

Planning Committee Minutes

Date: 12 February 2025

Time: 10:00 am – 11:33 pm

Venue: New Shire Hall, Alconbury Weald

Present: Councillors Henry Batchelor (Chair), Catherine Rae (Vice Chair), Steve Corney, Ian Gardener, Neil Gough, Sebastian Kindersley, and Andrew Wood

94. Apologies for Absence

Apologies were received from Councillor David Connor.

95. Declarations of Interest

None.

96. Minutes – 17 July 2024

It was resolved to approve the minutes of the meeting held on 17 July 2024 as a correct record.

97. 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.

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

Applicant: East Midlands Waste Management Ltd

Application Number: CCC/24/048/FUL

The Committee considered a report on a planning application seeking to change the use of an existing building at Saxon Pit with planning permission for use as a plastics recovery facility and recycling of automotive shredder residue to metal recycling. The facility would be used for storage, sorting, separating, grading, sheering, baling, compacting, crushing, granulating and cutting of ferrous metals or alloys and non-ferrous metals. Members were given a virtual site tour in December 2024.

Committee was shown a map of the area as well as an aerial photograph of the site, identifying that it sat on the western side of Whittlesey, south of the A605 and north of the railway line.

Other waste management operations had already been approved by the Council and sat within a waste management area protected under the minerals and waste local plan.

Three such operations approved by the Council and controlled by permits from the Environment Agency (EA) which were in operation were:

- F/02019/12/CW (plastics recovery and recycling automotive shredder residue facility by East Midlands Waste Management Ltd and which was being proposed in this application for change of use)
- CCC/21/024/FUL (Johnsons Aggregates & Recycling Ltd which processed incinerator bottom ash (IBA) to create incinerator bottom ash aggregate (IBAA) and would be the donor for the metal proposed in this application)
- CCC/22/092/VAR (buttressing of the eastern pit face with imported waste)

The officer also referred to the following applications for operations within Saxon Pit which would come to Members in the future:

- CCC/24/078/FUL (proposal to buttress the southern pit face with imported waste for safety and stability)
- CCC/24/091/VAR (to increase the throughput for the processing of IBA)
- CCC/25/006/VAR (to extend the time allowed to complete the eastern buttressing)

Further aerial and site photographs identified the relevant buildings that this application proposed to use, as well as a site plan and an area map outlining the access to the building on the site and the eastern buttressing which was nearing its completion. Plans were presented showing the elevations of the existing building and the proposed concrete 'lego' block walls intended to contain all the processed metals within the building.

It would be conditioned that all metals would come from the adjacent Johnsons site, and that throughput of waste would be limited to a maximum of 75k tonnes per year. At the time of this application, the metal was taken offsite, but the proposal was to keep it onsite and recycle it. It would go through processing equipment in the building before going through screeners, magnets and gravity tables to separate different types of metal based on size and density. Processing and majority of stockpiling would be contained within the building, with only minimal outside storage of non-ferrous processed metals requiring approval regarding stockpile heights before metal would be recycled.

No changes were being proposed to the main structure of the building, though the poor state of repair was noted, and a condition was recommended that improvements be made to the roof and recladding. The Council would also require noise monitoring after the improvements to the building had completed to assess the noise emitted with improvements in place. The Council would require an acoustic report as set out in one of the noise conditions recommended.

The Committee was presented a routing plan showing vehicle movements onto, out of, and around the site. No new vehicle movements were proposed as the source metal was already on site. A condition proposed limits to the daily HGV movements, and no objections had been received from Highway Development Management nor the Transport Assessment Team. A proposed condition would prohibit exiting traffic from turning left and driving through Whittlesey.

The application had received 30 public representations and a late representation from Stephen Barclay, MP asking Members to refuse permission. Issues raised within the objections were not planning considerations and many did not relate to this planning application, therefore could not be taken into consideration in decision-making. These included concerns about:

- non-conforming waste imported into the eastern buttressing which had been investigated by the EA in 2021 and determined that it was safe for waste to stay on site with appropriate mitigations
- operator performance
- noise and dust from the wider site and cumulative impacts
- the possible health risks of IBA
- water being pumped into Kings Dyke without a permit from the EA

The presenting officer explained that decisions on planning applications must be based on the acceptability of the proposed use of the land and highlighted that the EA are the pollution control authority.

