

APPENDIX ES2.1
PRE APPLICATION ADVICE SEPTEMBER 2023



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28 September 2023

Dear Sir/Madam

Planning Pre-application enquiry

Proposal: Proposed restoration profiles at Cooks Hole Quarry and Thornhaugh Landfill Site
Site address: Thornhaugh Landfill Site Leicester Road Thornhaugh Peterborough
Your client: Mr Peter Oldfield Augean South Ltd

Thank you for your pre-application enquiry received on 24 May 2023, in respect of the above site. I write to provide advice regarding your proposal.

The proposal is for a single planning application to amend the restoration profile for both Cook's Hole and Thornhaugh I to deliver a coherent landform for both sites. Extant planning permissions, with conditions carried forward where appropriate, could be revoked by legal agreement.

Approximately 1,870,000m³ void would be created (between the proposed landform and currently consented landform) at Cook's Hole, and some 800,000m³ at Thornhaugh I, resulting in an estimated 7 years for completion of fill at Thornhaugh I, at a rate of 114,000 tonnes per annum (tpa) and 27 years at Cook's Hole, at a rate of 70,000m³ per annum.

Infill at Cook's Hole would comprise clean, naturally occurring materials extracted through existing landfill construction operations at the Augean sites at Thornhaugh I and King's Cliffe (East Northants Resource Management Facility). The proposal would create additional void at Thornhaugh I, which would continue to accept non-hazardous (including stable non-reactive hazardous - SNRHW) waste, with the as-yet undetermined balance between waste types to be placed in the void at Thornhaugh I.

Footpath re-instatement will include consideration of suitable re-alignments, if required, and additional Rights of Way. Consideration is being given to the future use of the listed building at Cook's Hole, such as a visitor or education centre, with access from the existing site access at Thornhaugh I, or re-instatement from the old field access from the A47 at Cook's Hole.

The restoration scheme for the entire site would seek to deliver in excess of 10% Biodiversity Net Gain (against the extant approved restoration schemes) through extending the approved habitats from Thornhaugh I to Cook's Hole and tying in with the wider aspirations for the enhancement of Rockingham Forest and create green infrastructure links with Bedford Purlieus providing a landscape scale recovery incorporating surface water attenuation ponds.

Application Requirements

All plans to be submitted with an application should be in the format as explained at <https://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/apply-for-planning-building-permission/full-planning-permission-pf04> , and should include sufficient information with regard to existing information, approved and proposed such that the context of the entire site can be appropriately understood.

The following documents will also be required;

- Environmental Statement - (automatic if Schedule 1)
- Flood Risk Assessment
- Sustainable Drainage Strategy
- Tree Survey (including Arboricultural Impacts Assessment and Tree Protection Plan)
- Biodiversity Checklist and survey (and any new Netgain requirements depending on timing of submission)
- Heritage Statement
- Transport Assessment
- Noise (and vibration) Impact Assessment
- Air Quality Assessment

Fee Category

Should the proposal incorporate any winning or working of minerals, it would fall within Category 10 ('Winning' consists of preparing the ground and removing overburden, and; 'Working' is removal of the target mineral.). Should the proposal incorporate the use of land for the disposal of refuse or waste materials and / or the deposit of material remaining after minerals have been extracted from land, it would fall within Category 12. Given the site size, however the proposal is framed, it is considered likely that it should be calculated as follows; where the site area exceeds 15 hectares, £34,934; and an additional £138 for each 0.1 hectare (or part of) in excess of 15 hectares, subject to a maximum in total of £78,000.

Policy Compliance

Mineral and waste management proposals will be assessed against the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (hereafter the Local Plan) including Policy 1, of which particular attention should be paid to how the principles of the waste hierarchy have been considered and addressed for a proposal of this nature. Policy 3 sets out the waste management needs within the Plan area. Any application should seek to address the relevant indicative total waste management capacity for disposal. Although Policy 4 provides scope for extensions to existing Non-Hazardous Waste and SNRHW sites where such additional capacity for disposal is demonstrated, the applicant would be encouraged to retain a distinction between the Thornhaugh I and Cook's Hole sites as set out in the proposal.

Notwithstanding the assertion that the proposed fill materials for Cook's Hole be considered as "clean, naturally occurring materials" (as opposed to waste) the proposal would be considered to accord with the requirements of Policy 4 with regard to Inert waste disposal at Cook's Hole as the site falls within a Minerals Development Area. However the applicant should be aware that the policy is unambiguous with regard to land raising (and note this would apply to either a "waste management facility" or a "development requiring importation of materials" as per Policy 26), which will be only be permitted in exceptional circumstances where there is a need for a waste disposal facility to accommodate waste arising that cannot be accommodated by any other means.

