
MAIN CASE

Reference No: 15/00427/FUM

Proposal: Proposed pellet production plant

Site Address: Site Southwest Of The Potter Group Queen Adelaide Way
Ely Cambridgeshire

Applicant: Mr Simon Barnard

Case Officer: Rebecca Saunt Senior Planning Officer

Parish: Ely

Ward: Ely East

Ward Councillors: Cllr Lis Every
Cllr Richard Hobbs

Date Received: 2 April 2015

Expiry Date:

[Q53]

1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate the approval of the application to the Planning Manger, subject to further investigation of the impacts on booming bittern and subject to the draft recommended conditions below and subject to the draft recommended conditions below; the full set of draft planning conditions can be read in full on the attached appendix 1.

1. Approved Plans
2. Time period
3. Materials
4. Ecological Mitigation, Management and Monitoring Plan, including scheme for provision and management of 10 metre wide buffer
5. Foul and surface water drainage scheme
6. Construction Environmental Management Plan
7. Lighting scheme
8. Mitigation measures
9. External window and doors
10. Lorry entering and leaving the site times
11. Specific rated noise
12. Hours of lighting
13. Archaeological works
14. Lorry routing agreement
15. BREEAM

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 The application is accompanied by the following documents, which are available to view by following the link above:
- Planning Application Supporting Statement;
 - Design and Access Statement;
 - Ecological Constraints and Opportunities Assessment;
 - Ecological Impact Assessment;
 - Reptile Survey;
 - Noise Impact Assessment;
 - Flood Risk Assessment;
 - Groundsure EnviroInsight Report;
 - Transport Assessment;
 - Heritage Statement;
 - Landscape and Visual Impact Assessment;
 - Utilities Statement;
 - Statement of Community Involvement;
 - Associated plans.
- 2.3 The applicant seeks permission for a pellet production plant. The purpose of the facility is to process straw derived from local sources and turn it into a pelletised form that can be taken off site by rail to be used as a fuel to generate renewable energy. The main straw processing will take place in an industrial type building which will house the majority of the plant. Two pellet storage silos will be located on the northern elevation of the building and a separate rail loading silo and housing will be located over the existing railway siding. A rejected straw building and high voltage building will be located on site to the north east of the main building. The site will be secured by 2.4 metre high palisade fencing, which will sit outside an existing earth bund that runs along the east and southern boundaries. A fence will not be located adjacent to the railway line, given the need to access the railway line. The site will be secured by a 2.4 metre high lockable gate located at the vehicular access point near to the silo.
- 2.4 The main steel framed building will measure 100 metres by 43 metres with a maximum height of 17 metres to the eaves. The air filters, boiler chimney and the main pellet storage silos will be 20 metres high, with the gantry work on top of the silos increasing the overall height to 21.5 metres. The proposed silo to facilitate the rail loading will be 47 metres high. The rejected straw building would be 33 metres by 12 metres, with a height of 5 metres to the eaves and 6.3 metres to the ridge. The high voltage building would be 8 metres by 4 metres, with a maximum height of 3.5 metres and would be of a standard construction for high voltage equipment.

- 2.5 The main building and the rail silo would be clad in flat panel steel cladding; the panels will be different colours, vertical and staggered. The main building will be a combination of greys and greens and the top part of the rail silo structure will have the introduction of pale blues panel steel cladding. The rejected straw building will be euroclad trapezoidal profiled single sheet panels or similar approved wall cladding in grey. Gabion walls will be used at the base of the air filter casing and existing hard standing will be re-used.
- 2.6 The pellet facility comprises three operational phases. The first area in the building comprises a straw bale storage area. Large bales will be imported to the site via trucks and bales will be offloaded within the building. The second area is the grinding area which will house grinders to be used to reduce the straw down to a 6mm particle size to enable it to be pelletised. The third area of the building, will house a number of pellet presses that will make straw pellets before transferring them to bulk storage bins ready for loading or transferral via a conveyor to the train loading silo. Once the pellets are produced they need to be stored. The two smaller storage silos located adjacent to the building would be used in abnormal operating circumstances (e.g. when a train has broken down). The main storage silo, located over the existing rail siding is capable of holding 3000m³ of straw pellets, the pellets would traverse to the top of the silo via a vertical lift conveyor where they are discharged for storage.

3.0 PLANNING HISTORY

- 3.1 The use of the site as an employment site was established in 1982 as detailed below and a further application in 2004 sought permission in connection with the previous use of the site. There is an extensive planning history for the adjacent site (The Potter Group) which is outlined in the applicants Planning Application Support Statement.

04/00772/FUL	Erection of flood lighting in conjunction with new container unloading platform	Approved	09.09.2004
82/00222/FUL	Use of site for general industry, wholesale, warehousing, storage and distribution	Approved	15.07.1982

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located within the Parish of Ely and the Ward of Ely East and lies on land adjacent to an existing railway and sidings on part of a wider industrial area to the east of Ely. The site is currently brownfield land and is rectangular in shape and measures approximately 2 hectares, with the whole planning application (including the site access) comprising an area of 2.73 hectares. The site was previously used as a container handling terminal and before that was part of a historical sugar beet works.

- 4.2 The site is relatively flat and is open on two sides (north and west), contained by an earth bund to the east and southern end, which also has some vegetation. The site is characterised by a block paved area adjacent to the railway and 6 floodlights still remain on the site adjacent to the rail track. Some grassland is in situ between the paved area and the earth bund. The site lies adjacent to an existing rail siding which lies on the western boundary of the site. The site is flanked by Ely Pits and Meadows Site of Special Scientific Interest (SSSI) to the east and southern boundaries, with the SSSI continuing beyond the railway line on the western boundary. The southern boundary abuts a water body. To the west of the site, beyond the railway is an area of woodland and a large lake, which is part of Roswell Pits, a designated County Wildlife Site (CWS). Land beyond the railway line to the west of the site also lies within the Ely Conservation Area, the boundary of which runs adjacent to the railway line, on its western edge. The nearest residential properties are located off Prickwillow Road, approximately 500 metres to the south west of the site.
- 4.3 A rail-fed aggregates handling depot, occupied by Cemex, and other industrial and storage uses form the northern boundary. The main use of the rest of the industrial area within which the application site is located is that carried out by the landowner, Potter Logistics in connection with its logistics and warehousing business. Cemex, Easey, IDS and Wellgrain also use premises on the site. Access to the site is from Queen Adelaide Way via a purpose built bridge across the River Great Ouse.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Archeaology
Cambridgeshire Wildlife Trust
City of Ely Council
Cllr Bill Hunt
Conservation Officer
Ely Cycling Campaign
Ely Society
Ely Wildspace
Environment Agency
Environmental Health
Historic England
Local Highways Authority
Natural England
Network Rail
Railfuture East Anglia
Senior Definitive Map Officer

Archaeology – Our records indicate that the site lies in an area of archaeological potential. This land parcel seems to be the sole piece of land that has not been truncated through clay quarrying or by association with the railway line and stands to host industrial archaeological evidence relating to known Medieval pottery industry at Ely, and /or later activity relating to 17th century works connected with

clay extraction for river bank manufacture and brick making at Roswell Pits. Do not object to development in this location but consider that the site should be subject to a programme of archaeological investigation secured by condition.