The presenting officer confirmed that they had worked closely with the EA and Fenland District Council Environment Health to investigate and address concerns, and the EA were processing a discharge permit which would include water sampling in addition to groundwater monitoring, bore hole monitoring, and gas monitoring already undertaken in relation to the wider site and monthly unannounced visits from the EA.

Whittlesey Town Council (WTC) requested a S106 legal agreement, which the officer explained could only be used to mitigate aspects of the development which could not be controlled by planning permission. WTC also requested an overall site manager, however planning permissions would operate independently and there would be no mechanism for planning to require or enforce this. A condition recommended a liaison forum to encourage information sharing with other site operators.

The reasons for recommending approval of the application included the use of an existing waste management facility in a waste management area, the location next to a business which already exported waste metal off site for recycling, the proposal compliance with local and national policy, no objections from statutory consultees, no additional vehicle movements, and active planning conditions drafted to address the requests from consultees and the public for the imposition of more robust planning conditions. Conditions required noise and dust monitoring plans, noise limiting conditions including acoustic reporting, and noise management and mitigation.

In response to Member questions, the presenting officer explained:

- The Johnsons planning application approved 24-hour work inside the building, however officers worked with the EA recommendations to propose a start time of 7AM, though acknowledged this could be reconsidered.
- The existing permission to process plastics would not be revoked, however should this application be approved, it would supersede the previous application.

- The noise management, monitoring, and mitigation plan would include setting limits and monitoring levels following building improvements to ascertain whether noise would reduce, and should limits be exceeded, there would be appropriate mitigation.
- There was a request for more robust dust management, monitoring, and mitigation which would determine how frequently dust would be monitored, noting that metal recycling was not a dusty operation.

The Chair invited Mr Stephen Rice, the Agent for the applicant to address the Committee, who started by commending the officer's report in compliance with planning policy. In highlighting the salient points, Mr Rice reminded Committee that the proposal is to use an existing structure on site which totalled 190 acres, and rather than transport metals offsite for processing, metals would be transported a short distance to an existing infrastructure for processing, which would cover only 25 acres. The applicant was prepared to improve the building by recladding once there was a justifiable use. Mr Rice noted the conditions in this application were more detailed than the conditions in the existing plastics recycling facility. In response to concerns raised by local residents, the client proposed to implement a scheme to improve highways access, though this was not a condition of the application. Mr Rice stated that the applicant was committed to setting up a liaison group to ensure good communication between the operator and relevant organisations. They were committed to working with regulatory bodies to ensure the site would not impact on the wider environment or community.

Mr Rice discussed the client's intention to progress the site to the point where there were multiple businesses operating high quality and ideally complementary waste recycling facilities. Upon completion of the buttressing works, the remaining uses would be waste recycling and a science and technology park subject to planning permission with Fenland District Council. The remainder would be country park for wildlife and ground mounted solar panels. It would be in the applicant's best interest to operate the waste recycling businesses in compliance with planning and permits to facilitate long-term plans.

In response to member questions, the Agent:

- Confirmed that the entire site was included for employment use in the emerging Fenland local plan.
- Explained that whilst the intention of the site liaison group was to fulfil a condition for this application, the applicant also operated the buttressing scheme. Therefore, the liaison group could deal with other matters arising relating to the buttressing operations. The Agent acknowledged that there would be a reliance on good will of the operators, though the applicant had good communication with Fenland District Council and the EA, and that he had already improved unregulated matters.
- Briefly described the metal sorting process, stating there was large magnetic equipment used to separate out the ferrous metal, leaving a mixture of copper aluminium and other non-ferrous metals. These would then be further sorted using gravity tables to separate various components as well as hand-picking.

The Chair invited Mr Alan Bessant, a member of the public representing the Saxongate Residents Group and who had registered to speak to address the Committee. Mr

Bessant sought confirmation from the Committee that it had read the group's submissions shared ahead of the meeting, which Members later confirmed. Mr Bessant expressed disappointment that the cumulative effects highlighted by Public Health England, request for a central management of the site, and self-approved permits could not be considered as part of this application.