It is not clear and obvious why the delivery of biodiversity netgain and green infrastructure would constitute an exceptional circumstance - the reasons for such aims not being deliverable within the approved restoration, or even pre-extraction, levels would have to be examined for such circumstances to be considered exceptional. Given that the proposals would be considered landraising at Cook's Hole, it is imperative that the applicant provides a clear demonstration of the exceptional circumstances. It is understood that the ENRMF is a Nationally Significant Infrastructure Projects, and, given the proximity and joint control of the sites, such operational

linkages between the ENRFMF the site with those at Thornhaugh I / Cook's Hole may be considered exceptional should sufficient evidence to this effect be presented.

The pre-application advice request, whilst stating that additional void space would become available within Thornhaugh I does not propose extending the non-hazardous SNRHW facility at Thornhaugh I physically into the Cook's Hole site; should this be desired or required, assessment against the waste needs and location for waste management would require consideration against policies 3 and 4 of the MW Local Plan. The proposals have not, therefore been assessed against those policies at this stage, and the applicant is advised to consider their likely future needs in this regard such that the local community is provided with a degree of certainty about the future land use of the wider site over what is not an inconsiderable time-scale.

Given that the extant end dates for the sites extend up to, and beyond the MW Local Plan period, proposals for additional non-hazardous SNRHW void-space beyond the existing physical boundaries of Thornhaugh I are unlikely to be justifiable without appropriate supporting evidence of need; as such, a restriction, potentially through the means of a legal agreement, could be sought which restricts the location of non-hazardous SNRHW deposit across the wider site.

Any proposal would be subject to assessment against a range of policies linked to design (Policy 17), restoration and aftercare (Policy 19), biodiversity and geodiversity (Policy 20), the historic environment (Policy 21), flood water management (Policy 22), Rights of Way (Policy 23) and the sustainable use of soils (Policy 24).

Ecology and Biodiversity Net Gain

The extant approved restoration schemes would comprise the baseline for any future changes with regard to biodiversity netgain, with an expectation that any new proposal would demonstrate at least a 10% gain over the baseline. The Wildlife Officer advises that there is no reason why units in excess of the 10% could not be achieved and then sold onto the general Biodiversity Net Gain Unit Market; this approach should be fully explored by the landowners as it may provide some level of funding for an even more extensive biodiversity scheme. Whilst there is some degree of uncertainty surrounding the imposition of mandatory biodiversity netgain, subject to appropriate demonstration of supporting information, the Council would seek to acknowledge any biodiversity uplift between the extant approved restoration plans, and that proposed.

Without adequate demonstration, it is not considered likely that provision of biodiversity netgain would provide the exceptional circumstances which may justify landraising across Cook's Hole. It is not clear why amendments to the approved Cook's Hole, that do not involve the importation of materials above and beyond approved levels would be necessary to achieve additional biodiversity netgain. The Wildlife Officer identifies the brook, and the PROW crossing area as an area of potential improvement from an ecological perspective; advocating steep banks to prevent livestock poaching and a boardwalk type crossing to keep the water in good condition.

Maintaining and enhancing ecological links to nearby sites of ecological importance, and the Wildlife Officer advises taking into consideration the Local Nature Recovery Strategy when it becomes available next year. Additionally, the applicants are invited to participate in a broader Natural England led discussion on 2nd October regarding the Rockingham Forest Vision project to restore and connect the remaining fragments of the Rockingham Forest, of which the site is towards the eastern extremity.

Any new application is considered unlikely to create any new negative impacts requiring additional protected species appraisal, however, the Wildlife Officer advises that an updated Preliminary Ecological Assessment establishing if the old baseline and recommendations are still acceptable.

Landform - water

Amalgamating the two sites will require a clear explanation of surface water management, particularly with regard to the permitting requirements of the landfilling at Thornhaugh I. The Drainage Team have provided an initial response seeking clarifications on the proposed land use across the entire site, topographic plans of the site and immediate surroundings, and plans

showing surrounding water features such as watercourses, ditches, field drains, ponds and basins. Provision of this formal advice does not preclude further discussions, which should be encouraged to ensure that an appropriate surface water management strategy is brought forward to accompany any future application.

Notwithstanding the above, it is considered that the integration of appropriate water features could significantly improve the ecological environment and provide amenity value for PROW users if incorporated sensitively and holistically within any future application. The applicant should be aware of the Aerodrome Safeguarding Area zone associated with the nearby RAF Wittering, and any proposed open bodies of water must demonstrate that they would not constitute a hazard to air traffic (e.g. water bodies need to be designed in such a way as not to attract flocking birds).

