be redacted
CD2.5.57	Mrs Trina Rodgers (10 Hammond Way PE28 3YE)
CD2.5.58	Mrs Sue Rodgers (62 Boxworth End CB24 4RA)
CD2.5.59	Dr Richard Waters (Time for Health PE27 5BH)
CD2.5.59A	Dr Richard Waters (Time for Health PE27 5BH)
CD2.5.60	St Ives Town Council (St Ives Town Hall PE27 5AL)
CD2.5.61	Ms Henny Thompson (25 The Bank PE28 3DJ)
CD2.5.62	Mr and Mrs Thorne (2 Cambridge Drive PE27 3AB)
CD2.5.63	RT Hon Shailesh Vara MP (House of Commons SW1A 0AA)
CD2.5.63A	RT Hon Shailesh Vara MP (House of Commons SW1A 0AA)
CD2.5.64	Mrs Ling Warrilow (Pickle Fen Cottage PE16 6SG)
CD2.6	**Proofs of Evidence**
CD2.6.1	Sean Bashforth's Proof of Evidence on Planning Matters
CD2.6.1A	Sean Bashforth's Proof of Evidence Appendices
CD2.6.1B	Sean Bashforth's Summary Proof of Evidence
CD2.6.2	Catherine Bean's Proof of Evidence on Landscape and Visual Impact
CD2.6.2A	Catherine Bean's Proof of Evidence Appendices Front Cover
CD2.6.2B1	Catherine Bean's PoE Appendix ALD879_Figure 1 LA POE -Landscape Character
CD2.6.2B2	Catherine Bean's PoE Appendix ALD879_Figure 2 LA POE Viewpoint 2 Montage

CD2.6.2B3	Catherine Bean's PoE Appendix ALD879_Figure 3 LA POE Viewpoint 3 Montage with Warehouse
CD2.6.2B4	Catherine Bean's PoE Appendix ALD879_Figure 4 LA POE Viewpoint 4 with Warehouse
CD2.6.2B5	Catherine Bean's PoE Appendix ALD879_Figure 5 LA POE Viewpoint 5 with Warehouse
CD2.6.2B6	Catherine Bean's PoE Appendix ALD879_Figure 6 LA POE Viewpoint 7 with Warehouse
CD2.6.2B7	Catherine Bean's PoE Appendix ALD879_Figure 7 LA POE Topography with Views
CD2.6.2B8	Catherine Bean's PoE Appendix ALD879_Figure 8 LA POE Landuse with Built Elements
CD2.6.2B9	Catherine Bean's PoE Appendix ALD879_Figure 9 LA POE Viewpoint 4 baseline
CD2.6.2B10	Catherine Bean's PoE Appendix ALD879_Figure 10 LA POE Viewpoint 5 baseline
CD2.6.2B11	Catherine Bean's PoE Appendix ALD879_Figure 11 LA POE Landscape Plan
CD2.6.2B12	Catherine Bean's PoE Appendix ALD879_Figure 12 LA POE Viewpoint 2 baseline
CD2.6.2B13	Catherine Bean's PoE Appendix ALD879_Figure 13 LA POE Viewpoint 2 Montage annotated
CD2.6.2B14	Catherine Bean's PoE Appendix ALD879_Figure 14 LA POE Viewpoint 3 baseline
CD2.6.2B15	Catherine Bean's PoE Appendix ALD879_Figure 15 LA POE Viewpoint 3 Montage annotated
CD2.6.2B16	Catherine Bean's PoE Appendix ALD879_Figure 16 LA POE Viewpoint 5 Montage annotated
CD2.6.2C	Catherine Bean’s Summary Proof of Evidence
CD2.6.3	Dr Amanda Owen’s Proof of Evidence on Health and Wellbeing Impact
CD2.6.3A	Dr Amanda Owen’s Proof of Evidence Appendices
CD2.6.3B	Dr Amanda Owen’s Summary Proof of Evidence
CD2.6.4	James Cooper’s Proof of Evidence on Waste Processes
CD2.6.4A	James Cooper’s Summary Proof of Evidence
CD2.6.4B	James Cooper’s Proof of Evidence Appendices Front Cover
CD2.6.4C	James Cooper’s Proof of Evidence Appendix 1 - OD113 FRS report

