Agenda Item No: 4

Importation, storage, processing, including use of Trommel, picking and recycling of incinerator and bottom ash (IBA) and construction and demolition (C&D) waste, for exportation for use as incinerator bottom ash secondary aggregates (IBBA)

At: Former Saxon Brickworks, Peterborough Road, Whittlesey, PE7 1PD

Applicant: Johnsons Aggregates and Recycling Limited

Application No: CCC/21/024/FUL

To: Planning Committee

Date: 20 April 2022

From: Assistant Director, Planning Growth & Environment

Electoral division(s): Whittlesey South

Purpose: To consider the above planning application

Recommendation: That planning permission be granted subject to the conditions set out in paragraph 11.1

Officer contact
Name: Rachel Jones
Post: Business Manager, County Planning, Minerals and Waste Team
Email: Rachels.jones@cambridgeshire.gov.uk
Tel: 01223 706774

1. Introduction/Background

1.1 The submitted application seeks full planning permission use of the application site which was previously used for a mix of former brickworks and shredder residue recycling facility to a use for the recycling of Incinerator Bottom Ash (IBA) and construction and demolition (C&D) waste material to produce Incinerator Bottom Ash Aggregate (IBAA). IBA is a non-hazardous material produced following the incineration of waste and it is to be imported to the application site directly from the site where the material is produced. The application site comprises the area directly relating to an existing concrete hard standing, buildings, and wider site access and an ecological management area. The application site is within and only forms part of the former Saxon Pit brick pit which is currently utilised for other waste development including the importation of waste for the stabilisation and buttressing of the former quarry sides and planning permission remains extant for the importation and processing of shredder residue to produce refuse derived fuel.

1.2 In November 2012 planning permission (ref. no. F/02019/12/CW) was granted for the 'Change of use of brickworks to Plastic Recovery Facility (PRF) and erection of trommel to import Automotive Solid Residue (ASR) for sorting and shredding into component parts suitable for exportation for use as Refuse Derived Fuel (RDF) off site'. In February 2014 this planning permission was varied under application ref. no. F/02007/13/CW to allow other shredder residue waste from mixed waste types to be brought to and processed at the site. This waste use occupied the large steel frame former brickwork buildings located at the base of the former Saxon Pit brick pit. The current application seeks permission to utilise two of these former brickwork buildings and the large external area following redesign of an external concrete pad area and erection of a concrete 'lego wall' and storage bays for the recycling of IBA and C&D waste to produce IBAA for export.

1.3 The application has been submitted by an established company that currently undertakes the recycling of IBA at a recycling facility at Bunny, south of Nottingham and since 2014 at another facility in Ilkeston, in south Derbyshire. These sites are fully operational and process around 100,000 tonnes per annum (tpa) and 350,000 tpa of IBA respectively, with a further 50 -100,000 tpa of C&D material being processed across the two sites. The applicant has recently been granted planning permission for a further IBA recycling facility in Telford which will have the capacity to manage around 200,000 tpa of IBA material once it is fully operational.

1.4 The proposed development was subject to a formal Environmental Impact Assessment Scoping Opinion request to Cambridgeshire County Council. Statutory consultees were consulted prior to the issuing of a formal Scoping Opinion by way of a letter dated 14th January 2021. The subsequent Environmental Impact Assessment application was submitted in February 2021 accompanied by a comprehensive Environmental Statement addressing all of the matters identified in the County Council's formal Scoping Opinion response.

2. The Site and Surroundings

2.1 The town of Whittlesey is situated five miles to the east of Peterborough. Saxon Pit is located on the western flank of the town, to the south of the A605 Peterborough Road and to the north of the Peterborough to March railway line. The pit is bowl shaped from past clay extraction and covers in total more than 80 hectares of land. Most of the pit including the brickworks buildings lie approximately 20-26 metres below original ground level. The northern and north-eastern faces of the pit have been buttressed with waste bricks and quarry waste and restored. The eastern face is currently undergoing restoration and the southern face remains to be restored and is steep in character.

2.2 Vehicular access to the site is from an existing entrance on the A605 which lies between a self-storage facility and a residential property no. 203 Peterborough Road. The access route within the pit runs south for approximately 80 metres then east for approximately 500 metres to the former brickworks.

2.3 The eastern Saxon Pit site boundary adjoins a housing estate, specifically the rear gardens of properties in Snoots Road and Priors Road whilst to the south-east lies the Peterborough to March Railway. To the north lies the A605 Peterborough Road which has both residential properties and industrial units along the length of its boundary with Saxon Pit.

3. The Proposed Development

3.1 The submitted proposal is for the use of the existing buildings within the application site but also provides for engineering works on the western flank to level this side of the site to improve the overall site drainage and to increase the storage capacity of the site, revised internal access arrangements, replacement concrete surfacing to improve site drainage, new internal concrete impermeable walls, concrete walls to provide storage bays and a 2-storey building for staff welfare facilities adjacent to the western façade of the existing building 1 which is to be used for recycling purposes. Water tanks are proposed for the storage of collected rainwater to be used on site including the dousing of the IBA/IBAA and C&D material. The boundary of the site area is to be defined using concrete ‘lego’ blocks which will be at a height of 6 metres.

3.2 The applicant has commenced pre-operational construction work, during the consideration of the application and is aware that these works are undertaken at their own risk, and could result in a requirement to remove the built development should the Planning Committee determine that the planning application should be refused. The initial site development works involve the re-engineering of the IBA storage area to create an impermeable concrete surface and ‘wedge pit’ sump. Modifications are also proposed to the internal haul road to create a new access off the main haul road and internal hardstanding for C&D and recycled product storage. The 6 metre perimeter walls around the IBA storage, internal storage bays and the water tanks are in the process of being erected.

3.3 The recycling buildings are being fitted out internally with the necessary recycling equipment and new external doors. The proposed two-storey office accommodation is to be erected to the west of Building 1 and a new weighbridge has been installed adjacent to the site entrance.

3.4 Engineering works are to be carried out to the existing western bund to remove overburden material from the previous quarrying operations in order to create additional storage areas level with the existing land.

3.5 The application site will be subject to a new drainage scheme that will see all surface water from outside the site being drained around the boundary of the site into existing site drainage facilities to prevent ingress into the application site area. On site surface water falling on the IBA storage area will naturally drain into a 'wedge pit' in the south-eastern corner of the site. This pit will have the capacity to hold a minimum of 960 cubic metres of water which will be recycled within the site for dust management purposes. The water is either pumped directly to a water bowser or pumped into large storage tanks as necessary to ensure that in all but the most extreme rain events, the wedge pit is capable of holding all surface water arising on the site. A second wedge pit of similar dimensions is proposed to the west of Building 1 to capture any surface water from the concrete pad in this area of the site.

3.6 Prior to being dispatched from incinerator facilities within the region, IBA is required to be heavily quenched with water such that its content is as least 20% water. This is both to reduce its temperature and to minimise the risk of any air borne particles arising from its transport and deposit at a receptor recycling site. Upon delivery to the recycling site, the IBA material is deposited within the IBA reception and storage area. The material is then stored for a minimum period of 6 weeks during which time some of the added moisture is released as steam until the material is determined to be a suitable state in which it can be screened and processed. At this point the material still contains at least 10% moisture, sufficient to prevent dust emissions.

3.7 C&D material will be imported using 8 wheeled rigid HGV's and after going over the weighbridge, will be deposited, processed and stored in the designated storage bays in the north-west corner of the site.

3.8 The C&D material will be crushed and screened as necessary into various sizes and products dependant on individual client requirements using mobile plant. This processing will take place in the north-western corner of the site. Crushing and screening externally will be undertaken on a campaign basis and only between the hours of 08:00 to 18:00 Mondays to Fridays including bank holidays and excluding Christmas Day.

3.9 The IBA material requires a period of maturation, with frequent assessment taking place to determine the point at which it is suitable for processing and recycling. At this point IBA will be removed from the stockpile using a front-loading shovel and placed on a conveyor belt, via a hopper, through a trommel/screener that will take the material inside the proposed main recycling Building 1 on the site.

3.10 Within the main recycling Building 1 the IBA will go through a variety of machinery to sort it into various fraction sizes for ongoing processing to produce varying sizes of recycled secondary aggregates (IBAA).

3.11 The operational activities are summarised as follows:

- Unprocessed IBA will be imported to the site and stored within a designated storage bay before undergoing the maturation process lasting up to eight weeks;

- The IBA and C&D material will be fed into a trommel screen and separated into 2 fractions (>40mm and <40mm);
- The >40mm material will be screened further;
- The <40mm will be processed using various screeners. The various sized fractions will then be processed using further screening, inductive separation and eddy current magnets, where ferrous and non-ferrous metals are recovered;.
- C&D materials will be crushed and screened dependent on customer requirements; and
- The processed material will then be stockpiled into aggregate, ferrous metal and non-ferrous metal stockpiles and stored on site if required pending sale.

3.12 The manufactured secondary aggregates will then be taken from the building via conveyors or loading shovel either directly to storage bays or directly to HGV's ready to export from the site. 100% of the imported IBA is ultimately recycled either on site into IBAA or off site in the case of the metal elements which is sold to third party smelting companies.

3.13 The applicant is proposing that the site will manage up to 250,000 tpa of IBA material and 50,000 tpa of C&D material. IBA will be imported directly from EfW plants on 27 tonne articulated HGV's, whilst C&D material will mainly be imported using 8 wheel rigid HGV's. The majority of HGV's entering the site will backhaul recycled material from the site reducing the impacts of HGV movements and increasing the sustainability and viability of the transport element of the operation.

3.14 In terms of HGV movements based on a total throughput of 300,000 tpa and a 50 week operational year it is anticipated that a total of 506 HGV movements per week will be required (253 in and 253 out), based on a 5.5 day working week, which would generate an average of 92 HGV movements per day (46 in and 46 out). These vehicle movements would be restricted to between the operational hours of the site Monday to Saturday and are restricted to when the weighbridge would be in operation. No deliveries or exportation of material would be permitted at any time outside of these hours.

3.15 It is proposed that the IBA and C&D material will be imported solely from the west of the site requiring all vehicles to turn right into the site from the A605 Peterborough Road. The IBA material will be generated from existing EfW facilities across the region including Cambridgeshire, Bedfordshire, Buckinghamshire and Greater London if transportation to this site is considered to be the most sustainable option for that material locationally. The IBA produced at the Peterborough EfW facility is currently transported to the Johnsons' existing facility at Ilkeston and all of this material, approximately 25,000 tpa would be directed to the Saxon Pit facility significantly reducing the transportation miles and therefore the carbon footprint for the movement of this material.

3.16 The applicant has stated that the proposed development will generate up to 30 full time equivalent (FTE) jobs directly at the site, whilst supporting around 20 FTE roles indirectly through additional drivers, local suppliers etc. On-site car parking is proposed together with cycle parking and the site is well provided for by local buses and non-vehicular modes of transport.

