

PLANNING COMMITTEE



Wednesday, 12 February 2025

Democratic and Members' Services
Emma Duncan
Service Director: Legal and Governance

10:00

New Shire Hall
Alconbury Weald
Huntingdon
PE28 4YE

Red Kite Room
New Shire Hall, Alconbury Weald, Huntingdon, PE28 4YE

AGENDA

Open to Public and Press

- 1 Apologies for Absence
 - 2 Declarations of Interest
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- PLANNING APPLICATIONS**
- 4 CCC-24-048-FUL Metal Recycling Facility at Saxon Works,
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The Planning Committee comprises the following members:

Councillor Henry Batchelor (Chair) Councillor Catherine Rae (Vice-Chair) Councillor David Connor Councillor Steve Corney Councillor Ian Gardener Councillor Neil Gough Councillor Sebastian Kindersley Councillor Keith Prentice and Councillor Andrew Wood

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Planning Committee Minutes

Date: 17 July 2024

Time: 10:00 am – 12.26 pm

Venue: New Shire Hall, Alconbury Weald

Present: Councillors Catherine Rae (Vice Chair), Steve Corney, Ian Gardener, Neil Gough, John Gowing, Sebastian Kindersley, Keith Prentice, Graham Wilson and Andrew Wood

88. Apologies for Absence

Apologies were received from Councillor Henry Batchelor (substituted by Councillor Graham Wilson) and Councillor David Connor (substituted by Councillor John Gowing).

89. Declarations of Interest

Councillor Wilson declared, in relation to Minute 91, that he was previously employed by the Environment Agency though was never involved with environmental permitting.

90. Minutes – 19 June 2024

It was resolved to approve the minutes of the meeting held on 19 June 2024 as a correct record.

91. Farm-based anaerobic digestion renewable energy facility, construction of vehicular access/road to A1307, associated infrastructure and landscaping

At: Land at Streetly Hall Farm, Streetly End, West Wickham CB21 4RP

Applicant: Mr C Covey, Streetly Hall Farm

Application Number: CCC/23/110/FUL

The Committee received a planning application for determination relating to a farm-based anaerobic digestion renewable energy facility, construction of a vehicular access road to the A1307, and associated infrastructure and landscaping at Streetly Hall Farm, Streetly End, West Wickham.

The Vice-Chair reported that the Committee undertook a site visit on 15 July 2024 which took in various views of the site from the surrounding area.

The presenting officer displayed photos and maps of the planning application site on Streetly Hall Farm, north of the A1307, between the village of Linton and the town of Haverhill. The proposed site would sit in the centre of the field next to the Streetly Hall

Farmhouse between Grange Farm in Balsham and Park Farm in Horseheath, with which Streetly Hall Farm was run in conjunction.

The new access road from the A1307 would cross the Roman Road bridleway at an existing field gate through the central section of the field and up to the existing farm buildings. The British Horse Society was concerned over the impact of the crossing of feedstock traffic on the bridleway's equestrian users and pedestrians. This was reviewed by the Council's Rights of Way Team, which was satisfied with the applicant's proposed means to ensure safety of bridleway users, as it included warning signs on each side of the bridleway to advise of the crossing, and 'give way' signs on each side of the access road, thereby giving precedence to the users of the bridleway. Due to these mitigating measures, on the planning balance, low weight was afforded to this matter.

The proposed access road was subject to scrutiny by the Highway Authority, and the design was found to be acceptable by highway engineers and the Transport Assessment Team considering the impact of the proposed development on the highway network. They had raised no objection. The presenting officer drew the Committee's attention to the National Planning Policy Framework (December 2023) paragraph 115 stating development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety or the residual cumulative impacts on the road network would be severe, which was not found to be the case.

Objections were received regarding transport and traffic. There were concerns over the safety implications for road users on the A1307, potentially in combination with a similar proposal on the edge of Haverhill being considered by Suffolk County Council. Concerns were also raised over the impact of feedstock delivery traffic on minor country roads through villages, as well as walkers, cyclists and horse riders (including racehorse training businesses) who used local country roads for both leisure and business purposes.

It was proposed that 10% of the feedstock would come directly from Streetly Hall Farm itself, thus not using the public highway, and together with Grange Farm and Park Farm would be 50% contributors of the feedstock to the plant in association with a partner estate at Bartlow. Of the 90% of feedstock coming from outside of Streetly Hall Farm, 75% would use the proposed new access from the A1307. The average number of daily loads would be 18, equating to 36 heavy goods vehicle (HGV) movements per day. By the nature of the development, it would be seasonal (related to harvest times) therefore during the four peak harvest months, the daily peak would be 23 loads (48 HGV movements) which would be spread over a long day as is the nature of harvesting.

Though there was concern over traffic from offsite feedstocks vehicles on local roads, those fields were already producing crops which were being moved off the fields and already using local networks. As the proposal would result in a redistribution of traffic, this matter was afforded low weight.

A plan of the proposed site layout was presented to Committee showing that significant proposed structures on the site would include four silage clamps, a straw barn, a feedstock storage barn, four digesters, a compound containing gas generator

equipment, a large lagoon as the digestate store, a clean surface water lagoon, and a dirty water lagoon.

The proposed straw barn and feedstock building would be similar in height by a variation of approximately 50 cm to the largest modern farm building in the farmyard at 12 metres. The tallest proposed building, the digestors, would reach a maximum height of 16.1 metres. The officer shared section drawings demonstrating the proposed digestors built cut into the slope so their top height would match that of the proposed feedstock store and the straw store.

The application proposed to have a block of woodland in the southwest corner of the field, gapping up of existing hedgerow along the bridleway south of the site, a new hedgerow along the extent of the south boundary of the site, a woodland block surrounding the northeast and northwest section of the proposed site with a meadow along the outside of the woodland.

It was acknowledged that parts of the proposed development, notably the tops of the digestors and the two large buildings, would be visible from some publicly accessible locations and some private properties. The proposed planting would not entirely screen the development which had an adverse impact of the proposal and a factor affording moderate weight in the planning balance.

The Greater Cambridge Shared Planning Conservation Officer did not dispute that the proposal suggested anything more than 'less than significant harm' to Streetly Hall Farmhouse, a grade II listed building, so it was weighted accordingly in the planning balance.

Natural England had raised concerns of the impact that ammonia from the digestate store might have on Sites of Special Scientific Interest (SSSI) but it was satisfied that if the digestate store was kept covered and with ammonia extraction systems in place, the potential impact would be mitigated.

The proposed site would be next to a stream flowing along the low point of the field, opposite the wood. However, the site would be built outside of the flood plain area in flood zone 1 and surface water from the site would be collected and reused in the process. Therefore, the development would not increase the risk of flooding.

Objections were raised regarding pollution of ground water. Upon the applicant providing detailed information about the digestate lagoon, the Environment Agency was satisfied that subject to planning conditions, there would not be a risk to ground water. Furthermore, the pollution of ground water, along with other concerns raised over odour and air quality would be subject to scrutiny by the Environment Agency when the developer applied for an environmental permit. As part of National Planning Policy Framework (December 2023) paragraph 194 planning authorities must not duplicate the role of other regulatory bodies which, in this case, would be the Environment Agency and the environmental permit.

The Committee noted this proposal for an anaerobic digestion plant would treat up to 75,000 tonnes per annum of agricultural waste and energy crops. At least half would be sourced from the applicant's farms thereby making it compliant with the Minerals and

Waste Local Plan (July 2021) Policy 4 and 70% of the annual input would be from within a 10 km radius of the site.

The anaerobic digestion process would produce 750 cubic metres per hour of biogas, a form of renewable energy, which would be exported to the gas grid. It would also produce digestate which could be applied to land as an alternative to synthetic fertilisers. This has been afforded moderate to high weight in the planning balance. There was in principle policy support for renewable energy generation both at a national and local plan level as set out in paragraphs 9.1 and 9.2 of the officer report, caveated by whether impacts of the development could be made acceptable.

With the proposed offsite planting (within the same field), the Council's ecologist believed 35% BNG would be achievable and meet the development plan policy. As this was higher than the 10% required in new legislation, this was afforded moderate weight. Details of this could be secured by condition if planning permission was granted.

On the balance between the national interest of providing a source of renewable energy and moving away from fossil fuels compared with the impacts likely to be experienced locally, the officer's view was in favour of granting planning permission.

In response to member questions the presenting officers:

- Explained that fermenter domes were sometimes a membrane which could rise or fall depending on the amount of gas contained within. However, in this case, it was proposed to have an inner structure, therefore the height of the dome would be fixed at 16.1 m regardless of gas volume.
- Confirmed that the design of the access from A1307 had been looked at carefully by highway engineers and had gone through stage 1 safety audits to ensure its safety and suitability for movement of traffic.
- Confirmed that necessary arrangements had been made with the gas network operator regarding the gas connection, and clarified that it was not gas, rather carbon dioxide (CO₂) which would be transported to the northeast.
- Elucidated on the nature of vehicles delivering feedstock to the site, stating these would be a mixture of tractor-trailers and bulkers. Highway officers believed that tractor-trailers classified as HGVs. However, should planning permission be granted, to remove ambiguity, the recommended condition 18 would be reworded to state 'HGV or any other vehicle used to transport feedstock'.
- Explained that chalk extracted during construction would not be removed from the site, rather would be retained and used where possible in landscaping. The officer explained that the chalk was low grade and had no mineral value, therefore if any had to be removed from site, it would be up to the developer.
- Clarified that whilst highway officers recommended that no feedstock could be accepted to the site until the new access road was completed, it was not a requirement that the access road be completed prior to the construction of the plant.

- Explained that the environmental permit was limited to consideration of the installation itself and would not consider odour in transportation of material. However, the officer pointed out that given the nature of the products, they would be transported anyway to get to their required destination regardless of this proposed structure.
- Addressed that an air quality impact assessment was required for traffic emissions beyond a certain point, however the number of vehicles generated in this proposal was well below that trigger for assessment.
- Provided clarity on the Planning Act's section 106 payment contributions, explaining that such would only be required if there was an element of the proposal which could not be secured by planning conditions and was necessary to make the development acceptable, which was not the case here

The Vice-Chair invited Public Bodies that had registered to speak on the application to address the Committee.

Speaking in objection to the application, the Vice Chair of the West Wickham Parish Council, Councillor David Sargeant addressed the Committee. Councillor Sargeant also spoke in representation of other local councils which were notified of this agenda item too late to participate themselves. Councillor Sargeant began by reinforcing the objection of six local parish councils, Haverhill Town Council, and over 100 individuals and households.

Whilst the Councillor accepted that the technical analysis and modelling of the transport assessment suggested that the additional vehicles in this proposal could be accommodated on the A1307, he stated that the residents of the area had lived experience of sitting in congestion and witnessing near misses and collisions that suggest otherwise. He reminded the Committee of the community's vested interest in the safety of A1307, as evidenced by their campaigning which had resulted in the reduction of the speed limit to 50 mph.

Concerns around HGVs crossing the Roman Road bridleway were raised by the British Horse Society and Ramblers Association. In the West Wickham Neighbourhood Plan under policy WWK/8, proposals which impact adversely on the public enjoyment on rights of way would not be supported. The Councillor questioned why such little weight was given to this Neighbourhood Plan. Furthermore, the Greater Cambridge Shared Planning service's landscape assessment suggested that the proposal would undermine the landscape character. The Councillor queried how this application could be approved when policy NH2 in the local plan sought to respect, retain and enhance character, and suggested that the proposal would undermine the landscape character as outlined in the Greater Cambridge Shared Planning service's landscape assessment.

The Councillor reminded the Committee that anaerobic digester developments had a checkered history littered with underestimated impacts on local communities. He highlighted a case where the community in Baldock was advised there was little prospect of adverse impacts in relation to odour in the application for the Biogen Plant off the A505. However, it was now known that it gave off a strong smell.

The Councillor expressed concern over the scale of the proposed facility, querying whether the closure or reduction of output would be enforced if the feedstock provided within a 10 km radius proves to be unviable. Looking further ahead, the Councillor queried what would happen in 25 years' time toward the end of the facility's lifespan. Though he acknowledged that the site could be restored after its operational life, the cost of extracting 35,000 m² of concrete slab would be significant. It was therefore questioned whether the parish would instead be left with obsolete digesters.

At a public meeting last year, the applicant suggested there would be a community fund to benefit the community, though this was not mentioned in the report's conditions.

In response to a member question, the Councillor reported that at a public meeting in November 2023 the applicant had proposed a community fund in the order of £10,000 per annum, as compensation to the community for supporting the facility, commensurate with planning guidance that the communities should see some benefit for supporting the infrastructure.

The Councillor concluded by urging the Committee to work together with the community support to address climate change solutions in the long term, rather than leaving communities to feel burdened by such decisions.

The Chair invited the applicant, Mr Chris Covey to address the Committee.

In response to queries and comments raised, Mr Covey advised that every effort had been made to ensure the Roman Road crossing suited other users of the bridleway and to maintain the Roman Road as part of this application. Regarding obsolescence of the plant, it could also be used for hydrogen generation. In relation to the community fund, Mr Covey proposed to provide £10,000 per annum of funding to the Buttercups preschool through a memorial fund to his father rather than via a community committee.

Mr Covey reiterated the proposal to produce clean, renewable energy and reminded the Committee of the efforts made to minimise concerns, including placing the site as close to the hub farm as possible, building it sunk into the hillside to blend into the location, and using existing trees as screening for a local resident within view.

The agricultural sector had been disrupted due to recent matters such as Brexit and changes in regulations due to economic volatility resulting from the war in Ukraine. Therefore, it had to broaden the crops that could be grown, and this facility would allow nutrients to be recycled and carbon to go back into the soil. As a result, they could run a high efficiency and high output agricultural operation whilst doing the right thing for the environment. It would allow them to reduce the fossil fuel-based fertilizer usage, produce a green storable fuel (biomethane), sequester CO₂ in the soil and transport it to the Humber to be sequestered under the North Sea. Therefore, this would be a carbon negative plant.

The scale had been assessed and shrunk down to fit with the green gas support scheme. The waste which would go into the plant was already transported waste which would otherwise go further afield, such as Ely and Bury St Edmunds.

In response to member questions, the applicant:

- Acknowledged his limited understanding of the use of ferric chloride in this operation, however explained to the best of his ability that it was an input to balance the anaerobic digestion process so the microbes in the fermenters could be optimally managed to ensure they were delivering as much biomethane as possible compared with CO₂ output, and to ensure they were digesting the material.
- Explained that while 10% of the feedstock would be provided by his own farm business and 70% by farms within a 10 km radius, the remaining 20% represented flexibility for feedstock plant waste available in the local region at any given time. Considering farming changes continually, the plant was designed to support local farms to give them options of what they wanted to supply and when.

The Vice-Chair invited members of the public who had registered to speak in objection to the application to address the Committee.

Ms Anita Stone suggested that anaerobic digestion with reliance on energy crop food stocks was not a truly sustainable energy source. The inappropriate location of this site meant that a 1 km long, 6 metre wide new lorry road was required to reach it from the A1307. Over 10,500 lorry, tractor and trailer journeys per year would be added to the local road network, thousands of which would be on small country roads which were not built for larger vehicles. It would cross the only bridleway providing offroad access to local villages, which was also a national route. The crossing was at a high point in an open landscape, meaning large vehicles would be seen, heard and smelt for most of the route, therefore impacting the value of the entire 2 km route. Ms Stone expressed concern that the Council's Rights of Way Team had not noted this issue, which she felt did not represent users of the route and showed a lack of understanding of the impact to the people and horses that used the route. Ms Stone noted that 146 residents had signed the petition against the site.

Mrs Amelia Mcneillie highlighted the fact that five local parish councils which had all objected were not invited to speak at Committee.

Officers explained that while the 130+ individuals who objected were notified, the parish councils had unfortunately been overlooked. West Wickham and Balsham parishes had become aware through word of mouth, and when it had become apparent that the parish councils had not been notified, the remaining parish councils were alerted in the afternoon two days prior to the Committee meeting. The officer noted that had the other parish councils wished to speak, this time would have been deducted from the time allowed for the representation provided by West Wickham Parish Council.

Mrs Mcneillie identified a groundbreaking judgement by the Supreme Court on 20 June 2024 which rejected a planning application in Horse Hill, Surrey for a project that would emit hydrocarbon greenhouse gasses, and two more were withdrawn as a result. Key to the court's finding was that the projects had likely significant environmental effects due to emission of greenhouse gas. For approval to be given lawfully, those decisions must be made with full knowledge of the environmental cost, otherwise, such decisions would lack the necessary democratic legitimacy. She challenged planning officer's

interpretation of the statement by the Council's climate change officer who expressed doubts in the report.