CD2.6.4D	James Cooper's Proof of Evidence Appendix 2 - Liaison meeting minutes 12 12 2019
CD2.6.4E	James Cooper's Proof of Evidence Appendix 3 - Liaison meeting minutes 10 05 2021
CD2.6.4F	James Cooper's Proof of Evidence Appendix 4 - Envar Regeneration FAQs V3
CD2.6.4G	James Cooper's Proof of Evidence Appendix 5 - Envar Cambridge Permit
CD2.6.4H	James Cooper's Proof of Evidence Appendix 6 - Regeneration Woodhurst Colocation Potential Process Flow
CD2.6.4I	James Cooper's Proof of Evidence Appendix 7 - Local First Policy
CD2.6.5	Stephen Othen's Proof of Evidence on Climate Change
CD2.6.5A	Stephen Othen's Proof of Evidence Appendices
CD2.6.5B	Stephen Othen's Summary Proof of Evidence
CD2.6.6	Christopher Whitehouse's Proof of Evidence on Planning Matters
CD2.6.6A	Christopher Whitehouse's Proof of Evidence Appendix I
CD2.6.6B	Christopher Whitehouse's Proof of Evidence Appendix II
CD2.6.6C	Christopher Whitehouse's Summary Proof of Evidence
CD2.6.7	Paul Reynold's Proof of Evidence on Landscape and Visual Impact
CD2.6.7A	Paul Reynold's Proof of Evidence Appendix A
CD2.6.7B	Paul Reynold's Proof of Evidence Appendix B
CD2.6.7C	Paul Reynold's Summary Proof of Evidence
CD2.7	**Rebuttal Proofs of Evidence**
CD2.7.1	Sean Bashforth's Rebuttal Proof of Evidence
CD2.7.1A	Sean Bashforth's Rebuttal Proof of Evidence Appendices
CD2.7.2	Catherine Bean's Rebuttal Proof of Evidence
CD2.7.2A	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1030 RevP01 Bare Earth Zone of Theoretical Visibility
CD2.7.2B	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1031 RevP01 Viewpoint A Photomontage Jan 2024
CD2.7.2C	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1032 RevP01 Viewpoint C Photomontage Jan 2024
CD2.7.2D	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1033 RevP01 Viewpoint D Photomontage Jan 2024

CD2.7.2E	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1034 RevP01 Study Area Non Rural Photos Sheet 1
CD2.7.2F	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1034 RevP01 Study Area Non Rural Photos Sheet 2
CD2.7.2G	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1036 RevP01 Woodhurst Farm Warehouse Photos
CD2.7.2H	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1037 RevP01 Other Taller Element Photos
CD2.7.2I	Catherine Bean's Rebuttal Proof of Evidence ALD879_LD1038 RevP01 Existing Envar Operations
CD2.7.3	James Cooper's Rebuttal Proof of Evidence
CD2.7.3A	James Cooper's Rebuttal Proof of Evidence Appendix 1
CD2.7.3B	James Cooper's Rebuttal Proof of Evidence Appendix 2.1
CD2.7.3C	James Cooper's Rebuttal Proof of Evidence Appendix 2.2
CD2.7.3D	James Cooper's Rebuttal Proof of Evidence Appendix 3 (Photo 1 – 31st Jan 24)
CD2.7.3E	James Cooper's Rebuttal Proof of Evidence Appendix 3 (Photo 2 – 31st Jan 24)
CD2.7.3F	James Cooper's Rebuttal Proof of Evidence Appendix 3 (Photo Spring 23)
CD2.7.3G	James Cooper's Rebuttal Proof of Evidence Appendix 3 (Photo 2nd Jan 24)
CD2.7.3H	James Cooper's Rebuttal Proof of Evidence Appendix 3 (Photo 5th Feb 24)
CD2.7.4	Stephen Othen's Rebuttal Proof of Evidence
CD2.7.4A	Stephen Othen's Rebuttal Proof of Evidence Appendices
CD2.7.5	Christopher Whitehouse's Rebuttal Proof of Evidence
CD3	**National Policy**
CD3.1	National Planning Policy
CD3.1.1	National Planning Policy Framework (December 2023)
CD3.1.2	Waste Management Plan for England (2021)
CD3.1.3	National Planning Policy for Waste (October 2014)
CD3.1.4	Defra's Energy from Waste Guide (2014)
CD3.1.5	National Planning Practice Guidance (NPPG) Air Quality (November 2019)