3.17 The proposed hours of use for the site are:

- External crushing and screening of C&D material – 08:00 – 18:00 Monday to Friday including bank holidays but excluding Christmas Day;

- External movement, loading and repositioning of IBA, IBAA and C&D material – 06:00 - 22:00 Monday to Friday and 08:00 – 18:00 on Saturdays;
- Processing of IBA within recycling Building 1 – 06:00 to 22:00 Monday to Friday and 08:00 – 18:00 on Saturday including bank holidays but excluding Christmas Day;
- Processing of IBA within recycling Building 2 and use of associated machinery – 24/7 including Sundays and Bank Holidays (except Christmas Day); and
- Essential servicing and maintenance of plant of other similar works of an essential nature – 24/7 including Sundays and Bank Holidays (except Christmas Day).

4. Planning History

4.1 Planning permission was granted in July 1994 under reference F/00981/93/CM for the construction of an industrial building for mixing of additives with brick clay and the erection of 3 chalk and pulverised fuel ash storage silos.

4.2 In May 1996 planning permission was granted under reference F/00802/95/CM for the erection of a green brick storage building and the repositioning of the brick blocking shed.

4.3 In June 2012 a prior notification of demolition was agreed under reference F/2011/12/CW for the demolition of the brick kilns and lean-to buildings leaving all other building including the chimneys standing.

4.4 Planning permission F/02109/12/CW was granted in November 2012 for the change of use of brickworks to Plastic Recovery Facility (PRF) and erection of trommel to import Automotive Solid Residue (ASR) for sorting and shredding into component parts suitable for exportation for use as Refuse Derived Fuel (RDF) off site.

4.5 Application reference F/02007/13/CW was approved in February 2014 for the variation of conditions 4, 10 and 11 of F/02019/12/CW to allow other shredder residue waste from mixed waste types to be brought to and processed at the site.

4.6 In March 2020 an application under reference CCC/21/028/PRIO to determine whether prior approval is required for the demolition of two 85m brick built chimneys concluded that prior approval of the method of demolition was not required.

5. Publicity

5.1 The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) by notice in the Fenland Citizen and erection of site notices adjacent to the site entrance and at appropriate locations in the Snoots Road/Priors Road residential area. Discretionary notification letters have been sent to properties near the application site.

5.2 Due to amendments to the application proposal following the receipt of formal responses to the first consultation and subsequent amendments made to the proposal by the applicant a further two rounds of consultation under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) Regulation 25 were carried out in July 2021 and January 2022 which both included the insertion of the required

press notice in the Fenland Citizen, erection of site notices and discretionary notification letters were sent to those originally consulted on the application and additional respondents to each round of consultation.

6. Consultation Responses

6.1 A summary of the most recent comments is provided below. Where previous comments are still relevant, they are included:

Cambridgeshire County Council - Highway Authority

6.2 The Highway Authority referred to the Transport Assessment (TA) that has been submitted with the application. Additional information was requested including the following:

- Details of the access with Peterborough Road and including tracking using the HGVs that will access the site;

- A plan that details the internal traffic management measures including priority signing and speed limits for goods vehicles proposed. These should be extended closer to the junction with Peterborough Road and enhanced so the internal measures can slow traffic just after entry to the site and to assist in reducing approach speeds. Internal speed limit signs should be combined with SLOW road markings (in both directions) and the junction with Peterborough Road should include give way signs and lines; and

- A car parking layout to be able to accommodate the 30 workers.

6.3 It also comments that due to potential for noise disturbance caused by volumes of HGV traffic, vertical traffic calming features (speed bumps etc.) should not be used unless these are located well into the site away from noise sensitive properties.

6.4 On the basis of the additional information submitted on 27 January 2022 the Highway Authority raises no objection to the planning application subject to the imposition of conditions requiring the carrying out of the junction re-marking, car park layout and provision of highway signage as agreed by email dated 30 March 2022.

Cambridgeshire County Council - Local Lead Flood Authority (LLFA)

6.5 The LLFA has no objection to the application. It confirms that the submitted Flood Risk Assessment demonstrates that surface water from the proposed development can be managed through capturing runoff on the external areas in bunded areas, before this runoff is tankered from the site. The surface water runoff from the roof areas will be captured and used within the processing operations at the site. The existing lagoon will remain as is, with the only impact being a reduction in the total volume of water entering the system. It advises, if permission is granted that the following conditions and informatives be attached to the decision notice:

Condition

Within three months of the date of this permission, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment 0 Addendum 2 prepared by HSP Consulting Engineers (ref: HSP2021-C3432-C&S-TR-241) dated September 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the industrial buildings.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition

Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

Informatives

OW Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Cambridgeshire County Council - Public Health

6.6 The Public Health Officer initially raised objection to the application on process grounds as the HIA submitted was combined with the Sustainability and Climate Change Assessment. Following this objection, the applicant has separated the HIA which pulls together all of the relevant public health information from other submission documents that was already in the public arena for submission as a separate document as requested. This document did not contain any further information that was not already contained in the suite of application documents available to technical consultees and residents during the final consultation. Following consideration of the HIA the Public Health Officer has now confirmed that the Health Impact Assessment has been considered alongside the original Planning and Environmental Statement (December 2021).

The applicant was asked to demonstrate that Policies 1, 13, 16, 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 have been met, i.e. the development has taken into account, and will not result in, any significant impact(s) on human health and wellbeing. The applicant has therefore submitted a Health Impact Assessment in response to this request to demonstrate the relevant policies have been met.

Having reviewed both documents I am satisfied that the relevant policies have now been met and that the proposed development is unlikely to result in any significant impacts on human health.

The Incinerator Bottom Ash being delivered to and then processed on site is classed as non-hazardous, in addition the process will be subject to an environmental permit further safeguarding any potential impacts to health and/or the environment.

The mitigation measures contained in the Health Impact Assessment and the Planning and Environmental Statement are appropriate to the application. Therefore, Public Health has no objection to this application.

Cambridgeshire County Council - Ecology

6.7 The Ecology Officer welcomes the revised proposed landscape enhancements at Saxon Pit submitted on 01 March 2022. The scheme optimises the habitat available at Saxon Pit and will deliver a higher net gain in biodiversity (10% BNG for area based habitats and 19% BNG for river habitats). This is considered proportionate for the type of development and therefore addresses the previous concerns expressed.

Cambridgeshire County Council – Historic Environment Team (Archaeology)

6.8 Advise that they have no objection to the development.

Cambridgeshire Fire and Rescue Service

6.9 Advises that the proposed provision of water supplies for fore fighting on-site, by utilising the existing lagoon and water tank, is acceptable.

Peterborough City Council - Planning & Highway Authority

6.10 Comments that although the proposal would not cause a severe impact on the strategic highway network, it does have the potential to have some impact on the local highway network within Peterborough City Council's area, particularly around Stanground and the roundabout at the B1092 and A605.

It is therefore requested, if the application is approved that the applicant be advised that there is a weight restriction on the B1092 through Stanground, and any HCVs are required to use the A605 (Stanground Bypass) to access the parkway system at Junction 3a (as opposed to using the B1092 Whittlesey Road through Stanground to access Junction 4).

Fenland District Council - Environmental Health

6.11 Comment as follows:

In the light of the submission of the revised Dust Management Plan V12 dated 02 February 2022, the revised Odour Management Plan v 8 dated 02 February 2022, the Noise Impact Assessment v I dated 11 February 2022 and the Air Quality Impact Assessment v2 dated 17 June 2021 the Fenland EHO raises no objection to the application subject to the imposition of suitably worded conditions requiring all activities to be undertaken in accordance with the recommendations contained in these documents.

Environment Agency

6.12 Offers detailed comments in relation to the requirement for an Environmental Permit for the site but has no objection to the proposed development.

Natural England

6.13 Natural England have advised that they have no objection to the development. They confirm that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and that otherwise their standing advice applies.

Historic England

6.14 Have advised that they do not have any comments on the application.

Network Rail

6.15 Have advised that they no objections to the development.

Whittlesey Town Council

6.16 Expressed the following concerns :

- "Have all the conditions in ES Part 1 – Appendix 3 (CCC Scoping Opinion) been fully met?
- Will Cambs Planning be requesting that the applicant is ISO 14064 compliant (Greenhouse Gasses)?
- Will Cambs Planning be requesting that the applicant is ISO 14067 compliant?
- Statistics from Cambs CCC (2019) show that vehicles entering and leaving Whittlesey over a 12 hour period were 36,441 of which 2351 were HGV's – in comparison to other Fen towns Ramsey 732, Chatteris 547, March 893. More HGV's will add to the already stressed A605.
- The HGV movements are in reality 25,000+ per year and this will produce some 1,000,000 kgs of CO2.
- The applicant states that 25,000 tonnes from the Peterborough incinerator, at present there is no incinerator producing waste in Peterborough.
- It is alleged the IBA is non hazardous, however, if concentrations of TCLP chemicals (including dioxins and heavy metals) are present they could create long problems for future generations. Although the IBA will be exported it is on site for many weeks when chemicals could leak out into the ground water. What source is the IBA coming from? The original Planning Permission required all material brought onto the site to be inert. The construction waste can come from east or west not just the west i.e. through the town.
- Housing on Peterborough Road is 230 m from the site and Prior Road/Snoots Road is 370m away. Park Lane Primary School is also well within the reach of the pollution.
- Despite detailed reports it is likely in certain weather conditions that nuisance from noise, dust, odour, vibration, and light pollution especially as much of the site is to operate 24 hours a day. The report on Odour suggests that Peterborough Road, Snoots Road/Priors Road and Park Lane School all have high sensitivity ratings.
- Material for processing will be brought in 8 wheeled HGV's 50,000 tonnes will be regularly stored on site for processing. A report by the applicant breaks down the vehicle movements at 92 per day. In reality this is likely to increase as leaving lorries may be empty due to processed material not being ready. This would require a collection visit back to the site. Account must be taken of the HGVs from McCain's Chip Factory close by. At least 80 lorry movements are made onto the A605 travelling both east and west each day.
- The pollution caused by these movements with regard to N02, CO2 and PM 2.5 and 10 has not been assessed. In addition, the carbon footprints of these vehicles are against the new Cambridgeshire & Peterborough Report on Climate Change 2020 which promises reductions in all areas of climate pollution.
- The A605 which serves the Saxon Pit is already surcharged (see Peterborough Highway Department report on the Kings Dyke Bridge). The road has the second highest use of HGVs now at 2351 (2019 survey) in Fenland. General air pollution is almost the highest nationally in Fenland.
- Will the activities of East Midland Waste Ltd be continuing tipping at the same time as Johnson operation!
- Occurring Problems - Water ingress to the site, especially lately, requires pumping out into the Kings Dyke River. No formal consent has been obtained for this regular nuisance. Is this water contaminated? It passes over land in third party ownership, without consent, causing localised flooding.

