

WHITTLESEY TOWN COUNCIL – Planning Committee

Minutes of the Planning Committee held on Monday 16th September 2024 at 7.15pm at Peel House, 8 Queen Street, Whittlesey, PE7 1AY

Present: Cllr Miscandlon, Arman, Bibb, Nawaz, Singh-Gill, Wainwright, Laws

Officer in attendance: Sue Piergianni – Town Clerk & RFO

Recording: The recording is made as an aide memoir for the Clerk

P78/2024. To receive apologies for absence from members.

Cllr Dickinson (personal)

P79/2024. To receive the minutes from the Planning Committee held on Monday 12th August and Wednesday 28th August 2024

Ratified: The minutes from Monday 12th August were approved and signed as a true record and the Minutes from the 28th of August were reported.

P80/2024. To receive members' declaration of disclosable pecuniary, non-disclosable pecuniary and nonpecuniary interests in relation to any agenda item.

Cllr Laws – Portfolio Holder for Planning at FDC, will only observe or give clarification on policy issues.

P81/2024. Public Forum (Time allowed 15 Minutes) - 20 members of the public present

Cllr Roy Gerstner – Local Resident -The damaging effects of air pollution on human wellbeing.

Residents surrounding the Industrial Saxon Pit area, along with some others dependent on wind direction have been suffering from issues on dust, noise and smell for over 7 years.

The damaging effects of air pollution on human health and well-being are unquestionable. The European Court of Human Rights has ruled many times on cases of environmental pollution. There is extensive case law and argue that to some extent the Court has already de facto recognized a human right to a healthy environment and, within it, the right to clean and healthy air. Consequently, this right is protected as a fundamental right within the current European human right's legal framework

Although the European Convention on Human Rights does not contain an explicit right to clean and quiet environment, the Court has developed its case-law and established that where an individual is directly and seriously affected by noise or other pollution, an issue may arise under the Convention. The Court has underlined that serious damage to the environment can affect the well-being of individuals. Also, States are not only obliged to refrain from arbitrary interference but also have the positive obligation to adopt reasonable and adequate measures to protect the rights of the individual.

<https://rm.coe.int/thematic-factsheet-environment-eng/1680a00c09>

Clean Air (Human Rights) Bill [HL] House of Lords.

<https://publications.parliament.uk/pa/bills/lbill/58-03/005/5803005en06.htm>

[For some considerable period \(over 7+ years\) residents have complained about their amenity to clean air, dust free and noise pollution. Only recently has one of the regulators admitted to some of the issues - 7 years?](#)

The EA say they have received and dealt with 578 complaints related to Saxon pit over the last two years. We don't know the breakdown or how many have been validated. Not all will relate to the present applicant.

FDC :- For them the Answer = 34

CCC said (again the same two year period) :-

Tomorrow 17th there is a multi-agency meeting with Stakeholders and the Saxongate Residents Group, there will be invited Whittlesey Councillors present.

In respect of this latest planning application, I believe all residents deserve better. I propose WTC should recommend refusal on the grounds of Dust mitigation, Noise mitigation, and Smell mitigation.

There is also the almost doubling of HGV movements involved in this expansion program, Whittlesey has the 2nd highest number of HGV's passing through it in the whole of Fenland. The applicant plans 24 hour operation -

The applicant should prove they can handle and deal with their current throughput before any consideration to double the amount of IBA to be processed.

Chris Morgan – Local Resident – The residents of Kings Delph are very concerned by the latest application by JARL (CCC/24/091/VAR) to seek a huge increase in their Saxon Pit operation and the very large number of additional HCV movements through Kings Delph which they are requesting.

The Transport Assessment (**ES Appendix 2 Transport** 30 August 24) submitted on their behalf by David Tucker Associates contains statements which are untrue and others which show their total disregard for their responsibilities as mandated under the current planning agreement.

UNTRUE – Para 3.6.1 *“To Facilitate walkers and cyclists there is an existing pedestrian footway it is continuous to both Whittlesey (to the east) and Peterborough (west)”*

The footway through Kings Delph is partly on the north and partly on the south – if you wish to walk from one end to the other on the south side of KD it is necessary to cross the A605 twice, there are no controlled crossing points. There is NO FOOTWAY west of KD towards Peterborough – approx. 1000 metres.

