

## Planning Committee Minutes

Date: Wednesday 20 April 2022

Time: 10:00a.m.- 12.15p.m.

Venue: New Shire Hall, Alconbury Weald

Present: Councillors Batchelor (Chair), Bradnam, Connor, Corney, Gardener, Kindersley, Rae (Vice Chair) and Smith

### 25. Apologies for Absence

None.

### 26. Declarations of Interest

Councillor Corney declared a non-pecuniary interest in minute 28 as he had worked at Saxon Pit, but not for the applicant.

Councillor Connor declared an interest in minute 28 as he was present at Whittlesey Town Council where the application was discussed and received a presentation from Saxon Gate Residents Group and the applicant. He assured the Committee that he did not engage and would remain open minded to the application.

Councillor Gardener informed the Committee that he was a former employee of London Brick but was not involved with the applicant.

### 27. Minutes – 24 February 2022 and 16 March 2022

It was resolved to approve the minutes of the meetings held on 24 February 2022 and 16 March 2022 as a correct record.

### 28. Importation, storage, processing, including use of Trommel, picking and recycling of incinerator and bottom ash (IBA) and construction and

demolition (C&D) waste, for exportation for use as incinerator bottom ash secondary aggregates (IBBA).

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

Applicant: Johnsons Aggregates and Recycling Limited

Application Number: CCC/21/024/FUL

Members received a Planning Application which sought permission to import, store, process and recycle 250,000 tonnes per annum incinerator bottom ash (IBA) and 50,000 tonnes per annum of construction and demolition (C&D) waste, for exportation for use as incinerator bottom ash secondary aggregates (IBBA)

The presenting officer informed the Committee that since the publication of the agenda and report, 16 further copies of an objection letter and one other relating to public health had been received. The points raised in the letter were addressed at paragraph 6.6 of the officer report.

An addendum to the officer report had been published on the Council's website ([here](#)) relating to draft condition 6 relating to operating hours at the site that would provide clarity to the site restrictions.

The Committee noted that Energy from Waste facilities run constantly and incinerate waste 24 hours a day. The applicant was therefore contractually obliged to accept the by-product constantly which placed a need to accept material on bank and public holidays. Therefore, the weighbridge would be required to be operational and therefore proposed condition 6 did not exclude public holidays.

Members noted that there had been a large number of objections from the public in respect of this application which have been addressed in the considerations section of the officer report. There were no objections to the planning application received from statutory consultees.

The presenting officer informed Members that an number of objections had been received that did not relate to the application before the Committee. Waste material deposited elsewhere on the site, noise and odour emissions, building use and metal crushing were not related to the applicant and Fenland District Council Environmental Health Officers was investigating alleged breaches. The applicant was not yet operational at the site.

The presenting officer explained the process for the importation and processing of waste material at the site.

The Committee were shown a map of the site area and noted the highlighted operational application site together with a further area included with the consent of

landowner to enable the operator to fulfil a Biodiversity Net Gain of 19%. The presenting officer explained that there was no facility in the application site to provide additional biodiversity owing to the concrete base.

A site plan was shown that illustrated building locations that have extant planning permissions. Storage areas, trommel and IBAA storage area and the unprocessed IBBA areas were also highlighted together with the outline of the office welfare building.

Photographs of the A605 view to Whittlesey were shown together with a close view of the site entrance at which a 'no left turn sign' was visible. The Committee noted that the applicant had volunteered and was working with the Highway Authority to improve the entrance to the site and 10m either side of entrance along the highway.

The presenting officer drew attention to the IBBA storage area and Trommel and informed the Committee that the IBBA storage bays would be covered in compliance with the requirements of the Environment Agency permit.

The Committee noted that the applicant had installed air monitoring equipment and provided a base line before the site became operational. Those results are submitted to the Environment Agency for consideration.