Cambridgeshire Wildlife Trust – The additional noise assessment, which includes the SSSI as a receptor shows a calculated noise level at the SSSI of 54.8dB, which is only just below the quoted threshold for significant noise (55dB). Since the calculated level is so close to this threshold, we are still concerned that there may be specific issues in this case (e.g. particularly sensitive bird species present) which would mean the noise levels could cause a significant disturbance. We suggest further discussions with Natural England are required on this issue before a decision can be made. With regard to drainage, lighting and biodiversity enhancements The Wildlife Trust is satisfied with the further information provided. We are willing to withdraw our objection, provided that should permission be granted, the mitigation measures as set out in the latest versions of the documents, and detailed in the response letter from CgMs consulting dated 24th June, are guaranteed through a suitably worded planning condition.

The proposals include retention of the existing bund and planting with native tree species. This was discussed as part of the previous application 04/00772/FUL and the Wildlife Trust believes this should already have been implemented. Although it was planted, it did not become established. The applicant should complete the previously agreed planting scheme and that additional enhancement measures beyond this are proposed as part of the current planning application.

City of Ely Council – Have concerns regarding noise level guarantees, the accuracy of the vehicle movements and confirmation that the vehicles will not go through Queen Adelaide.

Cllr Bill Hunt – I have grave concerns and would like to ‘call in’ this matter to be heard by the full planning committee. If I assume that a lorry or trailer carried loads of wheat or rapeseed straw of about 10 tons, it indicates that there will be 15,000 inward traffic movements into this proposed plant every year. If pellets leave by rail, there will be 15,000 outward movements of empty HGV/tractors over our already overcrowded roads, which is 30,000 movements a year. The required consultation should be as wide as the effects of this application are to be felt. The application talks of a 50 mile radius. The old sugar beet factory was built where it is to facilitate raw beet into the plant by rail and water and finished product out mainly by rail. The wharf still exists and most of the fens are near a river or lode.

Conservation Officer – The applicant’s heritage statement rightly notes that the proposal will not share any indivisibility with Ely Conservation Area or any of the listed buildings, including the Cathedral from any of the public viewpoints. The only view in which both structures will be visible alongside the Cathedral is from the entrance to the site. Following a request the applicant has submitted a wire drawing which shows that the applicant has considered the views from this location and my previous assessment of less than substantial harm remains the same. The application is located in an area of existing industrial use and the applicant has attempted to design the structures in such a way as to try and limit their visual intrusion into the landscape and the use of coloured cladding should help the structures to blend into the surrounding landscape. In terms of the impact on the

surrounding heritage, the introduction of further industrial units in this location, in particular the creation of a 47 metre high tower will undoubtedly introduce a feature that has the potential to be visually dominant and intrusive. However, by virtue of the existing landscape and topography as well as the positioning of the tower on the site, I would agree with the applicant's assessment that the proposal would cause less than substantial harm to the significance of heritage assets.

Ely Cycling Campaign – Concerned by the increase in HGV traffic this development will bring. HGVs delivering to this plant should not be allowed to go through Ely and Queen Adelaide and they should be required to use the southern route to the A142. We ask that the council introduces a formal ban on HGV traffic except for deliveries on all roads in the centre of Ely and Queen Adelaide and especially on Cam Drive, Lynn Road and King's Avenue.

Ely Society – The height of the silo at the railway needs to be considerably reduced from the proposed 47 metres. Though we lack expert knowledge on handling the proposed material we consider that a low level silo could be used with a feed line to a hopper to allow discharge into rail wagons. The lack of information on the expected goods vehicle movements is a rather glaring omission from the Design and Access Statement; nevertheless we estimate that this proposed facility would generate substantial movements of goods vehicles both during the construction phase and subsequently during its operation. This movement of goods vehicles is likely to result in congestion at the junction of Queen Adelaide Way with the A142. We recommend that construction be delayed until the proposed southern bypass is operational.

Ely Wildspace – Following the inclusion of noise impact assessments on sensitive ecological receptors and cumulative impact assessments, the members of Ely Wildspace continue to have serious concerns regarding the potential negative impacts of the proposed pelleting plant on the ecology of the Ely Pits and Meadows Site of Special Scientific Interest (SSSI). The potential negative impacts of noise and potential cumulative impacts and appropriate mitigation measures need further elaboration, if the potential negative residual impacts are to be convincingly reduced to negligible. Our previously stated concerns remain regarding the increase in traffic and likely congestion; the increase in air and noise pollution resulting from the traffic volumes; the degradation of the leisure and amenity use of the Ely Country Park and disturbance to local communities caused by noise from the plant; and the inadequate sustainability criteria in terms of use of renewable resources and benefits to the communities in and around Ely. Increase in traffic and likely congestion in Ely and surrounding villages. Ely Wildspace therefore maintains its objection to this application and considers that it should be rejected.

Environment Agency – Have reviewed the details submitted and have no objections to the development, subject to a number of recommended conditions and informatives. The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect at least a ten metre wide buffer zone adjacent to the reedbed, associated habitat, and the Ely Pits and Meadows SSSI.

Environmental Health – Further to previous comments I have received a response to my concerns from the applicant and noise consultant. Subsequent discussions

and a site visit have provided information to alleviate some of my further queries. There will be no plant operating externally. Lorries will arrive on site, travel around the building, enter through a roller shutter door and be unloaded within the building. They will then exit through a roller door. These doors will remain closed, only opening to allow ingress and egress. Lorries will only be able to access the site from 6am – 6pm and there will be a GPS system in place to ensure there is no queuing of vehicles. Noisier process within the building will be within acoustic enclosures within the building. There is no requirement to cool the building so no external plant will be required for that. The filters will be noise attenuated. The rail loading will be enclosed. The only potential noise source according to the applicants is the fans at the bottom of the building on the south side. It should be noted that the calculation from the acoustic consultant does not take into account the fact that these fans will be behind cladding, as well as the stone gabion screen and the fans are located on the opposite side of the building to the closest residential receptor and are therefore screened by the building itself. Therefore the noise level predicted at the closest premise will be lower than that in the report (assuming all other factors are correct). We would suggest a reduction of 5dB on the predicted noise levels, resulting in a predicted rated noise level at the nearest property in Ely of 32dB(A), which is under the background noise level measured during the day and 4dB above the background noise level at night. Whilst this exceeds the background noise level it should be noted that the lower background noise levels mainly occur from midnight – 4am when it can be argued residents will not be using their external space. Attenuation afforded by a partially open window is in the region of 10dB and therefore the predicted noise level within the properties with windows open would be 22dB(A) and well within the World Health Organisation and British Standard guidelines.

The chimney will only emit steam. 3 trains per week will be utilized to remove the straw pellets. The applicants have worked with their ecologist to ensure the lighting does not impact on the surrounding SSSI. From a nuisance point of view the type of lights to be used should be in line with the institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light', however I would request details of the lighting that will be required to operate all night as the site will not be having any lorries after 6pm so lighting requirements should be minimal.

Historic England – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Highways – The number of staff parking spaces proposed is sufficient to allow the full compliment of staff to park on site at the same time. However, as the staff are working shifts the level of parking proposed represents a significant level of over provision. I have reviewed the TA and can confirm that the revised TA adequately addresses the points raised in my review of the initial TA and therefore the TA is fit for purpose and as a result CCC withdraw their holding objection to this site.

Natural England – Natural England is generally satisfied that the revised EclA and accompanying documentation provides a detailed and robust assessment of the effects of the proposal on the notified features of Ely Pits and Meadows SSSI. However, additional information will need to be provided to clarify the effects of noise on booming bittern, sufficient to demonstrate that there will be no adverse

effect on this notified feature. Additional details will also need to be provided and agreed through relevant planning conditions, including a Construction Environment Management Plan (CEMP), foul and surface water drainage arrangements, lighting scheme and ecological mitigation, management and monitoring plan to include a scheme for the provision and management of a 10 metre wide buffer zone alongside the SSSI, incorporating details of the planting, fencing and management of the bund.