- Based on the past efforts of the Environment Agency (E.A.) there is no guarantee that the many controls and checks referred to as being necessary in the various consultant reports, promised by Johnson Aggregates, will be adhered to, or monitored by the E.A.
- The proposed hours of operation are outrageous. The Consultant's report says the site is to be working 24 hours a day, every day, except Christmas Day!! Crushing will operate 8am – 6 pm Monday to Friday and 8am-4pm on Saturdays. Processing the IBA will run from 6am – 11pm. Maintenance etc. will be allowed 24/7 any day including Sundays and Bank Holidays, except Christmas day, this will cause constant inconvenience to nearby residents.
  CONCLUSION
  The application submitted by Johnson Aggregates is fatally flawed and there are numerous risks if it goes ahead. Once established it will be impossible in reality to put right any contraventions.
  Whittlesey is finally getting the Bridge over the railway after years of waiting. Many quality developers are currently building new homes to attract people to our Market Town. If this project goes ahead it could seriously affect the popularity and future prosperity of our town".

<u>County Councillor Chris Boden (Whittlesey North Division)</u>

6.17 Strongly objects to the proposal. Advises that he has been made aware of many of the responses made by local residents objecting to the application, and also that he fully supports the submission made by Whittlesey Town Council.

He wishes to comment specifically on two of the issues raised in the Town Council's submission.

The first is the noise nuisance at this site which he states will be significantly exacerbated if the application is approved.

He comments that "there are several properties on Priors Road and, to a more restricted extent, Snoots Road which immediately abut Saxon Pit. These properties already suffer disruption to their day to day lives as a result of the noise generated from the existing activity at Saxon Pit. If the wind is in the "wrong" direction the occupants of these properties can hear every Heavy Commercial Vehicle (HCVs) movement in the pit, and can even hear which radio station the drivers are listening to in their cabs! The noise can be so obtrusive (depending on wind direction) that residents have to keep their windows closed, even in hot weather, just to try to muffle the sound. This nuisance will be multiplied if this planning application is approved, given both the sheer number of additional HCVs which would access the site every day, with the additional noise being generated 24 hours a day, 364 days a year. Local residents whose properties immediately overlook Saxon Pit are fearful that their quality of life would be very severely impacted by the noise generated by the significant increase in HCV movements proposed in Saxon Pit including HCV movements at night-time. Councillor Boden asks the Committee to visit one or more of the residential properties on Priors Road overlooking the pit so that it can see and (depending on the wind direction) hear the disruptive effects of the current operations at Saxon Pit, which are only a small fraction of those that would be experienced, if the application is approved".

On the subject of noise and vibration nuisance Councillor Boden would also bring the Committee's attention to "the row of terraced houses, numbered 193 to 205 Peterborough Road, which sit at the entrance to the Saxon Pit site on the A605. He states that if the application is approved, the nuisance already caused by the noise and vibration from HCVs accessing the site would increase many times over, and the hours of disruption suffered by the residents there would increase from weekday daytime only (as it predominantly is now) to 24 hours a day, 7 days a week. Life in these cottages would become almost unbearable, particularly in that end-of-terrace cottage which is immediately adjacent to the site entrance".

The second issue on which Councillor Boden wishes comment is the effect of the additional traffic that would be generated by the proposal and the impact that this would have on the local road system.

He comments that "there would be at least 26,000 additional car movements (for employees) per annum, and at least 30,000 additional HCV movements a year that would be generated by the activities of the facility which is the subject of the application. That is an additional burden that the local road system simply cannot take.

Many of the empty HCV movements to and from the pit will be from or to local HCV operators such as P J Thorey Ltd, which of necessity travel between their base and the site through the centre of Whittlesey. Despite what is stated in the planning application, there is nothing that would stop loaded HCVs from accessing or leaving the site via Whittlesey Town Centre, and there's no practical enforcement measures that could prevent that from happening. Add to that the number of employees' cars where the employee lives in Fenland (95%+ of Fenland can only be accessed from the site using the A605 via Whittlesey Town Centre) and it is clear that there will be tens of thousands of additional vehicle movements generated by the site's new activities which would be routed through the junction of the A605 with the B1040, using the roundabout locally known as the KellyVision or Broad Street roundabout".

CCC Highways has already identified that this roundabout cannot take significantly greater traffic. Councillor Boden would also like to draw the Committee's attention to a planning application that was submitted to Fenland District Council in 2020, "Planning Application Ref. F/YR20/0357/O, which is an Outline application for a B2 use of a site on the A605 at King's Dyke, half mile further away from Whittlesey than Saxon Pit. A traffic assessment associated with that application clearly demonstrated, once existing residential developments with planning permission are built out, that the KellyVision roundabout will be significantly under capacity resulting in traffic queues of such length at the roundabout that other junctions within Whittlesey Town Centre would also become jammed up, every weekday morning and evening. CCC Highway Authority objected to that application and as a direct result of that objection, the proposed B2 use which would have generated such additional traffic on the A605 was dropped by the applicant. The additional traffic which would be generated by the current application at Saxon Pit would be several times that which would have been generated from the King's Dyke site. If CCC Highways objected to the relatively small number of additional vehicle movements which would have been generated from the King's Dyke site, it would be inconsistent and irrational not to refuse this application at Saxon Pit which would have a far greater impact on the roundabout's capacity, than the King's Dyke site ever would".

On traffic grounds Councillor Boden therefore asks that this application be refused although he also considered that the noise and vibration nuisance to neighbouring properties would, alternatively and/or additionally, provide sound planning grounds for refusing this application.

7. Representations

7.1 The following representations have been received.

7.2 Across the three rounds of consultation a total of 577 neighbour representations were received from 507 individual respondents. Of these 97 respondents to the first consultation submitted the pro forma response produced by Whittlesey Town Council which reflects the points made in the Whittlesey Town Council comments stated in paragraph 6.16 above and in addition 174 respondents to the third consultation responded using a Saxon Against Pollution Group response template. The concerns raised within all of the representations made can be summarised as relating to the following matters:

- Conflict with the adopted local plan
- Increase of pollution, possible contaminants
- Noise and vibration
- Dust and air quality
- Odour
- Light pollution
- Hours of operation
- Importation of asbestos
- Increase in traffic / HGVs
- Inadequate access and road infrastructure
- Climate change and carbon footprint
- Ecology and wildlife
- Toxic waste materials
- Potential for land and water contamination and the historic use of the site
- Close to adjoining properties and adversely impacting residential amenity

7.3 A copy of the full representations has been shared with members of Planning Committee for consideration prior to the Planning Committee meeting.

8. Planning Policy

8.1 Section 70(2) of the Town and Country Planning Act 1990 states that “in dealing with an application for planning permission the authority shall have regard to the provisions of the development plan, so far as material to the application and any other material considerations.” Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” The relevant development plan policies are set out in the paragraphs below noting the development plan does not include emerging plans and policies.

8.2 The National Planning Policy Framework (NPPF) July 2021 sets out the Government’s

planning policies and how these are expected to be applied. At its heart is a presumption in favour of sustainable development (paragraph 11). It states that for decision taking this means:

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most relevant for determining the application are out of date, granting permission unless:
    i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.

8.3 Paragraph 2 - planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 7 - The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 – plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 38 - local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 43 - The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment).

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 56 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 84 - Planning policies and decisions should enable:

a) The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings;
b) The development and diversification of agricultural land and other land-based rural businesses;
c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 85 - Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraph 110 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 113 - All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Paragraph 130 – Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 152 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 159 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 167 – When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could quickly be brought back into use without significant refurbishment

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be appropriate
d) any residual risk can be safely managed; and
e) safe access and escape routes are included where appropriate as part of an agreed emergency plan.

Paragraph 169 – Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
a) take account of advice from the lead local flood authority
b) have appropriate proposed minimum operational standards
c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
d) where possible, provide multifunctional benefits

Paragraph 174 - planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

Paragraph 185 - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 186 - Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the

need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Paragraph 187 - Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Paragraph 188 – The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

8.4 The National Planning Policy for Waste (NPPW) (October 2014) sets out the national planning policies for waste development and is to be read in conjunction with the NPPF. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Paragraph 7 of the NPPW sets out specific considerations to be taken into account in determining waste planning applications, which include:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up to date Local Plan.
- consider the likely impact on the local environment and on amenity against the locational criteria set out in Appendix B; and
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Waste Management Plan for England (December 2013)(WMPE)

8.5 The WMPE also highlights the priority for minimising the use of resources and moving waste up the waste hierarchy (page 11) and emphasises that the Environment Agency is the main regulator of waste management in England (page 15).

Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP)

8.6 On 28 July 2021 Cambridgeshire County Council and Peterborough City Council adopted a Minerals and Waste Local Plan which sets the framework for all mineral and waste

developments until 2036. The following policies are considered relevant in relation to this proposal:

Policy 1: Sustainable Development and Climate Change
Policy 3: Waste Management Needs
Policy 4: Providing for Waste Management Needs
Policy 5: Mineral Safeguarding Areas (MSAS)
Policy 8: Recycled and Secondary Aggregates, and concrete batching
Policy 10: Waste Management Areas (WMAs)
Policy 16: Consultation Areas (CAS)
Policy 17: Design
Policy 18: Amenity Considerations
Policy 20: Biodiversity and Geodiversity
Policy 22: Flood and Water Management
Policy 23: Traffic, Highways and Rights of Way

Fenland District Council Local Plan (adopted May 2014 (FDLP)

8.7 Fenland District Council's Local Plan was adopted on 8th May 2014. It sets out the vision and policies to guide future development in which new infrastructure plays an important role in delivering sustainable development. The objectives of the plan encompass improving the quality, range and accessibility of services to ensure that all groups thrive in safe environments. The following local plan policies are of relevance in the determination of this planning application.

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: Facilitating Health and Wellbeing of Fenland Residents
- Policy LP14: Responding to Climate Change and Managing the Risk of Flooding
- Policy LP16: Delivering and Protecting High Quality Environments across the District
- Policy LP19: The Natural Environment

Other Planning Documents

As identified on Fenland District Council's website, the following documents are material considerations when making planning decisions with the weight in decision making to be determined on a case by case basis having regard to consistency with national planning guidance and the adopted Fenland District Local Plan 2014.

- Delivering and Protecting High Quality Environments in Fenland SPD, 2014
- Fenland Infrastructure Delivery Plan 2016
- The Cambridgeshire and Peterborough Local Transport Plan (February 2020)
- Cambridgeshire Flood & Water Supplementary Planning Document (adopted 14 July 2016) (the FWSPD)

Emerging Fenland Local Plan

8.8 Fenland District Council are in the process of updating the local plan. Fenland District Council approved an updated timetable for the draft local plan (known as Fenland Local Development Scheme (LDS)) on 15 July 2021.The LDS shows an updated timetable for the

production of the Fenland Local Plan to 2023. Consultation on the draft local plan took place in December 2021 and January 2022 with adoption of the local plan proposed in November 2023.