CD3.1.6	NPPG Climate Change (March 2019)
CD3.1.7	NPPG Noise (July 2019)
CD3.1.8	NPPG Waste (October 2015)
CD3.1.9	NPPG Light pollution (November 2019)
CD3.1.10	NPPG Achieving healthy and inclusive communities (August 2022)
CD4	**Local Policy**
CD4.1	Local Planning Policy
CD4.1.1	Huntingdonshire Local Plan (May 2019)
CD4.1.2	Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021)
CD4.2	**Supplementary Planning Guidance**
CD4.2.1	Cambridgeshire Flood & Water Supplementary Planning Document (adopted 14 July 2016)
CD4.2.2	Huntingdonshire Landscape and Townscape SPD (March 2022) (Print Chapter 3 version only)
CD5	**Other Legislation / Guidance**
CD5.1.1	Waste (England and Wales) Regulations 2011 (which transposed relevant EU legislation)
CD5.1.1	Waste (England and Wales) Regulations 2011 (most relevant sections)
CD5.1.2	National Policy Statement for Energy (NPS EN1)
CD5.1.3	Draft National Policy Statement for Renewable Energy Infrastructure (EN3) (Sept 2021)
CD5.1.3A	National Policy Statement for Renewable Energy Infrastructure (EN 3) (March 2023)
CD5.1.4	Environment Act 2021
CD5.1.5	Section 38(6) of the Planning and Compulsory Act 2004
CD5.1.6	Reports to Parliament pursuant to Section 36 (1) of the Climate Change Act 2008 (Chapter 12 pages 298 311)
CD5.1.6	Reports to Parliament pursuant to Section 36 (1) of the Climate Change Act 2008 (pages 37 & 304 -306)
CD5.1.7	Guidelines for Visual Impact Assessment (Third Edition) ("GLVIA3") relevant sections
CD5.1.8	Landscape Institute Technical Guidance Note 02/21 Assessing landscape value outside of national designations ("TGN 02/21")

CD5.1.9	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention and Control) (Recast)
CD5.1.10	Commission Regulation (EU) 2022/2002 of 21 October 2022 amending Regulation (EC) No 1881/2006 as regards maximum levels of dioxins and dioxin like PCBs in certain foodstuffs.
CD5.1.11	Environmental Permitting (England and Wales) Regulations SI 2016/1154
CD5.1.12	Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals ("TGN 06/19")
CD5.1.13	Smith v First Secretary of State [2005] EWCA Civ 859; [2006] J.P.L. 386
CD5.1.14	Biomass Policy Statement (November 2021)
CD5.1.15	Mordue v SSCLG [2015] EWCA Civ 1243; [2016] 1 WLR 2682 at para. 28
CD5.1.16	Energy from waste: A guide to the debate, February 2014 (revised edition), Department for Environment Food and Rural Affairs
CD5.1.17	Appellant's summary of Smith and Mordue cases
CD6	**Other documents relevant to the appeal**
CD6.1.1	Waste Management Licence (EAWML 75098)
CD6.1.2	Zero Waste Europe. Hidden emissions: A story from the Netherlands Case Study (November 2018)
CD6.1.3	Review of Landfill Methane Emissions Modelling (WR1908), Golder Associates (November 2014)
CD6.1.4	THE CARBON FOOTPRINT OF FERTILISER PRODUCTION: REGIONAL REFERENCE VALUES, Hoxha,A. and Christensen, B, 2018
CD6.1.5	Approved plan GPP/EN/SI/11/05 Rev 1 under application ref. H/05021/11/CW
CD6.1.6	Environmental Permit ref. EPR/GP3930DF
CD6.1.7	Huntingdonshire Landscape and Townscape Assessment (June 2007)
CD6.1.8	Natural England National Character Areas (2012)
CD6.1.9	Landscape and Sea Scape Character Assessments by the Natural England (NE) and Department for Environment, Food and Rural Affairs (DEFRA) (October 2014)
CD6.1.10	An Approach to Landscape Character Assessment by Christine Tudor (NE) (October 2014)