He had concerns that the source of metal from the Johnsons Aggregate IBA was a potentially toxic material posing a risk to the environment if not handled correctly, suggesting the dust from the operation would be of specific concern. Though the application requested consent to process up to 75k tonnes of metal per year, Johnsons would only create 7-15k tonnes per year, therefore Mr Bessant queried where the additional 60k tonnes would come from.

As a sealed clay pit, Mr Bessant suggested that drainage schemes in Saxon Pit relied on pumping unfiltered water into Kings Dyke. Though the EA had taken water samples, results would not be known for some time. Mr Bessant felt the discharge ought not be authorised without a permit, and queried when the Council would push the operator and the EA to resolve the matter.

Mr Bessant noted that in a previous application presented on 25 January 2023, the Agent agreed to install air quality monitoring equipment, stating the results would be shared with the Local Authority and EA, though it is not known whether any data had been shared with officers. Mr Bessant requested that this equipment be installed and data made publicly available. He also requested that viable and timely noise validation plans be set by the Council and enforced. Noting that the old shed asbestos cement was meant to be replaced with metal cladding, Mr Bessant requested this should be insulated sound barriers or acoustic barriers.

Mr Bessant referred to an odour event in October 2024 for which the Council determined the applicant was responsible, though the EA stated the applicant never accepted responsibility nor provided public comment. Situations such as this had destroyed the residents' trust in the system and the ability for regulators to control such circumstances.

The meeting moved to questions for officers and Member comments:

- Members acknowledged that many residents were concerned about the levels of noise, dust and odour emitting from existing operations at the site and that this could be exacerbated under the new operation. Though Members had questions around dust and noise monitoring, and sought reassurance that the Council would ensure these would be adhered to, they were overall supportive of the application and acknowledged the application would increase efficiency of processing recycling on site rather than taking it off site to process.
- In relation to the liaison group, officers were aware that the Saxongate Residents Group had met with Johnsons on six occasions but stressed that these were not meetings of the Johnsons liaison group as the Local Planning Authority did not attend. Officers could request that the different liaison groups set up in relation to the Saxon Pit operations (Johnsons, the metal recycling facility, and the eastern / southern buttressing) share meeting minutes with one another to address

communication between businesses.

- It was confirmed that WTC would be invited to attend the liaison group.
- Members questioned whether the Saxongate Residents Group or a representative of the local residents could participate in the proposed liaison group, stating that having such representation would be productive for both the operator and in encouraging sharing of information. Officers recommended that membership to the group would not include a representative from a single residents group as this might not accurately represent the opinions of all residents in the area. Rather, residents ought to be encouraged to approach their local Member to represent their views. Officers agreed to amend the informative to include representation from residents.
- Officers confirmed that a planning contravention notice was served in respect of the odour incident mentioned by the public speaker which confirmed that soil materials brought onto the buttressing were the cause of the odour. The developer agreed they were the source of the odour, and although the EA allowed use of that soil, they would not use it again.
- Officers confirmed a suite of conditions on noise management were proposed which included mobile equipment having broadband reversing alarms, and setting noise limits based on acoustic reports submitted by the applicant using equipment set at the boundary of noise sensitive properties. Following completion of the building repair, the Council would need revised and updated noise assessments, detailing noise impact from the processing of metal. Another condition included the noise management, monitoring and mitigation plan for ongoing operations. This plan would detail how and how often the operator would monitor, the results of which would be sent to Environment Health, how they would record and investigate complaints, and how often the plan would be reviewed and updated.
- The Fenland District Council Environmental Health Officer confirmed the onus would be on the applicant to have qualified people monitor noise within the scope of BS4142, the standard methodology for noise monitoring. Noise would be calculated using consistent fixed monitoring points to compare fixed parameters against different periods of time. Noise monitoring would use calculated, predicted noise levels and actual noise levels once the operation was in progress. Officers requested that the applicant provide predicted mitigation measures and validation monitoring. The planning conditions set very specific noise limits relating specifically to this activity on the site, and a cumulative impact assessment could not be conducted. Noise level modelling calculated the levels which would have attenuated by the time it reached residential properties that would then be compared with background noise levels. The applicant stated they could achieve noise levels below the background noise levels for that area.
- If actual noise levels would not meet those in the proposed planning condition, it would be a breach in planning. Regular monitoring was designed to support mitigation of noise and compliance with planning conditions.
- In relation to dust, a condition was proposed regarding where and how materials would be stored on site, confirmation that vehicles would be covered, how operators