Network Rail – The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works on Network Rail development both now and in the future

Network Rail offer further standard guidance in relation to future maintenance, drainage, plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, landscaping and vehicle incursion.

Railfuture East Anglia – Support the proposals for a rail based pellet production plant. Endorse the movement of the finished pellet products by rail as secures future use of rail sidings and network and contribute to wider sustainable transportation objectives. Use of rail enables final product to reach a wide renewable market at little additional cost, minimising transportation of product by road. On the basis of the proposed 3 trains per week this is equivalent to around 12,500 total HGV movements per annum which will be off set. The straw already moves by road and this facility will ensure that straw movements are minimised to a sustainable radius and that the product can be transported by rail. Proposed site and adjacent site has a long history of haulage by road and rail. Currently limited aggregate handling rail use and site itself was formerly a rail fed container handling facility. The pellet plant would re-introduce the use of rail to the site. Existing rail sidings and access to the wider rail network makes that an attractive transport solution and assists in securing ongoing investment to that rail network. If permission not granted would be a significant loss of investment in infrastructure and a likelihood the product will travel by road to a plant located at the power station.

Senior Definitive Map Officer – Public Footpath No. 13 Ely runs along the grass verge at the side of Queen Adelaide Way and access to the site crosses this footpath. It does not seem that this footpath will be affected, however, the applicant must be made aware of the route of this footpath and ensure that the full width of the route is left unobstructed at all times. If planning permission is granted the recommended informatives should be included.

5.2 Neighbours – 22 neighbouring properties were notified, numerous site notices posted at the site, in Queen Adelaide and Ely and advert placed in the Cambridge Evening News and the 12 responses received are summarised below. Full copies of the responses are available on the Council’s website.

Highways

- Queen Adelaide Way is in an incredible state of disrepair;
- Any increase in heavy traffic would further impact the road which is already unfit for purpose and would lead to accidents;
- Road is prone to subsidence and not suitable for HGV’s intended to use it alongside other users;
- Increase in lorries in and around Ely will have significant impact on surrounding roads;
- Many articulated lorries directed to Kiln Lane by sat navs when heading for Potters;
- Nearly 2000 extra lorry journeys on Ely’s road every year, without accounting for workforce and suppliers;
- Slow moving vulnerable traffic set to increase once universities boathouse is operational;
- Concern about additional traffic at junction of Stuntney Causeway and Queen Adelaide Way and around station area;
- This proposal should be in Norwich where the pellets are to be used;
- Has road traffic, fuel etc. been considered?
- Lorry traffic should not use Kings Avenue/Cam Drive;
- Figures for number of lorries is not clear;
- Cause disturbance to local people in local villages;
- A 100 mile trip could be made for 1 load of straw;

Ecology

- Home to turtle doves, a protected species as well as other breeding birds;
- Disappointed by applicants paucity of Ecological Impact Assessment;
- Noise assessment gives totally inadequate attention to impact on key ecological receptors in immediately adjacent habitats in particular bittern, marsh harrier, and turtle dove and at least 4 species of bats;
- Impact from lighting and cumulative impacts of such a development;
- Inferring these impacts from those of a container facility that last operated in 2009, and without evidence that the two operations are comparable is inappropriate;
- Development should be subject to a full Environmental Impact Assessment, requiring proper consideration of the noise, lighting and cumulative impacts of the development on the area’s ecological receptors;
- What will noise be like at the Reed Beds and pits of Roswell?
- Provisions/mitigations discussed for sensitive birds;
- Development should not be allowed close to a sensitive area;
- Increase in vehicle movements would add to air born pollution which would impact on vegetation and wildlife;
- Disturbance levels have negative impact on natural amenity;
- Could be the last straw in the case of the SSSI;

- Noise and pollution could make reed beds unsuitable for bitterns;
- ECDC should use the NPPF to give proper protection to the SSSI and wildlife, as an asset to Ely and legal obligation to protect this area;

Visual Impact

- Key selling points of my property is the unrestricted view facing south east and development will spoil view that is reflected in purchase price of our house
- Height of structure little less than the Octagon Tower;
- Visual impact on landscape despite attempts to camouflage;
- Visual eyesore dominating landscape;
- View of the cathedral impacted;
- Vast size of pelleting plant will not be concealed by painting it in forest hues, painting the warehouses in Milton Keynes various shades of sky blue has not disguised their bulk;

Residential Amenity

- Rail freight already impacts from a noise perspective, particularly late in the evening;
- Further use of track will directly impact noise pollution in home and garden;
- Reduce quality of life;
- Noise pollution through running of the plant;
- Information regarding noise levels, significantly at night have not been adequately addressed;
- Continual ambient noise will impact and disturb properties and residents;
- Research shows this type of noise has impact on both physical and psychological well being;
- Whilst daytime noise not desirable, if kept within current limits is tolerable;
- Railway noise not comparable to underlying buzzing and grinding this process will generate;
- Affect standard of living;
- No indication of possible dust or air pollution that offloading and processing of the straw will generate;
- Impact from noise and light generated;
- Impact people in homes as well as visitors to the County Park and Wildspace area – ironic for ECDC to sanction an operation which will create considerable, indefinite environmental noise while encouraging outdoor recreation a few hundred meters away;
- Pollution from processing of straw likely to be sprayed with insecticide and/or fungicide in addition to chemicals used in processing;
- Noise during construction;
- 24 hour noise;
- Development should not be allowed so close to residential properties in a conservation area;
- Noise report unintelligible;

Other Issues

- Negative impact on value of property;
- Question value of enterprise to our delightful city;

- What are green credentials of this factory and power station in Norwich?
- Is the output of burning pellets of significant increase instead of burning bales?
- How much energy will be produced and who will use this energy?
- Without benefit of field to furnace figures unlikely in terms of net carbon benefits that pelleting can be most efficient way to use straw as fuel;
- New business in Ely is welcomed;
- Competition for straw with the straw burning plant in Sutton;
- How can applicant justify ecological inputs of transportation in and out and energy costs of conversion to produce product with greater calorific value than its production?
- Designed to take advantage of subsidies not to benefit environment;
- Has the structure of the Limited Partnership Company been examined and how will this effect suppliers of goods and services should the venture prove to be unsound or abandoned by partners?
- Norwich will have clean fuel and Ely will have pollution, traffic and damage to its wildlife – Pelco should build closer to Norwich.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
EMP 2	Extensions to existing businesses in the countryside
EMP 3	New employment development in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
ELY 12	Employment allocation, Ely Road and Rail Distribution Centre

6.2 National Planning Policy Framework 2012

Core Planning Policies

- 1 Building a strong, competitive economy
- 3 Supporting a prosperous rural economy
- 4 Promoting sustainable transport
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