CD6.1.11	WHO factsheet on Dioxins and Furans (Last updated 29th November 2023)
CD6.1.12	NHS Clinical Waste Strategy (Version 1, 31 January 2003) (published 7 March 2023)[49]
CD6.1.13	Appendices to the NHS Clinical Waste Strategy (Version 1, 31 January 2003) (published 7 March 2023)[50]
CD6.1.14	Sustainable Healthcare Recycling Waste Management flyer[51]
CD7	**Relevant Planning Application Decisions**
CD7.1.1	H/5015/09/CW
CD7.1.2	H/5005/17/CW
CD7.1.3	H/5001/07/CW
CD7.1.4	H/5004/17/CW
CD7.1.5	H/5007/17/CW
CD7.1.6	H/5005/17/CW/N1
CD7.1.7	H/05021/11/CW
CD7.1.8	19/01205/FUL
CD8	**Relevant Case Law**
CD8.1.1	Cawrey Limited v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2016] EWHC 1198 (Admin)
CD9	**Documents submitted during the Inquiry – Day 1**
CD9.1.1	Appellant's Opening Statement
CD9.1.2	Appellant Appearances List
CD9.1.3	Council's Opening Statement CD9.1.4 Council Appearances List
CD9.1.4a	Council Appearances List updated CD10 Documents submitted during the Inquiry – Days 2 – 4
CD10	**Transcribed section of CW evidence, agreed to be sufficiently accurate**
CD11	**Documents submitted during the Inquiry – Days 5 - 7**
CD11.1.1	Summary of Helen Thatcher's response to Mrs Bean's oral evidence on 23.02.2024

[49] Submitted during the Inquiry
[50] Submitted during the Inquiry
[51] Submitted during the Inquiry

CD6.1.12	NHS Clinical Waste Strategy (Version 1, 31 January 2003) (published 7 March 2023)
CD6.1.13	Appendices to the NHS Clinical Waste Strategy (Version 1, 31 January 2003) (published 7 March 2023)
CD6.1.14	Sustainable Healthcare Recycling Waste Management flyer
CD12	**Site visit itinerary**
CD12.1	Site visit itinerary
CD12.2	Site visit itinerary map
CD13	**Closing statements**
CD13.1	Appellant's closing statement
CD13.2	Council's closing statement
CD14	**Application for costs**
CD14.1	Appellant application for costs
CD14.2	Council's response to application for costs
CD14.3	Appellant response to Council's response (final right of reply)

Appendix D

List of recommended Planning Conditions

Time Limit

1. The development hereby permitted shall be commenced no later than 3 years from the dated of this permission. Within 7 days of the commencement the developer shall notify the waste planning authority in writing of the date on which the development commenced.

