

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.

At: Land at Saxon Pit, Peterborough Road Whittlesey, Cambs PE7 1PD

Applicant: East Midlands Waste Group Limited

Application Number: CCC/22/092/VAR

To: Planning Committee

Date: 25 January 2023

From: Head of Service, Planning and Sustainable Growth

Electoral division(s): Whittlesey North

Purpose: To consider the above planning application

Recommendation: That permission is granted subject to the conditions set out in paragraph 12.1

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1. Introduction / Background

- 1.1 The application site at Saxon Pit, Whittlesey is a previously excavated clay pit for the brick industry, located outside of the development boundary for the village of Whittlesey.
- 1.2 Planning permission for the buttressing and stabilisation of the former quarry steep face slopes was originally granted in November 2003 for a maximum period of 10 years or 5.5 years after the date of commencement. However, it wasn't until 28 November 2006 that the approved works actually commenced. Owing to the economic recession, the rate of importation of suitable materials into the site had been much lower than expected. Consequently, a series of S73 planning applications have been necessary to provide sufficient time for the eastern and south eastern faces to be restored to an acceptable standard, with the most recent planning permission being F/2015/18/CW, which was approved in September 2020.
- 1.3 Further to the economic recession, there was a change in ownership of the site in 2017 which resulted in delays in the transfer of the Environmental Permit, coupled with a shortage of available suitable fill, which meant that it was not possible to complete the development at the site within the timescales stated in previous planning permissions. It was estimated, at that time, that 30,000 m³ of material was required to complete the scheme and the operator was confident that it could be achieved within a further two years as an extension to the project. The applicant requested an amendment to conditions 1 and 2 attached to planning permission F/02012/12/CW to extend the end date for the importation and deposit of waste fill material and the restoration of the land to 28 August 2018. In November 2018 a S73 application was submitted seeking a further extension of time in which to complete the buttressing work and restoration at the site, planning reference F/2015/18/CW.
- 1.4 The description of the development stated on F/2015/18/CW was originally: 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 without compliance with Conditions 5 (time limit for importation and deposit of waste fill), 6 (time limit for site preparation, buttressing, stabilisation and restoration), 35 (restoration programme), 36 (submission of restoration and landscaping), and 39 (ecology management plan) with the cessation of importation and deposit of waste by 2 years from the date of the decision and the cessation of site preparation, buttressing, stabilisation and restoration by 2 years and 2 months from the date of the decision.
- 1.5 The description of F/2015/18/CW was amended by a Non-Material Amendment in 2022 and now reads as follows: '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'.
- 1.6 Condition 5 of F/2015/18/CW required that the importation and deposit of waste fill material cease by a date no later than 2 years from the date of that consent (i.e. by 17 September 2022 and Condition 6 required that the work of site preparation, buttressing, stabilisation and restoration cease no later than 2 years and 2 months from the date of that consent and the land be restored in accordance with the approved ecologically based restoration scheme and all ancillary equipment and structures removed from the restored

land (i.e. by 17 November 2022). The applicant was unable to complete the required importation of waste material within the period afforded by the then consented end date of 17 September 2022 and this application seeks to extend the time to complete the buttressing and restoration works by a further 2 years and 2 months. This application was submitted prior to the dates for cessation of the works set out in Conditions 5 and 6 of F/2015/18/CW.

2. The Site and Surroundings

- 2.1 The town of Whittlesey is situated approximately 8 kilometres (approximately 5 miles) to the east of Peterborough. The Saxon Pit Brickworks 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 owing to past clay extraction and covers in total more than 80 hectares (more than 197 acres) of land. Most of the pit including the brickworks is approximately 20 metres (approximately 65.62 feet) below original ground level, the deepest point being located at the base level in the south eastern area of the site at a depth of 26 metres (approximately 85.3 feet) below ground level as indicated on approved plan SLR Noise Monitoring Locations Plan ref: SP 7/1 4D/017/024 attached to this report. The northern and north eastern faces of the Pit have been buttressed with waste bricks and quarry waste and restored. The eastern face is partly restored whilst the southern face remains to be fully restored and is steep in character.
- 2.2 Vehicular access to the pit is achieved directly from an existing entrance on to the A605 Peterborough Road.
- 2.3 The application site is situated on the eastern and south eastern edge of the former Saxon Pit. The floor of the application site is approximately 26 to 28 metres (85.3 to 91.86 feet) below the original ground level found to the east of the pit. An area of the application site is covered with reeds and reed grasses and there is permanent standing water in ponds and ditches. The eastern boundary of the site adjoins a residential housing estate, notably the rear gardens of properties in Snoots Road and Priors Road, whilst to the south east lies the King's Dyke watercourse, which flows beneath the Peterborough to March railway.

3. The Proposed Development

- 3.1 This planning application is a Section 73A application which seeks to continue to develop land without complying with two conditions of planning permission F/2015/18/CW, thereby seeking to extend the end date for the completion of the infilling and restoration works. The Applicant states that there are a further 35,000 cubic metres of inert waste required to complete the engineering operations. The relevant conditions are:

Condition 5:

The importation and deposit of waste fill material shall cease by a date no later than 2 years from the date of this consent.

Condition 6: The work of site preparation, buttressing, stabilisation and restoration must cease by a date no later than 2 years and 2 months from the date of this consent and the land shall be restored in accordance with the approved ecologically based restoration scheme and all ancillary equipment and structures removed from the restored land.