Mr John Blackman introduced himself as a local resident and plant breeder. He felt this was the wrong location for an anaerobic digestion facility. Other locations would be better suited with dual carriageway access, clear of habitation, water courses and aquifers, with soils and climates more suited to growing maize than this area. Mr Blackman reiterated transport issues and felt that Members should have travelled that road. He suggested that the proposal was misleading as the application required 50% of the feedstock to be waste, however farmyard manure and slurry could not be considered waste as it was an important source of plant nutrients for growers. Similarly, straw had value in the nutrients it contained and was a soil conditioner when incorporated.

Section 9.9 of the report stated bio-fertiliser would replace fossil-fuel derived synthetic fertiliser, but Mr Blackman suggested this was misleading as the operation of the digester would require the import of large quantities of animal manure outside of the catchment area. These had high density of plant nutrients derived from crops, fed to animals, many of these nutrients were derived from synthetic fertilisers. Mr Blackman stated that this proposal replaced food production with energy crops, where there were more suitable alternatives such as wind power. He felt the use of highly productive arable land to grow up to 1400 acres of non-food crops, consuming significant quantities of fossil fuel to grow, transport and process into gas was wrong.

The Chair invited the Local Member, Councillor Henry Batchelor, to address the Committee:

Councillor Batchelor advised that he was representing parish councils which had written in, specifically West Wickham, Horseheath and Balsham.

The objection South Cambridgeshire District Council, the statutory consultee on the landscaping issue, was noted. In addition to raising concerns of the impact on the Roman Road, section 6.2 of the report stated screening would go some way to reduce the negative impact on the landscape, but there would still be enough harm to warrant a refusal.

Councillor Batchelor identified that the proposed access road from the A1307 was of particular concern to local residents as it would add another access point to a trunk road linking Haverhill, the A11 and Cambridge. It would be insensible to add up to 65 vehicle movements onto the road, 56 of which would be HGVs without mitigation. The residual cumulative impact on roads was a material planning consideration which ought to be given more weight in planning terms.

Councillor Batchelor reiterated that objections had been received from seven parish councils as well as Haverhill Town Council. He highlighted comments made by West Wickham Council (within section 6.29 of the report) about policy contravened by this application, specifically around their Neighbourhood Plan which was felt not to have been given sufficient weight in the planning balance. Going against a neighbourhood plan policy would send the wrong message for others considering going through the timely and energy-consuming process of getting such plans adopted. Councillor

Batchelor also reiterated objections from the British Horse Society and Ramblers Association.

Councillor Batchelor summarised stating he was not against the principle of the proposal, but as planning was a balance, he felt that the proposal as it stood presented more harm than benefit.

In response to Member questions, Councillor Batchelor:

- Expressed that the community should benefit from any development proportionately. In reference to the applicant supporting a recipient of his choice with £10,000 per annum, Councillor Batchelor felt it should be up to the community to agree where such compensation would be most appropriate.
- Explained that £35-40m of funding had been secured through the Greater Cambridge Partnership (GCP) specifically for safety measures to the A1307, including adding speed cameras, lowering the speed limit, and inputting new roundabouts. However, Haverhill was expanding, and traffic was not decreasing, and the increase in traffic made the application unacceptable.
- Reiterated that the West Oxfordshire planning committee decision stated in Mrs Mcneillie's written statement that the proposed development 'by virtue of its use, design, scale, massing materials and sighting would introduce a significant industrial development into the open countryside' sets a precedent, though acknowledged that every planning application needed to be judged on its own merits.
- Clarified that whilst highway officers stated that the proposal was acceptable in planning terms, they did not say it would benefit the road.
- Provided further clarification that whilst the main concern over Greater Cambridge Shared Planning's objection centred around impact on the landscape, the access road, too, would impact the landscape as it would cross the bridleway putting HGVs in the middle of the countryside in open space.
- Explained that the majority of the A1307 was in Cambridgeshire, however it crossed over to Suffolk. When Suffolk County Council considered or approve applications, Cambridgeshire highways were consulted, however the roads situation within Cambridgeshire were the responsibility of Cambridgeshire.
- Clarified that a growing Haverhill, whilst it would increase residential traffic, would be different to this application as this would increase the number of HGVs specifically to the A roads which link major settlements to the A11 and other trunk roads.

The Democratic Services Manager read out a letter from Councillor Daunton, the Local Member for Fulbourn which bordered the area of the proposed facility site. A number of villages in Councillor Daunton's division fell within the 10 km radius referred to in section 3.3 of the report. These were small settlements served by narrow roads and already subject to HGV movements. Councillor Daunton expressed concern over the potential knock-on effects on traffic of developing this facility, including proposed hours of operation. A start time of 7.00 am and end time of 7.00 pm would mean vehicles

accessing the proposed site would start moving to/from even earlier. Harvest time was busiest, and as officer reports indicated, spread over a significant part of the year. Villagers were aware of the disruption to normal life that early morning HGV movements could cause.

In response to Member questions, officers:

- Clarified the justification around not objecting to the application. They explained that HGVs currently use the A1307, and that the increase in HGVs posed by the proposal was not a significant enough difference to warrant an objection on that basis. The proposal suggested around four extra HGVs in the peak above what would be expected for an agricultural use, and the majority would be using the new access road.
- Explained that in terms of highway safety, the proposed new junction could not be opposed without good reason. The proposal was discussed with the applicant and adjustments made to meet safety requirements, including a right turn lane. The junction had gone through the safety audit process; audited by an independent safety auditor and reviewed by the highways development management team which accepted the responses provided by the applicant. It was agreed to be taken forward at detailed design stage, including ensuring visibility of signage and marking so vehicles knew that slow moving vehicles might pull into right turn lane.
- Elucidated to the Committee about the timing of HGV movements in the early hours. Whilst the proposed condition 18 on hours of operation might state that vehicles were permitted to enter the site from 6.00 am, concerns were raised around the vehicles leaving their respective sites and thus moving on the roads much earlier, potentially causing disturbance. Clarification was given that vehicles would be dispersed leaving their respected sites and would only be permitted to converge at the site on or after the permitted time. Furthermore, harvest time depended on the weather, and whether such crops were harvested and transported to the proposed site or elsewhere would not affect their travel time from their respective locations.
- Further clarified that the proposal would look after the local area. Production from local farms was occurring already regardless of this proposal and being transported further afield, whereas this production would result in shorter travel distances, therefore less use of the highways and a net decrease of miles travelled by those vehicles.

During debate of the application, individual Members raised the following points:

- Acknowledged the difficulties associated with this application and sympathised with the objections raised by parish councils and members of the public, however there were no grounds upon which to reject the application.
- Highlighted comments by the Greater Cambridge Shared Planning Service who provided an objection, suggesting that the harm would be less than substantial in relation to the significance of listed buildings.

- Highlighted the pressure on the applicant who was being told, as a farmer, to diversify as if it was an easy process.
- Noted South Cambridgeshire and the Greater Cambridge Shared Planning's comments on landscaping, the Committee was informed that the developer would produce another landscaping plan to be agreed with the County Council before the development could proceed.
- Acknowledged the positives and benefits of the application, including the benefits of the right turning lane to increase safety of access. A Member acknowledged that the reintroduction of byproduct to the agricultural land together with the localisation of processing produce within the 10 km radius increased the environmental benefits, considering which there was a net reduction of highways traffic overall. Consideration was given to the Roman Road bridleway to give them priority of access, as well as to the chalk stream to be protected.
- Speculated whether the community fund could be conditioned further. Clarification was given by the Legal Officer that this was a voluntary agreement between the applicant and the local community and the test to require section 106 contributions was not met.
- Suggested that should the proposal be given approval, it would be desirable to have a forum going forward and secured by a planning condition whereby local parish councils and residents could make their concerns known to the applicant. The officer agreed this would be possible, explaining that usually these forums or liaison meetings would be chaired by the local county councillor for the area, and the local district council and relevant parish councils for the area would be represented, as well as the Council's minerals and waste officer and the Environment Agency.
- Expressed support for a community-funded scheme.
- Suggested that rather than a local forum alone being conditioned, that the application be approved subject to a satisfactory agreement between the local parish councils, local member and the applicant regarding community funding. Officers explained that whilst conditioning a liaison group would be possible, there were concerns over linking approval of the application with agreement of community funding. Should agreement of community funding be required for approval of the application, this would defer the application decision until the funding decision was in place. It was agreed that it would not be reasonable to defer, furthermore as this was a voluntary arrangement, it was not something which could be legally granted, made mandatory or conditioned in such a way.
- Suggested that the Committee could approve the application subject to adding the condition of a liaison group and include a further recommendation that the Committee encouraged the local member to coordinate a meeting of the parishes and the applicant with a view to creating a generous community grant. Officers agreed that this could be done by adding an informative to the decision notice. The officer suggested that the recommended wording be discussed outside of the meeting along with the rewording of condition 18 around the use of tractors and

trailers in vehicle movements.

- Acknowledged that a liaison committee would be useful with the aforementioned suggestion, engendering good communication between operator and parishes. Such a forum would be used to exchange information and address matters that were brought to the table.

It was proposed by Councillor Wood and seconded by Councillor Corney to approve the 28 conditions in the agenda and the proposal, with amendments to condition 18, the requirement for there to be a liaison forum, and an advisory to be agreed on contribution to the local community be put to the vote.

It was resolved unanimously that permission be granted subject to the conditions set out in paragraph 12.1. and additions referred to above set out in Appendix A (highlighted in bold).

92. Enforcement and Monitoring Update Report

The Committee received the Enforcement and Monitoring Update Report. The presenting officer informed members that the report contained updates on formal enforcement action taken and key investigations that the enforcement and monitoring team had been working on since the previous report presented in March 2024. As set out in the report, officers had delegated authority to undertake formal enforcement action and serve notices, in consultation with legal services, provided they were reported to this committee.

Section 2 of the report provided details of the two formal notices served since the previous report: breach of condition notice served at the former Allens Skip Hire site at 10 Mile Bank, Littleport, and an enforcement notice served in relation to a site off Mill Road, Fen Drayton which was subsequently appealed.

The team was waiting decisions from the Planning Inspectorate on two enforcement notices served in October 2023 at the Pig Unit, Ellington and in November 2023 at the land behind Caucus Crisps. Both for the unauthorised importation and processing of waste, and both were subsequently appealed.

Following this committee, copies of the Update Report would be sent to Local Members and each of the parish councils. This would be in respect of the update given to the enforcement investigations detailed in sections 3-6 of the report, and Local Members were kept updated at key stages of ongoing investigations where a breach had been confirmed.

There were no amendments to report or updates since publications, and no recommendations.

A member questioned the Pig Unit site in Ellington, whether works were still ongoing at that site, and if the County Council could do anything about that despite submitting an enforcement notice. An Officer clarified legal advice that there would be the facility to serve a stop notice but this would need to accompany enforcement notice. This could be explored but would require a physical visit to the site to look at what the breach

would be now, which might complicate the situation and it might fall to a district planning matter. A request would be made to the Inspectorate to speed up the decisions.

It was resolved to note the report.

93. Summary of Decisions Taken Under Delegated Powers

It was resolved to note the report.

Chair

Appendix A

Advisory Note

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Conditions 5, 6, 11, 15, 24, 25 and 27 require further information to be submitted, or works to be carried out before work starts on site and are therefore attached as a pre-commencement condition. The developer may not legally commence development on site until these conditions have been satisfied.

1. Site area

This permission relates to the land outlined and shaded in red on drawing no. 27951/150 Rev H Site Location Plan dated 30-04-24 (received 15 May 2024) referred to in these conditions as “the Site”.

Reason: To define the permission for the avoidance of doubt.

2. Commencement

The development hereby permitted shall be commenced not later than three years from the date of this permission. Within seven days of the commencement of development, the developer shall notify the waste planning authority in writing of the exact commencement date.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Act 2004.

3. Approved plans

The development hereby permitted shall not proceed except in accordance with the following approved drawings unless otherwise stated in this permission or as amended by the information approved as required by the other conditions of this permission (received 15 May 2024 unless otherwise stated):

- i) Site Location Plan, 27951/150 Rev H dated 30-04-24;
- ii) Proposed Site Layout, 27951/007 Rev P dated 01-03-24;
- iii) Proposed Site Levels, 27951/008 Rev E dated 08-05-24;
- iv) Proposed Plant Elevations Sheet 1 of 2, 27951/050 Rev B dated 27-07-23 (received 05/09/2023);
- v) Proposed Plant Elevations Sheet 2 of 2, 27951/051 Rev B dated 27-07-23 (received 05/09/2023);
- vi) Proposed Site Drainage Layout Sheet 1 of 2, 27951/009 Rev B dated 13-06-24 (received 26/06/2024);
- vii) Proposed Site Drainage Layout Sheet 2 of 2, 27951/010 Rev A dated 08-05-24;
- viii) Proposed Site Sections, 27951/055 Rev B dated 27-07-23;
- ix) Typical Containment Bund Wall RC Details, (6m Bay), 27951/080 Rev A dated 08-05-24;
- x) Primary Containment Sump GA & RC Details, 27951/081 Rev A dated 08-05-24;

- xi) Containment Bund Wall Gate RC Details, 27951/082 Rev A dated 08-05-24;
- xii) Typical Containment Bund Joint Details, 27951/120 Rev B dated 03-05-24;
- xiii) Typical Hardstanding & Kerbing Details, 27951/121 Rev B dated 03-05-24;
- xiv) Typical Drainage Details Kerbing Details, 27951/122 Rev B dated 03-05-24;
- xv) Typical Silage Clamps Sections & Details, 27951/123 Rev B dated 03-05-24;
- xvi) Typical Containment Bund Drainage Details, 27951/124 Rev B dated 03-05-24;
- xvii) Typical Water Storage Pond Construction Details, 27951/125 Rev B dated 03-05-24;
- xviii) Typical Digestate Lagoon Construction Details, 27951/126 Rev B dated 03-05-24;
- xix) Leachate Tank Construction Details, 27951/127 Rev 0 dated 03-05-24;
- xx) Proposed Schematic Surface Water Drainage, 27951/805 Rev A dated 26-04-24;
- xxi) Proposed Access Road Layout & Details Sketch, 27951/SK05 Rev F dated 30-04-24;
- xxii) Proposed Access Road Roman Road Crossing Sketch, 27951/SK06 Rev B dated 07-02-24; and
- xxiii) Ghost Island Design – A1307/Proposed Access Junction, PC5769-RHD-ZZ-JN-DR-D-0100 Rev P05 dated 30/04/24.

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 17, Policy 22 and Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy HQ/1, Policy TI/2 and Policy TI/3.

4. Vehicular access

No vehicle associated with the development hereby permitted shall use the access from the A1307 which serves Mill House, Linton Road, Horseheath, CB21 4QF.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy TI/2.

5. Construction traffic management plan

No development shall take place until a construction traffic management plan has been submitted to and approved in writing by the waste planning authority. The principal areas to be addressed are:

- i. Movement and control of vehicles (all loading and unloading to be undertaken off the public highway);
- ii. Contractor parking to be within the curtilage of the Site;
- iii. Prevention of dust, mud and debris being deposited on the public highway; and
- iv. The design and location of warning signage along the A1307 throughout the construction phase.

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

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy TI/2.

This is a pre-commencement condition because the construction traffic management plan needs to be in place before construction starts.

6. Construction ecological management plan

No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Ecological Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the waste planning authority. The CEMP: Biodiversity shall incorporate recommendations of the Ecological Impact Assessment and Badger Report and must include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timings of sensitive works to avoid harm to biodiversity features;
- e) The times during which construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect the ecological interests of the Site and the surrounding area in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 20 and South Cambridgeshire Local Plan (September 2018) Policy NH/4.

This is a pre-commencement condition because the means of protecting the ecological interests of the Site and the surrounding area needs to be in place before development starts.

7. Construction environmental management plan

The development shall be carried out in accordance with the Construction Environmental Management Plan Revision 0 dated August 2023 except that the hours of construction shall be in accordance with condition 8 below.

Reason: To protect the amenity of the occupiers of nearby premises and users of the local area during the construction phase of the development in accordance with

Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18 and South Cambridgeshire Local Plan (September 2018) Policy CC/6.

8. Construction hours

No construction machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries shall be taken at or dispatched from the Site except between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the occupiers of nearby premises and users of the local area during the construction phase of the development in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18 and South Cambridgeshire Local Plan (September 2018) Policy CC/6.

9. Piling

No piling or any other foundation designs and investigation boreholes using penetrative methods shall take place until a report / method statement for detailing the type of works and mitigation measures to be taken to protect local residents from noise and or vibration has been submitted to and approved in writing by the waste planning authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 - Vibration (or as superseded). The report / method statement shall demonstrate that there will be no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (December 2023) paragraphs 189 and 190 and relevant position statements within the Environment Agency's Approach to Groundwater Protection, Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 122 and South Cambridgeshire Local Plan (September 2018) Policy CC/7.