- 6.3 Planning Practice Guidance
- 6.4 Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals Development Plan Document
- Policy CS23 Transport Safeguarding, and associated Site T2F Queen Adelaide Way, Railhead (Site Specific Proposals DPD)
- 7.0 PLANNING COMMENTS
- 7.1 Principle of Development**
- 7.2 The application site is located outside of a defined development envelope. Outside development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to the main categories listed in policy GROWTH 2 of the East Cambridgeshire Local Plan, which include extensions to existing businesses and small-scale employment development.
- 7.3 The application site also lies adjacent to, but not within an area allocated for employment in the Local Plan. This allocation is outlined in policy ELY 12 of the Local Plan and comprises 12 hectares of land for B1, B2 and B8 uses. This policy outlines what development proposals within the allocated area will be expected to address including the impact on the adjacent County Wildlife Site, SSSI and Ely Country Park by providing appropriate landscaping treatment and other necessary mitigation measures, contamination, having regard to the Transport Safeguarding Area designation, retaining the public footpath link on the south edge of the site and necessary highway improvements while complying with other policies of the Local Plan. While the application site is not located within the allocated site it is adjacent and therefore needs to reflect the requirements of this policy through the submission of relevant documents.
- 7.4 The site was granted approval in 1982 under application reference 82/00222/FUL for the use of the site for general industry, wholesale warehousing, storage and distribution and looking at aerial photos and after visiting the site it is clear that it is a brownfield site. The application therefore retains an existing employment site in line with policy EMP1 of the Local Plan, which seeks to retain land or premises currently or last used for employment purposes (B1, B2 and B8).
- 7.5 While the proposal is not specifically an extension to one of the existing businesses located at or adjacent to the application site, it is located within a site which already has the benefit of planning permission for use of the site for general industry, wholesale warehousing, storage and distribution and therefore not a new employment area located within the countryside.
- 7.6 The principle of the proposed development is therefore acceptable and complies with the existing use of the application site, the land adjacent and the allocated site detailed in policy ELY12.
- 7.7 Policy GROWTH 1 of the East Cambridgeshire Local Plan identifies the need to maximise opportunities for job growth in the district and part of the strategy is to make provision for a deliverable supply of employment land. The proposed

development contributes to the District's growth agenda in two ways by providing a contribution to the deliverable supply of employment land for B1/B2 and B8 uses and it also contributes to job growth in the district, as the plant will create up to 24 permanent jobs and approximately 70 jobs associated with the construction works, along with economic benefits for farmers and those employed in logistics.

7.8 Residential Amenity

- 7.9 Policy ENV2 of the East Cambridgeshire Local Plan seeks, through design, to ensure that developments enhance or respect their surroundings and contribute toward local identity, whilst maintaining a high level of general amenity for residents. Policy ENV9 of the East Cambridgeshire Local Plan requires that proposals minimise, and where possible, reduce all emissions and other forms of pollution, including light and noise pollution. Paragraph 123 of the National Planning Policy Framework also states that planning policies and decisions should aim to “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development....recognise that development will often create noise...identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.
- 7.10 The site is located within an existing industrial site, next to an aggregate handling depot and the Potter Logistics uses. The nearest residential properties to the site are just over 500 metres from the site and situated on Prickwillow Road. Queen Adelaide is located 600 metres to the north of the site. The main railway, sidings and Ely loop also sit between the site and the residential properties. Therefore given the distance between the site and residential properties the potential impacts on residential amenity arise from noise and lighting.
- 7.11 The construction of the proposal will require the delivery of materials, components and plant and there will be a requirement for temporary accommodation and storage facilities for contractors, plant and materials. The applicant envisages that the construction period will last approximately 12 months, including plant fitting, followed by a short period of plant commissioning (approximately 2 months). A Construction and Environmental Management Plan (CEMP) will be secured by condition, to ensure that it will be prepared and submitted to the Local Planning Authority, for agreement, prior to construction commencing.
- 7.12 The proposed pellet plant will operate on a 24 hour basis throughout the year. However, the delivery of straw will be received on a controlled basis between the hours of 06:00 – 18:00 Mondays to Saturdays.
- 7.13 The Noise Impact Assessment submitted with the application was assessed by Environmental Health and elements of it queried and additional information requested. Following a site meeting with the applicant and discussions it is now understood that there will be no plant operating externally and lorries will arrive onsite, travel around the building, enter through a roller door and be unloaded within the building and then exit through a further roller door. The roller doors will remain closed, only opening to allow ingress and egress during the hours stated above, with a GPS system in place to ensure that there would be no queuing of vehicles. The noisier processes within the building will be within acoustic enclosures within the building. There is no requirement to cool the building so no

external plant will be required for that. The filters will be noise attenuated and the rail loading will be enclosed. According to the applicants the only potential noise source is the fans at the bottom of the building on the south side. This is where the acoustic consultant took their measurement 10 metres from the existing biomass facility. Importantly it should be highlighted that the resulting calculation does not take into account the fact that these fans will be behind the cladding, as well as the stone gabion screen and the fans are located on the opposite side of the building to the closest residential receptor and are therefore screened by the building itself. Therefore the noise level predicted at the closest premise will be lower than that in the noise report (assuming all other factors are correct). As a very conservative calculation it is therefore suggested that a reduction of 5dB on the predicted noise levels will be achieved.

- 7.14 This reduction would result in a predicted rated noise level at the nearest property in Ely of 32dB(A). This is under the background noise level measured during the day and 4dB above the background noise level at night (28dB(A)). Whilst this exceeds the background noise level it should be noted that the lower background noise levels mainly occur from midnight – 4am when it can be argued residents will not be using their external space. Attenuation afforded by a partially open window is in the region of 10dB and therefore the predicted noise level within the properties with windows open would be around 22dB(A) and well within the World Health Organisation and British Standard guidelines.
- 7.15 Other points to note in relation to residential amenity are that the chimney will only emit steam and only 3 trains per week will be utilised to remove the straw pellets and therefore it is considered that these factors would not create an adverse impact on residential amenity.
- 7.16 Site lighting has the potential to give rise to impacts on amenity of residents. The applicants have worked with their ecologists to try and ensure lighting does not impact on the surrounding SSSI, which will further ensure that lighting does not impact on the closest residential properties. From a nuisance point of view the type of lights to be used should be in line with the institute of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light', however details of the lighting should be requested for those lights which operate all night as the site will not be having lorries after 6pm so lighting requirements should be minimal. The applicant has advised that the lighting is designed to minimise light spill from the site into the immediately adjacent area and keep the lighting low level and avoid upward illumination. It is therefore considered that the proposed lighting scheme, subject to details secured by condition would not create an adverse impact on residential amenity.
- 7.17 A number of conditions are recommended in order to further protect residential amenity. The conditions include:
- all external doors and windows to the site to remain closed except to allow ingress and egress,
 - restricting the hours of lorries to only be between the hours of 06:00 – 18:00 each day Monday to Saturday and at no times on Sundays or Bank Holidays;

- Specific rated noise emitted from the site shall not exceed 32dB(A) at any residential premises when measured and or calculated in accordance with BS4142:2014;
 - With the exception of security lighting, all lighting shall be limited to between the hours of 07:00 – 23:00.
- 7.18 Following the submission of the additional information submitted by the application and subject to the recommended conditions Officers consider that the proposal would not have an adverse impact on residential amenity.
- 7.19 Visual Amenity**
- 7.20 Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan state that development proposals should “demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve and where possible enhance....”
- 7.21 The main buildings associated with the pellet production plant are in keeping with the scale of the existing buildings on the Potter site, with the main building and silos sitting between 17 metres to 20 metres in height. However, the more prominent structure, with a height of 47 metres would be the proposed rail silo. The applicant has submitted a plan which shows the existing building and structure heights which are listed below:
- Floodlight adjacent to site – 10 metres
 - Tree canopy height to south and south-west of site – 18.4 metres – 22.73 metres
 - Aggregate Plant Tower – 26.82 metres
 - Large storage shed at Potter Group – 17 metres to eaves
 - Lighting gantry – 20 metres
 - Telecommunications mast – 40 metres
- 7.22 The heights of the railway silo and building have increased following pre-application discussions with the applicant. While the height of the main building and two associated silos are considered to be in keeping with the height of the other uses/buildings in the locality, the proposed railway silo is considerably higher than existing buildings. Concerns were raised with the applicant in relation to the height of the railway silo and to see if the height could be reduced. The applicant has advised that the proposed height is a requirement for the mechanisms needed and the storage of the pellets.
- 7.23 A Landscape and Visual Impact Assessment has been submitted alongside the application, with a number of photomontages and wirelines overlaid on the photograph. The study has been carried out to assess the potential landscape and visual impact effects of the proposal.
- 7.24 The assessment states that the closest visual receptors from the east and south-east are anticipated to be by walkers and others using Cuckoo Bridge and Kiln Lane. It is likely that there will be glimpsed views of the development from a distance of 200-250 metres along a section of approximately 350 metres of the