(This incorrect statement is also found in the ES- Appendix 5 **Health Impact Statement** where it is shown under **Para 5.28**)

DISREGARD - Para 4.2.2 *“The site has consent for 92 movements per day ----- Current outputs are above this averaging 140 per day”*

This is 50% above the permitted number, it is not something that happened accidentally and proves their complete disregard for any agreed limits.

We do not believe the figures as set out in **Table 3 – HCV Traffic Profile** are realistic. There are no movements between 19.00 and 07.00 but at other times up to 51 in an hour (1 in or out approx. every 2 mins) Equally as the throughput is doubling why do JARL require three and a half times the number of movements? (Increase from 92 to 332)

We believe this is to enable them to vastly exceed their stated throughput.

Safety/Environmental damage – **Para 2.2 (a, c, f)** safety/noise or vibration/air quality are all relevant: - overnight noise and continuous vibration, particularly from HCV's is a massive problem in KD and an additional 240 HCVs per day will clearly impact on air quality.

See also **Para 2.3(d)** Each increase in traffic has a cumulative detrimental effect on the A605 which, as an old Fen Road, was never built to carry today's traffic volumes

When they cannot get something as simple as the existence of a footway correct, we are unable to have trust in any of their statements. This application MUST be refused and further, given the total disregard shown for their responsibilities and undertakings as given under the current planning agreement, we feel the site should be closed until further notice.

Any company which so blatantly breaks its responsibilities cannot be trusted to ensure the safety of its own workforce nor of the general public. That cannot be permitted.

David Bailey Local Resident– These objections are from 5 households who are residents of Churchfield way (3 of whom are not able to comment to CCC against the application due to no media/broadband access) and relate to: -

External movement, loading and repositioning of IBA, IBAA and C&D material within the site

The delivery and removal of Incinerator Bottom Ash, Construction and Demolition Waste, recovered metals and Incinerator Bottom Ash Aggregate materials, Processing of IBA within recycling buildings 1 and 2

Most of the issues affecting the residents are compounded as a direct result of the site being downwind of the town's natural position in relationship of the prevailing wind consequently wind speed and direction increases the occurrences of nuisance reports of both noise levels and air born dust.

The performance of these activities results in the opening and closing of vehicle side and rear tailgates, and material handling and movement within the site. This regularly results in very loud clangs of metal hitting metal – with materials handling producing surface scraping and reversing warning buzzer noises. These incidents have already been apparent from 6.00am and is of sufficient level to arouse anyone from sleep. Should the extension of working hours be permitted this will cause unacceptable disturbance of sleep patterns. Along with increased levels of airborne dust particles which are already unacceptable.

The proposed variation to the working hours in Building 1 so that they correlate to those already permitted in Building 2 Will result in additional noise generated by further trammel operation and the additional noise associated with movement of material during nighttime.

Mitigation appears to be minimal from the noise levels that we are being subjected to (including trammel noise which does not support reported findings by the acoustic consultant) also the presence of dust is a constant battle requiring constant cleaning inside and out.

Additional vehicle movements will no doubt impact on our already stressed roads adding to the congestion and causing additional damage to the road surfaces.

For these reasons the residents request that the application, be turned down.

Patrick Nightingale – Local Resident – Firstly - Would WTC please submit a response in line with the one submitted for the Eastern Buttrass. It was felt that it was a well constructed response and much of this is down to a single person from the planning group liaising with others to get correct context and content.

Secondly - Would WTC be prepared to provide a coach or similar to allow residents to travel to future CCC planning meeting discussing Saxon various planning applications if it is held outside of Whittlesey area (quite likely)

Thirdly - The applicant is involved in the production of IBAA but does not appear to work to the industry Code of Practice (CoP) written by Manufacturers of IBA Aggregates Association (MIBAA)

Also the Global Alliance for Incinerator Alternatives (GAIA) has shown that IBA may not be as safe as we are led to believe with significant studies carried out in Europe and other countries. Showing that IBA may contain Dioxins & Furans (plus many other heavy metal/chemicals etc)

Johnson's have in this, and previous applications set limits on any pollution they may emit during operations, however this appear to be desk top modelling as I and others have yet not seen any validation reports of this assumed levels. For all we know they could be better than stated or worse, simple fact is we don't know as validation is not a requirement once operational

Mr Orchard and Mr Bradshaw concurred with everything that has been said.

