

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th May 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**1. S/1749/06/O - DUXFORD
Construction of a Carbon Fibre Precursor Plant**

**2. S/1703/06/HSC
Storage of Acrylonitrile**

Land Off Ickleton Road for Hexcel Composites Ltd

Recommendation: Approve

**Date for Determination:
14th September 2007 (S/1749/06/O) Major Application
20th October 2006 (S/1703/06/HSC)**

Purpose

1. These applications have been reported back to the Planning Committee to consider the following:
 - a) The submission of a third party report that comments upon the public health risks associated with the use of Acrylonitrile at the proposed factory;
 - b) The formal planning Conditions and Section 106 obligations to accompany the Decision Notices, in the event that the applications are approved.

Background

2. In summary the applications comprise:
 - a) **The outline application**, received on 5th September 2006 and amended on 15th June 2007, proposes the construction of a carbon fibre precursor plant comprising 63,000m² of plant and buildings on a 10.54 hectare site, which is partly within the existing complex but includes agricultural land to the south-east and south-west of the existing railway sidings. It was accompanied by an Environmental Statement, a Sustainability Statement and a Design and Access Statement.
 - b) **The hazardous substances consent application**, received on 25th August 2006 and amended on 15th June 2007 proposes the storage of 400 tonnes of the chemical Acrylonitrile (AN), used in the production of Carbon Fibre Precursor material, in 5 bunded tanks to the south of the existing railway sidings, and identifies the adjacent Polymerisation Building where the chemical will be processed.
3. The applications were considered at Planning Committee on 9th January 2008 (see Agenda item no. 144). The minute reads:

“Members were **MINDED TO APPROVE** outline planning application S/1749/06/O, as amended on 15th June 2007, subject to it being referred to the Secretary of State as a Departure from the Development Plan and not being called in by her for determination, to the prior completion of a Section 106 Legal Agreement relating to traffic calming and highway safety improvements, off-site landscaping to help screen the development, and a contribution to the construction of a cycle route between Ickleton and Duxford, and the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities). The Committee gave officers **DELEGATED POWERS TO APPROVE** Hazardous Substance Consent application S/1703/06/HSC, as amended on 15th June 2007, subject to the Secretary of State not calling in for her determination outline application S/1749/06/O and referring it back to the Local Planning Authority, whereupon a Decision Notice would be issued containing the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).”

4. The Secretary of State confirmed by letter dated 5th February 2008 that outline application S/1749/06/O would not be called in for her determination. The letter states:

“The Secretary of State considers that the main matters relevant to her decision in this case are her policies which contribute to the delivery of sustainable development through the achievement of social cohesion and inclusion, the protection and enhancement of the environment, the prudent use of natural resources, and sustainable economic development (PPS1: Delivering Sustainable Development); balance the location requirements of business with wider environmental and social objectives (PPS4: Industrial, Commercial Development and Small Firms); ensure the quality and character of the countryside is protected and, where possible, enhanced; in particular, by strictly controlling new building development away from existing settlements or areas allocated for development, and by giving priority to the re-use of previously developed sites and existing buildings, subject to sustainability considerations (PPS7: Sustainable Development in Rural Areas); secure community safety and road safety by the design and layout of developments and areas (PPG13: Transport); locate and control potentially polluting development to avoid or minimise adverse effects on human health, the use of land and on the environment (PPS23: Planning and Pollution Control) and the development plans for the area.

Having carefully considered these and other relevant planning issues raised by this proposal, the Secretary of State is of the view that the applicant appears to have taken PPS1, PPS4, PPS7, PPG13 and PPS23 into account and is satisfied that the issues raised do not relate to matters of more than local importance, which would be more appropriately decided by her rather than the local planning authority. She has therefore concluded that the application should be decided by South Cambridgeshire District Council.”

5. Neither application has been determined.

Parish Referendum

6. At an Extraordinary Duxford Parish Meeting on 16th May 2008, a vote was taken on the following question:

“Should Hexcel’s plans to build a Carbon Fibre Pre-cursor facility in Duxford be stopped”.

Subsequently a call was made for a referendum on that question and the vote in favour of a referendum was unanimous (64 in favour 0 against).

7. The referendum was held on Thursday 12th June 2008. 427 Duxford residents turned out. 77% voted to 'stop Hexcel's plans for a new factory in Duxford'. At 17th June 2008 a petition on the same issue in Duxford had gained over 475 signatures.
8. Planning Committee took into account the weight and nature of local opinion, including a petition, which was submitted at Committee, of 149 signatures against the development, when it considered the applications on 9th January 2008. The referendum, which was held outside the statutory planning process, does not raise new material considerations which have not already been taken into account.