route. However trees and shrubby vegetation will help to filter views. Existing vegetation already prevents longer views at present, so the new building will not block or intrudes on any noteworthy view. These views will be to the north and away from the Cathedral and the historic core of Ely. Further east there could also be filtered views of the development from a short section of Queen Adelaide Way; the views from here would be from 4-500 metres and partially filtered by trees along the river corridor. The near ground portion of the Potter Group allocation site might be expected to block longer views into the site in the future. However, the landscape to the east is predominately private farmland. Views from the Hereward Way 750-4km are likely to include the rail silo, although the banks around the existing pits near Queen Adelaide Way will restrict closer views. Some scattered farms and cottages on the fen may also have distant views of the silo from 1.6 – 4 km and some distant views from Prickwillow itself. Road users will be transient and are considered to be less sensitive receptors, walkers on footpaths will have medium to low sensitivity to visual change. Many dwellings will have vegetation which will block or filter the outlook. Only from the north east direction is the silo likely to appear in direct views with the Cathedral, but due to screening it is suggested that these views will be limited and the scale of the proposed development will not block or dominate the appearance of the Cathedral.

- 7.25 Views from the south-west will be blocked by mature vegetation, although a view is identified by the applicant along the railway line from the crossing on Kiln Lane. People walking on the meadows beside the railway and boat users on the river will see the rail silo from distances of 300-1800 metres. All of these users would be transient. In views to the north the Cathedral will be behind the viewpoint and the development is not anticipated to intrude upon any existing significant view or focal point. Potential views from further south on Queen Adelaide Way are likely to be partially or completely screened by the river bank, with partial views from the A142 from around 2km from the site.
- 7.26 From the west the development will form a prominent new feature for passing rail passengers. The development will not appear incongruous within the existing setting of industrial buildings and rail sidings. Passengers will be transient and no significant longer view will be affected. From further west the development will be notable from Ely Sailing Group and some sections of the footpath around Roswell Pits. The buildings will be visible, but will be filtered by existing trees. From further to the south west residential dwellings are likely to have some views north and east from first floor windows. An exception to this is a view along Lisle Lane, where the rail silo and building will be seen from further west.
- 7.27 Views from the north will be screen by the existing Potter Logistics buildings. Views are anticipated from dwellings with south facing views in Queen Adelaide from a distance of 6-900 metres and it is estimated by the applicant that 20-30 properties nay have a potential view of the development, notably the rail silo. From further north the footpaths along the River Great Ouse footpath the proposed rail silo will be notable but will not directly block or intrude upon direct views of the Cathedral. Much of the wider landscape to the north is private arable land with limited public access.
- 7.28 The application site is located within an area of existing industrial use and the applicant has attempted to design the structures in such a way as to try and limit

their visual intrusion into the landscape and the use of the coloured cladding will help to assimilate the structures into the surrounding landscape, although the proposal will be visible within the landscape.

- 7.29 The main building will substantially be screened by existing tree and building cover and it is recommended that a condition to secure planting of the bund is attached to the decision which will further increase the level of screening. The taller elements of the proposed development cannot be screened by landscape works. Therefore the applicant has proposed a multi-coloured cladding system for the rail silo which will assist in breaking up the mass of the building in a range of light conditions.
- 7.30 The application site is located within an area of existing industrial use and the applicant has attempted to design the structures in such a way as to try and limit their visual intrusion into the landscape and the use of the coloured cladding will help to assimilate the structures into the surrounding landscape. However, views of the proposal will be visible within the landscape, especially the rail silo. Existing woodland and scrub will act as a buffer, mitigating potential impacts. The railhead silo will be a prominent view in the landscape but will not intrude on any existing views of the Cathedral, with only a view from the north-east where the rail silo will appear in the same general field as the Cathedral. The 2001 Landscape Capacity Study did not identify views from this direction as quintessential for the setting of the Cathedral. While the proposal would be visible a balance has to be made and given the existing use of the site, that there would be no impact on views of the Cathedral, the Council's commitment to provide jobs and encourage employment and business opportunities and it is therefore considered that in relation to visual amenity the proposal is considered to be acceptable.
- 7.31 Historic Environment**
- 7.32 Policy ENV11 and ENV12 of the East Cambridgeshire Local Plan relate to applications which would affect a conservation area or a listed building. Section 12 of the NPPF is also concerned with the conservation and enhancement of the historic environment. There are no designated heritage assets within the application site. The nearest designated heritage assets are located in the central area of Ely, approximately 1.3km to the west-south-west of the site. The site is located in close proximity to the Ely Conservation Area boundary which runs along the western edge of the railway line.
- 7.33 The applicant has submitted a heritage statement alongside a Landscape and Visual Impact Assessment with the application, which notes that the proposal will not share intervisibility with Ely Conservation Area or any of the listed buildings, including the Cathedral from any public viewpoints. The Conservation Officer agrees with the content of the Heritage Statement and has advised that the only view in which the proposed structures would be visible alongside the Cathedral is from the entrance to the site. Following the comments received from the Conservation Officer a wire frame drawing was submitted by the applicant to show the siting of the structures in relation to this view. The Conservation Officer has advised that following the submission of the wire drawing it has shown that the applicant has considered the views from this location and previous comments which advised that there would be a less than substantial harm remain the same.

- 7.34 The application site and the adjacent site have been associated with industrial development since the construction of the railway line in the mid-19th century and evidence of this is shown on the historical mapping that the applicant has submitted with the Heritage Statement. The former sugar-beet factory and associated tower stood for several decades adjacent to the application site.
- 7.35 The railway silo will not be located within a quintessential view of the Cathedral. Whilst there will be a low level of harm in long distance views from the north-east to the south-west, resulting from the silo it is considered that this impact will cause less than substantial harm to the Cathedral. The long range view to the south-west which has been identified in the Landscape and Visual Impact Assessment shows that the principle plant building will be read against the intervening vegetation of the city's escarpment. However, due to the design of the silo it is considered that it will not compete visually with the Cathedral on the skyline. The Conservation Officer has advised that in terms of the impact on the surrounding heritage, the introduction of further industrial units in this location, in particular the creation of a 47 metre high tower will undoubtedly introduce a feature that has the potential to be visually dominant and intrusive. However, by virtue of the existing landscape and topography as well as the positioning of the tower on the site, the Conservation Officer agrees with the applicant's assessment that the proposal would cause less than substantial harm to the significance of the heritage assets.
- 7.36 Historic England have commented on the application and recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice. Paragraph 134 of the National Planning Policy Framework states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." Following the assessment of the proposal Officers consider that there would be a less than substantial harm to the significance of the Cathedral. The NPPF states that this harm needs to be weighed against the public benefits. The benefits from the proposal include the provision of jobs, both during the construction period and the operation of the pellet plant, the retention of an existing employment site, enhancements to the edge of the site adjacent to the SSSI and a potential driver for further growth in particular the allocated site ELY12.
- 7.37 The County archaeologist's records indicate that the site lies is an area of archaeological potential. The land parcel seems to be the sole piece of land that has been truncated through clay quarrying or by association with the railway line and stands to host industrial archaeological evidence relating to know Medieval pottery industry at Ely, and/or later activity relating to 17th century works connected with clay extraction for river bank manufacture and brick making at Rowell Pits. No objection has been raised in relation to the application, subject to a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 7.38 On balance, it is therefore considered that the proposal complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act and the policy objectives of the NPPF and the East Cambridgeshire Local Plan, that

seek to ensure that the significance of heritage assets is not lost through development within their setting.