Commencement of phases of development

2. The developer shall notify the waste planning authority in writing of the date of the material start of the following phases of development within 7 days of each phase commencing:

   i) construction of the surface water storage lagoons shown as 25 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21;

   ii) bringing into use the surface water storage lagoons shown as 25 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21;

   iii) decommissioning of any of the surface water storage lagoons shown on drawing no. GPP/E/CWH/20/02 Existing Site Layout Plan dated 27 Jul 2020;

iv) demolition of buildings shown as S1a and S1b on Appendix Three: Building Plan with Target Notes (Ecological Appraisal – Buildings Inspection – Greenwillows Associates Ltd, July 2021);

v) bringing into use the waste transfer station building, the biomass storage building and the pellet production facility building shown as 28, 49 and 47 respectively on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21;

vi) the first acceptance of waste to the dry anaerobic digestion (AD) plant; and

vii) the first acceptance of waste to the healthcare waste energy recovery facility (ERF).

Surface water storage lagoons

3. The surface water storage lagoons shown on drawing no. GPP/E/CWH/20/02 Existing Site Layout Plan dated 27 Jul 2020 shall not be decommissioned until equivalent capacity has been created in accordance with drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21.

Site Area

4. This permission relates only to the land shown outlined in red on drawing no.GPP/E/CWH/21/01 Rev 03 dated 26/04/21 (received 12 July 2021) and is referred to in these conditions as 'the Site'. The land shown outlined in blue on drawing no.GPP/E/CWH/21/01 Rev 03 Site Location Plan dated 26/04/21 is referred to in these conditions as 'the Envar Site'.

Approved Plans and Documents

5. The development hereby permitted shall be carried out in accordance with the following drawings:

   GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022); GPP/E/CWH/21/04 Rev 01 Elevation of Healthcare Waste ERF dated 26/04/21 (received 22 June 2021); GPP/E/CWH/21/05 Rev 03 Elevation of Waste Transfer Building dated 26/04/21 (received 22 June 2021); GPP/E/CWH/21/06 Rev 03 Elevation of Biomass Storage Building dated 26/04/21 (received 22 June 2021); GPP/E/CWH/21/07 Rev 01 Elevation of Pellet Fertiliser Production Facility Building dated 26/04/21 (received 22 June 2021); and GPP/E/CWH/21/08 Rev 01 Cross Sections dated 01.04.2021 (received 22 June 2021).

Waste throughput

6. No more than 200,000 tonnes of waste shall be accepted at the Envar Site in any 12-month period. No more than 12,000 tonnes of waste shall be processed at the healthcare waste ERF facility in any 12-month period.

Waste catchment area

7. With the exception of wastes accepted for treatment in the healthcare waste ERF not less than 40% by weight of wastes accepted at the Envar Site in any 12-month period shall be sourced from the East of England Region. The East of England means the counties of Norfolk, Suffolk, Cambridgeshire, Essex,

Hertfordshire, Bedfordshire, and Northamptonshire together with the unitary authorities of Peterborough, Southend on Sea, Milton Keynes, and Luton. Waste from a waste transfer station within the East of England shall be regarded as arising from within the East of England.

Records of waste inputs

8. A record of the quantity and source of wastes delivered to the site, including separately the quantity of healthcare waste, to evidence the requirements of Conditions 6 and 7 above shall be maintained by the operator. This shall be made available to the waste planning authority on request within 10 working days of receipt of a written request. All records shall be kept for at least 48 months.

Construction environmental management plan

9. No development shall commence until a detailed Construction Environmental Management Plan has been submitted to and approved in writing by the waste planning authority. This shall include but not be limited to:

   i) measures to protect trees that are to be retained;

   ii) measures to minimise noise and vibration;

   iii) measures to minimise dust;

   iv) measures to minimise the impact of lighting on humans and wildlife especially bats;

   v) measures to protect nesting birds and other wildlife;

   vi) measures to minimise the risk of pollution of ground and surface water;

   vii) measures to manage construction traffic including routeing;

   viii) parking for construction workers; and

   ix) management of demolition waste.

   The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Bat survey

10. No works to the supporting wall between the buildings shown as S1a and S1b on Appendix Three: Building Plan with Target Notes (Ecological Appraisal – Buildings Inspection – Greenwillows Associates Ltd, July 2021) including demolition or illumination of the building shall take place until a bat survey has been undertaken by a licensed ecologist and confirmed that no bats are present.