A. REPORT ON PUBLIC HEALTH RISKS

9. The Council received by letter dated 14th November 2008 an unsolicited Draft report, 'Predicted effect of accidental spillage of Acrylonitrile from Hexcel plant' (12th November 2008) prepared by Dr Alun James. This is not evidence previously considered by Planning Committee, albeit that health and safety was taken into account at the Committee Meeting on 9th January 2008.
10. By way of introduction the Report states that:

"AN is a chemical that is widely used in the chemical industry, but it is recognised to be hazardous to health, it is a poisonous and flammable liquid and its vapours can easily form explosive mixtures with air. The EPA (Environmental Protection Agency, the U.S. Governmental body) and other government bodies have classified Acrylonitrile as a probable human carcinogen."
11. Three scenarios were examined using several different mathematical models:
 - a) Accident on site from the 'guillotine failure of the transfer pipe-work between the road tanker and storage';
 - b) Accident on road close to Duxford village, which 'leaves a 500mm (2 inch) diameter hole in the side of the tanker';
 - c) General leakage from site 'as a result of normal operations'.
12. The report concludes:

"In the scenarios described, the risks to the local population appear to have been significantly underestimated by the HSE (Health & Safety Executive) report supporting Hexcel's planning application. It is recommended that a review of the reports be undertaken to determine the reasons for these significant differences.

If the consequences of the scenarios detailed in this report are correct, then there is a significant risk to the local population and the proposed AN processing plant should not be allowed to operate at such close proximity to a village. Using ALARP (as low as reasonably practicable) criteria endorsed by the HSE, the risk is determined to be **Intolerable** for several different scenarios.

In addition to the health risks reported, there will be a potentially greater impact on the village related to the perceived risk. In particular the Information Commissioner (who sanctioned the limited release of the report) acknowledged that withholding the information in that report will harm residents. He indicted that the 'harm caused by withholding the information is likely to include uncertainty arising from the risks of:

physical harm to members of the public in the surrounding area from the potential toxic effects of AN; psychological harm to the residents from concerns for their safety relating to the plant being constructed nearby; possible economic harm caused to the value of adjacent property and from which residents will have no means to protect themselves or seek compensation; and, harm resulting from a loss of public confidence in the land use planning process due to the withholding of significant information.”

13. A full copy of Dr. James’ report is attached as Appendix 1. It has been the subject of further consultation and the following responses have been received:

Health and Safety Executive (HSE) (29th January 2009)

14. “As you know from our previous correspondence, HSE was consulted by South Cambridgeshire District Council on the associated application for Hazardous Substances Consent (Application S/1703/06/HSC) and provided advice to South Cambridgeshire District Council in March 2007.

It is not normally HSE’s practice to comment on consultant’s risk assessments in relation to planning matters. However, as the report suggests that HSE has underestimated the risks posed by the proposed storage and processing of Acrylonitrile on the site, HSE’s Risk Assessment Specialists have reviewed the draft report to understand the main differences and see whether HSE needed to review its own assessment.

HSE Specialists note that Dr James has used scenarios and frequencies from the HSE assessment relating to accidents on the site, but has applied different methods to estimate the consequences and has therefore reached different conclusions to HSE. However, we have not seen anything that would cause HSE to change the safety advice we previously gave to South Cambridgeshire District Council.

In its assessment, HSE did not consider accident scenarios in relation to transport routes to and from the site. This is consistent with the outcome of the Advisory Committee for Dangerous Substances 1991 study into the major hazards of transport of dangerous substances.

It is for South Cambridgeshire District Council to decide whether to grant Hexcel Composites a Hazardous Substances Consent and planning permission to develop their site. HSE has provided its advice as a statutory consultee. South Cambridgeshire is nevertheless free to seek advice from elsewhere on the risks associated with the applications to assist their decision-making.”

15. In response to Scenario 1 (Accident on site) of Dr. James’ report and specifically to the ‘Outflow would be unrestricted but would be isolated after 20 minutes,’ the HSE comments (30th December 2008):

“The proposed facility storing Acrylonitrile would be subject to the Control of Major Accident Hazards Regulations 1999 as amended (COMAH). Under these regulations the operators have a duty to take all necessary measures to prevent major accidents and to mitigate their consequences. Delivery and unloading operations would require specific risk control measures to be in place to prevent releases from occurring and to detect and isolate any releases that did occur. These arrangements will have to be described in a safety report submitted to the COMAH competent authority and will be subject to inspection. Therefore they can be expected to reduce the risks to as low a level as the law requires.