3.2 The application proposes changing the wording of these conditions to read as follows:

5. The importation and deposit of waste fill material shall cease by a date no later than 2 years and 2 months from the date of this consent.

6. By no later than 2 years and 6 months from the date of this consent all site preparation, buttressing, stabilisation and restoration works shall cease and the land shall be restored in accordance with the approved ecologically based restoration scheme and all ancillary equipment and structures removed from the restored land.

3.3 Other than to include references to documents previously approved under Conditions 29 and 30 of permission reference F/2015/18/CW, there are no other changes proposed to either the extant set of planning conditions, any of the previously approved schemes or drawings, the waste streams or types, or the method of working at the site.

4. Planning History

4.1 The planning history for this application is set out below:

4.2 On 18 November 2003 planning application reference F/2026/02/CW was approved for: The importation of controlled inert construction and demolition waste for the buttressing, stabilisation and restoration of a former mineral excavation face together with associated waste materials reception area, land at Saxon Pit, Peterborough Road, Whittlesey.

4.3 On 16 July 2012, planning application reference F/02012/12/CW was approved for: Variation of conditions 5 and 6 of planning permission ref F/2026/02/CW to extend the date by which the importation and deposit of waste fill material must cease from 30/09/13 to 28/05/2016 and to extend the date by which site preparation, importation of inert waste fill material buttressing, stabilisation and restoration must cease and a revised restoration scheme must be completed from 30/05/2015 to 28/11/2017.

4.4 On 7 December 2017, planning application reference F/2014/17/CC was approved for: Section 73 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 without compliance with Condition 1 (time limit for the importation and deposit of waste fill material) and condition 2 (time limit for cessation of site preparation work, buttressing, stabilisation and restoration) of planning permission F/2012/12/CW to extend these time limits until 29 November 2018.

4.5 On 17 September 2020, planning application reference F/2015/18/CW was approved 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 without compliance with Conditions 5 (time limit for importation and deposit of waste fill), 6 (time limit for site preparation, buttressing, stabilisation and restoration), 35 (restoration programme), 36 (submission of restoration and landscaping), and 39 (ecology management plan) with the cessation of importation and deposit of waste by 2 years from the date of the decision and the cessation of site preparation, buttressing, stabilisation and restoration by 2 years and 2 months from the date of the decision.

- 4.6 On 12 October 2021, Non Material amendment reference CCC/21/117/NMW was approved for: Non-material amendment to allow the replacement of the 500mm clay cap placed over the filled material with the use of 1000mm of subsoils affecting condition 35 of planning permission F/2015/18/CW.
- 4.7 On 15 September 2022, Non Material amendment reference CCC/22/098/NMA was approved for: Non-Material amendment application to amend the description of planning permission F/2015/18/CW to read as follows: '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.

5. Publicity

- 5.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by means of a notice in the Fenland Citizen on 28 September 2022.
- 5.2 Site notices were placed on the vehicular entrance to the site.
- 5.3 Discretionary notification letters have been sent to properties bordering the application site and close to the vehicular access point on the public highway.

6. Consultation responses

- 6.1 The following responses were received from consultees:
- 6.2 Fenland District Council Environmental Health: No objection.
The National Planning Policy Framework recommends that the planning policy system should contribute to, and enhance the natural and local environment by, amongst other things, preventing both new and existing developments from contributing to or being put at unacceptable risk, or being, adversely affected by unacceptable levels of pollution. Matters ordinarily for consideration of an application of this type would be the potential noise, odour and dust impacts associated with the proposed continuation of these works. Whilst it is important to ensure sufficient controls are in place to minimise any potential environmental impacts of these works, there is an obvious benefit to the Community and Applicant for these works to now be completed as soon as possible. I note that the works are currently regulated under an Environmental Permit – by the Environment Agency (EA). Discussions with the EA confirm that: emissions of noise / dust / odour are covered by the Environmental Permit concerning the works that are the subject of this planning application; and, EA Officers continue to monitor activities on the site to ensure best

practice is being met and proportionate mitigation measures are implemented as necessary. Officers from Fenland District Council (FDC) will continue to work closely with EA Officers and other relevant Agencies to ensure activities on site are closely monitored, and community concerns are addressed accordingly. I would recommend that the Applicant is respectfully reminded: of the need to ensure that the works are undertaken in accordance with current best practice at all times, to minimise any potential environmental impacts; and, that FDC have a duty to investigate any allegations of statutory nuisance and will continue to work jointly with the Environment Agency to monitor the site and undertake appropriate investigations as required.

- 6.3 Environment Agency: No objection to the time period of the permission being extended to enable the operator or landowner to complete the stabilisation project of the excavation void as in accordance with their environmental permit. All monitoring infrastructure including boreholes positioned within the waste mass and the site boundary must be maintained to allow accurate representative samples to be taken at all times. It is our understanding that Borehole 1 (BH1) positioned within the waste mass maybe blocked or damaged. If required, a new borehole must be drilled and piped within the immediate area of the existing BH1 to allow representative sampling to continue. Leachate generated from the eastern buttress drains into the onsite sealed storage lagoon. This must be contained, managed and removed for appropriate disposal or recovery elsewhere to a suitable permitted facility unless an environmental discharge permit is in place issued by the Environment Agency to allow effluent to be discharged to the Kings Dyke watercourse.