    If no bats are found to be present demolition works shall commence within 24 hours of the completion of the bat survey, under the supervision of the licenced ecologist. A copy of the survey report shall be submitted to the waste planning authority within 7 days of the completion of the survey along with confirmation that demolition works have been completed.

    If bats are present no works to the supporting wall between the buildings shown as S1a and S1b on Appendix Three: Building Plan with Target Notes (Ecological Appraisal – Buildings Inspection – Greenwillows Associates Ltd, July 2021)

including demolition or illumination of the building shall take place until a mitigation licence has been obtained from Natural England.

Construction hours

11. No construction or demolition shall take place outside 07:00–18:00 Mondays to Saturdays (except bank and public holidays). No construction or demolition shall take place on Sundays or on bank and public holidays.

Construction drainage

12. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the Site will be avoided during the construction works have been submitted to and approved in writing by the waste planning authority. The developer will be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Materials

13. No buildings, plant, or infrastructure over 9 metres in height shall be erected until details of the external construction materials, finishes and colours have been submitted to and approved in writing by the waste planning authority. The development shall be carried out in accordance with the approved details.

Hours of operation

14. (i) No vehicle shall enter or leave the Envar Site except between 05:00 and 22:00 hours daily (including public and bank holidays).

    (ii) No plant or machinery shall operate outside buildings except between 05:00 and 22:00 hours daily (including public and bank holidays).

    (iii) No waste shall be shredded outside the buildings except between 07:00 and 18:00 hours daily (including Public and Bank Holidays).

Reversing vehicles

15. All mobile plant at the Envar Site using reversing alarms shall be fitted with and use white noise reversing alarms.

Silencing of plant and machinery

16. No vehicle, plant, equipment, or machinery shall be operated at the Envar Site unless it has been fitted with and uses an effective silencer. All vehicles, plant and machinery shall be maintained in accordance with the manufacturers' specification at all times.

Noise mitigation

17. No development of the healthcare waste ERF or the dry AD plant shall take place until a scheme of noise mitigation measures and noise monitoring has been submitted to and approved in writing by the waste planning authority. The scheme shall include details of the plant, a further assessment of noise levels and actions to be taken if the limits set out in Condition 18 are exceeded. The approved mitigation measures shall be implemented in full prior to the first

acceptance of waste to the healthcare waste ERF and / or the dry AD plant and retained for the duration of the operation of the healthcare waste ERF and/ or the dry AD plant.

Noise limits

18. The rating level of the noise emitted from the Envar site shall not exceed the following levels as measured in free field conditions at the noise sensitive premises specified set out in the table below. The meaning of 'rated' is as defined in BS: 4142: 2014+A1:2019. The measurement and assessment shall be made in accordance with BS 4142:2014+A1:2019.

	Time period	05:00 – 07:00	07:00 – 18:00	18:00 – 22:00	22:00 – 05:00
Location		**Noise limit dB $L_{Aeq,T}$**			
Rectory Farm		40	41	40	32
Travellers' site		37	41	37	33
Bridge Farm		36	39	36	30
Heathfields		39	40	39	31
Raptor Foundation		40	42	40	31

Noise monitoring

19. Noise levels shall be monitored by the operating company in accordance with the scheme approved under Condition 17 to ensure the noise levels set in Condition 18 are achieved. Monitoring survey results shall be kept by the operating company during the lifetime of the permitted operations and a monitoring report supplied to the waste planning authority within 10 working days of receipt of written request.

New concrete hardstanding

20. No waste or other materials shall be stored on the land within the Site to the southeast of 'Dirty Lagoon 1' and to the southeast of the mushroom farm shown as Catchment Proposed Hardstanding and coloured salmon pink on EPG drawing no.0001 Rev P01 dated 26.11.2.

Access

21. No heavy goods vehicle (HGV) associated with the development hereby permitted shall enter or leave the Site except at Entrance E1 shown on drawing no.GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022). All HGVs shall turn right into Entrance E1 and shall turn left out of Entrance E1 unless in compliance with the Traffic Management Plan referred to in Condition 25.