However, even with the best safety arrangements in place, it is not possible to completely eliminate all accidents and reduce the risk to zero. The small risk that remains is called the residual risk of a major accident. Therefore when consulted on a hazardous substances consent application the HSE carries out an assessment of the residual risk and makes a judgement whether it is appropriate to introduce that risk at a particular location. Part of that assessment includes a scenario involving the low likelihood of rupture of the delivery hose during unloading operations and the failure of any automatic detection and shutdown equipment. In order to assess this scenario we assume that the release continues at full capacity for 20 minutes until emergency response is successful. This is just one of the scenarios that we take into account.

I must emphasise that all measures necessary under COMAH would be expected to include risk control measures that would reduce the risk of such an event occurring to as low as reasonably practicable. These measures would include prevention of the leak occurring in the first place, but also leak detection and emergency shut down arrangements.

It is not usual to include conditions of hazardous substances consent that relate to safety measures on site that will be subject to the COMAH regulations. However, because one of the factors that affects the assessment of residual risk is the number of deliveries per year, HSE has suggested a condition controlling this in the reply to the consultation. The purpose of this suggested condition is so that the residual risk arising from unloading operations is not any worse than that assessed by HSE as part of the consultation.”

Environment Agency (EA) (1st December 2008)

16. “The process will be required to apply for Top Tier COMAH status and as a result the Competent Authority will assess the risks associated with Acrylonitrile release. The HSE takes the lead on predictive assessment and the EA will assess the likelihood and outcome of a major accident to the environment based on the information supplied in the associated safety report. The HSE should be consulted by your authority.

The operator will also be required to discuss with the EA to ascertain if the Environmental permit is to be varied. This process will also take into account the risk to the environment.

The sewerage undertaker should be consulted regarding the availability of capacity in the surface water sewer. Previous use of this site may have led to contamination of soil and groundwater. Groundwater beneath the site is used extensively for public water supply. The site is therefore considered extremely vulnerable to pollution.

In line with Planning Policy 23: Planning and Pollution Control, we consider that an investigation and risk assessment of the potential for surface and groundwater contamination be undertaken.”

17. In light of these comments a condition is recommended to deal with risks associated with contamination of the site (see condition 17 below).

Health Protection Team Leader, SCDC (24th December 2008)

18. The following comments relate to issues discussed within Dr. James’ report:

“Scenario 1 discusses an accident on site and bases the likelihood of such an incident at 131 chances per million. The calculation is based on a release of the substance over a 20 minute period as it would ‘take (this long) to recognise that the incident has occurred’ (paragraph 4.4). This point should be clarified with the operator and regulator (the EA, Environmental Permit) to examine whether unloading/delivery operations could result in an undiscovered leak for such a period or whether conditions attached to the permit would reduce the risk.

Scenario 2 examines the impact of a road traffic accident occurring off-site but close to the village. I have spoken to colleagues in emergency planning regarding such incidents and they have provided me with relevant information contained in the Community Risk Register compiled by the Cambridgeshire and Peterborough Local Resilience Forum (CPLRF). I have appended a copy of this entry (reference HL12), which examines the risk of hazardous material transport accidents (see Appendix 2).

CPLRF rank the overall likelihood of such an incident occurring in the whole of Peterborough and Cambridgeshire as a 1 in 2000 chance of causing up to 50 fatalities and 500 casualties. The risk assessment also highlights a number of statutory instruments in place by which the risk is controlled. This report is therefore at odds with the assessment by local experts in its claim that ‘approximately 50% of the population of Duxford (1,836) would be in immediate danger of serious harm or fatality’ and also that there is a ‘1 in 20 chance of an accident within the village’.

With respect to scenario 3, I have sent an email seeking comment from Lincoln Sargeant, Consultant in Public Health at Cambridgeshire PCT, with respect to general permissible leakage from the site leading to an increased cancer risk of residents in Duxford. He has passed this request to the Health Protection Agency (HPA) and we should be in receipt of their comments by the end of January.