There is currently no environmental permit in place to discharge effluent from the lagoon to any watercourse or ditch. The below ground impermeable clay plug must be installed along the eastern and south-eastern crest of the eastern buttress to prevent or minimise water ingress entering the pit from the adjacent Kings Dyke watercourse and from groundwater. The French drain must also be installed along the eastern boundary crest of the buttress to intercept surface water runoff from the adjacent residential area.

- 6.4 Highway Authority: No objection.
- 6.5 Natural England: No objection.
- 6.6 Network Rail: No objection.
- 6.7 Local Lead Flood Authority: No objection.
- 6.8 County Ecologist: No objection.
- 6.9 Internal Drainage Board (IDB): No response received.
- 6.10 Whittlesey Town Council: Objects to the proposal on the grounds that the dust, noise and ecological assessments are dated and may not reflect the current situation on and around the application site. The Council also raises concerns over surface water being pumped from the site and the perceived risk of contamination to local watercourses.

7. Representations

7.1 A total of 15 Neighbour representations signed by 18 individuals have been received and their representations are summarised below:-

- The continuation of unacceptable noise, dust and odour pollution;
- Ecological impacts have not been considered in sufficient detail and the application relies on some data submitted with much earlier applications which needs to be refreshed;
- There have been out of hours working at the site;
- HGVs should enter the site by turning right and leave the site by turning left only;
- Pumping of water could lead to pollution of watercourses;
- Historic unlawful tipping of waste is a pollution risk;
- Very close to residential properties; and
- The development has been ongoing for nearly twenty years.

7.2 A copy of the full representations will be shared with members of the Planning Committee one week before the meeting.

8. Planning Policy

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 8.7 to 8.9 below.

8.2 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies and how these are expected to be applied. At its heart 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; or
- where there are no relevant development plan policies, or the policies which are most relevant for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.

8.3 The following paragraphs within the NPPF are considered to be particularly relevant to this application:

Paragraphs 7 and 8 Achieving Sustainable Development - the purpose of the planning system is to contribute to the achievement of 'sustainable development' pursued through mutually supportive economic, social and environmental objectives

Paragraph 148 Meeting the Challenge of Climate Change, Flooding - supports development which would provide the transition to a low carbon future, taking full account of flood risk.

Paragraph 155 Planning and Flood Risk - inappropriate development in areas of high risk of flooding should be avoided by directing development away from such areas.

Paragraph 170 (a-f) Conserving and Enhancing the Natural Environment - supports planning decisions which protect and enhance the landscape, do not contribute to noise, odour, water or noise pollution and remediate and mitigate for contaminated land.

Paragraph 175 Habitats and Biodiversity - Protects and enhances to support a net gain in bio-diversity and geodiversity.

Paragraphs 178 to 183 Ground Conditions and Pollution – Planning decisions are supported which ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 188 – Pollution - The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

National Planning Policy for Waste (2014) (NPPW)

8.4 The NPPW sets out the national planning policies for waste development and is to be read in conjunction with the NPPF. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. A key component of the NPPW is the principle of moving waste "up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort."

8.5 Paragraph 7 of the NPPW states in bullet point 5 that when determining planning applications waste planning authorities should "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."

- 8.6 Our Waste, Our Resources: A Strategy for England (December 2018) & the Waste Management Plan for England (January 2021) sets out the Government's strategy in England for preserving resources by minimising waste, promoting resource efficiency and moving towards a circular economy, in line with the UK Government's 25 Year Environment Plan, while the Waste Management Plan for England provides an overview of waste management in order to fulfil the requirements of the Waste (England and Wales) Regulations 2011.
- 8.7 The development plan comprises the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (the MWLP) and the Fenland Local Plan 2014 (FLP).

- 8.8 On 28 July 2021 Cambridgeshire County Council and Peterborough City Council adopted a Minerals and Waste Local Plan which sets the framework for all mineral and waste developments until 2036. The following policies are considered relevant in relation to this proposal:

Policy 1: Sustainable Development and Climate Change
Policy 3: Waste Management Needs
Policy 4: Providing for Waste Management Needs
Policy 10: Waste Management Areas (WMAs)
Policy 17: Design
Policy 18: Amenity Considerations
Policy 19: Restoration and Aftercare
Policy 20: Biodiversity and Geodiversity
Policy 22: Flood and Water Management
Policy 23: Traffic, Highways and Rights of Way

- Fenland Local Plan (2014) (FLP)
- 8.9 The following policies of the Fenland Local Plan are of relevance:

LP1: A Presumption in Favour of Sustainable Development
LP2: Facilitating Health and Wellbeing of Fenland Residents
LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16: Delivering and Protecting High Quality Environments Across the District
LP19: The Natural Environment

9. Planning Considerations

- 9.1 The main planning considerations in relation to this planning application are: principle of need and justification for the submission of a section 73a application; impacts on residential amenity; and, the cumulative impacts of this development continuing for a further period on local sensitive receptors.