would ensure material would not be tracked from site to keep access roads clean, details of maintenance and operations of air quality monitoring device already installed, and how as well as how often the data would be reviewed. Should the technical consultees state the conditions on this were inadequate, the plan would not be approved rather work would take place with Environmental Health to improve it. Though the residents group would not be consulted in the approval of the dust plan as it would be a technical submission, communication with the group would be ongoing and sharing of information in draft form would occur with the residents group.

- The Fenland District Council Officer explained dust could be controlled as metal recycling was not an inherently dusty process. Should matters arise, such as adverse weather conditions leading to increased dust, the dust management plan could be revised.
- Though this permission would not increase vehicle movements, the operator had expressed intention to improve the access road in efforts to manage dust, but this was not a requirement of the application.
- Members queried the process of air quality monitoring and the perceived failures of existing monitoring system because information had not been made publicly available. Fenland District Council agreed that the air quality data could be made publicly available on a portal as the equipment installed at the time was the same that the District Council had installed which was linked to a national website. It was noted that the area being monitored was within the site boundary which would be dustier than in residential locations outside the operating area. Therefore, should air quality data be made publicly available, there ought to be clarity on expected and tolerable levels from within the site. Officers stated the wording to the proposed condition on dust monitoring could be amended to say the information would be made publicly available.
- Members questioned how residents could trust that their future concerns would be addressed following past perceived failings. Fenland District Council stated most activities of the site were regulated by environmental permits from the EA, and these took precedence on how they would be enforced and monitored. As a result, this withdrew certain power from the Local Authority, however the Local Authority would regulate the site within their powers, monitoring, communicating, investigating and pursuing remedies where appropriate.
- Members expressed confidence in the conditioning with the aforementioned iterative process.

It was proposed by Councillor Kindersley and seconded by Councillor Gough to approve the conditions as set out in the proposal with additions to the wording in the dust and noise management plans around publicising data and informative relating to the membership of the liaison group which should refer to local residents.

It was resolved unanimously that permission be granted subject to the conditions set out in paragraph 10.4.

98. 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 the formal enforcement action taken since the previous report presented in March 2024.

The report provided detail on the notices served and decisions pending from the Planning inspectorate on three enforcement notices in relation to land at The Pig Unit, Ellington, land behind Corkers Crisps, Ely and land off Mill Road, Fen Drayton, all of which had been appealed, and which all related to the unauthorised importation, storage and processing of waste.

A breach of condition notice was in force in relation to the former Allen's Skips site in Littleport.

The team was due to serve an enforcement notice accompanied by a temporary stop notice in relation to the land at Beats Lodge, Morrow. Legal advice had been taken and the drafting of the notices for service was being finalised. Once served, officers would update Members in line with the scheme of authorisation to officers. The relevant Local Members and Parish Councils had been notified of the sites where the investigations and formal enforcement action had been taken.

Since the report was drafted, the team served a Planning Contravention Notice (PCN) on the operator at Station Quarry, Steeple Morden and was finalising the PCN for Goslings Drove, Farcet.

A Member queried the time between notices being served and action taken, noting different timescales for different sites. Officers stated that Planning Contravention Notices differed from Breach of Condition Notices, Enforcement Notices, and Stop Notices in terms of work required. The PCN, as a legal questionnaire with no right of appeal would be simpler to draft and serve, whereas the other forms of notice would require more advice from legal as getting it wrong could result in appeal or the notice being unsuccessful in accomplishing what would be required.

It was resolved to note the report.

99. Summary of Decisions Taken Under Delegated Powers

The Committee received a report that provided a summary of the decisions taken under delegated powers.

It was resolved to note the report.

Chair