In general the author has understandably taken a precautionary approach in predicting the effects of the incidents outlined but several of the interpretations appear to exaggerate the risks. The HSE document ‘Reducing Risks Protecting People’, outlines the HSE’s decision making process based on the framework known as the tolerability of risk. This discusses the parameters of whether risks from an activity or process are unacceptable, tolerable or broadly acceptable and its application in practice.

In this context, ‘tolerable’ does not mean ‘acceptable’. It refers instead to a willingness by society as a whole to live with a risk so as to secure certain benefits in the confidence that the risk is one that is worth taking and that it is being properly controlled. However, it does not imply that the risk will be acceptable to everyone, i.e. that everyone would agree without reservation to take the risk or have it imposed on him or her. This last point is the key as there is a recognized societal concern where risk is imposed on an off-site population in the vicinity of a hazardous installation. The assessment undertaken by HSE (06/03/PHS/1028946) has already considered the risk and concluded that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent. It remains to be seen what comments they will make following consideration of the recently submitted report, however the perceived risk may still appear greater to those on which it is imposed.”

Health Protection Agency (HPA)

19. Further to these comments, the HPA has not been able to comment on the modelling (and the differences), as it is not aware of the inputs used in the modelling scenarios. What is clear, however, is that the second scenario is not suitable for consideration in

a planning application as the transport of dangerous goods is regulated under an entirely separate set of regulations.

20. It cannot also comment on the other scenarios, as it has not had access to the emissions data on which they are based.
21. "However should planning be granted Hexcel will be still required to apply for an environmental permit (EP) from the EA in order to begin operating. This EP will contain further information on the emissions for the site. We would be happy to comment on this document with regard to the hazard and risk presented to human health arising from the site."
22. The Health Protection Team Leader has confirmed that the EA will liaise directly with NHS Cambridgeshire, who will seek the advice of the HPA.

Representations from Hexcel, the applicant

23. In the 9th January 2008 Planning Committee Report, there was quoted at paragraph 74, section 3, a detailed response from Hexcel to concerns raised regarding health and safety and public risk (pages 47-54 inclusive). Members are referred to this response.
24. Hexcel has responded to Dr James' report on 8th April 2009. The full response is attached as Appendix 3. The response summary and conclusion is as follows:

6.1 The James report contends that the risks to the local population appear to have been significantly under estimated by the HSE. HEXCEL disagrees with the conclusions reached in respect of each of the scenarios cited in the James report, and as a consequence, considers that the James report greatly exaggerates the health and safety risks associated with the proposed CFP plant.

6.2 Scenario 1 in the James Report is inaccurate and misleading in that it fails to take account of the proposed arrangement of top loading/ unloading tankers; the physical constraints provided by bunding constructed tight to the transfer tanker location; the internal fall within the bunded area or the sump arrangement; and makes no allowance for the presence and operation of sensors linked to automatic foam spraying equipment. The consequences of the event it describes simply could not occur.

6.3 In respect of Scenario 2 HEXCEL considers that the James report has exaggerated the possibility of a road traffic accident involving AN transport, and in the event of any such accident occurring, has made incorrect and overstated assumptions concerning the scale, and hence the potential adverse effects of any possible spillage of AN. As a consequence, both the likelihood of any such event, and its implications have been grossly exaggerated.

6.4 HEXCEL considers that in respect of Scenario 3, the James report has misrepresented the volume of AN release in emissions, and has misunderstood the circumstances (and thus the potential consequences) of the releases that would be likely to occur. The 'intolerable' conclusion reached in the James report is thus incorrect, because it is has used incorrect dispersion assumptions. The modelling carried out on behalf of HEXCEL provides a realistic and reasoned assessment of the actual health risks to the individual.

6.5 HEXCEL accepts and acknowledges that the use, storage and handling of Acrylonitrile as part of the CFP process entails some element of risk. There is, however, no such thing as 'Nil Risk'. The assessments set out in the submitted ES, carried out by HEXCEL's consultants, have been reviewed by HSE, whose role is to protect people against risks to health or safety arising out of work activities. HSE's own assessment of risk and safety led to their clear and unequivocal advice to SCDC in respect of the outline planning and Hazardous Substances Consent applications that there are no safety grounds on which to refuse either planning permission or Hazardous Substances Consent. The James report has been shown to have either misunderstood or misrepresented operations on or in relation to the proposed development and has thus incorrectly assessed and grossly exaggerated the real life risks arising from the proposed development."