The Principle of Need and Justification for the Submission of a Section 73a Application

- 9.2 The proposal takes the form of a Section 73a application which permits retrospective planning applications to be made to carry out development without complying with some of the planning conditions imposed on a planning permission. The proposal is to vary conditions 5 and 6 attached to the previous planning permission for the site F/2015/18/CW, which limit the period for the importation of material and the placement, buttressing and restoration of the site to enable a further extension to the life of the site of 2 years and 2 months for the importation of waste (condition 5) and a further 2 years and 6 months to fully restore the site (condition 6).
- 9.3 The stabilisation and buttressing of the former quarry face is required to protect existing neighbouring residential and railway properties by preventing landslip and erosion which had taken place in the past. Without such works, erosion and land stability issues associated with the steep quarry batters would continue which is not sustainable. While this is not the first application seeking a time extension to a development originally permitted in 2003, it is considered that the work does need to be completed, that the volume of material required to complete the works is relatively modest and, consequently, there is little risk that the stabilisation and restoration works would not be completed within the timeframes requested. As such the proposal is considered acceptable in that it meets MWLP Policy 19.
- 9.4 Cambridgeshire County Council declared a climate change emergency in May 2019 and is seeking to reduce the Council's carbon footprint in line with the Council's Climate Change and Environment Strategy that was approved by Full Council in May 2020. The need to consider climate change is also embedded within Policy 1 of the MWLP. The proposal is for the continuation of a previously agreed engineering operation at a disused clay pit, which will result in safety improvements to the outer flanks of the pit and ensure that the site is appropriately restored. The final restoration of the Site will improve biodiversity across the site and will not increase flood risk and other climate change risks off-site. It is considered that the proposal accords with the principles of the Council's Climate Change and Environment Strategy.
- Complaints Regarding infilling with non-conforming (non-inert) waste:
- 9.5 There have been historic complaints alleging the unauthorised deposit of potentially hazardous waste within the Saxon Pit which have been investigated by both the Waste Planning Authority and the Environment Agency (EA). The EA has confirmed that the non-conforming waste can remain in situ, provided that appropriate containment and mitigation is put in place and, as described in paragraph 8.4 above, the NPPW makes clear that landfill gas and leachate are matters which fall under the control of the pollution control authority and are not a material consideration in the determination of this planning application. This proposal is for the continuation of development to complete the works using appropriate inert materials as specified by the planning conditions. The exact nature of these materials is then controlled by means of the Environmental Permit and monitored by the Environment Agency to ensure compliance with the Permit requirements. The County Council, as the Mineral and Waste Planning Authority, has always been clear that the two regulatory regimes are entirely separate and that these are matters for consideration by the EA through its environmental permit and enforcement regimes.
- 9.6 Legal advice has confirmed that the principle of development at the site has previously been found to be acceptable. It had also been accepted that the stabilisation works needed to be completed and, as there has been no objection to the development from any

of the statutory consultees and the development will continue to be monitored by the WPA and the EHO, it is considered that little weight should be afforded to previous complaints in the determination of this application.

- 9.7 From a planning policy perspective the application to continue the importation of controlled inert wastes for the buttressing, stabilisation and restoration of a former mineral excavation face are capable of being supported in line with the earlier permissions granted for the development and must not be confused with enforcement matters being raised by the Environment Agency. As such, the proposals, with the relevant updated planning conditions set out in Section 12 of this report, are considered to be broadly compliant with the aims of the NPPF when read as a whole, and MWLP Policies 1, 17 and 22.

Residential Amenity

- 9.8 The site is bordered to the east by residential development and each planning permission granted for these works has been subject to restrictions imposed within an agreed amenity buffer zone which is indicated on plan number CCC1 which can be found in Appendix A. Within this zone, the carrying out of work and the operation of machinery is limited to between the hours of 08.00 to 17.00 Mondays to Fridays with no permitted working in that area at weekends and bank holidays. This was controlled by condition 13 attached to planning permission F/2015/18/CW and the condition is proposed to be carried through to this consent as set out in Section 12 of this report, should planning permission be granted.
- 9.9 It is inevitable that there will be some noise and dust associated with the work carried out. Condition 19 of F/2015/18/CW sets noise limits for this development at the boundary of two local properties and there are no changes proposed to the wording of this condition. There have been complaints regarding noise from the buttressing works but investigations indicate that the sources of these noises are from other operations within the wider Saxon Pit site. Also, noise and other emissions are regulated by the Environmental Permit which has been issued by the Environment Agency and the site is regularly monitored by both the Waste Planning Authority in respect of compliance with the planning permission requirements and the Environment Agency in respect of compliance with the requirements of the Environmental Permit. Noise monitoring has been undertaken to ensure compliance with condition 19 of the 2020 permission, with the EHO at FDC considering that the monitoring to date confirms compliance with this condition.
- 9.10 It is considered that the continued imposition of the agreed amenity buffer zone to limit operations in close proximity to neighbouring residential dwellings and the ongoing monitoring regimes of both the Waste Planning Authority and the EA is sufficient to ensure that the buttressing and stabilisation works proposed will not result in an unacceptable level of detriment to the residential amenity of the neighbouring occupiers. Given the stability issues associated with this area, the completion of these works will actually lead to benefits to the residential properties and railway line, which are factors that also need to be considered in the planning balance. As such the proposals are considered acceptable as they meet the requirement of MWLP Policy 18 and FLP (2014) Policy LP2.