10. Contaminated land

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the waste planning authority shall be carried out except in accordance with a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the waste planning authority. The approved remediation strategy shall be implemented in full.

Reason: To prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (December 2023) paragraphs 189 and 190 and relevant position statements within the Environment Agency's Approach to Groundwater Protection, Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 22 and South Cambridgeshire Local Plan (September 2018) Policy CC/7.

11. Surface water disposal

No development shall take place until a scheme for surface water disposal has been submitted to and approved in writing by the waste planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (December 2023) paragraphs 189 and 190 and relevant position statements within the Environment Agency's Approach to Groundwater Protection, Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 22 and South Cambridgeshire Local Plan (September 2018) Policy CC/7.

This is a pre-commencement condition because the means of disposing of surface water need to be designed and approved before development starts.

12. New access road

No feedstock shall be accepted at the Site until the new access onto the A1307 has been constructed in accordance with Proposed Access Road Layout & Details Sketch, 27951/SK05 Rev F dated 30-04-24; Ghost Island Design – A1307/Proposed Access Junction, PC5769-RHD-ZZ-JN-DR-D-0100 Rev P05 dated 30/04/24; and Proposed Access Road Roman Road Crossing Sketch, 27951/SK06 Rev B dated 07-02-24 unless superseded by detailed design approved by the highway authority.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy TI/2.

13. New access road construction

The new access referred to in condition 12 shall be constructed so that:

- i) No gate shall be erected within 20 metres of the junction give way;
- ii) The first 25 metres shall be constructed using a bound material; and
- iii) No water from the Site shall drain across or onto the public highway.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy TI/2.

14. Public right of way

Notwithstanding drawings Proposed Access Road Layout & Details Sketch 27951/SK05 Rev F dated 30-04-24 and Proposed Access Road Roman Road Crossing Sketch 27951/SK06 Rev B dated 07-02-24 referred to in condition 3, no vehicle associated with the development hereby permitted shall cross Public Bridleway No. 21 Horseheath (also known as the Roman Road) until the crossing has been surfaced in accordance

with drawings which have been submitted to and approved in writing by the waste planning authority.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy TI/2.

15. Archaeology

No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the waste planning authority in writing. For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the Site from impacts relating to any groundworks associated with the development and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by the development, in accordance with National Planning Policy Framework (December 2023) paragraph 211, Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 21 and South Cambridgeshire Local Plan (September 2018) Policy NH/14.

This is a pre-commencement condition because the means of protecting any heritage assets within the Site needs to be in place before development starts.

16. Feedstock

Not less than 50% (in tonnes) of the feedstock accepted at the Site each calendar year shall be waste. Not less than 50% (in tonnes) of the feedstock accepted at the Site each calendar year shall originate from the land at Streetly Hall Farm; Grange Farm, Balsham; Park Farm, Horseheath; Streetly Hall partner farms, contract farms and tenants of Streetly Hall Farm shown in green and identified on Figure 2 of the Planning Statement dated October 2023 or any land subsequently added to those holdings. Not less than 70% (in tonnes) feedstock accepted at the Site in each calendar year shall originate from outside a 10 km radius of the Site.

Reason: In order to comply with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 4.

17. Record of feedstock inputs

A record of the quantity and source of feedstock delivered to the Site shall be maintained by the operator and shall be made available to the waste planning authority within 10 days of receipt of a written request. All records shall be kept for at least 48 months.

Reason: To enable the waste planning authority to monitor compliance with condition

18. Hours of operation

No HGV or any other vehicle used to transport feedstock, digestate or bio CO₂ shall enter or leave the Site outside the hours of 06:00 – 22:00 daily.

Reason: To minimise disturbance to residents and users of the area in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18 and Policy 23 and South Cambridgeshire Local Plan (September 2018) Policy SC/10.

19. Mobile plant

All mobile plant used on the Site that uses reversing alarms shall be fitted with and use 'white noise' reversing alarms.

Reason: To minimise disturbance to residents and users of the area in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18 and South Cambridgeshire Local Plan (September 2018) Policy SC/10.

20. Silencing of plant and machinery

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

Reason: To minimise disturbance to residents and users of the area in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18 and South Cambridgeshire Local Plan (September 2018) Policy SC/10.

21. Lighting

No external lights shall be installed or used except in accordance with details, including hours of illumination, that have been submitted to and approved in writing by the waste planning authority.

Reason: To protect the amenity of local residents and the rural environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18, South Cambridgeshire Local Plan (September 2018) Policy SC/9 and West Wickham Neighbourhood Plan Policy WWK/6.

22. Fire hydrants

No feedstock shall be brought to the Site until fire hydrants are in place in accordance with a scheme that has been submitted to and approved in writing by the waste planning authority. The fire hydrants shall be maintained in accordance with the approved scheme for the duration of the development.

Reason: To protect the amenity of local residents and users of the area in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18 and South Cambridgeshire Local Plan (September 2018) Policy SC/14.

23. Surface water drainage

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the Site has been submitted to and approved in writing by the waste planning authority. The scheme shall be based upon the principles within the Flood Risk Assessment and Surface Water Drainage Strategy prepared by Plandesil Consulting Engineers (ref: 27951) dated May 2024 and shall also include:

- i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- ii) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- iv) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- v) Site investigation and test results to confirm infiltration rates;
- vi) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- vii) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- viii) Full details of the maintenance/adoption of the surface water drainage system;
- ix) Permissions to connect to a receiving watercourse or sewer; and
- x) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

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

Reason: To ensure that the proposed development can be adequately drained; that there is no increased flood risk on or off site resulting from the proposed development;

and to ensure that the principles of sustainable drainage can be incorporated into the development in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 22 and South Cambridgeshire Local Plan (September 2018) Policy CC/8 and Policy CC/9.

24. Construction drainage

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 22 and South Cambridgeshire Local Plan (September 2018) Policy CC/8 and Policy CC/9.

This is a pre-commencement condition because initial works to prepare the site could bring about unacceptable impacts.

25. Landscape planting

No development shall commence until a detailed landscape planting scheme based on drawing no. 2022-444-013 Rev G dated Sept 2023 has been submitted to and approved in writing by the waste planning authority.

- i) Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants with species, plant sizes and proposed numbers and densities where appropriate.
- ii) All trees, shrubs and hedge plants shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
- iii) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005, Trees in relation to construction – Recommendations.

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

Reason: In the interests of visual amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 17 and South Cambridgeshire Local Plan (September 2018) Policy HQ/1.

This is a pre-commencement condition because early planting would maximise the intended benefits of screening the proposed development.

26. Maintenance of soft Landscaping

Any trees or hedging 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 benefit of the planting is maintained in the interests of visual amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 17 and South Cambridgeshire Local Plan (September 2018) Policy HQ/1.

27. Biodiversity net gain plan

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

- i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
- ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the latest appropriate DEFRA metric;
- iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
- iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the latest appropriate DEFRA metric; and
- v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

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

Reason: To secure an increase in biodiversity net gain in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 20 and South Cambridgeshire Local Plan (September 2018) Policy NH/4. This is a pre-commencement condition because the BNG needs to be designed into the development and management of early landscape planting that needs to be in place.

28. The digestate storage lagoon (item 25 on Proposed Site Layout, 27951/007 Rev P dated 01-03-24) shall not be brought into use until details of its cover and ammonia

(NH₃) abatement system have been submitted to and approved in writing by the waste planning authority. It shall be completely sealed and maintained so that the ammonia (NH₃) abatement system provides a reduction in emissions to levels at or below those stated in the Redmore Environmental Technical Note Ref: 5949c1 dated 25th June 2024 for the duration of the development.

Reason: To protect the ecological interest of Sites of Special Scientific Interest in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 20 and South Cambridgeshire Local Plan (September 2018) Policy NH/5.

29. Site liaison group

No feedstock shall be accepted at the Site until a scheme for the inauguration, implementation and regular convening of a Site liaison group has been submitted to and approved by the waste planning authority. Membership of the liaison group shall include: the applicant and/or operator, the local County Councillor and District Councillor, representatives from local parish councils, the Waste Planning Authority and the Environment Agency and all administration for the group will be undertaken by the applicant or operator. Once approved, the agreed scheme shall be implemented from the date of approval and for the duration of the development hereby permitted.

Reason: To provide a forum in which the operator and representatives of the local community and regulatory bodies can share information relating to the site in accordance with the Cambridgeshire Statement of Community Involvement (adopted January 2019).

Informatives

Lead Local Flood Authority

1. 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.
2. Ordinary Watercourse 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/asset-library/Cambridgeshires-Culvert-Policy.pdf> Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

3. 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.
4. Construction Surface Water Maintenance - Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

Environment Agency

5. Environmental Permitting - Notwithstanding the preceding, the LPA and the applicant should be aware that the proposed development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. The following will be considered further when the permit application is assessed: techniques for pollution control including in process controls, emission control, management, waste feedstock and digestate, energy, accidents, noise and monitoring; emission benchmarks for combustion products, temperature and pH; air quality impact assessment, including odour and Habitats Regulations Assessment. A permit will only be granted where the risk to the environment is acceptable. We have previously recommended that the planning and permit applications for this development be parallel tracked.
6. Pollution Prevention - The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. You must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. Although we recommend that you notify us earlier than this. The notification must include
 - the type of store you're proposing to build or change
 - the exact location of the site (8-figure grid reference)
 - site plan drawing of the structure
 - a design drawing confirming the materials that will be used and their design, specification and layout – you may also be asked to confirm that your design meets British Standard 5502-22:2003 A1:2013
 - If you plan to use prefabricated products, a copy of the manufacturer's specifications and guarantee
 - if the structure is constructed from earth, analysis about the soil type, depth and permeability and a description of how it will be engineered

- for underground or partially underground silage effluent tanks you'll need a certification from the installer – you must provide this certification to the Environment Agency because the tank is required to perform for at least 20 years without maintenance.
7. The application of digestate to agricultural land is regulated under the Nitrate Pollution Prevention Regulations 2015 (NVZ) and the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (Farming Rules for Water). The application of digestate to land may also require an environmental permit under Environmental Permitting (England and Wales) Regulations 2016. The applicant must ensure that there is sufficient land bank for the digestate and that contingency measures are in place for when this is not available, in accordance with the aforementioned regulations and codes of good agricultural practice.

Highway authority

8. The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the public highway, including public rights of way, and that separate permissions must be sought from the Highway Authority for such works.
9. The proposed works to the public highway which are required as part of the highway mitigation, will result in a material loss of established vegetation and / or damage to existing ecosystems (including potentially both habitats and protected species) within existing highway or adjoining land. Notwithstanding any consent granted under the Town and Country Planning Act, it is the responsibility of the applicant to ensure that their works comply with relevant legislation and that any supplementary permits or permissions are secured prior to undertaking the highway works.

Definitive Map Officer (Rights of Way)

10. Obstruction DMapl 01: Public Bridleway No. 21, Horseheath must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
11. Access DMapl 02: The Public Bridleway must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Bridleway without lawful authority).
12. Surface DMapl 03: No alteration to the Bridleway's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
13. Boundary Maintenance DMapl 04: Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

14. Obstruction DMapl 05: The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
15. Dominant Rights DMapl 06: Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public bridleway; private vehicular users must 'give way' to them.
16. Costs DMapl 08: The applicant will be required to meet the costs of any new or amended signage that may be required as a result of any legal changes to the Public Rights of Way network.
17. Maintenance DMapl 09: The Highway Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the bridleway is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a bridleway standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.
18. Biodiversity DMapl 10: It is the responsibility of the Applicant to ensure that any works which may result in a material loss of established vegetation and/or damage to existing ecosystems (including potentially both habitats and protected species) within the existing public right of way or adjoining land, comply with relevant legislation and that any supplementary permits or permissions are secured prior to undertaking their public rights of way works.

Compliance with paragraph 38 of the National Planning Policy Framework

The applicant sought pre-application advice from the waste planning authority and its specialist advisers (transport, ecology, historic environment). The waste planning authority has worked proactively with the applicant and statutory and technical consultees to ensure that the proposed development is, on balance, acceptable in planning terms. The applicant has responded positively to the advice and recommendations provided and amendments have been made (where required) to satisfy concerns raised. All land use planning matters have been given full consideration, which resulted in support for the development proposal from most statutory consultees. The proposed development would make a small contribution to addressing climate change by generating renewable energy.

The applicant is reminded that members of the Planning Committee stressed the importance that they attached to the applicant discussing and agreeing with representatives of the Parish Council and local Councillors the establishment of a voluntary community fund.

Metal Recycling Facility for the storage, sorting, separation, grading, sheering, baling, compacting, crushing, granulating and cutting of ferrous metals or alloys and non-ferrous metals.

Informative: this application seeks to change the existing authorised waste site from plastics recovery facility and recycling of automotive shredder residue (ASR) to metal recycling.

At: Saxon Works, Peterborough Road, Whittlesey PE7 1PJ

Applicant: East Midlands Waste Management Ltd

Application Number: CCC/24/048/FUL

To: Planning Committee

Date: 12 February 2025

From: Head of Planning

Electoral division(s): Whittlesey North and Whittlesey South

Purpose: To consider the above planning application

Recommendation: That permission is granted subject to the conditions set out in paragraph 10.4

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1. Introduction / Background introduction

- 1.1 Saxon Works is located within the former quarry, known as Saxon Pit, which closed in the early 2010s. The Saxon Works site is located on the western outskirts of Whittlesey and part of the site is within a designated Waste Management Area (WMA) set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 1.2 The application site sits within the red line area of an extant planning permission for a plastic recovery facility and recycling of Automotive Shredder Residue (ASR), reference F/02019/12/CW, and this application seeks to change the use of part of that site to a metals recycling facility. The proposed recycling facility would be housed within an existing building which has had planning permission for waste uses since 2012. The building is not currently in use and no recycling has taken place within it since 2018.
- 1.3 The application has been brought before members of the Planning Committee at the request of an elected member for Whittlesey because of the level of public interest in the site and the concerns raised regarding existing waste operations within the wider Saxon Pit site. The Council's [Scheme of Authorisations to officers](#) (at line 24) states that the Chair of the Planning Committee may at their discretion refer an application to be considered by the Planning Committee in response to a request from an elected member.

2 Site and Surroundings

- 2.1 The town of Whittlesey is situated five miles to the east of Peterborough. The Saxon Pit former brickworks site 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 (more than 197 acres) of land. Most of the pit, including the brickworks buildings which remain on site, 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 buttressing of the eastern pit face with waste, which has been ongoing for a number of years, is nearing completion and restoration soils are being brought on to site for placement. The southern face remains as it was when quarrying ceased 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 at 203 Peterborough Road. The access route down into the former brickworks runs behind the rear of the houses forming the terrace of 193 to 203 Peterborough Road, the route then follows on into the pit, running south for approximately 80 metres then east for approximately 500 metres.
- 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. Byway 256/2 runs along the southern bank of Kings Dike.
- 2.4 The Nene Washes is 940 metres north of the access onto the A605. It is a Site of

Special Scientific Interest (SSSI) and RSPB reserve and also internationally important designated as a Special Area of Conservation (SAC), a Special Protection Area (SPA) and Ramsar site. Kings Dyke Nature Reserve County Wildlife Site (CWS) is north of the A605 opposite the site access and is also a Cambridgeshire and Peterborough Local Geological Site. Common Wash CWS is adjacent to southern extent of the Nene Washes.

- 2.5 The nearest listed building to the site is the grade II Tower Windmill approximately 800 metres to the northeast. There are numerous listed buildings within the Whittlesey Conservation Area. The nearest scheduled monuments to the site are Whittlesey Butter Cross approximately 1.2 km to the east and a Roman field system and trackway located 2 km north west.
- 2.6 The site, apart from part of the access road, is located within flood zone 3 and is an area which benefits from flood defences. It is not within a groundwater protection zone.
- 2.7 Part of the wider Saxon Pit site is identified on the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) as the former Saxon Brickworks Waste Management Area (WMA) around which there is a Consultation Area (CA). All of the proposed development site is within the WMA. All of the site is also within a Mineral Safeguarding Area (MSA) for sand and gravel and part is within an MSA for brick clay.
- 2.8 The following waste operations are taking place within the former brickworks site under County Waste Planning permissions: buttressing of the Southern Pit face by EMWG, under permission reference CCC/22/092/VAR and the processing of Incinerator Bottom Ash (IBA) to Incinerator Bottom Ash Aggregates (IBAA) by Johnsons Aggregates Recycling under permission reference CCC/21/024/FUL. Further details of these planning permissions can be found in the 'Planning history' Section (section 4).