In response to member questions:

- Clarity was provided regarding the activities taking place at the site during January and February 2022 where residents had raised concerns about noise emanating from the site. Operations had begun to re-start following a period of inactivity due to the COVID-19 pandemic. An existing waste related planning permission had been halted for a period of time for both an Environment Agency investigation regarding unauthorised material entering the site and for Covid reasons, however, that could now continue. The other existing permission at the site related to a company (TAG), that admitted mixed shredder waste for processing to be exported as Residue Derived Fuel. That company was no longer at the site and was not operational in January 2022 (although the permission was still live). 2 of the buildings occupied by TAG form part of the application being considered. A further company had begun operating in a building previously occupied by TAG that imported raw green material to the site and processed the material to create forest products. The company operated a trommel in the building.
- It was confirmed that reports of residents being woken at night due to noise had been investigated with extensive noise monitoring undertaken. The noise recorded at the site had not reached the threshold to be considered a statutory nuisance and were not related to the application before the Committee for determination.
- It was noted that the base-line levels for the noise levels was undertaken during a period of lockdown during the COVID-19 pandemic and therefore there were no operations taking place at the site and there was also reduced traffic noise. The applicant had projected noise levels against that baseline rather than what would be considered normal noise levels when the site was fully operational.

- Confirmed that the photographs shown to the Committee of the A605 were taken on 16<sup>th</sup> March 2022 between 2.30 and 3pm.
- It was explained that with regard to the washing of trailers before leaving the site, the applicant operated under the requirements of the Environment Agency Permit which had already been issued as they were satisfied with the proposed environmental controls.
- It was noted that the applicant proposed to install rapid opening and closing doors together with sophisticated ventilation that would minimise material escaping the building and noise. It was confirmed that in hot weather, the doors would remain closed.
- It was explained that monitoring of PM10 and PM2.5 particles was a matter for the Environment Agency acting in its role as the pollution control authority.
- Members noted that car parking for houses located at the entrance to the site was located to the rear of the buildings.

The Chair invited Councillor Roy Gerstner, speaking on behalf of Whittlesey Town Council to address the Committee and expressed the concern and views of residents and concentrated on the A605.

Councillor Gerstner referenced a Peterborough Highways Report which stated that the A605 had the 2<sup>nd</sup> highest number of HGV movements in Fenland (2,351 in 12 hours measured in 2019). The predicted HGV movements relating to the proposed development would, in reality, be in the region of 25,000 per annum, producing in excess of half a million tonnes of CO<sub>2</sub>. Councillor Gerstner also questioned the extent to which material for processing could be sourced locally, adding that much would have to be transported from many miles away.

The Committee was informed that Whittlesey Town Council, was of the view that insufficient weight had been given to the amount of pollution from the circa 25,000 HGV movements per year. There had been insufficient assessment of NO<sub>2</sub> (Nitrogen dioxide) CO<sub>2</sub> (Carbon dioxide) or Particulate Matter 2.5 and 10 as to the effect they would have on residents and nearby school. Although it was accepted that monitoring of pollutants/odour and noise would be undertaken, there was no long-term calculation of the potential effects of such pollutants.

Councillor Gerstner drew attention to the carbon footprint of the HGV movements that were contrary to the aims of the Cambridgeshire and Peterborough climate change report that sought reductions in all areas of climate pollution. Commenting further, he questioned how all vehicles would arrive and depart to and from the west of the site and what sanctions drivers would face for non-compliance.

Although accepting that processing of IBA material was preferable to it being sent to landfill, Councillor Gerstner commented that the site location was inappropriate, being too close to residential areas and a primary school. Furthermore, the quantity of rubber and carbon left on the road from the tyres and brakes of the HGV vehicles was significant (on average a 4-axle tipper lorry would deposit 176kg of dust per year).

In conclusion Councillor Gerstner highlighted the Government's commitments around climate change following the COP26 conference and the Council's promised a strategic approach to climate change, delivering a place-based approach to tackle the climate crisis and implored Cambridgeshire County Council to deliver on that promise.

The Chair invited Paul Capell, Chairman of Johnson's Aggregates and Recycling (applicant) to address the Committee. Mr Capell began by highlighting the experience and positive reputation the company enjoyed within the industry. The Committee noted that the design of the facility had been reviewed and approved by the Environment Agency. Mr Capell continued by informing the Committee that that Johnson's Aggregates and Recycling could clearly demonstrate how the company moved waste up the waste hierarchy. Hazardous or toxic waste could not be accepted at the site. The Committee was informed that 10% of waste material brought to the site for processing was metal that was extracted, sorted and sent to smelters for recycling. The facility would also produce IBBA, used in road aggregates. Any material leaving the site was designated as non-hazardous and reduced the need for quarried materials.