Highway Impacts

- 9.11 This proposal will extend the duration of tipping operations, and thus will extend the impact that HGVs will have on the local highway network. The Highway Authority raises no objection to what is a further temporary permission and it is considered that there is no conflict with Development Plan policies in this regard. The request to impose a condition

requiring HGVs to turn right into the site and left out is noted, however, it is considered that the imposition of this condition is not necessary to make this development acceptable.

Pumping of water from the site

- 9.12 The operator has submitted schemes to the Council for the pumping of water from the application site into the adjoining Kings Dyke watercourse, in line with the requirements of Conditions 29 and 30 of planning permission reference F/2015/18/CW. These have been the subject of a separate consultation exercise with technical consultees. -. The relevant documents have been included within the list of approved documents in Condition 2.

10. Public Sector Equality Duties (PSED).

- 10.1 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. 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 is to complete the buttressing work and restore the site and the improved stability of the pit will benefit local residents. The development has previously been approved and needs to be completed. Although concerns about dust, odour and pollution have been raised, conditions are proposed to mitigate against any harm to amenity. Noting that the Environment Agency are the pollution control authority, that they do not object to the application and that they regulate the site, it is considered unlikely that this development would negatively impact on those with protected characteristics. Therefore, there would be no known implications of the proposal in relation to the council's PSED duties under the 2010 Act.

11. Conclusion

- 11.1 The proposed development is for the variation of two time-limiting conditions imposed by the 2020 permission (F/2015/18/CW) to extend the time available for the importation of waste for engineering purposes and the ultimate restoration of the application site. This development has been ongoing for some time and the principle of the development is accepted. The completion of the works proposed will enable a satisfactory restoration of the application site while ensuring that the historic quarry faces are safe, with the previously approved restoration scheme providing some potential medium term ecological benefits.
- 11.2 It is considered that the scope of the other planning conditions (including limitations on hours of use and the rate of material importation) provide adequate safeguards to protect residential amenity and highway safety to an acceptable degree. The proposal to extend

the life of the project to allow for its completion is considered to be acceptable subject to the imposition of the amended and updated conditions.

- 11.3 It is recommended that planning permission is granted for the development and that new time limiting conditions are imposed limiting the importation of waste to a period not exceeding two years and two months from the date of this permission and for the final restoration of the application site to be achieved within a period not exceeding two years and six months. It is also considered that Conditions 2, 29 and 30 be amended to reflect the approved matters relating to off-site pumping of water.
- 11.4 In conclusion, the proposal accords with the Development Plan and there is justification for the requested additional period for completion of the buttressing and stabilisation works and the final restoration of the application site, subject to the planning conditions set out in section 12 of this report.

12. Recommendation

- 12.1 It is recommended that planning permission is granted subject to the following conditions:

Implementation

1. This permission comes into effect on the date of this consent and only relates to the importation of inert waste to construct a buttress to stabilise and restore the former eastern quarry face together with a waste material reception area.

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.

General

2. The development hereby permitted shall not be carried out other than in accordance with the details submitted by way of the application and supporting documents, dated 3 November 2022, unless otherwise stated, and the following approved documents, as amended by information approved in accordance with the following conditions:
- SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006;
 - Hanson Traffic Management Plan ref A3-Sax100 dated Jun 2006;
 - Location Plan ref EMWM 1-5-001, undated;
 - SLR Construction Specification ref: 4D-027-044 dated March 2002;
 - SLR Flood Risk Assessment ref: 405-03708-00004 dated May 2012;
 - SLR Flood Risk Assessment Update dated Sep 2017 – Appendix B;
 - SLR Flood Risk Assessment ref: 403-07764-00001 version 3 dated Dec 2018;
 - SLR Noise Monitoring Locations Plan ref: SP 7/1 4D/017/024, undated;
 - SLR Concept Restoration Plan SP 4/1 4D/017/024, undated;
 - CCC1 Amenity Buffer Zones, undated;

- Planning Statement by SBRice dated Nov 2018;
- Planning Statement by SBRice, dated July 2022, Vr2 – September 2022
- Stabilisation Site Plan ref: EMWM.SP-1-1-001 dated Sep 2017;
- Stabilisation Site Plan-Screening ref:EMWM.SP-1-1-002 dated Sep 2017;
- Natural Gas Connection Arrangement Plan ref: PREM343-GEN-2011-0001D dated Jun 2018;
- Applied Ecology Report ref: 1681 dated Aug 2019;
- SLR Stability Risk Assessment ref: 403.07764.00001 dated Dec 2019;
- SLR Stability Risk Assessment ref:403.07764.00001 fig 1 Appendix 1 dated Apr 2019;
- Proposed Drainage Scheme ref: EMWM.SP-1-1-006 dated Dec 2019;
- Proposed Restoration Scheme Following Completion of Infilling and Stabilisation Revision 2 June 2021;
- Saxon Pit Restoration Plan Appendix A;
- Saxon Pit Restoration Plan 5040171/HW/PL/003 Appendix B A607 Alignment dated Dec 2015;
- Saxon Pit Restoration Plan Appendix C;
- Saxon Pit-1-1-008 Stockpile Plan Appendix D;
- Saxon Pit-1-1007B Restoration Plan Appendix E;
- Saxon Pit-1-4-002B Proposed East Bank Profile Appendix F;
- Saxon Pit Restoration Plan EM4 Appendix G;
- Saxon Pit Restoration Plan EM8 Appendix H;
- EA Approved Methodology for Capping and Restoration Layers Appendix J shown in Schedule 2 ref: EMW/SP/H/5616/01 dated June 2021: and
- Approved 5 Year Ecological Management Plan Appendix K by Applied Ecology Ltdv2.0 dated 5 March 2021.