9. Planning Considerations

The Principle of the Development

9.1 This application relates to the re-use of existing former brick works buildings and land within a former brick clay pit for the purposes of the importation and processing of Incinerator Bottom Ash (IBA) and Construction and Demolition (C&D) waste to produce a secondary aggregate for the building industry (IBAA).

9.2 MWLP Policy 1: Sustainable Development and Climate Change, requires that mineral and waste management proposals will be assessed against the overarching principle of whether the proposal would play an active role in guiding development towards sustainable solutions. The policy requires that an applicant should also demonstrate how the location, design, site operation and transportation related to the development will help reduce greenhouse gas emissions (including through the adoption of emission reduction measures based on eh principles of the energy hierarchy); and take into account any significant impacts on human health and wellbeing and on air quality.

9.3 The policy requires that for waste management proposals an applicant should demonstrate how the principles of the waste hierarchy have been considered and addressed; and broadly quantify the reduction in carbon dioxide and other relevant greenhouse gases e.g. methane that should be achieved as part of the proposal, and how this will be monitored and addressed in future.

9.4 The principle of waste uses at this site has already been established through the extant consent for the importation of waste for the stabilisation and buttressing of the former quarry sides and for the operation of a trommel for the sorting and shredding of shredder residue from mixed waste types into component parts suitable for exportation for use as Refuse Derived Fuel (RDF). The proposed development would be located in closer proximity to the sources of the IBA waste within the south east region, than to the existing operational sites in Nottinghamshire and Derbyshire, thereby reducing the distance travelled by HGV's to deliver the material to the recycling facility and the existing contracts that the applicant holds with local construction companies and neighbouring highway authorities for the use of the IBAA as a secondary aggregate will minimise the distance that the recycled material will travel to its destination thereby contributing to a significant reduction in production of Carbon dioxide emissions whilst moving the waste up the waste hierarchy in accordance with the requirements of MWLP (July 2021) Policy 1.

9.5 MWLP Policy 3 deals with waste management needs. No site-specific allocations for new waste management facilities have been identified in the MWLP. Paragraph 3.41 states that

> "However, the Plan's indicative capacity needs do not form a ceiling; where justified and in line with the wider aims and policies of this plan the Councils would be supportive of opportunities for additional capacity to be approved for a range of waste management methods where this will drive waste up the waste management hierarchy".

9.6 The policy concludes stating that:

> "The net capacity figures in the table above are not ceilings for recycling, treatment or recovery of waste. As such, proposals will, in principle (and provided they are in accordance with Policy 4: Providing for Waste Management), be supported if any of the following scenarios apply:
>
> (a) it would assist in closing a gap identified in the table, provided such a gap has not already been demonstrably closed; or
> (b) it would assist in closing a new gap identified in the future, with such identification to be set out in the annual monitoring of the Plan; or
> (c) it moves waste capacity already identified in the above table up the waste hierarchy."

9.7 The table of waste management needs which is incorporated into Policy 3 of the MWLP (July 2021) states that under the category of 'Waste Management – Deposit to land and Disposal (Mt) that in respect of the disposal of mixed – municipal, construction and industrial waste to non-hazardous landfill the County has a total need for 10.817Mt, with an estimated void space of 8.525Mt resulting in a negative balance of -2.291 of voidspace capacity for this material.

9.8 The IBA material that will be recovered would otherwise have been deposited as non-hazardous landfill. Of the material that is proposed to be processed and recycled at the Saxon Pit facility 25,000 tonnes per annum will originate from within Cambridgeshire, at Peterborough. In addition, the C&D waste that will be mixed with the IBAA to produce the required secondary aggregate could also have otherwise been deposited to landfill. The recovery of this material, its processing and recycling to create a product for re-use is therefore considered to be in keeping with the requirements of MWLP Policy 3 in that it will move waste capacity already identified in the table up the waste hierarchy.

9.9 MWLP Policy 4 states that "the Councils aim to actively encourage and will in principle support the sustainable management of waste, which includes encouraging waste to move as far up the waste hierarchy as possible, whilst also ensuring net self-sufficiency over the Plan area. In order to ensure this aim can be met, waste management proposals must demonstrably contribute towards sustainable waste management by moving waste up the waste hierarchy".

9.10 MWLP Policy 4 further states that:
"New waste management proposals that are unable to demonstrate benefits of co-location under part 2 of this policy, that are within the planning permission boundary of existing waste management sites (i.e.where extensions to the site area is not required) that already operate outside of the main settlements identified in the locational criteria above will, in principle, be supported. Each case will be considered on its own merits and will be assessed against all the policies within the Development Plan."

9.11 The proposal is for the importation of non-hazardous IBA waste to be processed and recycled as IBAA for use in the construction industry. This moves the IBA waste that would otherwise have been placed into landfill up the waste hierarchy enabling this product to be recycled and reused in accordance with the requirements of Policy 3 (c) and Policy 4 of the MWLP.

9.12 The application site area incorporates buildings and land that were formerly utilised for the sorting and shredding of shredder residue from mixed waste types into component parts suitable for exportation for use as Refuse Derived Fuel (RDF) for which extant permission remains in place. The proposed development would be located for the most part on an existing waste management site and is therefore considered to be in accordance with the locational criteria for new waste recycling uses in MWLP Policy 4.

9.13 MWLP Policy 5 identifies mineral safeguarding areas within which development should be restricted to ensure that valuable mineral is not sterilised. The application site is, like much of the surrounding area, within a mineral safeguarding area (MSA) for sand and gravel. Part of the area on which the BNG will be achieved is within a MSA for brick clay. The application site is within a former brick clay pit from which both the brick clay and overlying sand and gravel have been removed. The proposed development would not therefore prejudice mineral of current or future value so would comply with MWLP Policy 5.

9.14 The application site includes most of the Former Saxon Brickworks waste management area (WMA) and falls entirely within the consultation area (CA) for that site. MWLP Policy 16 seeks to protect existing waste sites from incompatible development and states that:

"Development within a CA will only be permitted where it is demonstrated that the development will:

(c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA for which the CA has been designated; and
(d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated."

9.15 The site is allocated in the Fenland Local Plan (2014) as a Mineral Extraction, Waste Management and Transport Consultation Area and an area of search for waste management uses. The proposed use would be compatible with and would replace the existing waste management use of the WMA with another waste management use. The new development would be the designed so that its occupiers or users would not experience adverse impacts. It is considered that the proposed development would comply with MWLP Policy 16.

9.16 It is therefore considered that for the reasons outlined above, the principle of the use of the site for waste management operations is established for the siting of a waste management facility for the recycling of IBA to IBAA in this location which would result a reduction in non-hazardous waste being deposited to landfill within the County, a reduction in the carbon emissions generated to transport the material to the recycling facility and on to the end user and the movement of the waste up the waste hierarchy is fully in compliance with the requirements of Policies 1, 3, 4 5 and 16 of the MWLP.

Traffic and Transport

9.17 MWLP (July 2021) Policy 23: Traffic, Highways and Rights of Way requires that waste management development will only be permitted if:

(a) Appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, to the degree reasonably available given the type of development and its location.
(b) Safe and suitable access to the site can be achieved for all users of the subsequent development
(c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
(d) Any associated increase in traffic or highway improvements would not cause unacceptable harm to the environment, road safety or residential amenity; and would not cause sever residual cumulative impacts on the road network; and
(e) Binding agreements covering lorry routing arrangements and/or HCV signage for mineral and waste traffic area agreed, if any such agreements are necessary and reasonable to make a development acceptable.

9.18 The proposal is for the importation of non-hazardous IBA material from within the region for recycling to produce IBAA. The company has confirmed that they have contracts for the recycling of IBA from both the Peterborough EfW facility and the Rookersly EfW facility in Bedfordshire. At the present time the nearest IBA recycling facility that this material can be taken to for processing is in Ilkeston. The siting of a facility at Saxon Pit will significantly the reduce the road miles travelled by the HGV's transporting the material to the site. The applicant has also confirmed that they have existing contracts with other County Councils including Lincolnshire for the use of the IBAA for highway maintenance contracts and the siting of a facility in Whittlesey would also therefore reduce the distance that the recycled IBAA product is transported to its final destination.

9.19 The applicant is proposing a maximum of 92 lorry movements per day (46 in and 46 out), a maximum of 506 movements per week (253 in 253 out). This is the total number of movements for the delivery of IBA and C&D waste and the exportation of IBAA to customers. These movements will only occur during the daily operational hours of the facility when the weighbridge is open, and detailed records of all imports and exports must be kept in accordance with the Environmental Permit for the site, having passed over the weighbridge and therefore no deliveries or exports could be scheduled outside of the standard daily working hours.

9.20 The applicant has volunteered as part of the application submission that all HGV movements into and out of the site will be from a westerly direction along the A605 only and has submitted a routing plan and agreed to a condition limiting HGV movements in this way. In addition, the applicant has agreed to repair the highway for a distance of 10 metres either side of the main site entrance including reinstating the white lines on the highway (as per the road markings in 2012). These works lie outside of the application site and will be undertaken under a separate highway agreement entered into with the County Council as Highway Authority and do not therefore constitute a material consideration in the determination of this application.

9.21 Following negotiations with the Highway Authority the applicant has agreed the details of signage to be erected at the site entrance advising drivers that they must only turn right into and left out of the site. The applicant has also installed tracking software in all of the HGVs that will be serving the facility. The applicant is also proposing the erection of an ANPR camera at the site entrance so that any reported failures to adhere to this requirement can

be investigated and action taken if necessary. The contractual arrangement with the drivers accessing the site is that failure to adhere to the site entrance requirements results in instant dismissal for the driver concerned. The County Highway Officer has raised no objection to the proposal and has confirmed that the entrance signage agreed at the site entrance is satisfactory.

9.22 It should be noted however, that whilst these restrictions will apply to HGV's accessing the Johnsons' IBA recycling facility, they do not apply to any other user within the Saxon Pit site and HGV's delivering inert soils for the stabilisation of the quarry sides are able to access the site from either direction including approaching the site by travelling through Whittlesey.

9.23 It is therefore considered that with regard to matters relating to transportation and vehicle movements that the proposal is fully in compliance with the requirements of Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland District Local Plan 2014 and that refusal of the application on this ground could not therefore be justified in this instance.

Noise, dust, odour and vibration

9.24 The proposal as stated above is for the importation of IBA and C&D waste material by HGV and the storage, screening, processing of the IBA material for export for use as a secondary aggregate for the building industry.