7.39 Highways

- 7.40 Policy COM7 of the Local Plan states that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Section 4 of the NPPF is also concerned with promoting sustainable transport solutions which support reductions in emissions.
- 7.41 The applicant has advised that one of the key reasons that the site in Ely has been chosen is because of its location adjacent to an existing rail siding which they can exploit and use for sustainable transportation of the pellet product to end users. The pellets will be taken by rail to a renewable energy facility in Norwich, which will allow large quantities of pellet product to be transported by rail. Straw will be imported by road, which the applicant has advised will be necessary given the rural sources of the material.
- 7.42 Vehicle access to the development site is provided via Queen Adelaide Way, with a bridge over the river connecting the site to Queen Adelaide Way. Access to the site will remain from the existing access. Pedestrians and cyclists who currently walk along the verge or the public footpath on the north side of Queen Adelaide Way or cycle the route on the carriageway will also be able to access the site from this junction.
- 7.43 The site previously generated traffic in association with its former use as a container handling facility. The previous use was in operation 24 hours a day, 7 days a week, with 3 train services a day and from June 2006 to late 2008 the container pad was then used for road-based container work, before ceasing operations in early 2009. When the site was operational as a container handling facility the applicant has advised that it generated around 50 movements per day, equating to approximately 2 movements per hour.
- 7.44 A Transport Assessment was submitted alongside the application and reviewed by Cambridgeshire County Council Transport Assessment Team, who raised concerns and requested additional information. Following the comments received a revised Transport Assessment was submitted and the Principal Transport Officer has advised that the revised Transport Assessment submitted addresses the points raised and advises that Cambridgeshire County Council Highways have no objection to the proposed development.
- 7.45 Traffic generation for the site will comprise three types of vehicle movement, staff arrivals and departures, deliveries of straw and export of processed straw pellets. Given the shift patterns for staff the applicant has confirmed that the arrivals and departures will not coincide with the usual weekday peak periods. During a normal day bales will be delivered by HGV which will be typically tailored vehicles carrying around 21.6 tonnes of straw. The HGVs will travel to and from the site via the A142 Stuntney Causeway route in order to avoid the height restricted railway bridge on Queen Adelaide Way towards its northern end.

- 7.46 The straw deliveries will generate in the region of 64 HGV trips per day (32 inbound and 32 outbound). These will take place between 06:00 and 18:00 Monday to Saturday, equating to 5 two-way movements an hour approximately.
- 7.47 Under normal operating conditions the straw pellets will be exported by rail but for the purposes of the applicants Transport Assessment a 'worst case' scenario when rail is not available has been considered. If rail was not available the pellets would be exported over the same period as above 06:00 – 18:00 Monday to Saturday with approximately 42 trips per day (21 inbound and 21 outbound), equating to approximately 2 two-way movements an hour.
- 7.48 In comparison to the previous use of the site in 2009, the applicant has stated that the use of the site will increase by 14 movements per day under normal conditions.
- 7.49 An assessment of the potential traffic impact of the development at the site access/Queen Adelaide Way priority junction and Queen Adelaide Way/A142 Stuntney Causeway priority junction has been undertaken by the applicant using the design software PICADY. The survey was undertaken in accordance with the relevant guidance documents and included for five years future traffic growth. The applicants assessment concluded that the inclusion of the pellet production plant traffic at the junctions will have no significant impact on their operational performance and both will continue to operate comfortably within capacity during the weekday am and pm peak hours.
- 7.50 The TA also reviews personal injury collision statistics for the latest available five year period. The TA concludes that the proposed levels of vehicles can be safely accommodated on the nearby highway network, the existing access works well within capacity, as do the junctions of Queen Adelaide Way and the A142 and the B1382, although traffic will only approach from the A142.
- 7.51 Following the comments received from Cambridgeshire County Council in relation to the over provision of parking spaces and an amended site plan was submitted by the applicant reducing the number of parking spaces from 26 to 16, with 4 visitor spaces including 2 disabled spaces and 10 cycle spaces. In relation to policy COM8 of the Local Plan, the proposed use is B2 and would therefore require up to 1 car space per 50m² and 1 cycle space per 50m². Based on the policy requirements this would generate an excessive amount of parking spaces for the proposal, which seeks to employ 24 staff on a shift pattern. It is therefore considered that the proposed parking is sufficient to meet the requirements of the proposal.
- 7.52 The City of Ely Council has requested confirmation that the vehicles will not go through Queen Adelaide. The Transport Assessment and documentation received from the applicant state that vehicles will travel to and from the site via the A142 in order to avoid the height restricted railway bridge at the northern end of Queen Adelaide Way.
- 7.53 Concerns have been raised in relation to the condition of Queen Adelaide Way. The road is maintained by the County Council and this issue needs to be raised with them. This is also a current issue and it is not reasonable for this application to deal with existing problems. Concerns have also been raised in relation to sat navs

which direct lorries which need to go to The Potter Group to Kiln Lane. This issue has been raised with the applicant and they have advised that this is something they will bring to the attention of the haulage companies that they use.

- 7.54 The site is located within a Transport Safeguarding Area and the Minerals and Waste Team at Cambridgeshire County Council have been consulted on the application. Members will be updated at Planning Committee in relation to their response.
- 7.55 Ecology**
- 7.56 Policy ENV7 of the East Cambridgeshire Local Plan requires all developments to protect biodiversity, provide appropriate mitigation measures and maximise opportunities. The application site is a brownfield site but is located in a sensitive position in terms of nature conservation following the designation of Ely Pits and Meadows SSSI and the River Great Ouse which is designated as a County Wildlife Site. Ely Cemetery is also a County Wildlife Site and is located approximately 0.7 km to the west of the application site. There are also a number of habitats listed under the Cambridgeshire BAP within 2km of the application site. These include adjacent fen and reedbed habitat, coastal and floodplain grazing marsh and lowland meadow 0.2km south-west and deciduous woodland 0.4km to the north of the site.
- 7.57 Concerns were raised by The Wildlife Trust, Natural England and Ely Wildspace during the first round of consultation as they believed the application did not provide sufficient information to adequately consider the effects of noise, lighting, vehicle movements and drainage on the interest features of the SSSI and a query relating to the SSSI boundary. Following the concerns raised the applicant submitted a revised Noise Assessment, Ecological Impact Assessment and horizontal illuminance levels, which were sent to consultees for further comments.
- 7.58 The Ecological Impact Assessment concludes that without mitigation the proposal has the potential to impact upon the important habitats and species within Ely Pits and Meadows SSSI, which are identified within the report submitted. However, the report goes on to state that the development includes appropriate mitigation measures that will ensure the construction and operation of the pellet production plant has a negligible impact on the surrounding SSSI and its designating features. These measures are addressed below.
- 7.59 Following the initial Ecological Impact Assessment which advised that further reptile surveys were required a Reptile Survey Report was submitted. None of the UK's native reptile species were found to be present on the site during the seven targeted surveys carried out. The survey confirmed that suitable habitats to support European Protected Species reptiles are not situated on the development site either. Even though no reptiles were found present the report outlines precautionary measures, which it is recommended are secured by condition.
- 7.60 The applicant submitted a map that accompanied the SSSI notification which shows that the SSSI boundary impinges on the existing vegetation bund to be retained on site, although it does not follow the centre of the bund along its whole length. The bund was present at the time of the SSSI notification in 2008. Natural England has confirmed that they are pleased that this matter has been investigated and they are

satisfied that the SSSI depiction does not alter the conclusions of the revised ecological impact assessment with regards to impacts on the SSSI.