3. Proposed Development

- 3.1 The application proposes to house a metal recycling facility within an existing building on the site and use the plant and machinery that had previously been used for recycling ASR that was imported into the site. The proposed development includes the storage, sorting, separation, grading, sheering, baling, compacting, crushing, granulating and cutting of ferrous metals and non-ferrous metals and alloys to recover them.
- 3.2 The metal, which it is proposed will be recycled, will all be sourced from the adjacent Johnsons Aggregates Recycling Ltd site which processes Incinerator Bottom Ash (IBA) into Incinerator Bottom Ash Aggregate (IBAA), under planning reference CCC/21/024/FUL. The processing of IBA material into IBAA (an aggregate) leaves lower grade ferrous and non-ferrous alloys which are not processed further on site and are currently exported for processing by third parties. The proposal is to use the existing machinery on site, housed within the existing building to recycle and recover metals from the IBA.
- 3.3 The metals have already been partially processed and separated from the IBAA by Johnsons Aggregates using their on-site recycling equipment. The resulting metal mixture comprises clean and dry ferrous and non-ferrous metals (primarily aluminium and copper). The metals are placed into the hopper on the processing equipment then

pass over a series of screeners, magnets and gravity tables which are designed to separate out the different types of metal based on size and density. Some of the metals are then shredded.

- 3.4 The fractions of processed metal are either collected in bins located under the screeners or pass along the machine where they are discharged onto the floor of the building, depending on the size. It is proposed that the majority of the stockpiles of material will be contained within the building, within storage bays constructed of concrete 'lego' block walls which will negate the need to store unprocessed metals outside. The application states that it may be necessary to store some non-ferrous metal that has been processed, within the yard area to the south and east of the building.
- 3.5 The maximum annual throughput of the metals for recycling is proposed at 75,000 tonnes.
- 3.6 The proposed working hours are 7am until 5pm, Monday to Friday. Vehicle movements would comprise 4 vehicles per hour transporting the donor material from the adjacent Johnsons site within the confines of the Saxon Pit site. It is proposed that there would be an average of 4 HGV movements per hour taking material away from the site with a maximum of 18 articulated HGV's per day. There would be 2 full time employees at the site and 2 staff vehicles.
- 3.7 The Planning statement which accompanies the application proposes that the facility would, in the main, operate in accordance with the planning conditions attached to permission F/02019/12/CW, the existing waste planning permission on this site, except for the condition that restricts the type of waste (condition 5). However, this proposal from the agent for the application is subject to the recommendations and requirements from consultees that are set out below.

4. Planning History

- 4.1 The following section contains details of the planning permissions that are relevant to the application site and wider Saxon Pit area.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 Planning permission F/02019/12/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. This is the extant waste permission for the site that this application seeks to replace.

- 4.6 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.
- 4.7 In March 2020 an application was submitted under reference CCC/21/028/PRIO to determine whether prior approval is required for the demolition of two 85m brick built chimneys, the waste planning authority concluded that prior approval of the method of demolition was not required.
- 4.8 The planning history of the wider Saxon Pit site also includes two waste planning permissions that are detailed in the next two paragraphs.
- 4.9 Planning reference CCC/21/024/FUL was issued on 22 April 2022 for 'Importation, storage, processing including use of trommel, picking and recycling of incinerator bottom ash (IBA) and construction and demolition (C&D) waste, for exportation for use as incinerator bottom ash secondary aggregates (IBAA)' by Johnsons Aggregate Recycling Ltd (sometimes referred to as JARL).
- 4.10 Planning reference CCC/22/092/VAR was approved on 26 January 2023 for Section 73A planning application to continue the importation of controlled inert wastes for the buttressing, stabilisation and restoration of a former mineral excavation face together with an associated waste reception area. (Informative: application seeks to alter F/2015/18/CW to amend the timescale for restoration). This permission is time limited and requires completion of the buttressing by 26 March 2025 and the final restoration to be achieved by 26 July 2025 (conditions 5 and 6 respectively).
- 4.11 In addition to the development proposed in this application, the County Council, as the Waste Planning Authority, are also considering the following two waste planning applications for development within the wider Saxon Pit site:

CCC/24/078/FUL for Importation of controlled inert construction and demolition wastes for the buttressing and stabilisation of the southern face of a former mineral excavation face with associated screening, stockpile and storage areas; and,

CCC/24/091/VAR for Importation, storage, processing including use of trommel, picking and recycling of incinerator bottom ash (IBA) and construction and demolition (C&D) waste, for exportation for use as incinerator bottom ash secondary aggregates (IBAA).

Informative: S73 planning application to vary conditions 5 (Approved plans & documents); 6 (Hours of operation); 15 (Vehicle movements); 21 (Annual throughput of waste); and 25 (Stockpile heights) of planning permission CCC/21/024/FUL to increase: the quantity of waste imported to the site, number of HGV movements, stockpile heights and hours of operation within building 1; make changes to the layout of plant; and to crush and screen IBA/IBAA and C&D waste.

- 4.12 In addition, planning application reference CCC/25/006/VAR, which seeks to extend the timescale to complete the eastern pit face, has recently been submitted and at the time of writing this report is undergoing validation checks.

5. Publicity and Representations

- 5.1 The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) by means of a notice in Fenland Citizen on 24 July 2024. Discretionary notification letters were sent to properties in close proximity to the application site. Two site notices were displayed adjacent to the site entrance on 1 August 2024.
- 5.2 A total of 31 individual representations were received in response to this planning application and these are summarised in paragraphs 5.4 and 5.5 below. Members were provided with full details of all the comments received a week prior to the Committee.
- 5.3 A number of the representations that were submitted in relation to this planning application actually relate to the other businesses operating within the wider Saxon Pit site. Therefore, the summaries of the representations received have been split into those that relate specifically to this proposal and those that relate to the businesses already operating in the wider Saxon Pit site.
- 5.4 The more general representations about the Saxon Pit site include:
- Noise issues, particularly early morning;
 - Unpleasant odours;
 - The level of dust leaving the site, being unable to enjoy outside space and having to keep windows and doors shut;
 - Impact of the operations on mental health;
 - Impact on roads, the number of vehicles moving through Whittlesey which is already congested;
 - The history of complaints at the site, the company has issues to resolve in respect of a previous application;
 - Discharge of effluent through / over land, legionella risk from water on site, the need for a sealed drainage system and Environment Agency Permits for pumping water; and,
 - The risk of contamination from materials coming from another site operated by Johnsons Aggregate Recycling.
- 5.5 Representations that relate specifically to the development proposed in this application:
- Concerns about waste residue and what controls there are;
 - Dust management;
 - Potential for odour;
 - Current and potential dust issues and impact on health;
 - Minute metal particles in the air;
 - Metallic waste split onto roads;
 - Air pollution;
 - Harmful pollutants from vehicles;
 - Vehicle movements cause dust on road signs;
 - Query whether the tonnage proposed matches the output of Johnsons;
 - Not appropriate to have businesses in a predominantly residential area;
 - Source material is a derivative of Incinerator Bottom Ash (IBA) and Incinerator Bottom Ash Aggregate (IBAA); and,
 - Questioning the premise for a new application

- 5.6 Included within the 31 neighbour representations are 6 separate representations from the Saxongate residents group dated 30 July, 31 July, 1 August, 5 August, 6 August and 9 September 2024. One of the representations contained the same comments as Whittlesey Town Council (see below) and one queried the date that photographs of the equipment and building supplied by the planning agent were taken. The full content of each of the Saxongate resident group's representations have been made available to members of the Committee in advance of the meeting.

6. Consultation responses

- 6.1 The following paragraphs contain a summary of the consultation responses received is set out in the following paragraphs and copies of the full responses are available on the Council's Public Access webpages.
- 6.2 Fenland District Council (FDC) Planning – No objection.
- 6.3 FDC Environmental Health – No objection.
Agree in principle that the conditions from the current permitted operation can be brought forward onto this permission, but due to a number of ongoing complaints regarding noise, dust and odour from the site would like to increase the robustness of these conditions.
- 6.4 Noise: the previous conditions for noise management in relation to hours of operation and use of broadband reversing alarms site are still relevant and should be brought forward from previous permissions.

The noise impact assessment (NIA) has demonstrated that the site can operate at reduced levels to those previously undertaken and within background noise levels. To secure the outcome of the noise impact assessment, request that the previous condition setting noise limits at the boundary of the site should be reviewed and updated in line with the submitted NIA. Although the NIA has taken into account the partially enclosed nature of the structure, request a validation condition to ensure that site operations achieve the levels as specified in the NIA or mitigation measures should be applied. A noise management plan should be implemented for ongoing operations, which is kept up to date and includes a means of investigating and responding to complaints of noise.

- 6.5 Air Quality: As part of local air quality management we encourage a preventative approach to manage issues and a commitment to support national objectives for air quality. A sufficient plan should be agreed and in place prior to operations commencing. The plan should include material handling, storage and transportation, including dust monitoring and mitigation at all stages of the operation.

There is an air quality meter on site for particles sizes of pm10 and pm2.5. Regular assessment of this data should monitor for materials 10 micrometers or less. Metals derived from IBA are typically between 1mm and 50mm, therefore the dust management plan should also specify a monitoring plan for all visible dust that is larger than detected by the air quality monitor. From the information provided, it is not possible to ascertain the condition of the premises, what utilities are available for dust suppression, i.e. water supplies and the ability to contain dust that may arise. The building is open fronted and therefore a dust management plan must consider that

activities will happen in a partially enclosed structure, and any dust suppression measures should consider this. The dust management plan should include where and how materials will be stored onsite prior to transportation to ensure there are no fugitive emissions from stored materials, especially if they are outside the perimeter of the Environmental Permitted boundary. All materials transported should be assessed and leave the site in vehicles suitably covered to ensure dust does not occur during transit.

- 6.6 Fenland District Council receive regular complaints from material being tracked onto the highway in this locality. Accumulation of mud and aggregate on the highway results in dust and increases the amount of particulate matter. The local authority have photographed and are removing approximately 3 to 5 tonnes (depending on moisture content) of material off the A605 adjacent to the entrance of this site and nearby industrial activities every eight weeks. Due to the complex nature of multiple activities using this site and other nearby industries it is essential that each industry take responsibility to ensure that when leaving the site, especially via unmade roads, that no material is tracked onto the highway.
- 6.7 Note that this application has been submitted solely for materials available already within the site of Saxon Pit and request that should the permission be granted, it is solely for these materials, and should the site wish to import materials, that a further Environmental Impact Assessment is undertaken to demonstrate the impact haulage and transportation would have. Prior to operations commencing, it should be conditioned that a plan is agreed with the LPA of the steps that they will take to ensure that material is not tracked out from the site.
- 6.8 Environment Agency (EA) – No objection.
The proposed change of use does not materially impact the vulnerability of the site to flooding. We therefore have no flood risk concerns with the submitted application.

As the operation will process up to 75,000 tonnes per annum of waste an appropriate Environmental Permit in accordance with the Environmental Permitting (England and Wales) Regulations 2016 will be required.

Waste residues may be generated as a result of the proposed metal waste treatment activities. Waste storage and treatment activities will need to be carried out on an impermeable surface leading to a sealed drainage system to ensure that there will be no transmission of polluting run-off from the waste activities into the environment.

Furthermore, we would expect for there to be appropriate conditions placed on the activities to suitably control the potential for dust and noise emissions. Any impacts on the amenity (noise, dust and/or tracking on the public highway) that may result from vehicle movements operating within and including the ingress and egress of vehicles on the application site and its immediate environs will not be within the Environment Agency's remit to control by way of permitting. Therefore, the waste planning authority (WPA) is strongly advised to consider what appropriate level of controls may be necessary and enforceable in this regard through the planning process.

- 6.9 Cambridgeshire County Council (CCC) Highways – No objection.
Consider the proposed development is acceptable. There will be no increase to the current level of traffic generated by this site. There is also no proposal to alter the existing access with the highway. There is also adequate room on site and within the

proposed development location for lorries to turn and park. Should it be appropriate and reasonable. I would recommend any relevant highways conditions previously attached to this site under approved planning application number F/02019/12/CW, be attached to this development

6.10 CCC Transport Assessment team – No objection.

We have looked through the supporting information and there does not appear to be a Transport Assessment therefore the TA team cannot assess this proposal in any great detail. It is noted that the Planning Statement appears to assert that there will be no new vehicles on the highway network as material will be brought into the site from the adjacent use. If this can be controlled by suitable condition or planning agreement then the TA team would not be in a position to raise any objections to the proposal.

6.11 CCC Ecology – No objection.

We are in agreement with the applicant’s view that the proposal is exempt from mandatory BNG as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024:

development is subject to the *de minimis* exemption from mandatory Biodiversity Net Gain because it does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

6.12 CCC Energy and Climate Change – No objection.

The main aspect of this proposed Variation that is relevant to climate change and greenhouse gas (“carbon”) emissions is the reduction in transport miles required for the processing and recycling of waste metals. From the information provided by the Applicant, the carbon impacts of the proposed Variation are likely to be as follows:

Aspect	Quantification of carbon emissions (+) or savings (-) in tonnes CO₂e	Effect
Transport emissions from workers, deliveries, imports of waste and export of recycled waste metals (operations)	Carbon impact not quantified	Direct - beneficial
Energy (electricity and other fuels) used on site in operations	Carbon impact not quantified	Unknown – it is not clear if the machinery will use more, or less, energy to process and recycle waste metals compared to its previous use.
Carbon savings from use of recycled material instead of virgin material	Carbon impact not quantified	Indirect - beneficial

There is no doubt that there is an environmental benefit from recycling waste metal and enabling waste metal to move up the waste hierarchy. However, without a quantification of the associated greenhouse gas emissions, it is unclear to what extent the Variation is minimising such emissions

6.13 CCC Public Health – No objection.

Working practices: understand that there have been several complaints relating to waste materials tracked onto the highway from this site and appreciate that these complaints may not be related to the current plastic recycling facility, however, it is particularly important to prevent **any** form of tracking particularly in terms of metal recycling. As the application is for a change of use to metal recycling, feel that on site systems, procedures should be reviewed with measures, monitored and a compliance programme in place prior to commencement of operation ensuring vehicles are unable to track waste onto the highway. Recommend the adoption of industry best practice in terms of transporting waste metal materials within and away from the site.

Dust, spillage and contamination: recommend adopting waste industry best practice in terms of minimising dust, spillage and potential cross contamination. Measures such as operating through vehicle cleaning process more comprehensive than standard wheel wash arrangements. Several heavy vehicle operators in the industry successfully adopted this approach. This would be beneficial on this specific site, as within the site area mostly internal road surfaces are of the unsealed variety and create significantly more dust than tarmac surfaces. Such measures also illustrate to the local community efficient working practices and should be set out in a dust management plan.

Noise: recommend a series of mitigation measures, such as acoustic barriers to east of the recycling facility to reduce noise in the direction of residential properties, particularly towards the east on Priors Rd and Snoots Rd. We defer to the local Environmental Health Officers on acoustic matters.

Cumulative Impacts: This response to CCC/24/048/FUL is in addition to those submitted by Public Health relating to separate proposals within the same wider site area under references CCC/24/091/VAR and CCC24/078/FUL. Recommend this application is reviewed in the context of all three to ensure there are minimal cumulative impacts and mitigations are carefully put in place as already discussed above. Minded whether there might be a potential community fund or developer contributions to support any long-term mitigation measures for cumulative health impacts.

6.14 Local Lead Flood Authority (LLFA) - No objection.

The application is for change of use from Plastics Recovery Facility to a Metal Recycling Facility. The applicant highlights that no changes to impermeable areas are proposed and no alterations to the existing site drainage infrastructure is proposed. In addition, the applicant highlights that existing surface water drainage system remains suitable for the change of use operation. Please note, if there are proposals to increase impermeable areas and/or alter existing drainage, these should be addressed. As such, the LLFA have no further comments to make, at this time.

6.15 Cambridgeshire Fire and Rescue - No objection.

Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, the number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

6.16 Historic England - In this case we are not offering advice.

6.17 Natural England – No comments to make.

6.18 Whittlesey Town Council – recommend refusal and made the following comments:

1) Operating hours - 07:00-17:00 Monday to Friday. Residents would like any operations that may generate noise dust and odour restricted to 08:00-17:00. Residents have suffered historically and have ongoing issues with noise and dust from operations on this site.