9.25 The proposed hours of operation for the site are divided into three separate categories. The activities that would potentially generate noise including coarse separation of the IBA using the trommel to remove larger elements of ferrous metal and the crushing and screening of the proposed 50,000 tonnes of C&D waste which is to be restricted to the hours of 08:00am to 18:00pm on Mondays to Fridays only with no weekend working. This is in accordance with other extant planning permissions at this site for the external screening and processing of material.

9.26 The external movement, loading and repositioning of the imported IBA, processed IBAA and crushed and screened C&D waste is proposed to be carried out between 06:00 – 22:00 on Monday to Friday and between 08:00 and 18:00 on Saturdays with no working on Sundays. These operations would be restricted to vehicles operating on the concrete pad within the area enclosed by the 6m boundary concrete "lego" wall.

9.27 The activities within Building 1 which include the movement of IBA from the external trommel via covered conveyor into the building and the further screening of the material to remove large, medium and small non ferrous metals, the movement of screened IBAA into the external storage bays by covered conveyor and the transportation of separated non-ferrous metals to Building 2 will be restricted to between 06:00 – 22:00 on Monday to Friday and between 08:00 and 18:00 on Saturdays with no working on Sundays. These activities will all take place within the building, which has rapidly closing doors and all conveyors within the building will be covered at all times in accordance with the requirements of the environmental permit and the approved noise and dust impact assessments submitted with the application.

9.28 The applicant also proposed that post-production activities to be carried out in Building 2 will be carried out on a 24/7 including Sundays and Bank Holidays (except Christmas Day) basis to ensure that this material is processed for resale as quickly as possible removing

the requirement for long term storage of the metals on site. In Building 2 the extracted metal material will be passed through a mill to reduce its size and then further screened to separate it into separate size categories. It will then be passed through a metal sorter which will separate out the gold, brass, copper and aluminium which are transported off site for export to the smelting industry for reuse. The applicant has confirmed that contracts are in place already for the export of all of this material thereby negating the requirement for long term on-site storage of this material.

9.29 In addition access will be required to the site for essential servicing and maintenance of plant and other similar works of an essential nature on a 24/7 basis including Sundays and Bank Holidays (except Christmas Day).

9.30 The application site is the first site of this nature to be constructed in the UK in accordance with the recently updated BAT C requirements of the Environment Agency and the applicant has undertaken every measure required to achieve full compliance with these new more stringent requirements. The applicant submitted their application for an Environmental Permit to the Environment Agency and confirmation of the issuing of the permit by the EA was received in January 2022. The applicant also undertook extensive discussions with the Fenland Environmental Health Officers resulting in the detailed of the noise, dust and odour impact assessments submitted ensuring that these documents are robust and that all potential noise, dust and odour impacts are appropriately mitigated.

9.31 The applicant has confirmed that monitoring equipment in accordance with the requirements of their Environmental Permit has already been installed at the perimeter of the site and is already collecting data for submission to the Environment Agency in advance of the site being operational to provide an accurate baseline of air quality prior to the commencement of activities of the site so that any complaints of adverse impacts can be promptly investigated and mitigated should it be confirmed that they are in related to any activity being carried out in respect of this development.

9.32 This development proposal is unusual in Cambridgeshire in that the applicant has already applied for and been issued with an environmental permit. Paragraph 188 of the NPPF states that planning decisions should assume that where other pollution control regimes are in place it should be assumed that these will operate effectively. It is therefore considered that with regard to noise, dust, odour and vibration that the proposal is fully in compliance with the requirements of Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and policy LP16 of the Fenland Local Plan 2014 and that refusal of this proposal on these grounds could not be justified in this instance.

Surface Water Drainage and Flood Risk

9.33 A detailed flood risk assessment and surface water drainage strategy has been submitted as part of the application and a surface water drainage system has been implemented across the operational red line application site by the applicant. A concrete perimeter wall is being constructed to retain all surface water and any potential flood water within the concrete pad area and the pad has been appropriately sloped to ensure that all surface water from rain, from within the IBA or from other on site activities is captured in one of the 2 wedge pits on the site. These wedge pits contain 3 individual sections to ensure that as the water passes through the wedge pit it is de-silted prior to being pumped into one of the many surface water storage tanks on the site for re-use.

9.34 All of the water collected in the water storage tanks will be utilised on the site for damping the IBA if required and any other activities requiring water to minimise the applicant's use of fresh water across the site. The wedge pits and perimeter wall have been designed to ensure that no flooding will occur in any other area of the site as a result of the development carried out at this site.

9.35 The LLFA have confirmed that they have no objection to the proposals and have requested the imposition of conditions requiring the submission of further details of the surface water drainage details prior to the first operational use of the site.

9.36 For the reasons stated above, it is therefore considered that the proposed development is in accordance with the requirements of Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and Policy LP16 of Fenland District Council Local Plan 2014 and that refusal of the application could not therefore be justified on the grounds of surface water drainage proposals or flood risk.

Light Pollution

9.37 External flood lights are to be installed around the site perimeter to light the concrete pad area to allow external movement of material within the proposed operational working hours for the site. These lights are erected on 5 metre stanchions and are directed downward towards the concrete pad so that no light will be directed either sideways where it could impact any residential dwellings situated around Saxon Pit or in an upward direction where it could result in any light pollution into the night sky.

9.38 The lights are being installed where necessary for the safe operation of the site in accordance with the health and safety requirements for working at the site and have been designed to ensure that their installation does not result in increased light pollution of loss of residential amenity. It is therefore considered that the proposed development in terms of external light installation is in accordance with the requirements of policies 17 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and policy LP16 of the Fenland Local Plan 2014 and that refusal of this proposal on these grounds could not be justified in this instance.

Climate Change and carbon footprint

9.39 In response to concerns raised by neighbouring residential occupiers and Whittlesey Town Council, the applicant has submitted Transport CO2 calculations for the vehicle movements indicating that the reduction in the distance currently covered by HGV's taking IBA from locations in Bedfordshire, Buckinghamshire, Cambridgeshire and Greater London to their existing recycling facilities in Ilkeston in Derbyshire and Bunny in Nottinghamshire will result in a CO2 saving of 515,875 kg/CO2 annually.

9.40 The applicant has also submitted a climate change statement which identifies that the proposed development constitutes sustainable development in so much as it proposes a recycling facility for IBA taking the waste product, recycling the re-useable elements to produce a secondary aggregate and preventing the deposit of waste IBA into landfill, and thereby moving this waste up the waste hierarchy.

9.41 The applicant has confirmed that they are currently in the process of completing a carbon audit of their entire operation and are actively looking for ways to reduce their impact on climate change. The applicant utilises the most efficient HGV's available and the proposed

siting of a facility at Saxon Pit will ensure that their vehicles travel the minimum possible distance from the source of the waste to the recycling facility to fulfil their contract requirements. Established contracts with neighbouring Councils and local construction companies to utilise the resultant IBAA for building projects minimises the use of primary aggregate in local construction projects and reduces the carbon impact of these developments by minimising the distance from which the aggregate is realised.

9.42 The Cambridgeshire and Peterborough Mineral and Waste Local Plan (2021) Vision states that:
"over the plan period to 2036 Cambridgeshire and Peterborough will ensure a steady, adequate but sustainable supply of minerals to meet current and projected future need. There will be an increased commitment to the sure of secondary and recycled aggregate over land won material, with restoration and aftercare placed at the forefront of planning decisions. As existing communities grow and new communities are formed, a network of waste management facilities will provide for the sustainable management of all wastes for the achievement of net self-sufficiency".

9.43 MWLP (July 2021) Policy 1 requires waste management proposals to be assessed against the overarching principle of whether the proposal would play an active role in guiding development towards sustainable solutions, demonstrating how the operation will help reduce greenhouse gas emissions and take into account any significant impacts on human health and wellbeing and on air quality.

9.44 MWLP (July 2021) Policy 8 states that in principle authorities will support proposals which assist in the production and supply of recycled/secondary aggregates, particularly where it would assist in reducing the use of land won aggregates. It further states that proposals for the production of recycled and secondary aggregates are likely to be suitable on appropriate waste management sites, designated employment land and existing/disused railheads and wharves.

9.45 It is considered that through the demonstrated savings in transport carbon CO2 and the provision of a facility maximising the production and local use of secondary aggregate whilst moving the waste IBA material up the waste hierarchy that the proposed development constitutes a sustainable development in accordance with the requirements of this vision.

Ecology and Biodiversity Net Gain (BNG)

9.46 The original red line application site as submitted for the proposed development closely followed the edge of the access road and proposed extended concrete pad area of the proposed waste recycling facility reflecting the area within the control of applicant which afforded no opportunity for biodiversity net gain on this already developed area. The applicant could not therefore meet the County Council's target of achieving a minimum of 10% increase in biodiversity net gain in respect of all development proposals. To this end the applicant considered making a financial contribution to the provision of BNG to another local site as identified by the County Council, however, the mechanisms for the delivery of such contributions is embedded in the Environment Act which does not come into force until 2023 and this was not therefore possible to implement at this time.

9.47 In order to overcome this issue and achieve the required BNG, the applicant has the agreement of the landowner from whom they are leasing the waste site area to include

additional land within the application site area. This will enable the applicant to secure additional ecological and biodiversity net gain across the wider Saxon Pit site over and above that already required in respect of planning permission F/2015/18/CW for the stabilisation and buttressing works being carried out against some of the former quarry sides.

9.48 The BNG compensation measures being proposed to offset biodiversity impacts of the proposed scheme include opportunities for habitat compensation within the original red line development site however due to the space limitations these are restricted to the planting of 0.1ha of new native scrub (targeting moderate condition) within the detached eastern parcel).

9.49 In the wider site area detailed restoration proposals for most of the Saxon Pit site are yet to be developed or agreed (as requirements for submission of details in respect of planning permission F/2015/18/CW) and therefore it is considered that making piecemeal landscape commitments for this area could constrain future site-wide design and master-planning. However, a detailed landscape restoration plan and an associated Ecological Management Plan has been submitted and approved in respect of continued infilling and stabilisation works for the former south-eastern quarry face (F/2015/18/CW). The approved restoration plan does not however provide landscaping proposals for land around the boundary of the quarry, and an opportunity exists to provide additional ecological enhancement within these areas without changing the approved restoration plan.

In summary, the following off-site compensation is being proposed:

- The enhancement of 1.13 ha of existing broadleaf plantation woodland around the quarry edge to achieve an uplift from poor to moderate condition by improved management. This is likely to include select thinning to promote structural diversity, supplementary native tree and scrub planting (where necessary), allowing standing timber and creating dead wood piles.
- Planting an area of existing bare ground (0.305 ha) along the southern edge of the quarry and native mixed scrub (good condition).
- Planting the eastern edge of the quarry face (0.201 ha) which currently supports sparse ephemeral vegetation (ruderal/ephemeral in poor condition) with native mixed scrub (good condition)
- The planting of 19 large trees (moderate conditions) such as oak or large willows within the restored grassland and/or wetland area
- The excavation of a supplementary ditch 57m in length to be maintained in moderate condition.