Reason: For the avoidance of doubt and to maintain planning control over the development whilst protecting the character and amenity of the locality in accordance with Policies 1, 18, 19 and 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

3. This permission only relates to land edged red as shown on the submitted Location Plan ref. EMWM-1-5-001.

Reason: To define the Site and terms within this planning permission

4. [Date of commencement condition complied with and no longer needed].

Temporary Duration of Permission

5. The importation and deposit of waste fill material shall cease by a date no later than 2 years and 2 months from the date of this consent.

Reason: To secure the completion and progressive restoration of the Site within the approved timescale in the interests of amenity and character of the locality in

accordance with Policies 18 and 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

6. By no later than 2 years and 6 months from the date of this consent all site preparation, buttressing, stabilisation and restoration works shall cease and the land shall be restored in accordance with the approved ecologically based restoration scheme and all ancillary equipment and structures removed from the restored land.

Reason: To secure the completion and progressive restoration of the Site within the approved timescale in the interests of amenity and character of the locality in accordance with Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

Vehicle Movement and Access

7. The temporary alternative parking area for these properties (nos. 193, 195, 197, 199, 201 and 203 on the A605 Peterborough Road) within the site at the rear of the properties as set out on the SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006 shall be provided for the duration of the consent. The development shall not proceed except in accordance with the details specified by the above approved scheme.

Reason: In the interests of highway safety and to minimise any disturbance caused to residents living near to the entrance to the brickworks in accordance with Policies 18 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

8. No more than 50 vehicles importing waste inert fill material in relation to the development hereby permitted shall enter the Saxon Pit Brickworks site on any one day. The daily number of such vehicles arriving at the site shall be recorded and such a record shall be provided in writing to the Waste Planning Authority within 7 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 Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

9. No more than 100,000 cubic metres of inert waste fill material shall be imported to the Site per annum. The total quantity of imported inert waste arriving at the site over the past 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 Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

10. Vehicular access to the site shall only be gained from the existing Saxon Pit brickworks access/egress point to the A605 Peterborough Road.

Reason: In the interests of local amenity and to maintain highway safety in accordance with Policies 18 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

11. The development hereby permitted shall be undertaken in accordance with scheme SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006 in detailing the type and specification of a vehicle wheel cleaning facility. The approved facility shall be installed at the egress to the Site prior to the importation of any inert waste fill materials. Internal traffic arrangements shall ensure that all waste vehicles leaving the site shall pass through the facility which shall be maintained in an operational condition at all times. The metalled surface of the access road within the site leading up to its junction with the A605 shall be kept clean by regular mechanical sweeping. The development shall subsequently be carried out in accordance with the approved details.

Reason: In the interests of amenity and highway safety in accordance with Policies 18 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and policy LP16 of the Fenland Local Plan 2014.

12. Plant or vehicle movements associated with the delivery of inert waste materials shall be confined to the approved haul route in accordance with Drawing ref. Hanson Traffic Management Plan A3-Sax 100 dated 7 June 2006.

Reason: To protect any soil resources on the site and to protect existing habitats that are to be preserved in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

Hours of Operation: Amenity Buffer Zone (ABZ) and Elsewhere

13. The development hereby permitted including site preparation, buttressing, stabilisation and restoration works shall not proceed at the Site within the amenity buffer zone highlighted in stipple on the attached drawing CCC1 except between the following hours:

08.00 to 17.00 Mondays to Fridays

The development hereby permitted shall not proceed within the identified amenity buffer zone at any time at Weekends and Bank Holidays.

Reason: To minimise the impact of operations which are being undertaken closest to residential properties in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

14. Except as required for the maintenance of plant and machinery, the development hereby permitted including site preparation, buttressing, stabilisation, the reception of waste and restoration works shall not proceed outside the confines of the identified amenity buffer zone but within the Site except between the following hours:

07.00 to 17.00 Mondays to Fridays

07.00 to 13.00 on Saturdays

The development shall not proceed at any time on Sundays or Bank Holidays

Reason: To protect the amenity of local residents in accordance with Policy 18 Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and policy LP16 of the Fenland Local Plan 2014.

15. No vehicles importing inert waste associated with the development hereby permitted shall enter the Saxon Brickworks site except between the following hours:

07.00 to 17.00 Mondays to Fridays

07.00 to 13.00 on Saturdays

The development shall not proceed at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy 18 Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and policy LP16 of the Fenland Local Plan 2014.

Controlled Inert Waste for Fill

16. The development hereby permitted shall only be undertaken in accordance with the revised Section 3 (received by the Waste Planning Authority on 05 September 2006) SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006. The approved scheme shall be implemented to ensure that the development does not proceed except using the controlled inert materials specified by the approved scheme.

Reason: In the interests of local amenity, protection of the groundwater environment and to ensure that the site is restored to a beneficial afteruse in accordance with Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and policy LP16 of the Fenland Local Plan 2014.