- 7.61 The revised Ecological Impact Assessment, which is informed by the revised noise impact assessment and the revised transport assessment, considers noise disturbance impacts on sensitive SSSI features including bittern and breeding birds. The revised noise impact assessment references previous survey work which has indicated that noise levels below 55dB(A) can be regarded as not significant in terms of bird disturbance: noise levels above 70dB(A) are most likely to have adverse impacts. It is also considered that birds can habituate to regular noise between 55dB(A) and 70dB(A). Data collected from the existing pellet production plant was used to calculate the predicted noise level at the closest sensitive point within the SSSI located adjacent to the existing bund. Taking the presence of HGVs and the buffering effects of the bund into account, the results of this assessment indicate that noise levels will be below the threshold and therefore will not give rise to significant disturbance impacts on SSSI features including bittern. Natural England agrees that 55dB(A) is an appropriate threshold for identifying disturbance to water birds in general. However, bittern are known to boom at 40dB and noise above this level can affect the ability of females to hear booming males. Natural England have therefore requested further consideration of this potential impact, including an assessment of noise levels at the nearest suitable reedswamp habitat. Appropriate mitigation will also need to be identified to address any adverse impacts.
- 7.62 The revised Ecological Impact Assessment is also informed by the revised Transport Assessment and identifies that the proposed development is not a significant traffic generator and contributes a small percentage increase to the overall HGV levels arriving and leaving the site each day. There is expected to be an additional 5-6 HGV movements per hour along Queen Adelaide Way which Natural England have advised is not expected to significantly increase the current noise levels experienced by bittern within the fen and reedbed habitat of Ely Beet Pits adjacent to the road. There will also be further protection from noise through the use of the automatic roller shutter doors in the main building, where the lorries will enter and exit the building.
- 7.63 Natural England have advised that the noise impact assessment demonstrates that the proposed development will produce a different type of noise and at much lesser levels than those associated with the container handling facility (which was previously on this site) which co-existed with the other uses on site, in proximity to the SSSI without any known detriment to the habitat or the species.
- 7.64 The revised Noise Impact Assessment, which has regard to appropriate guidance, includes a detailed consideration of the potential effects of increased noise on the SSSI. It concludes that, within 9 metres of the SSSI, taking into account attenuation afforded by the earth bund, the average and maximum noise levels generated by operation of the site falls below the accepted 55dB level for bird disturbance. The applicant has advised that they will carry out planting on the bund which was previously detailed in application 04/00772/FUL, which did not properly establish. While planting of the bund will not result in significant acoustic protection it will afford some mitigation. Natural England have advised that they are therefore satisfied with the conclusions of the revised Ecological Impact Assessment that the

SSSI is not considered to fall within the zone of influence for noise impacts, subject to a recommendation that appropriate planting and management of the bund is secured through a planning condition.

- 7.65 A revised lighting scheme was submitted by the applicant and the light levels were re-assessed to take into consideration potential impacts on the SSSI, in addition to health and safety. The overall lighting levels have been reduced by the use of 3000k lighting, as opposed to 4000k in the originally submitted scheme. The amendment has resulted in reducing the maximum average levels across the site from 26 to 20 LUX, with much lower levels achieved on the southern part of the retained bund, as indicated on the revised Horizontal Illuminance Levels plan, beyond which Natural England have advised there is no impact on the SSSI. The area of overspill (without the bund in place) is very small scale and with the bund in place limited to 1 LUX in very small areas. The revised scheme helps achieve very low levels of light pollution and the applicant has also indicated that backshields and cowls could be fitted where possible to reduce light spill further and light levels will be controlled by the use of motion sensors and out of normal hours (beyond 6pm) site lighting will be kept to a minimum to satisfy health and safety requirements. Natural England are therefore satisfied that the proposed lighting scheme should be sufficient to ensure that lighting will not have any adverse effect on sensitive SSSI features including bittern, subject to a condition agreeing details of the lighting scheme.
- 7.66 Natural England is satisfied that the revised assessments in the transport assessment give sufficient additional consideration to the effects of vehicle movements to demonstrate that there will be no significant impacts on SSSI interest features through noise or disturbance. A condition is recommended requesting a Construction Environmental Management Plan to be submitted prior to the commencement of works to manage construction impacts.
- 7.67 Additional information has been provided by the applicant in relation to drainage and hydrology following previous concerns raised. In Natural England's previous comments they identified that surface water drainage had the potential to impact on sensitive habitats and species within both the SSSI and the River Great Ouse County Wildlife Site, through changes in water levels and/or water quality. The applicant has advised that the proposed site drainage solution for surface water incorporates an attenuation tank and hydrodynamic separator to limit flows and minimise sediment pollution and discharge uncontaminated surface water into the watercourse at the point shown on the proposed drainage layout plan, which is into the SSSI. At present there is nothing to stop the surface water from the site running into the SSSI and the solution put forward by the applicant will ensure that discharge is managed and controlled. Natural England has advised that they are generally satisfied with the proposed drainage arrangements subject to details being submitted and agreed through a planning condition.
- 7.68 The applicant has not carried out a specific hydrology assessment and the landowner has indicated that they have no knowledge of the culvert which was referred to in Natural England's previous comments and this has not shown on any of the surveys which have been undertaken by the applicant. The applicant has identified that there is a surface drain with an outfall to the River Great Ouse but this has no connection to the Turbotsey Pond and therefore impacts on the SSSI

are not anticipated. The landowner (Potter Group) has consents to discharge into the River Great Ouse and there is no connectivity between the proposed drainage and the wider site drainage and discharge arrangements which are outside the applicant's control. Natural England has therefore advised that this suggests that site drainage will have no impact on the SSSI.

- 7.69 The applicant has confirmed that the existing bund is a compacted structure comprising inert materials which has naturally vegetated over time. The bund was intended to provide protection to the SSSI from the previous operations associated with the container handling site. The retention of the bund is not intended to mitigate pollution risks, rather it will form a natural barrier that can be planted and managed for wider biodiversity gain and affords an additional degree of protection to the SSSI from noise. The applicant has proposed to plant the existing bund and ongoing management through a 10 year management plan, to ensure that planting is successful subject to agreement of details by condition, which Natural England welcomes. Natural England advises that an Ecological Mitigation, Management and Monitoring Plan be secured by condition, which incorporates details of the planting, fencing and management of the bund.
- 7.70 The existing adjacent aggregates handling facility will continue to operate during the construction and operation of the proposed pellet production plant. Background data as a result of the operation of the aggregates handling facility has therefore been taken into account in the noise and transport assessments for the proposal. Natural England have advised that as a result of mitigation measures in place for the pellet production plant, the construction and operation phases of the development will not result in significant pollution and light disturbance impacts on the habitats within the SSSI and therefore will not have a cumulative effect with other relevant projects and proposals, including the existing aggregates handling facility.
- 7.71 Paragraph 109 of the National Planning Policy Framework (NPPF) recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The Environment Agency have advised that in relation to biodiversity the proposed development would be acceptable if a planning condition is included requiring a scheme to be agreed to protect at least a ten metre wide buffer zone adjacent to the reedbed, associated habitat, and the Ely Pits and Meadows SSSI, which Natural England also support. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged and this recommended condition would secure this.
- 7.72 Natural England and the Environment Agency have advised that the submission of the additional/amended information includes sufficient clarification regarding the existing and proposed site drainage arrangements to be satisfied that the proposal is unlikely to pose a significant risk to the SSSI and species such as otter and water vole.
- 7.73 Natural England has commented that they are generally satisfied that the revised ecological impact assessment and accompanying documentation provides a detailed and robust assessment of the effects of the proposal on the notified