9.50 The Ecology Officer has considered the submitted proposals and as stated in paragraph 6.7 above raises no objection to the proposed development on grounds of ecological or BNG improvement. It is therefore considered that the proposed development in terms of ecological and BNG improvement is in accordance with the requirements of NPPF 2021 Paragraph 180, Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and policy LP19 of the Fenland Local Plan 2014 and that refusal of this proposal on these grounds could not be justified in this instance.

Residential amenity

9.51 The proposed application site is located at the base of the former brickworks and proposes the re-use of existing former brickwork buildings for recycling of IBA waste material as described above.

9.52 The eastern boundary of the recycling facility site is situated approximately 350m to the west of the nearest rear gardens of the residential properties in Snoots Road with the northern site boundary 220m to the south of the nearest properties on the A605 Peterborough Road which are located on the northern side of Peterborough Road. The application site is situated at the base of the former brick pit which lies approximately 22m below the ground level of the neighbouring residential properties. The wider site boundaries of Saxon Pit to the north, east and south are planted with mature vegetation which acts as an additional buffer in respect of views into the pit.

9.53 In developing the application the applicant undertook noise monitoring to establish background noise levels against which any noise generated by the proposed development should be assessed. The background levels were established during the Covid-19 period, when activity at the pit was minimal and traffic movement on the A605 was significantly reduced. The applicant has carried out their assessment of any potential noise impact against these background figures to ensure that no noise nuisance for surrounding residential occupiers will result from the proposed recycling activity. The Noise Impact Assessment has been reviewed by the Fenland EHO who has confirmed that they have no objection on noise grounds.

9.54 As detailed above, the proposed recycling facility has been designed to meet the requirements of the latest BAT C requirements of the Environment Agency in terms of noise, dust and odour emissions. All IBA and IBAA will transported in a wet condition and all HGV's entering and leaving the site will be sheeted so that any potential for dust emission is minimised. All of the conveyor belts used for the screening and separation of the waste and the storage of the IBAA are within buildings and will be covered in accordance with the requirements of the Environmental Permit and the buildings are fitted with laser operated rapidly opening and closing doors to further minimise opportunities for the emission of any noise, dust or odour from the buildings.

9.55 The applicant has confirmed that air monitoring equipment has already been erected at the perimeter of the site and air quality data is already being collected to provide a baseline assessment against which to measure air quality in accordance with the requirements of the Environmental Permit. This information is to be submitted to the EA regularly to ensure that no air quality impacts are experienced from the proposed development and to ensure that any impacts identified at any time can be quickly mitigated to prevent any detriment to residential amenity.

9.56 The proposed level of vehicle movements (46 in and 46 out) per day utilising the strategic highway network (A605) which falls below the level at which an Air Quality Assessment would be required, is considered to be acceptable, the proposed restrictions preventing these HGV's approaching the site from the east and the restriction of HGV movements to within the daily operating hours of the site when the weighbridge is in operation will all minimise any potential loss of residential amenity from the proposed development.

9.57 It is therefore considered that the proposed development will not result in any detriment to neighbouring residential amenity and is therefore in accordance with Policy 18 of the

Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy LP16 of Fenland District Council Local Plan 2014 and that refusal of the application on the grounds of impact on neighbouring residential amenity could not be justified in this instance.

Matters which do not constitute Material Considerations in the determination of this application

9.58 A large number of responses from neighbours have been received across the three rounds of consultation which reference matters which do not constitute material considerations and should not therefore be considered in the determination of this application. This is either because the matters raised relate to other uses and operators on the wider former brick pit site outside of the control of the applicant, or because the matters raised are not relevant to the proposal being considered as part of this application. These matters are detailed in the paragraphs below.

9.59 Reference is made to the importation and deposit of inappropriate waste material to the Saxon Pit site. This relates to inappropriate material that was previously imported by other operators for the works being undertaken for the stabilisation and buttressing of the former quarry sides. This matter has been thoroughly investigated by the Environment Agency who concluded that the material could remain in situ and the works for the stabilisation of the quarry sides have recommenced, overseen by officers of the Environment Agency. The applicant for the proposed IBA recycling facility has no connection with any other current or previous activity at the site and this matter does not therefore constitute a material consideration in the determination of this application which must be considered on its own merits.

9.60 Reference has been made in neighbour responses to the impacts on residential amenity from a proposed incinerator to be erected at the site as part of this proposal. This application does not propose the construction of any form of incinerator or the incineration of any material on the site. The material to be imported is the resultant ash (Incinerator Bottom Ash) from waste that has been through the incineration process at other existing Energy from Waste facilities, which is proposed to be transported to this site by HGV for processing and recycling for use as a secondary aggregate for the construction industry (IBAA). This is the only activity that is being proposed at this site by the applicant.

9.61 Residents have made reference to noise and odour emanating from the site. The Johnsons' recycling facility is not yet operational and no material whatsoever has been imported to the site for processing. Existing concerns regarding odour and noise within the vicinity of Saxon Pit have been thoroughly investigated by Fenland District Council Environmental Health Officers following complaints received and monitoring was undertaken at residential properties around the wider Saxon Pit site on up to 25 separate occasions. The outcome of this investigation is that whilst some noise was experienced it did not constitute a noise nuisance in respect of which any formal action was required. It is understood that investigations into the source of the alleged odour that had been experienced in the area of Whittlesey are ongoing but that recently complaints regarding this odour have ceased. These matters however are not related to the proposed development which is the subject of this application and do not constitute material considerations in respect of the determination of this application. The applicant has submitted detailed noise, dust and odour impact assessments in respect of their proposed activities which have been thoroughly reviewed by the Fenland Environmental Health

Officer who has confirmed as detailed above that no objection is raised to the proposed development.

9.62 Resident responses have also made reference to the importation of toxic material and asbestos as part of this application. Again, the only material to be imported in respect of this proposal is incinerator bottom ash (IBA) material which is categorised by the EA as non-hazardous waste. It is a requirement of the EA permit issued to EfW facilities that produce the IBA that all material is tested to confirm that it complies with the requirements for non-hazardous waste before it is permitted to be quenched for export to an alternative site for recycling. The material consists only of ash, very small fragments of glass and fragments of metal which are not burned in the EfW process. The recycling of the IBA material to produce IBAA incorporates the removal of all ferrous and non-ferrous metal elements that remain so that what is recycled as IBAA is non-hazardous secondary aggregate suitable for use in the building industry.

9.63 Residents have made reference to two documents drafted by Toxico Watch, and funded by 'Zero Waste Europe', the first is a November 2019 case study entitled 'the hidden impacts of incineration residues' They both appear to be European based environmental pressure groups campaigning on several issues including the operation of Energy from Waste Facilities. The documents rely on evidence that was obtained in 2013 in the Netherlands. It is not therefore considered relevant to the consideration of an operation in the UK in 2022 that has been fully evaluated and approved by the UK's Statutory Regulatory body the Environment Agency.

9.64 The second is a January 2022 Research Report 'Toxic Fallout – Waste Incinerator Bottom Ash in a Circular Economy'. The report appears to be drafted by ZeroWasteEurope. It should be noted that this document is a literature review only and has been written by an environmental pressure group operating in the EU market which is not the same as the UK market as different wastes are incinerated, there are different handling and processing procedures and the market operates under different regulations.

9.65 The ZeroWasteEuropes vision according to their website includes "zero waste businesses follow a set of guiding principles: Raw materials should be obtained, whenever possible, from recycled materials and not from new extraction. Any new extraction should be only justifiable when it comes from a regenerating source. A Zero waste business will be diverting 90% from landfill and incineration". In the case of the proposed development at Saxon Pit, the applicant intends to divert 100% of the IBA material processed from landfill.

9.66 The report makes no reference to the stringent UK EA regulations that are already in place for the industry. The salient points relating to the operation of the industry in the UK are:-

- There is continual monitoring along the whole chain
- EfW's handle mainly council waste municipal waste, this is non hazardous
- EfW's are monitored through their process, and before the IBA leaves the EfW site, it has to be certified as non-hazardous waste.
- Processors such as the applicants have to check the incoming IBA
- The IBA goes on a regulated Waste Transfer Note
- The IBAA must be tested and certified against EA standards
- The end user also must ensure compliance with regulations

9.67 The UK regulations require the EA to undertake a rigorous review of all the applicants' documents and procedures submitted in support of the application and in the operation of their business. The applicants have accommodated all the EA's requirements identified in their review. The EA have issued a permit for the operation.

10 Conclusion

10.1 The principle of waste processing and recycling uses being carried out within the red line area of the application site has already been established through the granting of planning permission F/02109/12/CW in November 2012 for the change of use of brickworks to Plastic Recovery Facility (PRF) and erection of trommel to import Automotive Solid Residue (ASR) for sorting and shredding into component parts suitable for exportation for use as Refuse Derived Fuel (RDF) off site which was varied in February 2014 by planning permission F/02007/13/CW to allow other shredder residue waste from mixed waste types to be brought to and processed at the site. The current application is to re-use the external site area and buildings for the importation of IBA and C&D waste for processing and for the production of IBAA as a secondary aggregate for the construction industry. It is considered that the proposed recycling of this waste material for re-use as secondary aggregate constitutes sustainable development in accordance with the requirements of paragraph 11 of the NPPF 2021. Saxon Pit is an established waste site, located within Whittlesey in accordance with the requirements of Policy 4 of the MWLP 2021.

10.2 A number of concerns have been raised by Whittlesey Town Council, the local member for the area and neighbouring residential occupiers in respect of the use of the A605 and impacts on residential amenity which have been addressed above. The County Highway Authority has considered the application and has worked with the applicant to ensure that appropriate signage is erected at the site entrance and no objection subject to the imposition of appropriately worded conditions is raised to the proposed development on highway grounds.

10.3 The applicant has liaised closely with both the Environment Agency and the Fenland EHO and addressed any concerns raised in respect of potential noise, dust or odour emissions. Neither the EA or the EHO has raised any objection to the proposed development and pollution matters will continue to be controlled through the Environmental Permit that has been issued for the site.

10.4 The known and potential impacts of the proposed development which have been addressed in detail in section 9 of this report have been balanced against the suggested benefits which are the provision of a purpose-built recycling facility maximising the activities that can be undertaken indoors to prevent noise and dust emissions and the capping of vehicle movements reducing the potential impact of the proposed facility for neighbouring occupiers and residents of Whittlesey.

10.5 The applicant has also submitted sufficient information to address concerns raised with regard to the sustainability of the proposed development in terms of its carbon footprint and has demonstrated that Biodiversity Net Gain in accordance with the County Council's targets can be achieved within the wider Saxon Pit site confirmed by the County Ecologist's advice in respect of the provision of Biodiversity Net Gain. Therefore, based on the planning balance undertaken by officers, it is considered that, when material considerations are taken into account, the proposal meets the principles of the NPPF (2021), the policies in the MWLP and the Fenland District Local Plan and should therefore be supported.