Ecology

17. The development hereby permitted shall only be carried out in accordance with the approved scheme prepared by Phil Parker dated February 2004. The development shall not proceed unless the approved protection measures are in place and thereafter maintained in accordance with the approved scheme.

Reason: In the interests of local amenity, and to ensure that the site is restored to a beneficial afteruse in accordance with Policies 19 and 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021); Policies LP16 and LP19 of the Fenland Local Plan 2014; and the aims and objectives of the Cambridgeshire Biodiversity Action Plan.

18. [Duplicated the wording of Condition 17 exactly and is therefore not required].

Noise

19. The level of noise emitted from the Site shall not exceed 55db Laeq. 1h free field as measured at :

- Location 1 – adjacent No 99 Priors Road
- Location 2 – adjacent No 63 Priors Road

As shown on submitted drawing number SP7/1, between the hours of 07.00 to 17.00 Mondays to Fridays and 07.00 to 13.00 on Saturdays. All measurements and assessments shall be made in accordance with the approved scheme submitted document SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006.

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

20. Temporary operations shall only be undertaken in accordance with approved scheme submitted document SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006. Temporary operations, as defined in the approved scheme, shall not exceed a total of eight weeks in any continuous 12 month period for work. 5 working days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation.

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

21. Noise levels shall be monitored by the operating company in accordance with the approved scheme entitled SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006. Monitoring survey results shall be kept by the operating company during the lifetime of the permitted operations and a written

monitoring report shall be 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 Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

22. No reversing bleeper shall be fitted to any mobile plant or vehicles importing waste associated with the development hereby permitted except in accordance with the document entitled SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006.

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

23. All plant and machinery shall be maintained and silenced at all times to meet the manufacturer's noise rating level.

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

Dust

24. The development hereby permitted shall be undertaken in accordance with the document entitled SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006. The approved scheme shall be implemented prior to the importation of inert waste fill material and maintained thereafter to ensure that the development does not proceed except with the approved dust emission mitigation scheme in place.

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

Lighting

25. No floodlighting shall be installed except in accordance with details that have been submitted to and approved in writing by the Waste Planning Authority.

Reason: To ensure that operations are carried out in a manner, which will safeguard the amenity of the area and minimise disturbance to adjacent residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

Operational Controls

26. The development shall not proceed except in accordance with the construction specification set out in Appendix 3.2 of the Supporting Statement submitted by Hanson Brick dated October 2002 prepared by SLR Consulting job no. 4D-027-044 dated March 2002, the prescribed order of phasing of the works and the restoration contours shown on restoration plan no EMWM SP-1-1-007 B (Appendix E).

Reason: To ensure that operations are carried out in a manner, which will safeguard the amenity of the area and minimise disturbance to adjacent residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

27. The Site shall be restored in accordance with the final contours shown on the approved restoration plan EMWM SP-1-1-007 B (Appendix E) dated, 06.03.2020 received on 02 April 2020. No allowance shall be made for settlement.

Reason: To ensure that operations are carried out in a manner, which will safeguard the amenity of the area and minimise disturbance to adjacent residents and result in an acceptable landform in accordance with Policies 18 and 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

28. The monitoring of the geotechnical conditions within the stabilised slope throughout the duration of the approved works shall be in accordance with the approved document entitled SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006. The approved scheme shall be implemented fully in accordance with the approved details.

Reason: To ensure that the stabilisation works are adequately controlled and monitored during the duration of the works in accordance with Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

29. No pumping apparatus shall be installed except in accordance with details that shall have been submitted to and approved in writing by the Waste Planning Authority.

Reason: To ensure that operations are carried out in a manner, which will safeguard the amenity of the area and minimise disturbance to adjacent residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

30. No discharge of water into any culvert, drain or watercourse is permitted unless otherwise agreed in writing by the Waste Planning Authority in consultation with Network Rail. No surface water flows or run off shall affect railway land unless in

accordance with a scheme that has been submitted to and approved in writing by the Waste Planning Authority in consultation with Network Rail.

Reason: To maintain the integrity of the existing surface water regime and prevent flooding of the railway in accordance with Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

31. All plant and machinery associated with the development hereby permitted shall be positioned and used in such a manner to prevent accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

Reason: In the interests of the safety of rail traffic in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

Waste Materials Reception Area

32. The enabling works, details of the waste materials reception, checking, handling and temporary storage (including mess facilities and mobile plant etc.) shall be undertaken in accordance with document entitled SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006. Operation of the approved materials reception area shall not proceed except in accordance with the approved scheme.

Reason: To ensure that operations are carried out in a manner, which will safeguard the amenity of the area and minimise disturbance to adjacent residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

33. The approved waste materials reception area referred to in condition 32 shall not be used except for the handling and sorting of inert waste materials required for the purposes of constructing the development hereby approved and consistent with the control measures agreed pursuant to condition 16.

