

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:

<b>Aspect</b>	<b>Quantification of carbon emissions (+) or savings (-) in tonnes CO<sub>2</sub>e</b>	<b>Effect</b>
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 Buttrass 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](https://www.gov.uk/government/guidance/waste-planning-policy)) 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 to 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 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 recladding 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 reclad 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](#)