Recommendation

11.1 It is recommended that permission be granted subject to the following conditions:

Advisory Note

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre commencement conditions. There are no pre commencement conditions proposed in this instance.

Implementation

1 This permission comes into effect on the date of this consent and only relates to the use of the site for the importation, storage, processing including use of trommel, picking and recycling of incinerator bottom ash and construction and demolition waste, for exportation for use as incinerator bottom ash secondary aggregates (IBAA).

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to set out the implementation of the consent in a given timescale taking account of the retrospective element approved.

Extent of the Approved Site Area

2 This permission relates only to that part of Saxon Pit shown outlined in red on the application site location plan dated 22 February 2022 and references to 'the site' in these conditions relate specifically to that area and not to the wider former clay brick pit area.

Reason: For clarification and to define the area of development.

Deposit of Waste

3 Only non-hazardous incinerator bottom ash and construction and demolition waste shall be imported to the site and stockpiled within the area defined on approved Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021 received on 07 January 2022

Reason: To prevent the risk of pollution to the water environment and to protect local amenity in accordance with Policy 18 and Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

Occupation of the Development

4 Within 14 days of the first operation of any part of the development hereby permitted the Waste Planning Authority shall be notified in writing of the date on which the development was first occupied.

Reason: In order to be able to establish the timescales for the approval of details reserved by conditions.

Approved Plans and Documents

5 The development hereby permitted shall be carried out in accordance with the details set out in the application form, planning statement and accompanying Environmental Statement dated 18 February 2021; as amended by the additional supporting information and amendments submitted on the dates referred to below.

- Site Location Plan ES Part 1- Appendix 2 received 22 February 2022
- Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021, received 07 January 2022
- Building 1 - Bund Layout by HSP Consulting Ltd Ref C3432-012-C1 dated 01 June 2021, received 07 January 2022
- Building 1 - Plan and Roof Heights Plan by Johnsons Aggregates and Recycling Ltd dated 27 July 2021, received 07 January 2022
- Building 2 - Plan and Roof Heights Plan by Johnsons Aggregates and Recycling Ltd dated 27 July 2021, received 07 January 2022
- IBA Stockpile Wall Layout Plan by HSP Consulting Ref C3432-011-C1 dated January 2022, received 07 January 2022
- New Welfare – Office Building Plan by Phoenix Modular Construction dated July 2021, received 07 January 2022
- Weighbridge Building Plan by GCS Cabins Ltd Ref GCS023 dated 26 March 2021, received 07 January 2022
- Appendix 5 Lighting Plan by Johnsons Aggregates and Recycling Ltd Ref JAR001 v1 dated 29 January 2021, received 18 February 2021
- HSP Framework Workplace Travel Plan by HSP Consulting Ref C3432 dated April 2021, received 23 April 2021
- HSP Transport Assessment by HSP Consulting Ref HSP2021-C3432-T&T-TA-74 dated 10 February 2021, received 18 February 2021
- HSP Addendum Transport Assessment by HSP Consulting Ref HSP2021-C3432-T&T-TA-74 dated April 2021, received 23 April 2021
- HSP Addendum Transport Assessment Appendices by HSP Consulting Ref C3432 received 23 April 2021
- Flood Risk Assessment (Including Surface Water Drainage Scheme) by HSP Consulting Ref HSP 2021-C3432-C&S-FRAS1-60 dated February 2021, received 18 February 2021
- Addendum Flood Risk Assessment v1 by HSP Consulting Ref HSP 2021-C3432-C&S-TR-152 dated April 2021, received 28 April 2021
- Addendum Flood Risk Assessment v2 by HSP Consulting Ref HSP 2021-C3432-C&S-TR-241 dated September 2021 received on 01 October 2021
- Updated Surface Water Drainage Strategy Rev D by HSP Consulting Ref HSP2020-C3432-C&S-TR-18 received 01 October 2021
- ES Part 2 – Section 6 - Phase I Geo-Environmental Desk Study Report by HSP Consulting Ref HSP2021-C3432-G-GPI-65 dated January 2021 and received on 18 February 2021
- ES Part 2 – Section 7 - Preliminary Ecological Assessment by Peak Ecology Ref HSPCo04 dated 15 February 2021, received 18 February 2021
- Reg 25 Updated Ecological Assessment by Peak Ecology Ref HSPCo05.1 dated 12 May 2021, received 14 May 2021
- Air Quality Assessment v 2 Ref P4648-R1V2 by Noisair Acoustics and Air Quality Ltd dated 17 June 2021, received 29 March 2022

- Biodiversity Net Gain Proposals – Revised (v2.0) by Applied Ecology Ltd dated 24 February 2022 received 01 March 2022
- Biodiversity Net Gain Metric received 01 March 2022
- Climate Change Transport CO2 calculations received 11 March 2022
- Sustainability and Climate Change Statement by SBRice Ltd dated February 2022, received 21 February 2022
- Noise Impact Assessment Rev I Ref 16426-NIA-01 by Clement Acoustics dated 11 February 2022, received 15 February 2022
- Technical Noise Memo by Clement Acoustics Ref 16426-TM-01 dated 09 November 2021, received 21 December 2021
- Dust Management Plan Rev 12 by Johnsons Aggregates and Recycling Ltd dated 02 February 2022, received 15 February 2022
- Odour Management Plan Rev 8 by Johnsons Aggregates and Recycling Ltd dated 02 February 2022, received 15 February 2022
- Proposed General Arrangement Plan SB-HSP-00-00-DR-C-909 Rev A dated 18 February 2022 and received 30 March 2022
- Proposed Road Markings and Signage Plan SB-HSP-00-00-DR-C-908 Rev C dated 04 February 2022 and received on 30 March 2022
- 10m HGV Tracking Part 4 SB-HSP-00-00-DR-C-907 dated 05 January 2022 received 10 January 2022
- HGV Routing Agreement Plan ref JAR-024-01received on 22 March 2022
- 10m HGV Tracking Part 3 SB-HSP-00-00-DR-C-906 dated 05 January 2022, received 10 January 2022
- 10m HGV Tracking Part 2 SB-HSP-00-00-DR-C-905 dated 05 January 2022, received 10 January 2022
- 10m HGV Tracking Part 1 SB-HSP-00-00-DR-C-904 dated 05 January 2022, received 10 January 2022
- 16.5m HGV Tracking Part 1 SB-HSP-00-00-DR-C-901 dated 05 January 2022, received 10 January 2022
- 16.5m HGV Tracking Part 2 SB-HSP-00-00-DR-C-902 dated 05 January 2022, received 10 January 2022
- 16.5m HGV Tracking SB-HSP-00-00-DR-C-903 dated 05 January 2022, received 10 January 2022
- Revised Car Park Layout SB- HSP-00-00-DR-C-900 dated 10 January 2022, received 10 January 2022
- HGV Routing Agreement Plan ref JAR-024-01received on 22 March 2022
- Health Impact Assessment Final by SBRice Ltd dated March 2022, received 25 March 2022
- Fire Safety Plan received 10 June 2021

Reason: To define the permission and protect the character and appearance of the locality in accordance with Policies, 1 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policies LP1, LP2, LP14, LP16, and LP19 of Fenland District Council Local Plan 2014.

Hours

6 No operations, including the delivery and removal of materials shall take place other than specified below:

- External crushing and screening of C& D material – 08:00 – 18:00 Monday to Friday including bank holidays;
- External movement, loading and repositioning of IBA, IBAA and C&D material – 06:00 - 22:00 Monday to Friday and 08:00 – 18:00 on Saturdays;
- Processing of IBA within recycling building 1 as shown on theRevised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021 received on 07 January 2022 06:00 to 22:00 Monday to Friday including bank holidays and 08:00 – 18:00 on Saturday;
- Processing of IBA within recycling building 2 as shown on Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021 received on 07 January 2022 and use of associated machinery – 24/7 including Sundays and Bank Holidays (except Christmas Day); and
- Essential servicing and maintenance of plant of other similar works of an essential nature – 24/7 including Sundays and Bank Holidays (except Christmas Day).

Reason: To protect the character and appearance of the locality in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

Noise

7 The development hereby permitted shall be carried out fully in accordance with the requirements of the Noise Impact Assessment Rev I Ref 16426-NIA-01 by Clement Acoustics dated 11 February 2022 and received on 15 February 2022. The approved Noise Impact Assessment requirements shall be implemented prior to the importation of waste IBA material and maintained thereafter to ensure that the development does not proceed except with the approved noise mitigation scheme.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

8 Noise levels shall be monitored by the operating company in accordance with the Noise Impact Assessment Rev I Ref 16426-NIA-01 by Clement Acoustics dated 11 February 2022 and received on15 February 2022. Monitoring survey results shall be kept by the operating company during the lifetime of the permitted operations and a monitoring report supplied to the Waste Planning Authority within 10 working days of receipt of written request.

Reason: In the interests of local amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014.

9 No reverse bleeper or warning device shall be fixed to or used by mobile plant unless it is a “white noise” reversing alarm or “intelligent” alarm.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

10 All plant and machinery shall be maintained and fitted with appropriate silencers at all times to meet the manufacturer's noise rating level.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

Dust Management and Monitoring

11 The development hereby permitted shall be undertaken in accordance with the Dust Management Plan Rev 12 by Johnsons Aggregates and Recycling Ltd, dated 02 February 2022 and received on 15 February 2022. The approved Dust Management Plan requirements shall be implemented prior to the importation of waste material and maintained thereafter to ensure that the development does not proceed except with the approved dust emission mitigation scheme.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

12 Dust emissions within the non hazardous Materials Recycling Area shall be controlled with facilities being made available and bought into use to ensure that the surface of operations and unprocessed and processed stockpiles are kept damp in periods of dry weather.

Reason: In the interests of limiting the effects on local amenity and to control the impacts of the development on air quality, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of the Fenland District Local Plan 2014.

Air Quality Management and Monitoring

13 The development hereby permitted shall be undertaken in accordance with the requirements of the Air Quality Assessment v 2 Ref P4648-R1V2 by Noisair Acoustics and Air Quality Ltd dated 17 June 2021, received on 29 March 2022. The approved Air Quality Assessment requirements shall be implemented prior to the importation of waste material and maintained thereafter to ensure that the development does not proceed except with the approved Air quality management and monitoring scheme.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and Policy LP16 of Fenland District Council Local Plan 2014.

Odour Management and Monitoring

14 The development hereby permitted shall be undertaken in accordance with the requirements of the Odour Management Plan Rev 8 by Johnsons Aggregates and Recycling Ltd, dated 02 February 2022. The approved Odour Management Plan requirements shall be implemented prior to the importation of waste material and maintained thereafter to ensure that the development does not proceed except with the approved odour management and monitoring scheme.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan and Policy LP16 of Fenland District Council Local Plan 2014.