2) Source material – The application states that all material will come from Johnsons Aggregates Recycling Ltd (JARL) (material flowing from their sealed site next door which handles toxic IBA/IBAA), to reduce vehicle movements. We would like a planning condition to ensure this is the only fixed source which prohibits importing materials from any third party. The application is to process 75,000 tons of material. JARL are in negotiation with CCC for a planning permission to significantly increase their output. Residents would like to know if this processing request for 75k tons is based on Johnsons current approved production levels?

3) Transport – JARL have a planning condition that prevents them traveling east through Whittlesey on the A605. If they are now sending material to a site next door residents feel the same condition should apply to this application, otherwise they are simply circumventing this rule which has worked well for residents and prevented more HGV traffic through the town and the A605 road surface. There is no detailed transport plan with the application.

4) Noise – Noise is a major concern for residents. East Midlands Waste Management already run numerous operations in the same area under U1 and T9 self-exemptions and have done for a number of years. There have been numerous resident complaints for noise and dust. Agencies have often failed to differentiate between different operations and operators making meaningful enforcement actions very difficult and leaving residents to suffer the consequences. The noise assessment also includes background noise from the Eastern Buttriss works which are temporary and have caused significant disturbance. After two years JARL finally achieved the noise levels requested by the EA, Residents would like to see identical noise limits set as a planning condition. Residents would also like to see a clear validation process to prove that any new operation is meeting its promised / predicted noise targets (34db LAeq / 1hr). That has not happened with previous applications, leaving residents to suffer from excessive noise for years. Aside from measured sound level any persistent / constant noises (whines, hums droning) should also be eliminated, as these have also caused significant distress in the past. Vehicles should also have appropriate reversing sounders to avoid nuisance noise. Residents would like some form of automated noise monitoring to be included in the permission.

5) Contamination and dust - Residents are concerned about the contamination risk from IBA/IBAA leaving the Johnsons Aggregates Recycling Ltd sealed site. We ask officers to seek clarification on the nature of the material being handled (which is extracted from Incinerator bottom ash residue). Will the material contain any IBA or IBAA dust or dangerous metal dust and what testing and mitigation measures will be in place to control and monitor any pollution risks. We would like any planning permission to include a need for dust monitoring with defined limits, as exists for JARL. We note that JARL has also told the EA that third party dust impacts their permitted (sealed site) dust

monitoring results adversely in the past (which they used as a mitigation). Residents fear this makes enforcement harder. Residents are also concerned about the contamination risk from dirty vehicle tyres. We would like a planning constraint to require wheel washes or some other form of mitigation to prevent this issue. The application says no new roads are planned. The lack of tarmacked roads and the lack of ownership / responsibility from previous planning applications for common access roads between existing operations leads to a lot of dust. There should be a clear responsibility for dust suppression on shared access roads to prevent this issue.

6) Water contamination risk - Residents are concerned about the risk of water course contamination from persistent toxic chemicals/metals. The applicant says the site is not near a water course, but it is next to a lagoon which is pumped directly into the Kings Dyke water course (currently without a valid permit). The application states that surface water will be disposed of into an existing watercourse (which would include water used for dust suppression one imagines). Residents have asked before for enhanced water testing and filtration due to the growing number of potential long-term / persistent chemical pollution risks on the site. Also, for a permit to be issued to control the water discharges from the EA.

7) Permit clarification: - What environmental permit process will be used to control the site (presumably from the EA) The applicant already uses a number of self-exemption certificates to operate on the current site. These are disliked by DEFRA and are due for national review as they are prone to misuse. Would the applicant consider applying for a bespoke permit to bring all their waste operations under one management system which would give residents more confidence.

8) S106 question - Residents would like to know if any form of S106 can be included in the application process to benefit local communities.

9) Lack of local weather data – Agencies have highlighted there is no local weather data (e.g. wind direction) for Whittlesey which makes enforcement harder. Could funds (for example from an S106 payment) be directed to set up a local weather station.

10) Lack of permanent receptor dust and noise data – There is a small-scale array dust sensor funded by FDC near Park Lane School. Could this be made permanent and could additional sensors be fitted to give residents long-term piece of mind around air quality risks. In addition, could some form of automated noise monitoring be introduced to detect issues from Saxon pit. Investigations are often long-winded, unproductive and disruptive for residents. Could funds (for example from an S106 payment) be directed toward these issues.

11) Liaison group - There is no resident's liaison group for EMWM. As part of their application could this be encouraged. There is an active resident's liaison group with the core partner they have listed = Johnsons Aggregates Recycling Ltd.

12) Overall site management – The site is increasingly complex with multiple operations and permits which have common emissions risks (noise, dust and odour) and share access roads and drainage etc. Could the landlord be encouraged to consider installing an overall site manager / technically competent person to run the shared resources and encourage best practices.

7. Planning Policy and Guidance

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that when determining planning applications the planning authority shall have regard to the provisions of the development plan, so far as material to the application. Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and the Fenland Local Plan 2014. The National Planning Policy Framework updated in December 2024 is also a material consideration as is the Government's Planning Practice Guidance.

7.2 National Planning Policy Framework (December 2024) (NPPF)

The NPPF sets out the government's planning policies and how local planning authorities are expected to apply them. It promotes the central government objective of sustainable development and the following paragraphs are relevant to this application:

At the heart of the NPPF 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.

Paragraph 2 of the NPPF states:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements".

7.3 The following paragraphs of the NPPF are also considered to be relevant to this application:

8	Achieving sustainable development
39	Decision Making
48	Determining applications
56, 57 and 58	Planning conditions and obligations
85 and 87	Building a strong, competitive economy
164	Planning for climate change
181 and 182	Planning and flood risk
187	Conserving and enhancing the natural environment
198 and 201	Ground Conditions and Pollution.

The full text of the relevant policies from the NPPF can be found in Appendix 1.

7.4 Paragraph 4 of the NPPF states that it should be read in conjunction with the Government's National Planning Policy for Waste (October 2014) (NPPW), Paragraph 1 of which includes the following as playing a role in delivering the country's waste ambitions through:

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

7.5 Paragraph 7 states that “When determining planning applications, waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

7.6 Appendix B of the NPPW states that in determining planning applications, waste planning authorities should consider the following factors:

- a. protection of water quality and resources and flood risk management
- b. land instability
- c. landscape and visual impacts

- d. nature conservation
- e. conserving the historic environment
- f. traffic and access
- g. air emissions, including dust
- h. odours
- i. vermin and birds
- j. noise, light and vibration
- k. litter
- l. potential land use conflict

Where relevant to the current proposal, these matters are covered later in this report.

Local Development Plan Policies

Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP)

- 7.7 The MWLP was adopted by Cambridgeshire County Council and Peterborough City Council in July 2021. The plan sets the framework for all mineral and waste developments until 2036 and the following policies are considered to be relevant 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 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

Appendix 3: The Location and Design of Waste Management Facilities

- 7.8 The Fenland Local Plan (FLP)

The FLP was adopted in 2014 and the following policies are considered to be relevant to this proposal.

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 LP15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland

Policy LP16 – Delivering and protecting high quality environments across the district

Policy LP19 – The natural environment.

- 7.9 Emerging Plan Policies

Fenland District Council are in the process of updating the Local Plan. Consultation on the draft Local Plan (known as the Fenland Local Development Scheme (LDS) took place between August and October 2022. A proposed submission version was due for publication in Summer 2023 for public consultation. The publication has been delayed and at the time of preparing this application there is no further information on when the proposed submission version will be published for public consultation.

- 7.10 Whittlesey Neighbourhood Plan 2021 – 2040 (made May 2023)
- 7.11 Planning Guidance: Government advice on the determination and implementation of waste planning policy ([Waste - GOV.UK](#)) includes the following:

“What is the relationship between planning and other regulatory regimes?”

The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to [National planning policy for waste](#). There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.”

Paragraph: 050 Reference ID: 28-050-20141016.

8. Planning Considerations

- 8.1 The main planning considerations in respect of the proposed development are: the principle of the development and policy support and environmental issues and amenity, including noise, dust and air quality. The impacts of the proposed development in relation to transport and highways, flood and water management, ecology and biodiversity and climate change and sustainability are also considered and each of these issues are set out below. Other matters that were raised in representations which are not relevant the application, and therefore cannot be taken into account, are detailed in the final paragraphs of this section of the report.

Principle of development and policy support

- 8.2 The principle of waste development at the site has been established by the extant planning permission for the recycling of mixed waste types including plastics and ASR into component parts suitable for exportation for use as refuse derived fuel (RDF) on the site under permission reference F/02019/12/CW (as amended by F/02007/13CW). If the proposed change in waste stream to metals is not supported, the fallback position is that permission to recycle ASR and plastics remains extant and that use can resume.
- 8.3 The policies within the MWLP seek to ensure that there is provision within the County for the management of waste and that existing waste management facilities are protected. Policy 10 of the MWLP identifies the contribution that WMAs make to managing waste streams and the application site falls entirely within the Saxon Brickworks Waste Management Area (WMA) identified with the MWLP, and as noted above, already has extant permission for waste management.
- 8.4 The application proposes that the annual throughput of the waste metal would be 75,000 tonnes which is the same as the limit set out in the extant ASR recycling planning permission. The throughput of waste (and the overall operation of the site) would also be controlled by a permit from the Environment Agency.

- 8.5 Policy 1 of the MWLP provides support for sustainable development and Policy 3 sets out the waste management needs for the County. Both policies support the sustainable management of waste and the proposal to recycle the metal from the site moves waste up the waste hierarchy and so achieves these broad policy aims.
- 8.6 Policy 4 of the MWLP sets out a broad spatial strategy for the location of waste management development in the County and criteria which direct proposals to suitable sites. The site is on the outskirts of Whittlesey, and although it is outside of the settlement boundary on the outskirts of the urban area, it is within an existing waste management area and this, along with the proposal to source the metal for recycling from the Johnsons waste management facility that processes IBA in to IBAA (which is immediately adjacent to this site) is in line with Policy 4.
- 8.7 No pre application advice was sought from the Waste Planning Authority which, according to the Council's Statement of Community Involvement, is best practice for category B development proposals such as this. However, as noted above, the proposal seeks to use the existing waste management facilities in site to recycle an alternate waste stream and therefore pre application discussions on the acceptability of the development were not considered necessary in this case.
- 8.8 Noting the extant permission at the site, that the proposal is to recycle metal from an adjacent site and that the site is in a WMA, it is considered that there is policy support for the proposal in that it complies with MWLP Policies 1 and 3 and the locational strategy in Policy 4. The proposal also accords with Policy LP1 of the FLP which reflects the presumption in favour of sustainable development in the NPPF, as well as the requirements of NPPW.

Environmental issues and Amenity

- 8.9 The Environment Agency (EA) and Fenland District Council's Environmental Health Officer (EHO) have been consulted on the application. The EA's consultation response set out that they expect appropriate conditions to be placed on the proposed waste use to suitably control the potential for dust and noise emissions. The response from the EHO is addressed in more detail below.

Noise

- 8.10 The process for the proposed metal recycling involves shredding using bespoke machinery which is operated by a series of electric motors with slowly rotating rollers that cut metal between teeth, rather than high speed impact. Although the shredding would take place within the existing buildings on site, they are open fronted and the mechanical processing of metal does have the potential to generate noise.
- 8.11 It is proposed to construct concrete 'lego' block walls between steel stanchions which sit inside the buildings which would create an additional interior wall. These internal storage bays would retain the processed metal inside and this would also reduce and contain the noise generated by the moving of material and placing it into storage bays.

- 8.12 The proposed working hours are 7am to 5pm Monday to Friday which replicate the hours conditioned in the existing waste permission for the site are less than the operational hours of the surrounding waste uses within Saxon Pit.
- 8.13 A noise assessment (NA) has been submitted in support of the application which considers the potential noise that would be generated and the likely impact on the nearest residential properties. Fenland District Council's Environmental Health Officer (EHO) has reviewed the NA and noted that although the recycling operations on site would commence at 7.00am, they are contained within a building and the NA confirms that noise levels will not be adverse at the closest residential properties.
- 8.14 Both the EHO and neighbour representations have noted that the existing building in which the processing would take place is not completely enclosed and that it is not in a good state of repair, both of which could lead to impacts in terms of noise and dust which do not appear to be covered in the NA or other supporting information. The operator has advised that they are willing to completely reclad the exterior of the building, and a condition is recommended requiring further details of the proposed works which would need to be approved and fully installation prior to the commencement of operations on site (see condition 10). The recommended condition also requires that the cladding of the building would be maintained and repaired if the condition deteriorated. These measures to mitigate the impact of the proposed development would be consistent with the guidance contained in Appendix 3 of the MWLP: The Location and Design of Waste Management Facilities.
- 8.15 The EHO recommends that the previous conditions restricting the hours of operation and broadband reversing alarms should be carried over to this development, if approved and a revised and updated NA will be required, based on the level of noise insulation that the materials that are used in the repair of the building would provide.
- 8.16 The EHO also requests the imposition of more robust conditions on noise to make the development acceptable. Public Health, whilst deferring to the EHO on acoustic matters, have also recommended mitigation measures to reduce noise travelling in the direction of residential properties. Noting that the NA has demonstrated that the proposed waste operation will have lower noise levels than the previous ASR and plastic recycling, and the noise would be within background noise levels, the EHO requests that a condition is imposed which sets out the limits for noise at the site boundary, in line with the NA. An additional condition is proposed that will require the operator to carry out further noise monitoring once the site is operational and the building has been repaired to confirm that the level of noise identified in the NA is not exceeded.
- 8.17 A further condition which requires the submission of a Noise Management, Monitoring and Mitigation Plan (alongside the updated NA) will ensure that the site continues to achieve the levels as specified in the NA when the building repairs are completed and the site is operational. The condition would require the validation of the noise management by securing noise monitoring at agreed receptor locations to demonstrate that the noise levels stated in the NA are maintained. The Plan would also detail the steps taken to ensure that the recycling operations are conducted in a way which minimises noise levels and it will set out that if the limits exceed those in the NA then mitigation measures should be applied. The condition requiring the Noise Management, Monitoring and Mitigation Plan would also stipulate that it will need to be kept up to date and include a means of recording, investigating and responding to complaints of noise.

8.18 Noting that the EHO is satisfied that the noise levels set out in the NA are acceptable, achievable and lower than the existing noise limits for the ASR recycling, and also that the proposed planning conditions include a new Noise Management Monitoring and Mitigation Plan that is designed to ensure ongoing validation and mitigation (where required), it is considered that the proposal accords with paragraph 198 of the NPPF, Policy 18 of the MWLP and Policies LP2 and LP16 of the FLP.

Dust and Air quality

8.19 The metals that the site proposes to recycle have already been partially processed at the Johnsons Aggregates donor site where they have been separated first from the IBA and then from the IBAA. The remaining metal mixture which it is proposed would be recycled comprises ferrous and non ferrous metals which are clean and dry. The application submission advises that metal is not a fine particulate material and that various different grades of recycled metal are produced but none is smaller than 20mm.

8.20 The planning statement which accompanies the application states that because the source of the metals is the Johnsons Aggregates site located immediately to the north, there will be no need to stockpile this material outside the building. The processed metal materials would be stored in the internal bays formed by the concrete 'lego' blocks (see condition 11). The proposal does also refer to the need to store, following processing, some non-ferrous metal in the yard area to the south and east of the building. Therefore, planning conditions recommending that the source of the waste is restricted to metal coming from the adjacent Johnsons site and that the annual throughput of waste shall not exceed 75000 tonnes (which is also the limit in the permit from the Environment Agency) are recommended. An additional condition restricting the location and heights of any external stockpiles is also recommended. (Conditions 6, 7, 17 and 18 cover these issues).

8.21 The EA commented that any impacts on the amenity (noise, dust and/or tracking on the public highway) that may result from vehicle movements operating within and including the ingress and egress of vehicles on the application site and its immediate environs will not be within their remit to control by way of permitting and so they would expect appropriate planning conditions to be imposed to control these matters. The EHO has requested the submission of a dust management plan which should include full details of material handling, storage and transportation, including dust monitoring and mitigation at all stages of the operation. A condition is proposed (see condition 16) which requires the approval of a dust management, monitoring and mitigation plan prior to operations commencing on site.

8.22 The dust management plan should include details of where and how materials will be stored onsite prior to transportation to ensure there are no fugitive emissions from stored materials, especially if they are outside the perimeter of the Environmental Permitted boundary. The EHO has asked that all materials brought into the site and produced as part of the recycling process, as well as any residual materials, are assessed and details included in the plan. The Plan should also specify how the operator will monitor visible dust larger than that detected by the air quality monitoring equipment that is already in situ on site.