Planning Considerations

25. Planning Policy Statement 23 'Planning and Pollution Control' (2004) advises local authorities that 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use'.
26. It also notes that 'the planning system should focus on whether the development itself is an acceptable use of land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.' (Paragraph 10).
27. In its response to a Freedom of Information Act request from Andrew Lansley M.P., HSE elaborated on aspects of the risk assessments that it had carried out. I include this response, dated 15th May 2007:

"You ask about the factors considered in the assessment. The assessment took into account the information provided in the hazardous substances consent application, which included details of the storage vessels, their location, size and storage conditions, delivery operations and the processing of substances. It considered the likelihood and consequences of a representative range of accidents that could occur during these operations, and the potential for harm to people on and off site from the hazards. The properties of substances such as Acrylonitrile are classified through legislation as both highly flammable and toxic. We use specialist computer programmes (GASP and DRIFT are mentioned in the papers that you have been sent) to model the properties of the substance, failure and dispersion scenarios, and include differing weather conditions that could influence the dispersion of a released substance.

You also ask specifically why there is a recommendation that deliveries of Acrylonitrile should be limited to 654 per year. This is because our risk assessment takes into consideration the possibility of a catastrophic failure from a road tanker. Therefore the delivery frequency is important, and as Hexcel anticipated that there would be 654 per year in their application, we have recommended a condition limiting the deliveries to that number, therefore bounding our risk assessment considerations.

Lastly you ask about the consultation zone. This is set for the purpose of examining compatibility with existing development. When a consent is granted by the local authority then the associated consultation zone, which is calculated by HSE, is

applied as the zone within which the local authority must subsequently consult relevant bodies, including HSE, on any further development proposals. The papers that have already been released to you show the location and extent of the consultation zone (or zones, to be precise, as there are three such zones in each map around the site). The map is produced by HSE following a detailed assessment of the hazards and risks from the installation (for example the risk assessment of the consequences of a catastrophic failure of a delivery tanker). The map has three risk zones contoured around the site that represent defined levels of risk of harm, with the risk of harm to an individual greater the closer to the installation. I have attached a separate more detailed briefing note which describes our approach to both safety assessment at sites like the Hexcel site (sites subject to the Control of Major Accident Hazard Regulations (COMAH)), and also to Land Use Planning issues around such sites: there is a slight nomenclature issue between this letter and the briefing note in that the latter refers to consultation distances and this letter to consultation zones - they are the same, but to be consistent with your letter to me I referred above to zones. I hope this doesn't confuse you."

28. The scenarios of possible accidents referred to above related to:

Substance	Bulk Storage	Moveable Containers	Processing
Acrylonitrile	Catastrophic failure of: i. 200m ³ tank with 17% overtop ii. 43m ³ tank iii. 12.6m ³ tank iv. Guillotine failure of pipework from storage tank to plant v. Aerosol release from storage to plant pipework	i. Catastrophic failure of road tanker ii. Guillotine failure of hose from road tanker iii. Aerosol release from tanker to storage tank	Catastrophic failure of: i. Feed tank ii. Reactor iii. Stripping column

29. The results of these scenarios were combined to give the 3 zone contours for the overall site risk, referred to above. The zone contours show that no housing will be affected by the proposed plant. The middle and outer zones will extend beyond the site boundary and affect the adjacent chemical site belonging to Huntsman Advanced Materials. At its nearest point the outer zone boundary will be about 280m and about 300m from the nearest housing to the north west in Rectory Road and Ickleton Road respectively. Hence the assessment of risks demonstrates that off-site risks are compatible with developments in the area. This led to the recommendation that the HSE does not advise against the application.

30. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (CDG 2007) and a European Agreement regulate the carriage of dangerous goods by road.

31. HSE is one of the enforcement authorities for many aspects of CDG 2007 but the Department for Transport, the Police and Vehicle and Operations Standards Agency have roles to play. Having regard to the controls exercised by CDG 2007, I do not consider that the risks associated with the transport of AN is a material consideration to be taken into account in the determination of these applications.

Conclusion

32. Paragraph 41 of Department of the Environment, Transport and The Regions (DETR) Circular 04/2000, Planning Controls for Hazardous Substances, states:

“The role of HSE and the Environment Agency is to advise the hazardous substances authority on the risks arising from the presence of hazardous substances. HSE has the expertise to assess the risks arising from the presence of a hazardous substance to persons in the vicinity; the Environment Agency has the expertise to assess and advise upon the likely risks arising to the environment. However, the decision as to whether the risks associated with the presence of hazardous substances, either to persons or to the environment, are tolerable in the context of existing and potential uses of neighbouring land is one which should be made by an elected authority (the hazardous substances authority).”