Vehicle Movements

15 The total number of 92 (46 in and 46 out) Heavy Commercial Vehicle (HCV) movements associated with the development hereby permitted shall not exceeded per day. For the avoidance of doubt an HCV shall have a gross vehicle weight of 7.5 tonnes or more and the arrival at Site and departure from it count as separate movements.

Reason: In the interests of safeguarding local amenity in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland District Local Plan 2014.

Record of Vehicle Movements

16 A record shall be maintained at the Site of all daily movements of HCVs associated with the development hereby permitted. Such record shall contain the vehicles' weight, registration number and the time and date of the movement and shall be available for inspection within 3 working days of any written request of the Waste Planning Authority.

Reason: To allow the waste planning authority to adequately monitor activity at the site, and to minimise the harm to amenity in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021), and policy LP16 of the Fenland Local Plan 2014.

HCV Access and Egress

17 All HCV's accessing to and from the Site in connection with the use hereby approved shall be from a westerly direction only, turning right into the site and left out of the site only and using the existing access onto the A605 (Peterborough Road), as specified on Traffic Routing Agreement Plan Ref JAR -024-01 received on 22 March 2022 and from no other point whatsoever.

Reason: In the interests of highway safety in accordance with Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014.

HCV Routing Agreement

18 The development hereby permitted shall not be carried out except in accordance with the Traffic Routing Agreement received on 22 March 2022 and Traffic Routing Agreement Plan Ref JAR -024-01 received on 22 March 2022. The Traffic Routing Agreement and Traffic Routing Agreement Plan shall be issued to all drivers and a copy prominently displayed at the Site weighbridge.

Reason: In the interests of limiting the impact of the development on the amenity of local residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014.

19 The development hereby permitted shall not be brought into operation until a CCTV monitoring system has been installed at the site entrance onto the highway. The system

shall be designed to record all vehicle movements into and out of the site. Recordings from the CCTV shall be retained for a minimum of 12 months and made available to the Council at their request.

Reason: In the interests of limiting the impact of the development on the amenity of local residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014.

HCV Sheeting

20 No loaded HCV shall enter or leave the Site unsheeted.

Reason: In the interests of highway safety and safeguarding the local environment in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP14 of the Fenland Local Plan 2014.

Annual Throughput of Waste

21 No more than 250,000 tonnes of non-hazardous Incinerator Bottom Ash and 50,000 tonnes of Construction and Demolition waste shall be imported to the Site in any 12 month period. The total quantity of imported waste arriving at the site over the preceding 12 months shall be provided in writing to the Waste Planning Authority within 14 days of a written request for that information.

Reason: To limit the daily volumes of net additional traffic in the interests of the amenity of residents on and near the approaches to the site, particularly those living near to the entrance to the brickworks in accordance with Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of the Fenland Local Plan 2014.

Ecology

22 The development hereby permitted shall only be carried out in accordance with the Biodiversity Net Gain Proposals (v2.0) by Applied Ecology Ltd dated 24 February 2022 received on 01 March 2022.

Reason: In the interests of local amenity, in accordance with policies 18 and 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014; and the aims and objectives of the Cambridgeshire Biodiversity Action Plan.

Biodiversity Net Gain

23 Within three months of the date of this consent, a detailed landscape scheme and Landscape and Ecological Management Plan shall be submitted to the Waste Planning Authority for approval. The scheme shall include:

- Details of habitat creation and enhancement set out in the Biodiversity Net Gain document
- Landscape and Ecological Management Plan, detailing habitat maintenance and monitoring of BNG delivery, for a period of 5 years, including any remedial actions
- Demonstrate how the scheme will deliver measurable biodiversity net gain

The approved Landscape and Ecological Management Plan should then be implemented in full.

Reason: to provide an increase in Biodiversity net gain in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP19 of the Fenland Local Plan 2014.

Maintenance of Soft Landscaping

24 Any trees, hedging or scrub planted within the Site which dies, becomes diseased or is removed within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and species as those originally planted.

Reason: To ensure the approved species are maintained in the interests of visual amenity and protection of the rural character of the area in accordance with Policy 17 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014.

Stockpile Heights

25 No stockpiles of non hazardous waste or other material shall be stored outside of the confines of the approved Waste Materials Reception area. No stockpiles of waste materials shall exceed 6 metres in height when measured from the base.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and Policy LP16 of Fenland District Council Local Plan 2014.

26 Any fuel, oil or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded to at least 110% of tank/drum capacity with a sealed drainage sump within the bunded area and no direct discharge to any water course, land or underground strata. All fill, drain and overflow pipes shall be within the bunded area.

Reason: To protect the water environment in accordance with policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP16 of the Fenland Local Plan 2014.

Surface water Drainage

27 Within three months of the date of this consent a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment Addendum 2 prepared by HSP Consulting Engineers (ref: HSP2021-C3432-C&S-TR-241) dated September 2021 shall have been submitted for approval in writing by the Waste Planning Authority. The approved scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the premises.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. Policy refs needed

28 Within three months of the date of this consent a scheme for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Waste Planning Authority prior to the first occupation of the buildings hereby approved. The submitted details should identify runoff

sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The approved maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework, Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021)and policy LP16 of the Fenland Local Plan 2014.

Informatives for applicant

Informatives

Environment Agency
As the site is located within an area considered to be at risk of flooding, we recommend that flood resilience measures are incorporated into the design of the development. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007" which is available on the following website: https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit https://www.gov.uk/sign-up-for-flood-warnings.
Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

Environmental Permit
Irrespective of planning approval, the application and proposed changes may require a variation to the operators Environmental Permit, ref EAWML 102998, and/or updates to their Environmental Management System (EMS). We offer pre-application advice and further details can be found at https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit

Local Lead Flood Authority

Infiltration
Infiltration rates should be worked out in accordance with BRE 365/CIRIA 156. If for an outline application it is not feasible to access the site to carry out soakage tests before planning approval is granted, a desktop study may be undertaken looking at the underlying geology of the area and assuming a worst-case infiltration rate for that site. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

OW Consent
Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance: https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/
Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Signage
Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

Green Roofs
All green roofs should be designed, constructed and maintained in line with the CIRIA SuDS Manual (C753) and the Green Roof Code (GRO).

Pollution Control
Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Compliance with paragraph 38 of the National Planning Policy Framework
The applicant did not seek pre-application advice. The Waste Planning Authority has worked proactively with the applicant over the last few months to ensure that the proposed development is acceptable in planning terms. All land use planning matters have been given full consideration and consultation took place with statutory consultees, which resulted in overall support from statutory consultees for the development proposal.

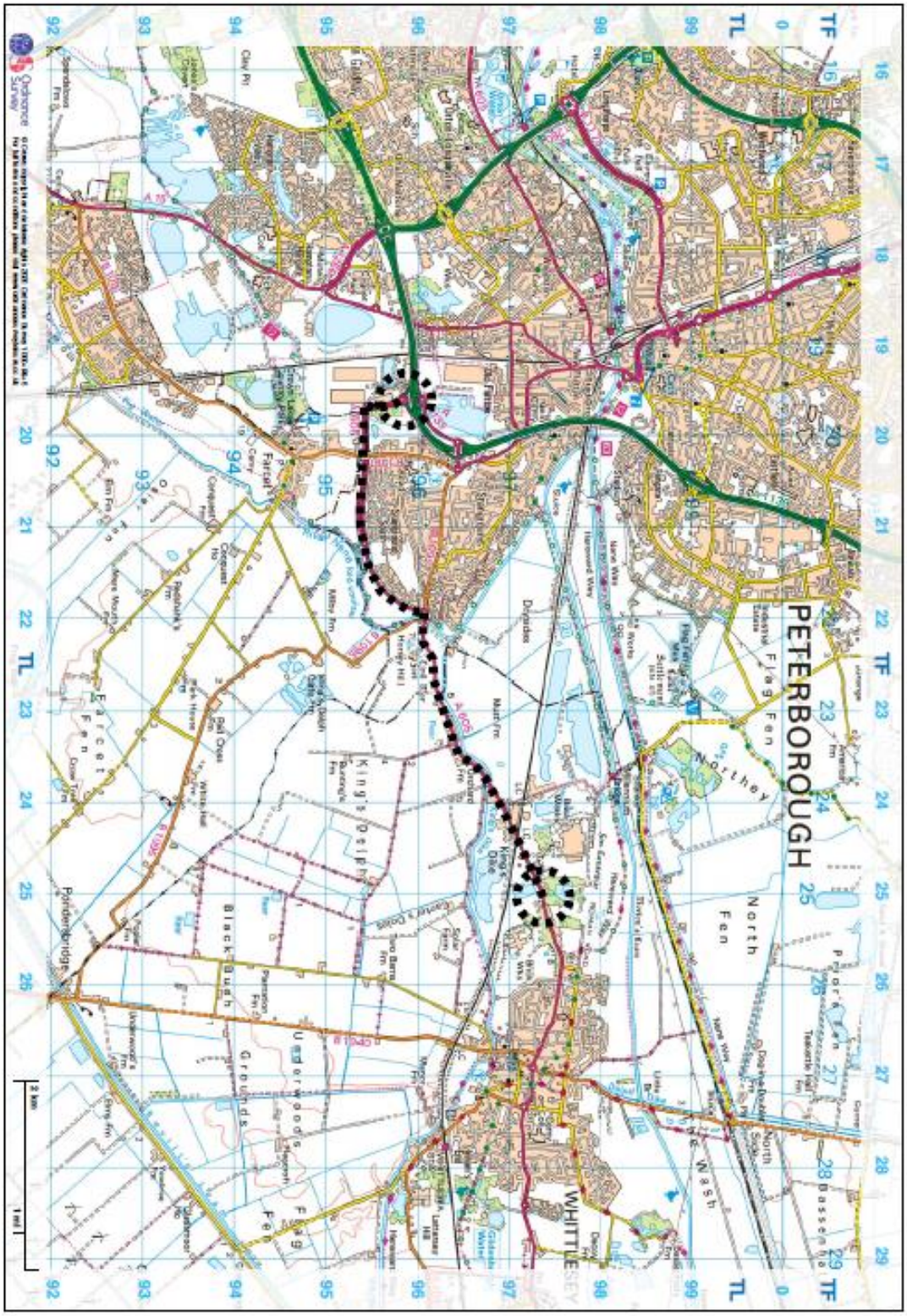
Source Documents

Link to National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk)

Link to National Planning Policy for Waste - National planning policy for waste - GOV.UK (www.gov.uk)

https://www.fenland.gov.uk/media/12064/Fenland-Local-Plan---Adopted-2014/pdf/Fenland_Local_Plan-Adopted_2014.pdf

Link to Minerals and Waste Local Plan Adopted July 2021.pdf



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