Prevention of mud and debris on the highway

22. No HGV shall leave the Envar Site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Vehicle movements

23. There shall be no more than 190 HGV movements at the Envar Site per day (95 in and 95 out). For the avoidance of doubt an HGV shall have a gross vehicle weight of 3.5 tonnes or more and the arrival at the Envar Site and departure from it count as separate movements.

Record of HGV movements

24. The operator shall maintain a record of all HGV movements into and out of the Envar Site to evidence the requirements of Condition 23 above. Such record shall contain the vehicles' weight, registration number and the time and date of the movement and shall be available for inspection within 10 working days of any written request of the waste planning authority.

HGV routing

25. The development hereby permitted shall not be carried out except in accordance with the Regeneration Woodhurst Traffic Management Plan (undated) received 12 July 2021.

Cycle parking

26. Within 3 months of the commencement of development as notified to the waste planning authority in accordance with Condition 1, secure covered cycle parking shall be provided in the car park shown as 51 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022) in accordance with details that have been submitted to and approved in writing by the waste planning authority.

The car parking spaces shown within area 52 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022) shall not be brought into use until secure covered cycle parking has been installed in accordance with details that have been submitted to and approved in writing by the waste planning authority. Following such approval, the use of the car parking spaces shall be fully implemented.

Electric vehicle charging point

27. The car parking spaces show within area 52 on drawing no. GPP/E/CWH/21/03 Rev 015 Proposed Site Layout Plan dated 08/12/21 (received 1 March 2022) shall not be brought into use until an electric vehicle charging point has been installed and is operational.

Lighting

28. No external lights shall be installed within the Site except in accordance with a strategy that has been submitted to and approved in writing by the waste planning authority. The strategy shall include:

i) identification of those areas /features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and

resting places or along important routes used to access key areas of their territory, for example, for foraging;

ii) showing how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

iii) demonstrating (through the provision of appropriate lighting contour plans and technical specifications) that light spill outside the Site will be minimised.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the waste planning authority.

Surface water Drainage

29. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the Site has been submitted to and approved in writing by the waste planning authority. The scheme shall be based upon the principles within the agreed Drainage Strategy for Surface Water at Envar prepared by EPG (ref: EPG-9651-DS-01) dated 26 November 2021 and shall also include:

i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

iii) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);

iv) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);

v) Site Investigation and test results to confirm infiltration rates;

vi) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

vii) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;

viii) Full details of the maintenance/adoption of the surface water drainage system;

ix) Permissions to connect to a receiving watercourse or sewer; and

x) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

Storage of oils, fuels, and chemicals

30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Landscape planting

31. No development shall commence until a detailed phased landscape planting scheme of the on-site and off-site works based on drawings nos. KB- Sti006d Landscape and Ecological Management Plan dated Nov 2022 (received 30 November 2022) and KBSti052 Area 52 Car Park Proposed Landscaping dated July 2022 (received 17 August 2022) has been submitted to and approved in writing by the waste planning authority.

i) Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants with species, plant sizes and proposed numbers and densities where appropriate.

ii) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

iii) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005, Trees in relation to construction – Recommendations.

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

Maintenance of Soft Landscaping

32. Any trees, hedging or scrub planted within the Site and off-site (within the Applicant's landownership) in accordance with the scheme approved under condition 31 above that dies, becomes diseased or is removed within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and species as those originally planted.

Biodiversity Net Gain

33. No development shall commence until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the waste planning authority. The BNG Plan shall target how a net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:

    i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;

    ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the latest appropriate DEFRA metric;

    iii) Identification of the existing habitats and their condition on-site and within receptor site(s);

    iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the latest appropriate DEFRA metric;

    v) An implementation, management, and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

    The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the waste planning authority in accordance with the latest DEFRA guidance applicable to BNG delivery and the approved monitoring period / intervals.

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.