Mr Capell concluded by addressing some of the concerns regarding the planned operation at the site. The sector was highly regulated and the material that would be processed posed no risk to health or the environment. There was minimal risk of dust as operations would be undertaken indoors and state of the art dust monitoring would be undertaken, including that of PM10s. Noise levels would not constitute a nuisance as the baseline for the noise report was undertaken during a period of lockdown during the COVID-19 pandemic and the site was not operational. Mr Capell shared the concerns regarding the A605 and informed the Committee that it was written into contracts for HGV drivers not to turn left out of the site and would be monitored by ANPR.

In response to Member questions Mr Capell:

- Explained that the proposed operational hours at the site were dependent on the material being brought to the site. It was not intended to crush material on Bank and Public Holidays however, there could be a need to accept material when there were 2 Bank Holidays close together such as Easter and Christmas.
- Informed Members that the total number of HGV movements detailed in the officer report accounted for all HGV movements. The Committee noted that currently there were no restrictions on the number of HGV movements.
- Explained that the addendum tabled at the start of the meeting provided added clarity regarding working hours. Members noted that the operations that would be permitted to take place 24hrs a day would be undertaken indoors and were subject to an Environment Agency Permit and there were no objections from statutory consultees relating to noise.
- Informed Members that several attempts at public consultation had been made. Mr Capell explained why providing a telephone number through which the public could lodge noise complaints may not be appropriate as there was a risk that it would field calls relating to other operations at the site. Mr Capell was, however, open to the

establishment of a liaison committee. Members noted that it would not be organised by the Council.

- Explained that HGVs were equipped with the latest pollution controls and all operated Euro 6 engines. A sustainability consultant had also been employed by the company who would be looking at the potential for electrification of vehicles and loaders at the site.

The Chair invited Mr Steven Hodson representing Saxon Gate residents' association, formed to oppose the proposed development. Mr Hodson informed the Committee that he lived on the A605 and was a retired surveyor and planning consultant. Mr Hodson welcomed the clarification of the operating hours and drew attention to the requirement of other permissions at the site for imported material to be inert with 7am – 5pm operating hours Monday to Friday with some activity on Saturdays. Mr Hodson asserted the view that the waste that would be processed at the site would in fact be hazardous as the material contained micro-plastics (100k particles per 1 tonne of IBA) and residents would be exposed to many particles, drawing attention to the proximity of residential dwellings and nearby school. Mr Hodson cited 2 reports produced by Zero Waste Europe that supported the assertion that IBA was hazardous. Commenting further, Mr Hodson highlighted that the Applicants provided assurance that all regulations would be complied with and commented that the regulations also protected the amenity of residents. Mr Hodson pointed out the use of old brick buildings that were difficult to insulate. The proposed operation was to take place in the location. Other IBA plants were located away from residential areas and utilised purpose-built facilities. In conclusion Mr Hodson requested that planning permission be refused and if that was not possible, then the application be deferred to allow for evidence of the health risk posed by IBA to be fully considered.

The Chair invited Mr Chris Morgan representing Kings Delph residents to address the Committee. Mr Morgan focussed his speech on the volume of HGV traffic, that would be generated by the development if approved and its impact on pollution and safety. Mr Morgan informed the Committee that there was the potential for the number of vehicles to be 19k per day and added to that would be up to 150 HGVs if the applicant was successful in securing additional capacity. Mr Morgan disagreed with the traffic and health impact assessment contained in the officer report and countered that such an increase in the number of HGV movements would have a detrimental impact on both. Mr Morgan also questioned whether the material would be imported on 27 tonne vehicles and was sceptical that it could. Mr Morgan concluded by addressing the existing pedestrian footway along the A605.

The applicant explained that the total weight of the lorry would be 44 tonnes and that 27 tonnes represented the weight of material carried.