33. I do not consider that there are grounds to refuse either application on health and safety grounds, having regard to the expert advice received from both HSE and EA and their response to the Dr. James' Report.

B. CONDITIONS AND S106 AGREEMENT

Policy

34. **Department of the Environment (DOE) Circular 11/95 - The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
35. **Office of the Deputy Prime Minister (ODPM) Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
36. **Section 10(1) of the Planning (Hazardous Substances) Act 1990** sets out provisions for the imposition of conditions upon the grant of a hazardous substance consent.
37. **DETR Circular 04/2000 - Planning Controls for Hazardous Substances:** Advises that any conditions relating to how a hazardous substance is to be kept or used may be imposed only if HSE has advised that any consent should be subject to such condition(s).

Conditions

38. The starting point has been the draft heads of terms for conditions included in the 9th January 2008 Planning Committee report. Without prejudice draft conditions have been discussed with the applicants, EA and Local Highway Authority.
39. I would draw Committee's attention to the following two matters:
- a) Condition 2 (Time limit for submission of reserved matters) is extended from 3 to 5 years, having regard to the current economic climate. The Local Planning Authority has such powers under section 92 of The Town and Country Planning Act 1990, so long as it has had regard to the provisions of the Development Plan and to any other material considerations.

- b) Hexcel has given thought to the possibility of public art but is not inclined to offer this on grounds of site security and the fact that Hexcel does not own the land at the 'gateway' of the site so could not offer a piece of art there. Policy SF/6 of the Local Development Framework, adopted 2007, encourages the provision or commissioning of publicly accessible art, craft and design works as part of the determination of major planning applications. It is not obligatory, nor is this provision a determinative matter. The draft condition has therefore been omitted.

Recommended Conditions

40. 1. S/1749/06/O Construction of a Carbon Fibre Precursor Plant

1. Approval of the details of the scale and appearance of buildings, landscaping and layout of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline only.)
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reasons - The application is in outline only.)
4. Before the plant hereby approved is brought into operation, a Travel Plan relating to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of targets and monitoring and be implemented as approved.
(Reason - To ensure safe and efficient operation of the highway network and to facilitate greater levels of sustainable travel in accordance with Policy TR/3 of the Local Development Framework 2007.)
5. During the construction period, no construction vehicles including workers cars shall arrive at or depart from the development hereby permitted during the network peaks (0745-0900 hours and 1630-1745 hours).
(Reason - In the interests of highway capacity and safety.)
6. During and after the construction period, no H.G.V. vehicles shall arrive at or depart from the development hereby permitted during the hours of 0745-0900, 1500-1600 and 1630-1745.
(Reason - In the interests of highway capacity and safety, including avoidance of conflict with the traffic associated with Duxford Primary School.)
7. With regards to Conditions 5, 6 and 9 of this Decision Notice, a log of all vehicle movements shall be maintained at the development hereby permitted. Such log shall be kept up to date and made available to the authorised officers of the Local Planning Authority during normal working hours.
(Reason - To ensure vehicle movements are monitored and to enable compliance with the Conditions to be verified.)

8. No development shall commence until a feasibility study for planting on the land shown edged black on drawing number F4-M-1500-0200-0032 to filter views of the site from Hinxton and public footpaths to the south and south east of the site has been submitted to and approved in writing by the Local Planning Authority; the study shall include a timetable for the planting to be carried out and the planting shall be carried out in accordance with the approved details and timetable.
(Reason - To reduce the visual impact of the proposal from Hinxton and public footpaths in the vicinity.)
9. The maximum number of deliveries of Acrylonitrile shall not exceed 654 per year.
(Reason - To control the level of operations as that recommended by the Health and Safety Executive.)
10. Before development commences, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out other than in accordance with the approved plan.
(Reason - In accordance with Local Development Framework Policies DP/1 and NE/6, which require new development to maintain, enhance, restore or add to biodiversity.)
11. No trees shall be removed during the bird-nesting season (15th February – 15th July) unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To protect the habitat of nesting birds and, therefore, to improve biodiversity in accordance with Local Development Framework policies DP/1 and NE/6.)
12. Within 3 months of the completion of the development, or at such time as shall have been approved in writing by the Local Planning Authority, the contractor's storage yard, as defined by the uses A to F inclusive on drawing number F4-M-1500-0200-0032 franked "amended 15th June 2007" shall be substantially restored to its former condition immediately prior to commencement of development, or to a condition to be agreed in writing by the Local Planning Authority in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason - The yard is required for a temporary period only and its return to its former use would be in accordance with Local Development Framework Policy DP/1 – Sustainable Development.)
13. External lighting to the development, hereby permitted, including the contractor's storage yard, shall not be installed, other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - Local Development Framework Policy NE/14 requires new developments to minimise light spillage.)
14. Before development commences, a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
(Reason - Local Development Framework Policy DP/1 and NE/3 requires new developments to maximise the use of renewable energy sources and provide at least 10% of their predicted energy requirements from renewable energy sources.)