Landform - PROW

The proposed landform would directly affect PROW Thornhaugh No. 3, and the acknowledgement that slight amendments (when re-instating PROWS) may be required is welcomed; Policy 24 requires provision of alternative routes to be of equivalent convenience, quality and interest where development adversely affects the permanent use of public rights of way. Ideally, the enhancement of the PROW network should be achieved where practicable.

Given the existing features of interest on or close to the site, particular attention should be given to how the setting of the listed building at Cook's Hole can be preserved and appreciated, and how ecological features can provide amenity value to PROW users without the integrity of such features being compromised. The proposed addition of new PROW routes (post operation) is to be welcomed, and whilst there is a need to consider ecology and heritage as previously described, the potential new footpath to the south of the brook through Cook's Hole is considered to provide an additional route that provides good linkages with the existing network.

Landform - general

The presentation of the proposed landform requires careful consideration, the scale of the proposal site is such that interpretation of the heights and distances involved can be difficult to assess for the lay reader. Achieving a 'human' scale interpretation of the cross sections and contours could assist with the presentation of the restoration scheme and provide clearer understanding of the scale and impact of the landform within the character of the landscape.

Whilst permitting the future use of the listed building at Cook's Hole would be beyond the scope of this application, incorporating a potential use within the restoration design should be given sufficient consideration so as not to preclude any potentially beneficial future use.

Revocation

Revocation of existing permissions is proposed as being possible through the use of legal agreements. In the event that permission were to be granted, once enacted it would no longer be possible for operations to be carried out in compliance with the extant permissions. As such, it may not be necessary to revoke extant permissions through legal agreement. However, given the remaining mineral reserve at Cook's Hole, any future planning application would need to be entirely clear with regard to the future use of such mineral and its economic viability and / or the asset value of the site such that the Mineral Planning Authority would seek to protect itself from any future claims of compensation against loss of minerals

Operational impacts

Operationally, consideration will be given to Policy 18 (amenity considerations) and Policy 23 (traffic, highways and rights of way). Any operations above pre-extraction levels, particularly those to the north of the brook within Cook's Hole, are likely to have a different impact on nearby sensitive receptors to previously approved operations. As such, previously approved noise levels, monitoring and dust management measures may not be suitable and should be fully re-assessed. Careful consideration should be given to phasing of operations such that suitable mitigation and screening measures can be implemented at the earliest opportunity.

The Local Highways Authority advise that a transport Assessment would be required, and should contain; a Traffic Impact Study assessing the potential effect of trips generated by the proposals with particular focus on peak hours; analysis of collisions for the years 2016-2020 inclusive on the A47 for a distance of 300m either side of the site entrance. A demonstration of the suitability of the access for all vehicle types, and scaled plans of proposed provision for parking, loading / unloading and turning within the site for all vehicles associated with the site would also be required.

Conclusion

The proposal is acknowledged as having the potential to provide an holistic landform and restoration scheme over two presently discrete sites. A landscape scale scheme could provide opportunities for ecological enhancements above and beyond what is currently approved, although it is not clear that the only means by which this could be achieved would be through the importation of additional materials at the Cook's Hole. It is however acknowledged that the nearby ENRMF is of a scale and significance that the joint management of multiple sites within proximity to each other could represent exceptional circumstances with sustainability benefits associated with functional interdependence.

Amendments to the approved landform and restoration of the two sites also presents opportunities to integrate surface water management features and ecological enhancements alongside PROW network provision and enhancement opportunities both within the wider site and the surrounding landscape.

Careful consideration would need to be given to the successful re-integration of the listed Cook's Hole farmhouse such that any potential future use is not precluded, although such future use would not be approved through this application.

Any future application would need to precisely set out the applicants future intentions with regard to the quantity and location of deposition of non-hazardous SNRHW, the economic viability of any remaining mineral not yet won or worked, and clear proposals for the use of any remaining previously worked mineral; and may require the applicants agreement for control through the use of legal agreements.

It is also assumed that any future plans would incorporate the existing requirements for the re-engineering of previously filled unlined cells at Thornhaugh I.

Please note that whilst all reasonable care has been taken, new, unforeseen matters may arise during the consideration of an application. The views expressed in this letter are my personal professional opinion and are given without prejudice to the decision of this authority in respect of this pre-planning application or any future application proposal which may be submitted.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Mr A O Jones
Principal Minerals and Waste Officer