The Chair invited local Member Councillor Chris Boden to address the Committee. Councillor Boden informed the Committee that he lived 70m from the lip of Saxon Pit and was likely to move house in the next month, however, it was unrelated to the application before the Committee. Councillor Boden informed Members that the site had generated more constituent complaints than any other issue and highlighted the National Planning Policy Framework (NPPF) that stated decisions should take account of the cumulative effect of development. Councillor Boden expressed his support for

the other public speakers who demonstrated the negative effect on residential amenity. Councillor Boden focussed on the noise nuisance that would emanate from the site as additional use would create additional noise and negative effects. Citing paragraph 185 of the NPPF, Councillor Boden informed Members that planning decisions should be appropriate for the area and account for cumulative impact of development. Councillor Boden drew attention to the number of representations received that illustrated the considerable local concern. Councillor Boden highlighted the other permissions granted in Saxon Pit that all restricted operating hours to protect residential amenity. The application would create more noise and more disruption for local residents and noise had greater impact at night. It was therefore essential that over-night operations were prevented, and operating hours restricted.

In response to Member questions Councillor Boden:

- Explained that he had complete confidence in the technical analysis contained in the noise assessment and that there was no statutory noise nuisance emanating from the site. Councillor Boden explained further that he and residents had worked closely with the Environmental Health Officer and that the complaints were not continuous and appeared depending on the activities taking place at the site. Noise monitoring had been undertaken in resident's back garden and had significant success in addressing some of the complaints.
- Commented that if the Committee did not believe there were sufficient grounds for refusal, then conditions should be imposed to achieve the necessary balance between the need for the development and the protection of residential amenity.
- Commented although the Environmental Health Officer had no objection to the proposed development, there was and had been for some time noise that would undoubtedly increase if permission was granted. Councillor Boden accepted that it was not a statutory noise nuisance that would be emanating from the site but encouraged the Committee to consider the cumulative effects of such development on residents.

During debate of the application Members:

- Expressed concern regarding the operating hours at the site and the impact that would have on residents' amenity.
- Commented that all of the statutory consultees who had closely examined the application documents and the officer report have raised no objection and therefore, while notwithstanding understanding the concerns of residents there was no basis to refuse the applicant on planning grounds.
- Commented that objections received had been addressed within the application. Many of the activities at the site were to be conducted indoors and conveyors were to be covered. Complaints received regarding the site related to other activities taking place at the location and were not linked to the application. Attention was drawn to the self-store and van hire businesses that were located at the site entrance and confirmed that they were matters for Fenland District Council.

- The Environmental Health Officer addressed members and confirmed that noise had been assessed cumulatively and the Committee noted the explanation of how the assessment was undertaken during the COVID-19 pandemic.
- Expressed concern regarding the proposed operation times at the site and asserted the view that there was a compromise to be achieved between the viability and operational requirements of the operation and the residents' amenity. The Chair invited Mr Capell to comment on the proposed hours of operation. Mr Capell explained that there was no possibility of varying the proposed operating hours due to the contractual requirements of the importation of material.
- Commented that there had been no material reason for refusal provided and therefore proposed to add an informative that requested the establishment of a liaison committee chaired by the local Member and that invite be extended to other operators at the site along with the Environmental Health Officer and a representative of the Environment Agency.

It was proposed by Councillor Kindersley, seconded by Councillor Gardner that the recommendation be put to the vote.

On being put to the vote it was resolved by majority [**6 votes in favour, 2 against, 0 abstentions**] that planning permission be granted subject to the conditions as amended in the addendum report set out in Appendix A to these minutes and the additional informative detailed above.

## 29. Summary of Decisions Taken Under Delegated Powers

It was resolved to note the report.