15. Before development commences, a Water Conservation Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
(Reason - Local Development Framework Policy NE/12 requires new development proposals greater than 1,000m² to submit a strategy.)
16. Before development commences, a Waste Minimisation Strategy, covering the construction and operation of the facility, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
(Reason - Local Development Framework Policy DP/1 requires development to be consistent with the principles of sustainable development and Local Development Framework Policy DP/6 states construction waste should be recycled, where practicable.)
17. Prior to the development, hereby permitted, (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), the following components of a scheme to deal with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. .
(Reason - Local Development Framework Policy Objective NE/h seeks to ensure that any risks to human health or the water environment from the re-use of land are addressed and to ensure that off-site landscaping works does not involve the recycling of contaminated material.)
18. The finished floor level of the buildings, hereby approved, shall be a minimum of 28.75 ODN, unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To avoid the risk of flooding the approved buildings.)
19. The development, hereby permitted, shall not be carried out unless vehicle-cleaning equipment has been installed on the temporary site access road serving the construction site. The equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. All vehicles leaving the site shall pass through the cleaning equipment in order to prevent mud and other detritus being carried onto the public highway. The surface of the road

between the cleaning equipment and the public highway shall either be formed of concrete or tarmacadam and drained away from the public highway. (Reason - To minimise the risk of mud being deposited on the public highway in the interests of highway safety.)

41. **2. S/1703/06/HSC Storage of Acrylonitrile**

1. The hazardous substance, Acrylonitrile, shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the areas marked for storage of the substance on the amended plan, drawing no. F4-M-1500-0200-0038, franked 15th June 2007, which formed part of the application.
2. No more than 400 tonnes of the hazardous substance, Acrylonitrile, shall be stored on the site.
3. The maximum number of deliveries of Acrylonitrile shall not exceed 654 per year.

(Reason for conditions: The assessment of risks carried out by the Health and Safety Executive is based upon the information provided in the hazardous substances consent application. The details of the substance, its maximum quantity, location, size and storage conditions of the storage vessels, delivery operations and the processing of substances are critical to the recommendation of the Health and Safety Executive not to advise against the application.)

Section 106 Agreement

42. The minute of Planning Committee sought to achieve an Agreement relating to traffic calming and highway safety improvements, off-site landscaping to help screen the development and a contribution to the construction of a cycle route between Ickleton and Duxford.
43. On a without prejudice basis, discussions have taken place between the applicant, officers, Duxford Parish Council and the Local Highway Authority.
44. A Draft Agreement has been prepared. It is attached as Appendix 4.

Essentially it requires the payment of a:

- a) cycleway contribution (£35,000) for a cycleway between Duxford and Ickleton along Ickleton Road;
- b) speed warning contribution (£34,500) for the installation of three flashing speed warning signs, one at each entrance to Duxford on Hunts Road, Ickleton Road and Moorfield Road; and a
- c) school warning sign contribution (£25,000) for the installation of two flashing warning signs at appropriate locations in the vicinity of Duxford Primary School.

In addition the owner shall:

- a) ensure that all day-time staff employed by the Development shall start no later than 8am unless the start time is also later than 9am;

- b) provide the Council, no later than the first anniversary of first occupation, with a junction safety assessment (the operation of the junction of Hunts Road and Ickleton Road) at a cost to the owner not exceeding £15,000; and
- c) following approval by the Council of the feasibility study required by condition 8 of the outline planning permission (see paragraph 40 above) to not occupy until a contract has been let for the planting in accordance with the approved scheme.

Comments of Duxford Parish Council (19th September 2008)

45. "The Council would like to record that they are dissatisfied that the draft agreement has been presented as a fait accompli. The Council were in discussion with Hexcel Composites and the Highway Authority from the very beginning and were under the impression that a suitable agreement had been reached with both. Had the Highways Authority any reservations about the provision of a pedestrian crossing they should have made their concerns known during those early discussions rather than imply their support.