8.23 The EHO has also requested that the dust management plan specifies that all material that leaves the site should be in vehicles that are suitably covered to ensure dust does

not occur during transit. There will be minimal vehicle movements within the site and the vehicles transporting the recycled metal produce will not travel over unmade ground so it is considered unlikely that the vehicles will be carrying any soils on their wheels. However, the access road within the site also needs to be kept clean and therefore plan should detail how the operator will ensure that vehicles leaving the site do not track soils onto the highway. It is noted that the operator will also need to, in conjunction with the other businesses operating from Saxon Pit, ensure that the haul road which runs from the A605 into the pit is kept clear of dust and debris to protect the amenity of the residents of the properties at the rear of 193 to 203 Peterborough Road.

- 8.24 The operator, who is the owner of the Saxon Pit site, has stated an intention to improve the access road into Saxon Pit as it passes to the rear of the cottages on the A605 at the entrance (193 to 203 Peterborough Road). The proposed improvement involves: moving the access road slightly further away from the rear of the cottages; the control of dust through regular wetting of the road and sweeping with a road sweeper; and, the erection of a solid fence between the access road and the parking area to the rear of the cottages. Further details of the proposed scheme have been submitted in support of planning application reference CCC/24/078/FUL (for the stabilisation of the southern pit face with inert waste) which is under consideration by the waste planning authority. Whilst these proposals for improvements are welcomed and the mitigations relating to the cleaning and maintenance of the haul road can be included in the dust suppression plan, it is not considered that the level of vehicle movements generated by this proposed development would justify the imposition of a planning condition requiring improvements to the access road.

Air Quality

- 8.25 An air quality monitoring device is already installed with Saxon Pit and will remain in place and active. The EHO has noted that the application submission made reference to the site having access to an air quality meter which can detect particles sizes of pm10 and pm2.5 and advocates the regular assessment of this data to monitor for materials 10 micrometers or less. Noting that the EHO has highlighted the need for a preventative approach to managing air quality, it is proposed that the dust management plan also includes proposals for the regular monitoring of air quality and specifies that if the results of the monitoring indicate a reduction in air quality, mitigation measures will be implemented.
- 8.26 Metal and residual IBA/IBAA are not combustible and therefore there is no need for a condition which prevents any burning of materials on site.
- 8.27 Provided that a suitable dust management, monitoring and mitigation plan is approved prior to the commencement of operations on site, to protect the amenity of the residents of Whittlesey and the natural environment, the development is considered to accord with Paragraphs 187 and 198 of the NPPF, Policy 18 of the MWLP and Policies LP2 and LP16 of the FLP.

Transport and Highways

- 8.28 The site will only be accessed from the main entrance to Saxon Pit from the A605, Peterborough Road, using the haul road used by all businesses operating from the waste management area. The proposal is to process metals that are the by-product of

an existing operation at Saxon Works. If these are not processed on site they would be exported from site for processing elsewhere. The application submission details that 1442 tonnes of metal per week (74,984 tonnes annually) are currently exported by Johnsons Aggregates and the proposal to transfer this material directly to the metal recycling facility would not involve any new vehicle movements on the public highway. The source metals for recycling would be transported from the adjacent Johnsons site by a dumper, using an internal access road. There would be a maximum of maximum of 275-300 tonnes of metal transported from Johnsons each day. Any non-metal material removed during processing of the metal would be returned to Johnsons in a dumper on its return journey following delivery of metal.

- 8.29 The export of the recovered metal off site and on to the public highway would create an estimated 3750 vehicle movements per year. Assuming that the export of the material is by fully loaded HGV's carrying a total of 20 tonnes, this equates to between 24 and 32 (12 and 16 two way vehicle movements) per day.
- 8.30 It should be noted that the NA that was submitted in support of the application assumed that there would be 4 dumpers per hour bringing the source metal from Johnsons to the proposed recycling facility and 4 HGV movements per hour taking the material away. The NA is based on a maximum of 18 articulated HGV's attending the site per day but this is a worst case scenario and the applicant has suggested a limit of 35 vehicle movements exporting the processed metal per day, but to allow for two way vehicle movements this can be conditioned at a maximum of 36 (see condition 19).
- 8.31 The application submission includes a plan, reference 'Internal Vehicle Routes Plan, Appendix F', which confirms how HGV's would access and move around the site and compliance with this Plan this can be conditioned (see condition 20).
- 8.32 The CCC Highways Development Management (DM) and Transport Assessment teams were consulted on the application and raised no objections. The Highways DM consultation response noted that: the proposed development would not create an increase in the level of traffic generated by the site; there is no proposal to alter the existing access with the highway; and, there also adequate room within the proposed development location for lorries to turn and park. Highways DM have stated that the proposed development is acceptable and, noting the request from the Town Council that there should be a restriction on vehicles turning right out of the site and travelling through the town, recommend that any highways conditions previously attached to the site should be brought forward to this development. See condition 21.
- 8.33 The proposed metal recycling facility will not generate any new vehicle movements to or from Saxon Works and therefore the relevant consultees are satisfied that the proposed development is acceptable. As such, the development complies with Policy 23 of the MWLP and Policy LP15 of the FLP.

Flood and water management

- 8.34 The site is an existing waste management facility within the Saxon Pit WMA, the area of the proposed development is covered by concrete and is therefore impermeable. The planning statement sets out that there would be no adverse surface water drainage issues arising as a result of the change of use and the proposal is that the existing permitted surface water drainage system will continue to be used.

- 8.35 Although Whittlesey Town Council have highlighted that residents are concerned about the risk of water course contamination and asked before for enhanced water testing and filtration, the Lead Local Flood Authority (LLFA) have no objection to the application, noting that there will be no changes to impermeable areas or the existing site drainage infrastructure. The EA, as the pollution control authority have not raised water course contamination as a potential issue and the LLFA do not disagree with the information within the application submission that the existing surface water drainage system remains suitable for the proposed use. Taking the comments from the LLFA into account, it is considered that the proposal complies with Paragraphs 181 and 182 of the NPPF, Policy 22 of the MWLP Policy LP14 of the FLP.

Ecology and Biodiversity

- 8.36 The application submission details that the proposed development is exempt from the mandatory requirement for Biodiversity Net Gain (BNG), which was introduced when the Environment Act 2021 came into force in 2024. The County Ecologist was consulted on the application and agrees that the development is subject to the *de minimis* exemption for BNG because the site comprises an existing building and concrete hardstanding that does not impact on a priority habit and impacts less than 25 square metres of onsite habitat. As such, the site has a zero score in the statutory biodiversity metric and as there is no BNG value there is no requirement in the legislation to provide BNG.
- 8.37 Noting that the site of the proposed development is a preexisting waste site and the proposal is to change the waste that is recycled, it is considered that the requirements set out in Policy 20 of the MWLP and Policies LP16 and LP19 of the FLP which require conservation and enhancement of the habitats on site do not apply.

Climate change and sustainability

- 8.38 The County Council declared a climate change emergency in May 2019 and the Council's Climate Change and Environment Strategy 2022 is a commitment to deliver urgent action to improve our resilience to the climate change that has already happened as well as the effects which are to come. The proposed development does not involve any construction of buildings or infrastructure and so the likely impacts are limited to the sustainability of the development and emissions from vehicle movements.
- 8.39 The consultation response from the Council's Acting Climate and Energy Manager highlights the environmental benefit of recycling metal which enables waste metal to move up the waste hierarchy. The reduction in transport miles required for the processing and recycling of waste metals that is set out in the application submission was noted and comment was made that without a quantification of the associated greenhouse gas emissions, it is unclear to what extent the emissions would be minimised. Noting that the application only seeks to change the waste stream from ASR and plastic recycling to metal recycling, is considered that the proposal does not conflict with Policy 1 of the MWLP or Policy LP14 of the FLP.

Other matters that are outside of the planning remit

- 8.40 A number of public representations referenced to significant nuisance from dust and odour generated by existing operations at the site. Odour is monitored and controlled by the Environment Agency and under Environmental Health legislation on statutory nuisance and is therefore outside of the planning remit.
- 8.41 The comments on dust that were submitted in response to this application relate to the existing operations at the site which do not include either the proposed metal recycling or the ASR recycling which has not taken place for a number of years and so cannot be planning considerations for this development. Furthermore, planning permission relates to the use of the land and planning decisions must focus on whether that use is acceptable and therefore operator performance and compliance with planning permissions and conditions on the wider site is not something that can be taken into account in the determination of this planning application.
- 8.42 Whittlesey Town Council have suggested that an overall site manager or technically competent person should be appointed to run the shared resources at the Saxon Pit site and encourage best practices. Each planning permission for waste uses at the site operates independently and these other waste uses already operate under preexisting permissions which means that there is no mechanism open to planning to require or enforce this. However, their suggestion that a local liaison group is established for this development could be progressed and a condition (see condition 24) is recommended which could also encourage communication between the businesses operating from the pit on shared issues.
- 8.43 Both representations from the public and Whittlesey Town Council have asked if a Section 106 legal agreement can be included with the issue of any planning permission, to benefit local communities. There are strict rules on when S106 agreements can be required and although they are commonly used for new residential development to ensure that the necessary financial contributions are made for the provision of services like education, waste collection, this is not relevant to waste development. This type of legal agreement can only be used to mitigate aspects of a development that cannot be controlled by planning condition (such as highways improvements) which they are outside of the application area. In respect of this development, it is not considered that there are any improvements or actions that need to be undertaken outside of the red line area to make it acceptable in planning terms. Therefore, it is not appropriate or possible to request such an agreement is drafted and doing so would conflict with paragraphs 56, 57 and 58 of the NPPF which set out the tests for the imposition of planning conditions and the tests that must all be met in order to seek planning obligations through a S106 legal agreement.
- 8.44 Whittlesey Town Council have also requested clarification on what environmental permit process will be used to control the site, expressed dissatisfaction on self-exemption certificates and requested that the applicant consider applying for a bespoke permit to bring all their waste operations under one management system to give residents more confidence. These matters are outside of the planning remit and not therefore not relevant to an assessment of the acceptability of the development proposed in this application.

9. Public Sector Equality Duties (PSED).

- 9.1 Section 149 of the Equalities Act 2010 places a statutory duty on all public bodies to consider the needs of all individuals in their day-to-day work, including those with protected characteristics. The protected characteristics under PSED are: disability, gender reassignment, pregnancy, maternity/ paternity, race, religion or belief (including non-belief), sex and sexual orientation. In May 2023, the Council agreed that those leaving care (care leavers) also have a protected characteristic. The Council, in the exercise of the planning functions, must have due regard to the need to the following aims in their decision-making: eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; foster good relations between people who share a relevant protected characteristic and those who do not share it; and advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. Furthermore, consideration must be given to removing or minimising disadvantages suffered by people due to their protected characteristics; meeting the needs of people with protected characteristics; and encouraging people with protected characteristics to participate in public life or in other activities where their participation is low. The proposed development would be located in a defined a waste management area, in an existing building within Saxon Pit. Whilst concerns about dust have been noted, the technical specialists that have been consulted on the application, including Public Health, have not highlighted significant risks to those with protected characteristics and it is considered that, with the imposition of appropriately worded conditions, it would be unlikely that this particular development would have any negative impact on those with protected characteristics. Taking the recommendations from consultees and the proposed conditions which will mitigate the impact of the development, there would be no known implications of the proposal in relation to the council's PSED duties under the 2010 Act.

10. Conclusion and Recommendation

- 10.1 The proposed development is to use an existing waste management facility to recycle metal, which is an alternate waste type to that currently approved. As noted above, the site is in a WMA and located next to a business that currently exports waste metal of site for recycling.
- 10.2 There are no objections from statutory consultees to the proposed development and planning conditions are recommended to address the requests from consultees and members of the public for the imposition of robust planning conditions which require noise and dust monitoring plans that require monitoring to take place and mitigations to be designed should the agreed levels be exceeded.
- 10.3 The operator is also seeking a permit from the EA which will limit the throughput of waste and control emissions within the permit area. Like the guidance on waste set out in paragraph 7.11 above, paragraph 201 of the NPPF is clear that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions where these are subject to approval under other regimes.
- 10.4 For the above reasons it is considered that the proposed development is acceptable and recommended that planning permission be granted subject to the following conditions:

Advisory Note

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Conditions 10 (Building repairs), 11 (Construction of Interior walls), 14 (updated Noise Assessment), 15 (Noise management, monitoring and mitigation plan), 16 (Dust management, monitoring and mitigation) and 18 (location of outside storage) below require further information to be submitted and works carried out to before the site is operational which will ensure that the improvements to the building are made and dust and noise management schemes are approved and in place and these are therefore attached as a pre-commencement condition. The developer may not legally commence development on site until this condition has been satisfied.

Site area

1. This permission relates to the land outlined in red on the 'Site location plan 1-5-001, dated 05.03.2024, received 2 May 2024 referred to in these conditions as "the Site".

Reason: For the avoidance of doubt and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Commencement

2. The development hereby permitted shall commence within three years from the date of this permission. Within 7 days of commencement of development, the developer shall notify the waste planning authority in writing of the date of commencement.

Reason: For the avoidance of doubt and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved plans

3. The development permitted shall be carried out in accordance with the following drawings and documents, except as otherwise required by any of the conditions set out in this planning permission:

- Site location plan 1-5-001, dated 05.03.2024, received 2 May 2024;
- Proposed site plan 1-1-001 Rev B, dated 07.02.2024, received 2 May 2024;
- Existing Floor Plan and Elevations 1-2-001 Rev B (Planning Statement Appendix C), dated 25.04.2024, received 10 October 2024;
- Site Drainage Plan (Planning Statement Appendix E), Tag Industries FPP3, dated December 2016, received 2 May 2024;
- Noise Assessment, LFA Acoustics (Planning Statement Appendix G), dated June 2024, received 2 July 2024; and
- Planning Statement, by SBRice, dated March 2024, updated June 2024, received 3 July 2024.

Reason: To define the permission and protect the character and appearance of the locality in accordance with policies 17, 18, 22 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP1, LP2, LP14, LP16 and LP19 of the Fenland Local Plan 2014.

Hours of Operation

4. No operations shall take place at the site and no vehicles shall enter or leave the site outside the hours of 0700 - 1700 Monday to Friday.

No operations shall take place at the site and no vehicles shall enter or leave the site at any time on Saturdays, Sundays, Bank Holidays and Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Waste type

5. No waste other than clean and dry ferrous and non-ferrous metals shall be brought to the site for sorting, transfer, processing or storage.

Reason: To limit the use to that assessed in the interests of residential amenity and pollution control, in accordance with policies 18 and 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP14, and LP16 of the Fenland Local Plan 2014.

Waste source

6. No waste other than metal waste from the adjacent Johnsons Aggregates Recycling Limited site, or any subsequent operator conducting the recycling of IBA under planning permission reference CCC/21/024/FUL, shall be brought to the site for sorting, transfer, processing or storage.

Reason: To limit the use to that assessed in the interests of residential amenity and pollution control, in accordance with policies 18 and 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP14, and LP16 of the Fenland Local Plan 2014.

Waste limits

7. A maximum of 275-300 tonnes of waste metal shall be imported the site each day for recycling and no more than 75,000 tonnes of waste metal shall be processed and recycled at the site per annum.

Reason: In the interests of residential amenity and pollution control, in accordance with policies 18 and 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP14, and LP16 of the Fenland Local Plan 2014.

8. Records of the source and amount of all waste metal brought to the site shall be kept for a minimum of 12 months and shall be submitted to the Waste Planning Authority within 10 working days of any written request.

Reason: To limit the use to that assessed in the interests of residential amenity and pollution control, in accordance with policies 18 and 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP14, and LP16 of the Fenland Local Plan 2014.

Non metal brought on to site

9. Any non-metal material removed during processing of the metal shall be returned to the adjacent Johnsons Aggregates Recycling Ltd facility, or any subsequent operator conducting the recycling of IBA under planning permission reference CCC/21/024/FUL, on its return journey following the delivery of the metal.

Reason: In the interests of residential amenity and pollution control, in accordance with policies 18 and 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP14, and LP16 of the Fenland Local Plan 2014.

Building repairs

10. Prior to the commencement of the development hereby permitted, a scheme detailing the repairs and improvements to the building that will take place prior to any recycling of metal taking place site shall be submitted to the waste planning authority for approval. The scheme shall include details of:

- the material which will be used for re-cladding of the exterior of the building and the level of noise insulation it will provide,
- the material which will be used to repair to the roof;
- the proposed hours during which the repairs will take place;
- the frequency of monitoring of the condition of the exterior of the building and roof and,
- steps that will be taken to ensure that the building, once repaired and re-clad will be maintained in a good state of repair.