Chair



## Appendix A

### Implementation

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

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

### Extent of the Approved Site Area

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

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

### Deposit of Waste

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

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

#### Occupation of the Development

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

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

#### Approved Plans and Documents

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

- Site Location Plan ES Part 1- Appendix 2 received 22 February 2022
- Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021, received 07 January 2022
- Building 1 - Bund Layout by HSP Consulting Ltd Ref C3432-012-C1 dated 01 June 2021, received 07 January 2022
- Building 1 - Plan and Roof Heights Plan by Johnsons Aggregates and Recycling Ltd dated 27 July 2021, received 07 January 2022
- Building 2 - Plan and Roof Heights Plan by Johnsons Aggregates and Recycling Ltd dated 27 July 2021, received 07 January 2022
- IBA Stockpile Wall Layout Plan by HSP Consulting Ref C3432-011-C1 dated January 2022, received 07 January 2022
- New Welfare – Office Building Plan by Phoenix Modular Construction dated July 2021, received 07 January 2022
- Weighbridge Building Plan by GCS Cabins Ltd Ref GCS023 dated 26 March 2021, received 07 January 2022
- Appendix 5 Lighting Plan by Johnsons Aggregates and Recycling Ltd Ref JAR001 v1 dated 29 January 2021, received 18 February 2021
- HSP Framework Workplace Travel Plan by HSP Consulting Ref C3432 dated April 2021, received 23 April 2021
- HSP Transport Assessment by HSP Consulting Ref HSP2021-C3432-T&T-TA-74 dated 10 February 2021, received 18 February 2021
- HSP Addendum Transport Assessment by HSP Consulting Ref HSP2021-C3432-T&T-TA-74 dated April 2021, received 23 April 2021
- HSP Addendum Transport Assessment Appendices by HSP Consulting Ref C3432 received 23 April 2021
- Flood Risk Assessment (Including Surface Water Drainage Scheme) by HSP Consulting Ref HSP 2021-C3432-C&S-FRAS1-60 dated February 2021, received 18 February 2021
- Addendum Flood Risk Assessment v1 by HSP Consulting Ref HSP 2021-C3432-C&S-TR-152 dated April 2021, received 28 April 2021
- Addendum Flood Risk Assessment v2 by HSP Consulting Ref HSP 2021-C3432-C&S-TR-241 dated September 2021 received on 01 October 2021
- Updated Surface Water Drainage Strategy Rev D by HSP Consulting Ref HSP2020-C3432-C&S-TR-18 received 01 October 2021

- ES Part 2 – Section 6 - Phase I Geo-Environmental Desk Study Report by HSP Consulting Ref HSP2021-C3432-G-GPI-65 dated January 2021 and received on 18 February 2021
- ES Part 2 – Section 7 - Preliminary Ecological Assessment by Peak Ecology Ref HSPCo04 dated 15 February 2021, received 18 February 2021
- Reg 25 Updated Ecological Assessment by Peak Ecology Ref HSPCo05.1 dated 12 May 2021, received 14 May 2021
- Air Quality Assessment v 2 Ref P4648-R1V2 by Noisair Acoustics and Air Quality Ltd dated 17 June 2021, received 29 March 2022
- Biodiversity Net Gain Proposals – Revised (v2.0) by Applied Ecology Ltd dated 24 February 2022 received 01 March 2022
- Biodiversity Net Gain Metric received 01 March 2022
- Climate Change Transport CO2 calculations received 11 March 2022
- Sustainability and Climate Change Statement by SBRice Ltd dated February 2022, received 21 February 2022
- Noise Impact Assessment Rev I Ref 16426-NIA-01 by Clement Acoustics dated 11 February 2022, received 15 February 2022
- Technical Noise Memo by Clement Acoustics Ref 16426-TM-01 dated 09 November 2021, received 21 December 2021
- Dust Management Plan Rev 12 by Johnsons Aggregates and Recycling Ltd dated 02 February 2022, received 15 February 2022
- Odour Management Plan Rev 8 by Johnsons Aggregates and Recycling Ltd dated 02 February 2022, received 15 February 2022
- Proposed General Arrangement Plan SB-HSP-00-00-DR-C-909 Rev A dated 18 February 2022 and received 30 March 2022
- Proposed Road Markings and Signage Plan SB-HSP-00-00-DR-C-908 Rev C dated 04 February 2022 and received on 30 March 2022
- 10m HGV Tracking Part 4 SB-HSP-00-00-DR-C-907 dated 05 January 2022 received 10 January 2022
- HGV Routing Agreement Plan ref JAR-024-01 received on 22 March 2022
- 10m HGV Tracking Part 3 SB-HSP-00-00-DR-C-906 dated 05 January 2022, received 10 January 2022
- 10m HGV Tracking Part 2 SB-HSP-00-00-DR-C-905 dated 05 January 2022, received 10 January 2022
- 10m HGV Tracking Part 1 SB-HSP-00-00-DR-C-904 dated 05 January 2022, received 10 January 2022
- 16.5m HGV Tracking Part 1 SB-HSP-00-00-DR-C-901 dated 05 January 2022, received 10 January 2022
- 16.5m HGV Tracking Part 2 SB-HSP-00-00-DR-C-902 dated 05 January 2022, received 10 January 2022
- 16.5m HGV Tracking SB-HSP-00-00-DR-C-903 dated 05 January 2022, received 10 January 2022
- Revised Car Park Layout SB- HSP-00-00-DR-C-900 dated 10 January 2022, received 10 January 2022
- HGV Routing Agreement Plan ref JAR-024-01 received on 22 March 2022
- Health Impact Assessment Final by SBRice Ltd dated March 2022, received 25 March 2022
- Fire Safety Plan received 10 June 2021