John Male – F/YR24/0690/F advised the council that the drawings on the application, they show the entrance to the site being directly opposite the entrance to the industrial park on Station Road, this is not the case the as the entrance is off to the left and right, the plans also part of the application going across land that is owned by Mr Male of 6 Turning Tree Road. Mr Male has requested that they planning application be refused.

P82/2024. To consider planning applications received from FDC and CCC.

F/YR24/0657/F - Erect single-storey detached annexe ancillary to existing dwelling at Land North Of 8 Delph Street Whittlesey Cambridgeshire.

The Town Council recommend refusal in line with the officer's report from 2023, Policy LP16 (a) and LP18 of the Fenland Local Plan 2014 states that the council will work to protect, conserve and seek opportunities to enhance the historic environment. The proposed development is an unfortunate act of shoehorning that adversely impacts on the character, appearance and viability of the host dwelling which is a non-designated heritage asset. It is also considered to harm the character of the Whittlesey Conservation Area by detracting from the historic development layout of the Conservation Area. As such, the proposal fails to accord with policies LP16 and LP18 of the Fenland Local Plan, 2014 and Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of

privacy or loss of light. There is significant harm anticipated in terms of overlooking from the proposed dwelling to private amenity space associated with No6b Delph Street. As such, the proposal fails to accord with policy LP16 of the Fenland Local Plan, 2014

F/YR24/0685/F - Conversion and extension of existing garage to form annexe ancillary to the main dwelling at 6 Wakelyn Road Whittlesey Peterborough Cambridgeshire PE7 1JT

The Town Council recommend refusal of this application as there is inadequate living accommodation, the light from the proposed windows is not sufficient and would not comply with building regulations. If Officers are minded approving the application, it should be tied to number 6 Wakelyn Road and must not be sold separately.

F/YR24/0690/F - Erect an industrial building (B2/B8 use), changes to external appearance of existing building and demolish further building on site including formation of an additional access at Progress House 256 Station Road Whittlesey Peterborough Cambridgeshire PE7 2HA.

The Town Council recommend refusal as the Highways Plans are inaccurate, therefore WTC cannot form formulate a suitable response. The consultation report and plans submitted also have inaccuracies and need to be resubmitted the town council would then be able to formulate a full response. It should also be noted that the new buildings would have an adverse effect on neighbouring residents.

F/YR24/0704 - Erect a single storey rear extension to existing dwelling involving the formation of a swimming pool at 59 March Road Coates Peterborough Cambridgeshire PE7 2BX

The Town Council have no objection and therefore recommend approval

CCC/24/091/VAR - Proposal: 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 - Former Saxon Brickworks, Off Peterborough Road, Whittlesey, Cambridgeshire, PE7 1PD

Whittlesey Town Council strenuously objects to the proposed variation in conditions of CCC/21/024/FUL on the grounds of the nuisance of dust, noise and odour having a significant adverse effect on local residents across a large part of Whittlesey.

The proposed variation would, amongst other changes, permit double the amount of IBA and IBAA to be transported, processed and moved on the site.

Despite the fact that the applicants Planning Statement declares current operations to have "negligible effect" with regard to Dust, Odour and Noise, the fact that there have been over 600 dust, odour or noise complaints to the Environment Agency, Fenland District Council Environmental Health and Cambridgeshire County Council (plus additional unspecified 'correspondence' that has not been classified as a 'complaint') in the last two years demonstrates the failure of whatever control systems the applicant has in place for their current operations to be ineffective and illustrates the extreme adverse affect on resident's amenity that is occurring at the current levels of processing.

The effectiveness of the applicants control measures is further undermined by the lack of transparency over the results from the monitoring that is claimed to be carried out. It is proving virtually impossible to get information, from the applicant or the overseeing agencies, about measured level of noise, of dust, and of the type and levels of pollutants recorded.

We would be remiss in our obligation as a council to have a duty of care for the affected residents if we were not to strongly urge that this application should be refused until such time as the applicant can demonstrate that ADEQUATE and EFFECTIVE controls are in place for the current operations and that suitable ASSURANCE can be given that any future variation to the conditions would be properly controlled."

Additional Information

Three horseshoes application at Turves has been withdrawn.

P83/2024. Date of next meeting: Monday 30th September 2024.

Meeting Closed: 20:13



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Cllr Alex Miscandlon
Chairman - Planning Committee