The approved scheme shall be implemented in full.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Construction of concrete interior walls

11. Prior to the commencement of the development hereby permitted, the concrete 'lego' block interior walls shown on plan reference Existing Floor Plan and Elevations 1-2-001 Rev B (Planning Statement Appendix C), dated 25.04.2024, received 10 October 2024 shall be constructed for the storage of processed metal and these shall remain in place for the duration of the development.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Noise

12. All mobile mechanical handling equipment operated within the site that requires the use of reversing alarms shall be fitted with broadband reversing alarms or similar.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

13. Noise emission levels from the site shall not exceed 39 dB LAeq (1 hour) when measured at the boundary of any noise sensitive property on Priors Road, and 37dB LAeq (1 hour) when measured at the boundary of any noise sensitive property on Snoots Road or the rear of the properties at 193 to 203 Peterborough Road, Whittlesey.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

14. Prior to the commencement of development, a revised and updated Noise Assessment will be submitted for approval by the Waste Planning Authority. The assessment will detail the noise impact from the processing of metal, based on the machinery that will be used and taking into account level of noise insulation that the materials used in the repair of the building and the roof would provide.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

15. Following the approval of the Noise Assessment (NA) referred to in condition 14, and prior to the commencement of development hereby permitted, a noise management, monitoring and mitigation plan for ongoing operations will be submitted to the waste planning authority for approval. The plan should detail:

- the frequency of and methodology for the monitoring of operational noise levels;
- what steps will to be taken to ensure that the site operations achieve the levels as specified in the NA;
- that if the noise levels in the NA are exceeded, mitigation measures will be designed for approval by the waste planning authority;
- the procedure for the recording, investigation and response to complaints;
- a schedule for reviewing and updating the plan and sending proposed updates to the waste planning authority for approval.

Once the noise management, monitoring and mitigation plan, and the updates that take place to it, have been approved, the site will operate in full compliance with it.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Dust management, monitoring and mitigation

16. Prior to the commencement of the development hereby permitted, a Dust management, monitoring and mitigation scheme shall be submitted to the waste planning authority for approval. The scheme shall be based on the 'Metal Recycling Facility – Dust Emissions Plan', dated January 2025 and shall include, but not be limited to:

- details of where and how all materials will be stored on site prior to transportation;
- confirmation that all materials transported will be assessed and leave the site in vehicles suitably covered to ensure dust does not occur during transit;

- details of how the operator will ensure that the access road to the site is kept clean and material is not tracked out from the site;
- details of the maintenance and operation of the air quality monitoring device that is installed at Saxon Pit and confirmation that it will be both operational and in good working order;
- details of the frequency of air quality monitoring both generally and also specifically for materials 10 micrometers or less;
- details of how the air quality information will be assessed and confirmation that if the results indicate a reduction in air quality, mitigation measures will be designed for approval by the waste planning authority; and,
- that the agreed mitigation measures will be maintained and monitored.

No recycling works shall take place on site until the scheme has been approved and fully implemented.

The site operations will comply with the details set out in the approved scheme.

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Outside storage

17. All processing and recycling of metal shall take place inside the buildings shown on the plan named 'Existing floor plan and elevations', plan reference 1-2-001 Rev B, dated 25.04.2024, received on 10 October 2024 and all the processed metals that have been recycled shall be contained within the internal storage bays shown on that plan.

Reason: to limit the use applied for and the operational area, in the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

18. Prior to commencement of the development hereby permitted, details shall be submitted to the waste planning authority for approval of the exact location of the proposed outside storage of non ferrous metal in the yard area to the south and east of the building and the stockpile heights. The operations at the site shall be in compliance with the details submitted.

Reason: to limit the use applied for and the operational area, in the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Vehicle movements

19. There shall be no more than 36 (18 in and 18 out) HGV movements associated with site operation per day, with a maximum of 18 articulated HGV movements per day. There should be no more than 3750 HGV movements associated with the site per year.

Reason: in the interests of residential amenity and highway safety in accordance with policies 18 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP15, and LP16 of the Fenland Local Plan 2014.

Internal routing plan

20. All vehicles associated with the metal recycling shall follow the routes shown on the 'Internal vehicles site movements plan', reference 1-1-002 dated 23.05.2024 and received on 4 June 2024.

Reason: in the interests of residential amenity and highway safety in accordance with policies 18 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP15, and LP16 of the Fenland Local Plan 2014.

Site access direction of travel

21. Any heavy commercial vehicles collecting processed metal from the site shall turn right when accessing the site from the public highway and turn left when egressing from the site onto the public highway.

Reason: in the interests of residential amenity and highway safety in accordance with policies 18 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and policies LP2, LP15, and LP16 of the Fenland Local Plan 2014.

Lighting

22. No additional external lighting shall be erected or installed within or around the site unless full details have been submitted to and approved in writing by the Waste Planning Authority. Any such lighting shall and thereafter maintained in accordance with the approved details for the duration of the development hereby permitted.

Reason: In the interests of residential amenity, highway safety, energy use and to minimise light pollution in accordance with policies 1,17, 18, 20 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 and policies LP2 and LP16 of the Fenland Local Plan 2014.

Surface Water Drainage

23. The development hereby permitted shall not take place except in accordance with the existing surface water scheme outlined in the SLR Flood Risk Assessment dated 22 April 2024 and no changes shall be made to any impermeable areas or alterations to the existing site drainage infrastructure.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts in accordance with Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, and Policy LP14 of the Fenland Local Plan 2014.

Site liaison group

24. Within 3 months of the commencement of development a scheme for the inauguration, implementation and regular convening of a Site liaison group shall be submitted to and approved by the waste planning authority. Once approved, the agreed scheme shall be implemented from the date of approval and for the duration of the development hereby permitted.

Reason: To provide a forum in which the operator and representatives of the local community and regulatory bodies can share information relating to the site in accordance with the Cambridgeshire Statement of Community Involvement (adopted January 2019).

Informative

Membership of the liaison group referred to in condition 24 should include: the applicant and/or operator, the local County Councillor and District Councillor, representatives from local parish councils, the waste planning authority and the Environment Agency. All administration for the group will be undertaken by the applicant or operator.

Compliance with Paragraph 39 of the National Planning Policy Framework

The applicant did not seek pre-application advice but the Waste Planning Authority has worked proactively with them to ensure that the proposed development is sustainable, provides an economic and environmental improvement and acceptable in planning terms. The applicant has responded positively to the advice and recommendations provided and amendments have been made (where required) to satisfy concerns raised. All land use planning matters have been given full consideration, which resulted in overall support for the development proposal from statutory consultees.

Source Documents

[Link to Fenland Local Plan - Adopted](#)

[Link to - Minerals and Waste Local Plan](#)

Appendix 1

List of policy text from the National Planning Policy Framework

Paragraph 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment, including making effective use of land, improving 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. For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 48 – 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 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 57 - 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 57 - 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 decisionmaking. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 58 - Planning obligations must only be sought where they meet all of the following tests²⁵: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Paragraph 85 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 87 - Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: a) clusters or networks of knowledge and data-driven, creative or high technology

industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections); b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.

Paragraph 164 - New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and
- b) help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.

Paragraph 181 - 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 assessment⁶³. 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 be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- 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 182 - Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;
- b) have appropriate proposed minimum operational standards; and
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

Paragraph 187 - . Planning policies and 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- 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
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 198 - 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 201 - 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.

Enforcement and Monitoring Update Report 2025

To: Planning Committee

Date: 12 February 2025

From: Head of Planning

Electoral division(s): N/A

Purpose: To consider the following report

Recommendation: The Planning Committee is requested to note the content of this report.

Officer contact:

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1 Introduction

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work and formal action undertaken by the County Planning, Minerals and Waste (CPMW) team within the Environment, Planning and Economy service.
- 1.2 The Council's Scheme of Authorisation to Officers gives delegated authority to officers to issue planning contravention notices, enforcement notices, stop / temporary stop notices and breach of condition notices, relating to breaches of planning control for mineral and waste development, provided that any action taken is reported to the Planning Committee thereafter. The Scheme of Authorisation can be found on the Council's webpages: [Place and Sustainability Scheme of Authorisation - 11 October 2024](#)
- 1.3 The full update report is usually prepared and presented to Planning Committee on a quarterly basis, unless there are no items on the Committee agenda in which case the Chair approves postponing the update report until the Committee next convenes.
- 1.4 The last full Enforcement and Monitoring update report was presented to members on 20 March 2024 and covered the period 1 April 2023 up to 31 January 2024. A shorter enforcement update report was brought before members on 17 July 2024 which only provided updates on formal enforcement action taken by the team, in line with the reporting requirements in the Scheme of Authorisation to Officers.
- 1.5 Section 2 of the report covers the complaints received and investigated by the team between 1 January 2024 and 31 December 2024. Sections 3 and 4 of the report refer to formal Notices served and ongoing appeals, section 5 relates to the proposal to serve an Enforcement Notice and Stop Notice, subject to legal advice. Sections 6 to 8 provide updates on Planning Contravention Notices (PCN) that have been served in the period sections 9 and 10 detail PCNs that have been authorised and not yet served.
- 1.6 Section 11 of the report provides an update on the monitoring visits conducted by the team between 1 January 2024 to 31 December 2024. These dates account for the date of the drafting of the reports and the fact that there has not been an opportunity to bring an update report before members in the intervening period.

2 Complaints

- 2.1 At the time of writing this report County Planning Minerals and Waste (CPMW) have 28 active complaints under investigation. Of the current complaints:
 - 4 are the subject of formal enforcement action
 - 4 are awaiting the submission or determination of a planning application
 - 2 relate to a breach where a report recommending formal enforcement action is currently being prepared or reviewed by Pathfinder Legal
 - 5 relate to the preparation or service of a PCN
 - 13 remain under investigation.

- 2.2 Between 1 January 2024 and 31 December 2024, the team received 33 new complaints.
- 2.3 At the time of writing this report, 16 of the 33 complaints received were investigated and closed, the resolutions being:
- 7 not a County matter
 - 6 breaches remedied
 - 2 no breach of planning control established
 - 1 planning permission granted to address breach.
- 2.4 A further 8 pre-existing complaints were also closed in the period.

3 Notices Served

- 3.1 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking formal enforcement action.
- 3.2 Since the last update report to members no new formal ENs or BCNs have been served, however the CPMW team are awaiting legal advice in connection with a recommendation to serve an EN accompanied by a Stop Notice for unauthorised waste uses taking place at Beats Lodge, Murrow. Details of the investigation that led to this recommendation can be found in section 5 below.
- 3.3 A BCN remains in effect in relation to the failure to comply with planning conditions restricting working hours and site operations at Allen's Skips, Willow Row Drove, Littleport and officers are monitoring compliance with the Notice. Details of the investigation can be found in Appendix 1, along with the information relating to other formal notices that have been served and are at appeal.
- 3.4 Planning Contravention Notices (PCN's) are a formal legal questionnaire that is used to gather evidence of land ownership and information relating to alleged breaches of planning control. Since the last update report on enforcement action, three PCNs were served, the details of which can be found in section 6 to 8 below.
- 3.5 In addition, at the time of drafting this report, the team have the authorisation to serve two further PCN's and are preparing them for service. Details of these PCNs and the investigations that led to them can be found in sections 8 and 9 below and members will be provided with an oral update on their service at Committee.

4 Appeals

- 4.1 The Council continues to await the determination of three appeals against the service of enforcement notices. The appeals all relate to the unauthorised use of land for waste activities that need planning permission.
- 4.2 The appeals, which are yet to be decided by the Planning Inspectorate (PINS) and relate to:
- Land adjacent to Sandfield Bungalow, Mill Road, Fen Drayton (notice served 5 June 2024 and appealed 11 June 2024)
 - Land behind Corkers Crisps, Willow Farm, Pymoor, Ely

(notice served 16 November 2023 and appealed 13 December 2023)

- Land at The Pig Unit, Harthay Farm, Thrapston Road, Ellington
(notice served 5 October 2023 and appealed 4 November 2023).

4.3 Further information on these Notices and the Appeals can be found in Appendix 1.

5 Enforcement Notice and Stop Notice: Beats Lodge, Murrow

- 5.1 Between August 2020 and August 2023 officers investigated waste uses taking place at the site and a planning application for “Continued use of land for recycling inert waste including use of a screener; construction of an earth bund and material storage bays; and erection of a demountable building” was refused on 14 April 2022. The investigation by the CPMW team was closed in September 2023 when Fenland District Council granted planning permission for use of the land as a builder’s yard.
- 5.2 On 5 July 2024, the Environment Agency (EA) made the CPMW team aware that waste was being brought on to the site and put through a grading machine. On 9 July 2024 a joint visit by the CPMW team and the EA confirmed that a crusher had been brought on to site for processing waste.
- 5.3 On 25 July 2024, a letter was sent to the operator advising that further complaints had been received about activity at the site and that the importation, storage, processing of waste at the site should cease within 28 days otherwise officers would seek authority to serve an Enforcement Notice. On 1 September 2024 a further complaint was received about noisy activity at the site and the processing of waste material using a crusher.
- 5.4 On 3 September 2024, officers received an email from a representative for the site commissioned to assist with waste/environmental permit matters. The email listed a number of materials imported onto to the site and defined their status under waste exemptions. On 4 September 2024, officers wrote to the operator to advise that they were now seeking authority to serve an Enforcement Notice.
- 5.5 At the time of drafting this report, the CPMW team are awaiting legal advice on draft Enforcement and Stop Notices.

6 PCN served: Land behind 7-9 Main Street, Yaxley

- 6.1 In November 2022, officers began an investigation into allegations that waste activities were taking place at the site. In December 2022, officers visited the site and saw a large number of vehicles, boats, caravans and two vans with sign-writing advertising house clearance. There were also stockpiles of household and other waste items, including Waste Electrical Equipment (WEE), paint cans, and Construction and Demolition (C&D) waste on the site. The operator explained that the site was divided into several plots and that they were not responsible for all the items.
- 6.2 Following further investigation, it was confirmed that there was no planning permission for waste uses on the site and the operator was advised that all waste uses should cease. Over the following eighteen months officers had discussions with the operators and owners of the site to establish areas of responsibility, the types of

activity being conducted, what activities would constitute waste planning matters and what would be matters for the district planning authority.

- 6.3 In June 2024, having visited the site several times and seen little reduction in the waste materials on site, a report was drafted seeking authority to serve a PCN. The PCN was served in August 2024.
- 6.4 The response to the PCN and subsequent meetings resulted in an agreed timescale for the removal of waste accumulated and unauthorised activity to cease. Officers will continue to monitor the site until the breach is resolved.

7 PCN served: Saxon Pit, Peterborough Road, Whittlesey

- 7.1 In early October 2024, the CPMW team along with the Environment Agency (EA) and Fenland District Council (FDC) Environmental Health (EH) started to receive numerous complaints from Whittlesey residents about a putrid odour which was emanating from the Saxon Pit former quarry.
- 7.2 The multi-agency investigation indicated that the odour was likely to be as a result of soils being imported for use in the restoration of the buttressing of the eastern face of the former quarry, authorised under the county planning permission reference CCC/22/092/VAR. The approved restoration scheme for the site stated that all restoration soils would be inert and sourced from construction and demolition sites within as close proximity to Saxon Pit as possible. However, a new soil type had recently been approved by the EA for use at the site and this soil was classified as a wider waste type that included food waste, which is not inert.
- 7.3 The site operator rejected the suggestion that the new material was the source of the odour that was being widely reported. However, FDC EH officers went to site and were of the view that the new soils were the source of the odour. Officers from CPMW requested that the importation of the soils ceased and the operator agreed, pending the result of further investigation.
- 7.4 A PCN was served on 23 October 2024 in order to establish more details on the type and origin of the material being used in the restoration work, whether it complied with that approved as part of the planning permission and whether it could be established that this material could cause unpleasant odour.
- 7.5 Following discussions around the PCN with the operator of the eastern buttressing planning permission and the responses provided to the PCN, officers were able to confirm that the new material was definitely the source of the odour. As a result of the intervention and the service of the PCN, the operator agreed that the new alternate soils are not suitable for use in the restoration and would not be used going forward.

8 PCN served: Old Grain Silo, Flaggrass Hill

- 8.1 Between April 2021 and February 2022 an investigation was conducted into waste processing taking place at the Old Grain Silo, Flaggrass Hill. The investigation was closed after a site visit by officers during which established that no further waste would be brought to site.