Regarding the review of the junction at Hunts Road/Ickleton Road, the sum of £15,000 was agreed as a contribution towards the initial review and the cost of modifying the road layout. Can you confirm that this is still the case and that an assurance can be obtained from the County Council that they will implement any recommendations that arise from the review. Should this not be the case then the Council feel that financing a review only will be a complete waste of money.

Concerning the cycleway from Ickleton to Duxford, the Council would also like to record that they do not support that proposal."

Comments of Local Highways Authority (5th September 2008)

It states:

46. "Experience has shown that, where a controlled pedestrian crossing, such as a pelican or a zebra, has low usage throughout the day, or is only used to any real degree at certain times of the day, the crossing itself engenders accidents.

This is because drivers become used to the feature, and, through never having had to react to it, become desensitised to its presence. On the rare occasion that they do encounter a pedestrian, they may be unable to react in time to avoid a collision.

For this reason there are strict guidelines on when a crossing may be installed, requiring a level of usage throughout the day to justify installation.

Commonly, where usage is heavy only during certain times of day, such as at sites associated with school trips, the site will not justify installation.

In the absence of such data to justify provision at this site, the site would not comply with the Highway Authority's policies on installation, and so the Highway Authority's officers would not be able to support the proposal through the required committee process.

The higher than average potential for injury would be raised at safety audit, and would require a specific justifiable response from the designers detailing why this site should be considered a special case. If the crossing were to be installed against

County policy and safety advice any subsequent accident could leave the designers and the authority open to legal actions by third parties.

An alternative scheme intending to slow vehicles down using interactive signage is seen as being preferable and more effective in achieving the aim of controlling driver behaviour in the vicinity of the school.”

Planning Considerations

47. The Local Highways Authority has expressed reservations concerning the provision of a pedestrian crossing that had no supporting justification for provision.
48. Notwithstanding Hexcel's initial offer to contribute up to £25,000 for one zebra crossing on Hunts Road, the lack of technical support from the County Council has meant that this proposal has been omitted from the draft agreement.
49. So far as the junction safety assessment is concerned, the Highway Authority cannot give any categorical assurance that it will implement any recommendation for works to a junction, particularly as there is no relationship between the sum of money provided and any potential scheme. It says there is no justification in accident terms for requiring the developer to provide a scheme.
50. The County Council's position on this matter does question whether this obligation is necessary, having regard to the advice in Circular 05/2005.
51. Duxford Parish Council's objection to the cycleway is noted. However, Policy TR/1 of the Local Development Framework (LDF) Development Control Policies DPD adopted July 2007 encourages the Council to ensure that every opportunity is taken when considering applications to promote access by non-motorised modes, such as cycling. Policy TR/3 states that new development will be required to mitigate their travel impact. Financial contributions will be sought towards improvements in transport infrastructure in the wider area by increased development, in particular to support public transport, cycling and walking.
52. All construction and development-related traffic will access the site from Ickleton Road. A contribution to the construction of a cycleway between Ickleton and Duxford along Ickleton Road will provide a safe route for employees and for children attending school at Duxford. It will comply with the above-mentioned policies and will encourage employees to cycle.
53. The provision of warning signs does not appear to be controversial. The increase in construction and development-related traffic will be most noticeable on Hunts Road between the site and the M11/A505. Hunts Road passes the Village School, on the opposite side of which is a limited amount of residential development, including an affordable housing scheme.
54. The Local Highway Authority favours traffic calming measures in the form of interactive warning signs. It considers that this will provide net benefit to highway safety as opposed to the provision of a pedestrian crossing, which might actually be counter-productive.
55. This infrastructure provision is justified by Policy DP/3, reference above and which also requires all development proposals to provide safe and convenient access for all to public buildings and spaces and Policy TR/3, which requires development to

mitigate their travel impact, including their environmental impact, such as noise, pollution and impact on amenity and health.

Recommendation`

56. That Committee endorses its resolution of 9th January 2008 to approve the outline planning application and the hazardous substance consent application as amended by letter and plans franked 15th June 2007, subject to conditions and to the prior completion of the Section 106 Agreement, substantially in those terms as drafted in paragraphs 40 and 41 above and in Appendix 4, respectively.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/1749/06/O and S/1703/06/HSC
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Contact Officer: David Rush – Development Control Manager
Telephone: (01954) 713153