features of Ely Pits and Meadows SSSI. However, Natural England have requested that additional information will need to be provided to clarify the effects of noise on booming bittern, sufficient to demonstrate that there will be no adverse effect on this notified feature. Whilst 55dB is generally accepted as an appropriate threshold for most waterbirds in terms of disturbance, the noise threshold for bittern is lower. Natural England have advised that they would be pleased to consider measures put forward by the applicant, such as the use of acoustic fencing as the applicant has suggested, to reduce noise levels that Natural England will be confident will not adversely affect bittern. Natural England has advised that they would be happy to review details and Members will be updated at Planning Committee.

7.74 Flood Risk and Drainage

7.75 Policy ENV8 of the Local Plan relates to flood risk and states that all developments and re-developments should contribute to an overall flood risk reduction. The application site is located within Flood Zone 1. However, as the site is greater than 1 hectare the application is accompanied by a Flood Risk Assessment.

7.76 Flood Zone 1 is an area identified at low risk of fluvial and tidal flooding and there are no records of historical flooding in the vicinity of the application site. The Flood Risk Assessment concludes that the proposed development will increase the permeable area of the site and presents surface water run-off calculations and recommendations for appropriate discharge rates and attenuation proposals. The appropriate discharge rates and attenuation proposals have been incorporated into an appropriate drainage design for the site as detailed on Drawing No. 200 Rev A, which accompanies the planning application.

7.77 The EA have been consulted on the application and have raised no objections, subject to the recommendation of a condition requiring details of a scheme to dispose of foul and surface water should be secured, as the site lies adjacent to a SSSI and a detailed drainage scheme needs to be assessed. Further guidance is provided in relation to foul drainage and surface water drainage in their comments, a copy of which has been forwarded to the applicant.

Other Material Matters

7.78 EIA

7.79 A Screening Opinion was submitted by the applicant as it was considered during pre-application discussions that the proposal would fall within Schedule 2, Section 10 (a) Industrial estate development projects. It was concluded, as part of the process that given the existing nature of the site and the surrounding existing and proposed uses and based on the information which was submitted it was considered that while the site is within a sensitive area, there was a low probability of significant impacts occurring and the applicant was advised that an EIA was not required. Although an EIA was not required, a substantial amount of information was still required to be submitted with the application in terms of highways, ecology, residential amenity, the historic environment etc.

7.80 Network Rail

7.81 Network Rail were consulted on the application and raised no objections to the proposal subject to the developer/applicant ensuring that their proposal, both during construction and after completion of works on site does not encroach onto

their land, affect the safety, operation or integrity, undermine its support zone, damage the companies infrastructure, place additional load on cuttings, affect any railway land or structure, over-sail or encroach upon air-space or obstruct or interfere with any works or proposed works both now and in the future. A set of standard comments and requirements were also submitted, a copy of which have been forwarded to the applicant.

7.82 A letter of support has been received from Railfuture who support the proposal as it secures the future use of the rail sidings and network, contributing to wider sustainable transportation objectives.

7.83 Public Footpath

7.84 Public Footpath No. 13 Ely runs along the grass verge at the side of Queen Adelaide Way and access to the site crosses this footpath. The Asset Information Definitive Map Officer has advised that the footpath will not be affected by this proposal. However, the applicant must be made aware of the route of this footpath and ensure that the full width of the route is left unobstructed at all time. A copy of the comments and the map showing the location of the footpath has been forwarded to the applicant for their information. A number of informatives have also been recommended.

7.85 Material Planning Considerations

7.86 The loss of a view or impact on property prices are not material planning considerations and therefore cannot be considered as part of the assessment of this proposal.

7.87 The structure of the Limited Partnership Company, subsidies, the credentials of the factory and power station in Norwich, output of burning pellets and the competition for straw are also not material planning considerations and fall outside of the planning process.

7.88 Conclusion

7.89 Prior to the submission of the application the applicant was involved in pre-application discussions with East Cambridgeshire District Council. Public consultation was also carried out prior to the submission of the application. During the course of the application a number of issues have been raised and the applicant has submitted revised documents in relation to noise, transport and ecology, which have been reviewed by the relevant consultees.

7.90 The site was granted approval in 1982 under application reference 82/00222/FUL for the use of the site for general industry, wholesale warehousing, storage and distribution and looking at aerial photos and after visiting the site it is clear that it is a brownfield site. The application therefore retains an existing employment site in line with policy EMP1 of the Local Plan, which seeks to retain land or premises currently or last used for employment purposes (B1, B2 and B8).

7.91 Following the submission of additional documents it is considered that subject to the recommended conditions the proposal would have no adverse impact on residential amenity by virtue of noise and lighting, highways and flood risk and drainage.

- 7.92 The majority of the initial concerns which were raised in relation to ecology have now been overcome, subject to mitigation, with the exception of the bittern. Natural England have advised that they would be pleased to consider measures put forward by the applicant, such as the use of acoustic fencing as the applicant has suggested, to reduce noise levels that Natural England will be confident will not adversely affect bittern. Natural England has advised that they would be happy to review details and the recommendation is reflective of this.
- 7.93 The other issue to be considered is visual amenity and historic environment. Given the previous use of the site and the existing uses of the adjacent site the proposed use is compatible. The proposed building height of the main building and associated buildings are also considered to be in keeping with the heights of other buildings, adjacent to the application site. However, the proposed silo does have a height of 47 metres. The applicant has attempted to design the structures in such a way as to try and limit their visual intrusion into the landscape and the use of the coloured cladding will help to assimilate the structures into the surrounding landscape. However, views of the proposal will be visible within the landscape, especially the rail silo. Existing woodland and scrub will act as a buffer, mitigating potential impacts. The rail silo will be a prominent view in the landscape but will not intrude on any existing views of the Cathedral, with only a view from the north-east where the rail silo will appear in the same general field as the Cathedral. The 2001 Landscape Capacity Study did not identify views from this direction as quintessential for the setting of the Cathedral. While the proposal would be visible a balance has to be made and given the existing use of the site, that there would be no impact on views of the Cathedral, the Council's commitment to provide jobs and encourage employment and business opportunities and it is therefore considered that in relation to visual amenity the proposal is considered to be acceptable.
- 7.94 Following the assessment of the proposal Officers consider that there would be a less than substantial harm to the significance of the Cathedral. The NPPF states that this harm needs to be weighed against the public benefits. The benefits from the proposal include the provision of jobs, both during the construction period and the operation of the pellet plant, the retention of an existing employment site, enhancements to the edge of the site adjacent to the SSSI and a potential driver for further growth in particular the allocated site ELY12.

8.0 APPENDICES

8.1 Appendix 1 – Draft Planning Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
Application File - 15/00427/FUM	Rebecca Saunt Room No. 011 The Grange, Ely	Rebecca Saunt Senior Planning Officer 01353 665555 rebecca.saunt@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

east Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>