- 8.2 On 28 February 2024 officers conducted an unannounced visit to the site, having received complaints about a neighbouring site linked to the same operator. Several stockpiles of processed and unprocessed waste were noted on site, including construction and demolition waste and green waste. Several skips containing scrap metal were also noted. The operator was reminded that planning permission is required for waste activities.
- 8.3 A follow up visit on 6 March 2024 confirmed that no further waste had been imported to the site. However, site visits on 18 June 2024 and 31 July 2024 found evidence that further waste was being processed on site and the unauthorised waste uses were continuing.
- 8.4 On 21 October 2024, a joint visit between the EA and officers from the CPMW team confirmed that the operator had a waste permit from the EA for the site, however the planning permission necessary to operate a waste business had not been obtained. The operator advised that they had commissioned an agent to prepare and submit a planning application.
- 8.5 The service of PCN was recommended in order to gather formal, legal confirmation of the operator's intention and timescales for the submission of any planning applications. PCNs were served on the operator and landowner on 9 January 2025. Members will be provided with an oral update on this case at Committee.

9 PCN Pending: Goslings Drove, Farcet

- 9.1 On 6 November 2024, the CPMW team received an allegation that a site at Goslings Drove, Farcet was operating as a waste transfer station. A search of planning records confirmed there was no waste planning permissions in place and an unannounced site visit took place on 13 November 2024.
- 9.2 The site visit confirmed that large scale and organised processing of inert construction and demolition waste was taking place and whilst the onsite operatives confirmed that they had a permit from the Environment Agency for these waste activities, there is not planning permission for waste uses at the site.
- 9.3 A report recommending that a PCN is served has been approved, so that officers can establish all those with interest in the land and gather further information about the breach of planning control. At the time of writing this report the PCN is being drafted for service and members will receive an oral update at Committee.

10 PCN Pending: Station Quarry, Steeple Morden

- 10.1 Station Quarry in Steeple Morden is one of two joined quarries which have planning permission to extract and export chalk. The most recent, and extant permission for the quarry was issued on 31 January 2024, under planning permission reference CCC/23/034/VAR. Condition 25A of the permission relates to the phased restoration and management of the quarry and requires:

"Within 6 months from the date of this decision, full details of the first phase of the restoration scheme, in so far as it relates to the application area relating to Station Quarry shown edged red on drawing number CCC/SM1 dated December 1999

received 13 March 2000, together with a management scheme shall be submitted to and approved in writing by the Mineral Planning Authority.”

- 10.2 Noting the date of the issue of the permission, the information to discharge the condition should have been submitted by 31 July 2024 but at the time of drafting this report, has not been submitted.
- 10.3 Officers from CPMW undertake proactive visits to the quarry under the chargeable monitoring regime and in the monitoring reports issued to the operator following visits, requests were made to provide updates on when the required scheme would be submitted. Following the date by which the scheme should have been submitted, the operator was given a further two months to submit the details but none were forthcoming.
- 10.4 As the deadline for submission has passed, and requests for the information have not resulted in it being provided, a PCN will be served in order to gather further information and inform whether it is necessary to pursue serving a Breach of Condition Notice or alternate formal action.

11. Site Monitoring visits 1 January 2024 to 31 December 2024

- 11.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites and levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The fees are £496 for each visit to an active site and £165 for inactive or dormant sites, or one which is in restoration.
- 11.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits.
- 11.3 Between 1 January and 31 March 2024 officers completed all of the remaining scheduled monitoring visits for the 2023-4 financial year. Between 1 April 2024 (the new financial year) and 31 December 2024 (the end of quarter 3 of the financial year), officers conducted a total of 56 chargeable monitoring visits. It is expected that the remainder of the planned chargeable visits will take place by the end of the financial year.
- 11.4 The total income from the site visits conducted in the current financial year is expected to be in the region of £31,077.00.
- 11.5 Other sites that are the subject of waste planning approvals, such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission.
- 11.6 Officers also conduct enforcement visits in relation to the sites listed above and to investigate unauthorised sites. However, the cost of these visits is borne by the Authority.

11.7 The table below shows the number of visits that the enforcement and monitoring team conducted between 1 April 2024 and 31 December 2024 i.e. the first three quarters of the financial year.

Site Type	Number of Visits
Landfill	9
Quarry	47
Non-chargeable sites	7
Complaint Visits	37
Total	100

Appendix 1 – Enforcement cases where notices have been served

Description of Breach	Location	Notice Issued	Comments
<p>Unauthorised material change of use from agriculture to a use for the importation, storage, processing and export of inert waste materials and the deposit of waste in an engineering operation to raise the land, without the necessary planning permission.</p>	<p>The Pig Unit (former Mushroom Farm), Harthay Farm, Thrapston Road, Ellington, PE28 4NJ</p>	<p>Enforcement Notice 5 October 2023</p>	<p>The notice requires that importation, processing and exportation of waste cease and that all deposited materials be removed from the land and for the land to be returned to the adjacent level.</p> <p>On 4 November 2023, the Planning Inspectorate (PINS) confirmed that an appeal had been lodged in respect of the EN, and on 9 January 2024 PINS confirmed that the appeal was valid and would follow the written representations procedure. Officers are awaiting the outcome of this appeal and have undertaken regular site visits since service of the notice to assess the current state of the site.</p>
<p>Without planning permission: The importation, depositing, processing and exporting of inert waste materials and the raising of the land with waste (Material Change of Use)</p>	<p>Land behind Corkers Crisps, Pymoor, Ely, CB6 2WA</p>	<p>Enforcement Notice 16 November 2023</p>	<p>The notice requires that the importation, storage, processing of waste and any further land raising cease. It also requires that the portacabin and screening equipment on site be removed.</p> <p>On 13 December 2023, the CPMW team were notified by PINS that an appeal had been lodged in respect of the service of the Enforcement Notice, and on 14 February 2024 PINS confirmed the start date of the appeal and that the written representation procedure would be followed. Officers are awaiting the outcome of this appeal and have undertaken two site visits since the service of the notice to assess the current state of the site.</p>
<p>Without planning permission: The unauthorised material change of use of agricultural land to a use for the storage and processing of waste.</p>	<p>Land adjacent to Sandfield Bungalow, Mill Road, Fen Drayton, CB24 4ST</p>	<p>Enforcement Notice 5 June 2024</p>	<p>The notice requires that the deposit and processing of all waste materials on site must cease, that waste materials and machinery associated with the waste uses must be removed and that the site be restored to a condition suitable for agriculture.</p> <p>On 11 June 2024, PINS confirmed that an appeal had been lodged in respect of the EN, and on 2 July 2024 PINS confirmed the appeal was valid and would follow the written representations procedure. Officers are awaiting the outcome of this appeal.</p>

<p>Breach of condition 2 of E/03005/05/CW which states "No waste shall be brought to the site for any purposes other than by means of vehicles operated by Allen's Skip Hire or successor companies in title"</p> <p>Breach of condition 5 of E/03005/05/CW which states "No waste transfer operations of any kind shall take place at the site outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays or at all on Sundays and Bank Holidays."</p>	<p>Land at Allen's Skip Hire, Willow Row Drove, Off Ten Mile Bank, Littleport, Cambridgeshire, CB 1EE</p>	<p>Breach of Condition Notice 20 June 2024</p>	<p>The notice requires that Ely Skip Hire should cease operating from the site as they are not a successor company in title to Allen's Skip Hire. It also requires that all work on site and all vehicle movements that is taking place outside of the approved working hours should cease.</p> <p>Since service of the notice officers from CPMW have undertaken two rounds of monitoring to assess compliance with the notice.</p>
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Summary of Decisions Made Under Delegated Powers

To: Planning Committee

Date: 12 February 2025

From: Head of Planning

Electoral division(s): All

Purpose: To consider the above

Recommendation: The Committee is invited to note the report.

Contact: Deborah Jeakins
Post: Manager, County Planning, Minerals and Waste
Email: Deborah.jeakins@cambridgeshire.gov.uk
Tel: 07468 719657

1 Introduction

- 1.1 At the committee meeting that was held on 31 January 2005, it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning, under delegated powers, would be provided.
- 1.2 The Scheme of Delegation set out in Part 3D of the Council's Constitution describes the extent and nature of the authority delegated to the Executive Director of Place and Sustainability to undertake functions on behalf of Cambridgeshire County Council. The delegations are made either by the Full Council or one of its committees. The Executive Director considered it necessary and expedient, to authorise the Service Director Environment, Planning and Economy, Head of Planning and the Business Manager, County Planning, Minerals and Waste to undertake functions on his behalf. These authorisations are included within a written schedule of authorisation published on the Council's website which is available at the following link: <https://www.cambridgeshire.gov.uk/council/meetings-and-decisions/council-constitution>.
- 1.3 The report contains a summary of the full planning permissions granted using delegated authority since the last report was presented to Planning Committee, along with details of applications for variations approved under Section 73 of the Town and Country Planning Act 1990 (as amended).
- 1.4 This report does not reflect the decisions made in relation to the discharge of conditions following the grant of planning permission or non material amendments to previously granted permissions.

2. Summary of decisions

- 2.1 The last delegated report was presented to Planning Committee on 17 July 2024. Sixteen applications have been determined under delegated powers during the period between 6 July 2024 (when the last report went for publication) and 22 January 2025 (the date of drafting this report), details of each are set out below:
1. CCC/23/137/FUL Extension to school, extension to car park, widening of access, two sheds, two bicycle shelters, air source heat pumps and associated enclosure, relocation of existing bicycle shelter and rack, relocation of existing pavilion, hard and soft landscaping, and other associated works.

Location: Littleport Community Primary School, Parsons Lane, Littleport CB6 1JT

Permission granted on 25.07.2024
Officer contact: Kathy Render on 07795 157990.
 2. CCC/24/037/VAR Erection of a 7-bay mobile classroom for a temporary period (retrospective).

Informative: Section 73 planning application to retain 7-bay mobile classroom for a temporary period until on or before 31 August 2029 without complying with condition 2 of planning permission E/3000/19/CC.

Location: Busy Bees Playgroup, Millfield County Primary School, Grange Lane, Littleport CB6 1HW

Permission granted on 29.07.2024

Officer contact: Deborah Jeakins 07468 719657.

3. CCC/24/041/VAR Section 73 planning application to retain 7 bay mobile classroom unit for a temporary period.

Informative: This is a Section 73 application that seeks to retain the existing mobile classroom without compliance with Condition 1 of planning permission F/2006/19/CC until on or before 31 August 2028.

Location: Clarkson Infants School, Trafford Road, Wisbech, PE13 2ES

Permission granted on 29.07.2024

Officer contact: Steven Weemes on 07818 577122.

4. FMW/073/19 Engineering operations to extend landfill void comprising reworking of fill material; placement of non-hazardous waste; measures to safeguard Warboys Claypit SSSI; and site restoration Informative: Section 73 planning application to develop land without complying with condition 2 of planning permission H/5022/18/CW to allow until 31 December 2023 to complete restoration.

Location: Warboys Landfill Site, Puddock Hill, Warboys PE28 2TX

Permission granted on 19.08.2024

Officer contact: Helen Wass on 07771 972694.

5. CCC/24/055/FUL Relocation of an existing 7-bay double mobile classroom building, to replace the current 5-bay single nursery mobile classroom for a temporary period. Informative: This application seeks to retain the existing mobile classroom until on or before 31 August 2029.

Location: Eastfield Infant And Nursery School, Pig Lane, St Ives PE27 5QT

Permission granted on 20.08.2024

Officer contact: Steven Weemes on 07818 577122.

6. CCC/23/071/VAR Section 73A planning application for erection of building with lean-to to front and partly enclosed canopy to rear for waste processing, proposed additional welfare cabin, part replacement of the concrete slab within existing yard, alterations to existing vehicular access and material change of use of land formerly associated with Eastwood Farmhouse for use for vehicle parking in association with the waste processing use removal of existing L shaped building to rear following fire damage. Informative: Section 73 planning application which

seeks to vary the condition 10 of CCC/21/247/FUL to change the existing hours of operation and start work at 0600 Monday to Saturday.

Datashredders, Eastwood Industrial Estate, Wimblington PE15 0QH

Permission granted on 11.09.2024

Officer contact: Alex Rankine on 07765 586420.

7. CCC/22/091/FUL Extension of irrigation reservoirs (part retrospective) and construction of a third reservoir by the extraction, processing and export of sand and gravel; excavation of clay for sealing the reservoir embankments; silt settlement lagoons; and temporary infrastructure with access onto the B1050 Chatteris Road between Ashwood and Holwood Nurseries.

Location: Land At Bridge Farm, Holme Fen Drove, Colne PE28 5EE

Permission granted on 13.09.2024

Officer contact: Helen Wass on 07771 972694.

8. CCC/24/039/VAR Completion of construction of two agricultural irrigation reservoirs following the extraction of sand and gravel

Informative: S73A planning application to vary conditions 2 (Compliance with Submitted Details) and 3 (Cessation of Development) of planning permission CCC/22/076/VAR.

Location: Lyons Farm Reservoirs, Wimblington Road, Manea PE15 0JZ

Permission granted on 16.09.2024

Offier contact: Kathy Render on 07795 157990.

9. CCC/24/042/VAR Section 73 application to develop land without complying with Condition 2 of planning permission E/3002/14/CC to allow retention of a 4-bay mobile classroom until 31 August 2024

Informative: Section 73 planning application to retain 4-bay mobile classroom for a temporary period until on or before 31 August 2028 without complying with condition 1 of planning permission E/3001/19/CC.

Location: Wilburton Primary School, Carpond Lane, Wilburton, Ely CB6 3RJ

Permission granted on 18.09.2024

Officer contact: Deborah Jeakins on 07468 719657.

10. CCC/22/053/VAR Materials Recycling Facility, offices and ancillary development. Informative: Section 73 planning application seeking to vary conditions 3, 7 & 16 of permission H/5007/14/CW to allow the storage of waste and the crushing and screening of hardcore waste outside the materials recycling facility building and to amend the surface water drainage scheme.

Location: Materials Recycling Facility, Station Road, Warboys PE28 2TX

Permission granted on 19.09.2024

Officer contact: Alex Rankine on 07765 586420.

11. CCC/24/038/VAR Section 73 planning application to retain 6-bay mobile classroom unit for a temporary period Informative: Section 73 planning application to retain 6-bay mobile classroom for a temporary period until on or before 31 August 2029 without complying with condition 1 of planning permission H/5012/19/CC.

Location: Sawtry Infants School, Middlefield Road, Sawtry PE28 5SH

Permission granted on 03.10.2024

Officer contact: Deborah Jeakins on 07468 719657.

12. CCC/24/071/FUL Proposed two-storey extension, pick-up and drop-off loop, vehicle parking, cycle parking, bin store and external works.

Location: Highfield Littleport Academy, Elmside, Littleport CB6 1LJ

Permission granted on 23.10.2024

Officer contact: Deborah Jeakins on 07468 719657.

13. CCC/24/065/FUL Continued disposal of stable non-reactive hazardous waste with revised final contours and restoration (part retrospective). Creation of wet grassland on previously restored agricultural land.

Location: Witcham Meadlands Quarry, Block Fen Drove, Mepal CB6 2AY

Permission granted on 24.10.2024

Officer contact: Helen Wass on 07771 972694.

14. CCC/23/134/VAR Original permission: Section 73 planning application to develop land without complying with conditions 1D, 3, 38, 39, 42, 43, 44, 44A, 46, 48, 49, 55, and 56A of planning permission reference S/02279/11/CW & S/02575/12/CW for an extension to the operational life of Area D of the existing landfill area from 31 December 2015 to 31 December 2036 for the landfilling of non hazardous waste; and to not fill Area E1 (Gravel Diggers) of the landfill with non hazardous waste and to restore that area instead to a lower level with onsite sourced clay material (by 31 December 2019); with the continued use of the Waterbeach Waste Management Park as set out in planning permission reference S/01587/99/CW

Informative: This is a new S73 application to vary conditions 43 & 44 of S/0013/15/CW at Area E1 (Gravel Diggers) for a revised profile for the restored site and amended drainage and planting only.

Location: Waterbeach Waste Management Park, Ely Road, Landbeach CB25 9PH

Permission granted on 30.10.2024
Officer contact: Alex Rankine 07765 586420.

15. CCC/24/040/VAR Section 73 planning application to allow retention of the mobile classroom for a temporary period.

Informative: Section 73 application to retain the existing mobile classroom for a temporary period until on or before 31 August 2028 without complying with Condition 1 of planning permission S/0067/19/CC.

Location: Milton C of E Primary School, Humphries Way, Milton CB24 6DL

Permission granted on 20.11.2024
Officer contact: Debra Creek on 07388 371246.

16. CCC/24/046/VAR Restoration of former mineral extraction site through infilling with inert materials and extension of area and extraction of clay for on-site engineering. Informative: Section 73 planning application to vary condition 3 (Approved plans and documents) of planning permission CCC/20/065/VAR to amend the restoration scheme.

Location: Brickyard Farm, Cow Lane, Godmanchester, Cambridgeshire, PE29 2EJ

Permission granted on 18.12.2024
Officer contact: Kathy Render on 07795 157990.