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

#### Hours

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

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

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

#### Noise

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

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

8 Noise levels shall be monitored by the operating company in accordance with the Noise Impact Assessment Rev I Ref 16426-NIA-01 by Clement Acoustics dated 11 February 2022 and received on 15 February 2022. Monitoring survey results shall be kept by the operating company during the lifetime of the permitted operations and a monitoring report supplied to the Waste Planning Authority within 10 working days of receipt of written request.

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

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

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

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

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

Dust Management and Monitoring

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

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

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

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

Air Quality Management and Monitoring

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

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

Odour Management and Monitoring

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

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

Vehicle Movements

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

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

Record of Vehicle Movements

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

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

HCV Access and Egress

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

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

#### HCV Routing Agreement

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

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

- 19 The development hereby permitted shall not be brought into operation until a CCTV monitoring system has been installed at the site entrance onto the highway. The system shall be designed to record all vehicle movements into and out of the site. Recordings from the CCTV shall be retained for a minimum of 12 months and made available to the Council at their request.

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

#### HCV Sheeting

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

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

#### Annual Throughput of Waste

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

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

#### Ecology

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

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

#### Biodiversity Net Gain

- 23 Within three months of the date of this consent, a detailed landscape scheme and Landscape and Ecological Management Plan shall be submitted to the Waste Planning Authority for approval. The scheme shall include:
- Details of habitat creation and enhancement set out in the Biodiversity Net Gain document
  - Landscape and Ecological Management Plan, detailing habitat maintenance and monitoring of BNG delivery, for a period of 5 years, including any remedial actions
  - Demonstrate how the scheme will deliver measurable biodiversity net gain
- The approved Landscape and Ecological Management Plan should then be implemented in full.

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

#### Maintenance of Soft Landscaping

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

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

#### Stockpile Heights

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

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

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



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

#### Surface water Drainage

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

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

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

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

#### Informatives for applicant

##### Informatives

##### Environment Agency

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

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>.

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

### **Environmental Permit**

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

Local Lead Flood Authority

### **Infiltration**

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

### **OW Consent**

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

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

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

### **Signage**

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

### **Green Roofs**

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

### **Pollution Control**

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the

construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

#### Compliance with paragraph 38 of the National Planning Policy Framework

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

## Appendix B

### Addendum Report – Planning Committee Meeting 20<sup>th</sup> April 2022

#### Addendum to Agenda Item 4 CCC/21/024/FUL – Former Saxon Brickworks Peterborough Road, Whittlesey PE7 1PD

Proposed amendment to the wording of proposed condition 6

#### Hours

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

- External crushing and screening of C& D material is permitted to take place between 08:00 – 18:00 Monday to Friday ~~including~~ **excluding bank and public** holidays;
- External movement, loading and repositioning of IBA, IBAA and C&D material **within the site edged red on the Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021 received on 07 January 2022 is permitted to take place between 06:00 - 22:00** Monday to Friday and 08:00 – 18:00 on Saturdays;
- **The delivery and removal of Incinerator Bottom Ash, Construction and Demolition Waste, recovered metals and Incinerator Bottom Ash Aggregate materials shall only take place between the hours of 06:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and at no time on Sundays.**
- Processing of IBA within recycling building 1 as shown on the Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021 received on 07 January 2022 **is permitted to take place between 06:00 to 22:00** Monday to Friday including bank holidays and 08:00 – 18:00 on Saturday;

- Processing of IBA within recycling building 2 as shown on Revised Site Layout Plan by HSP Consulting Ltd Ref C3432-600-P07 dated 19 August 2021 received on 07 January 2022 **and use of associated machinery is permitted** 24 hours a day, 7 days a week including Sundays and Bank Holidays (except Christmas Day); and
- Essential servicing and maintenance of plant of other similar works of an essential nature **is permitted 24 hours a day, 7 days a week** including Sundays and Bank Holidays (except Christmas Day).

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