Reason: To ensure that operations are carried out in a manner, which will safeguard the amenity of the area and minimise disturbance to adjacent residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

34. No stockpiles of waste 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: In the interests of amenity and to preserve existing habitats at the site that are required to be preserved during the duration of the works in accordance with Policy 20

of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

Landscaping and Restoration

35. The site shall be restored in accordance with the written restoration programme and accompanying plans referenced:

- Proposed Restoration Scheme Following Completion of Infilling and Stabilisation Revised 2 June 2021;
- Saxon Pit Restoration Plan Appendix A;
- Saxon Pit Restoration Plan Appendix B;
- Saxon Pit Restoration Plan Appendix C;
- Saxon Pit-1-1-008 Stockpile Plan Appendix D;
- Saxon Pit-1-1007B Restoration Plan Appendix E, dated 06.03.2020;
- Saxon Pit-1-4-002B Proposed East Bank Profile Appendix F;
- Saxon Pit Restoration Plan EM4 Appendix G;
- Saxon Pit Restoration Plan EM8 Appendix H;
- EA Approved Methodology for Capping and Restoration Layers Appendix J shown in Schedule 2 ref: EMW/SP/H/5616/01 dated June 2021: and
- Approved 5 Year Ecological Management Plan Appendix K by Applied Ecology Ltd v2.0 dated 5 March 2021.

Reason: In the interests of local amenity and to ensure that the site is restored to a beneficial afteruse in accordance with Policies 18, 19 and 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021), Policies LP16 and LP19 of the Fenland Local Plan 2014 and the aims and objectives of the Cambridgeshire Biodiversity Action plan.

Details of the proposed Restoration and Landscaping Scheme

36. [Details of the proposed restoration and landscaping scheme condition complied with and no longer needed].

37. The applicant shall give at least 7 days and no more than 21 days written notice to the Waste Planning Authority of the commencement of topsoil or subsoil spreading.

Reason: In the interests of local amenity and to ensure that the site is restored to a beneficial afteruse in accordance with Policies 18 and 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021), Policies LP16 and LP19 of the Fenland Local Plan 2014 and the aims and objectives of the Cambridgeshire Biodiversity Action plan.

38. Any tree or shrub forming part of a planting scheme approved under this permission in connection with this development that dies, is damaged, diseased or removed within the period of the operations or within five years after completion of the operations shall be replaced during the next planting season with a tree or shrub of species and size to be agreed with the Waste Planning Authority.

Reason: In the interests of local amenity and to ensure that the site is restored to a beneficial afteruse in accordance with Policies 19 and 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021), Policies LP16 and LP19 of the Fenland Local Plan 2014 and the aims and objectives of the Cambridgeshire Biodiversity Action plan.

Ecologically Based Management Plan

39. The site shall be restored and subsequently managed only in accordance with the Ecological Management Plan prepared by Applied Ecology Ltd dated March 2021 (Version 2.0) that was approved by the Waste Planning Authority by letter dated 9 June 2021.

Reason: In the interests of local amenity and to ensure that the site is restored to a beneficial afteruse in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and policies LP16 and LP19 of the Fenland Local Plan 2014.

Drainage and Pollution Control

40. The development hereby permitted shall be undertaken in accordance with document entitled SLR Consulting Ltd Discharge of Conditions Scheme ref: 404-0027-00110 dated July 2006 in respect of the provision and implementation of surface water drainage (with an appropriate outfall to the land drainage system) and measures to address pollution control. The approved scheme shall be implemented fully in accordance with the approved plans.

Reason: To ensure the restoration of the site to a beneficial afteruse in accordance with policies 19 and 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

41. 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 Document (2021) and Policy LP16 of the Fenland Local Plan 2014.

Early Cessation of Works

42. Should for any reason the buttressing and stabilisation works hereby approved cease for a period of 6 months, the applicant shall submit an alternative scheme that shall provide for the completion of buttressing, stabilisation and restoration works at the Site. The alternative scheme shall also include a revised ecologically based landscaping plan and a 5 year aftercare/maintenance plan. The alternative approved landscaping scheme shall be completed (including landscaping) within 12 months of the written approval of the Waste Planning Authority. The alternative restoration/landscaping

scheme including the 5 year maintenance/aftercare programme shall be completed fully in accordance with the approved details.

Reason: The importation and deposit of inert waste has been permitted in this location for the specific purpose of stabilising, buttressing and restoring an unstable face that lies in close proximity to a large residential estate in accordance with Policies 18, 19 and 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021) and Policy LP16 of the Fenland Local Plan 2014. The condition is necessary to ensure that, once started, the development is completed in an acceptable manner.

Waste Catchment Area

43. Reasonable endeavours shall be exercised to provide that not less than 80% of the waste imported to the site for placement in the stabilisation project arises from sources within a 100 mile radius of the site. Records of the source of waste shall be maintained with summary data to be provided to the Waste Planning Authority within 7 days of any written request. For the purpose of clarity waste being collected from any waste transfer station within the 100 mile radius shall be regarded as arising from within the catchment area.

Reason: To ensure that the importation of suitable fill is undertaken in a manner compatible and consistent with acknowledging the proximity principle, whilst recognising the importance of the demonstrated need to support and protect the local built environment with a suitable volume of fill secured within an acceptable timescale, in accordance with Policy 1 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan Document (2021).

Compliance with paragraph 38 of the National Planning Policy Framework

The applicant did not seek informal pre-application advice. The County Planning Authority has worked proactively with the applicant to ensure that the proposed development is 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 the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021](#)

[Link to the Fenland Local Plan 2014](#)

[Link to the National Planning Policy Framework 2021](#)

[Link to the Waste Management Plan for England 2021](#)

[Link to the National Planning Policy for Waste Document 2014](#)