

**SECTION 73 PLANNING APPLICATION TO DEVELOP LAND WITHOUT COMPLYING WITH  
CONDITION 3 OF PLANNING PERMISSION F/2004/14/CM (COMPLETION OF CONSTRUCTION  
OF TWO AGRICULTURAL IRRIGATION RESERVOIRS, BY THE EXTRACTION AND EXPORT  
OFF SITE OF APPROXIMATELY 650,000 TONNES OF UNPROCESSED SAND AND GRAVEL)  
TO EXTEND THE DURATION OF THE DEVELOPMENT BY 17 MONTHS UNTIL 8 JUNE 2018**

**AT: Lyons Farm, Wimblington Fen, Wimblington**  
**LPA REF: F/2013/16/CM**  
**FOR: Nicholas Farms**

**To: Planning Committee**  
**Date: 12 June 2017**  
**From: Head of Growth & Economy**  
**Electoral division(s): March South & Rural**  
**Purpose: To consider the above planning application**

**Recommendation:** *That planning permission be GRANTED subject to the  
conditions set out in paragraph 10.1.*

<b><i>Officer contact:</i></b>	
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## **1.0 INTRODUCTION**

- 1.1 Planning permission no F/02014/10/CM was granted on 26 April 2012 for the construction of two below surface, clay lined agricultural irrigation reservoirs, by the extraction and export off site of approximately 685,000 tonnes of unprocessed sand and gravel. The sand and gravel was to be taken to the applicant's Witcham Meadlands Quarry at Block Fen for processing.
- 1.2 Planning application F/02014/10/CM was accompanied by an environmental statement dated November 2010 which comprised the following: potential need for irrigation water and soil resource survey; hydrological and hydrogeological assessment including flood risk assessment; archaeological assessment; traffic impact assessment; ecological report; landscape and visual impact assessment; noise impact assessment.
- 1.3 The County Council resolved to grant conditional planning permission in September 2011 subject the completion of a S106 agreement to secure:
  - Provision of evidence of consent from the Environment Agency for the abstraction of water
  - Provision of evidence of landowners' need for the irrigation water before commencing phase 2
  - An HCV traffic routeing agreement
  - A financial contribution to road improvements
  - A scheme for temporary mineral stockpiling arrangements at Witcham Meadlands Quarry
- 1.4 When the planning application was submitted in 2010 it was anticipated that the quarry would yield approximately 685,000 tonnes of sand and gravel which would be worked over a period of 3.5 years. This equates to a rate of approximately 196,000 tonnes per year. Condition 3 of planning permission F/02014/10/CM required mineral extraction to have ceased and the reservoirs commissioned within 4 years of the commencement of the development. Development commenced on 8 January 2013.
- 1.5 In April 2014 an application (ref F/2004/14/CM) was submitted for permission to carry out the development without complying with condition 15 which required the developer to maintain a written record of all HCV movements into and out of the site. Planning permission was granted on 27 January 2016. Condition 3 was amended and requires the works to be completed and the reservoirs be commissioned by 8 January 2017. The 2012 S106 agreement is subject to a deed of variation dated 12 January 2016. Extraction of mineral has continued since 8 January 2017 in breach of planning control. The application is now in part retrospective.

## **2.0 THE SITE AND ITS LOCATION**

- 2.1 The mineral extraction, and subsequently the reservoirs, are situated within a 23.7 hectare parcel of land located 2 kilometres west of Manea in the parish of Wimblington. Access is derived from the C class Byall Fen Drove via an approximately 500 metre long private haul road. The total area of the development site is 24.4 hectares.
- 2.2 Most of the site is, or was before mineral extraction took place, Grade 2 agricultural land; the remainder is Grade 1. All of the site is in Flood Zone 3.
- 2.3 The closest scheduled monument to the site is a Romano-British settlement near Honeybridge, 1 kilometre to the west. There are three bowl barrows approximately 1.5 kilometres to the south west. The closest listed building to the site is a Grade II barn at Honey Hill Farm, 1 kilometre to the south west.
- 2.4 The Ouse Washes Site of Special Scientific Interest (SSSI) to the site is 3.3 kilometres to the

south east. It is also of international importance and is designated a Ramsar site, Special Area of Conservation and Special Protection Area.

- 2.5 The closest residential properties to the site are New Ghant Farm and Vicarage Farm, 300 and 400 metres to the south east respectively and Honey Hill House, 500 metres to the south west.

### **3.0 THE PROPOSAL**

- 3.1 The developer is seeking permission to carry out the development without complying with condition 3 to allow him until 8 June 2018 to complete mineral extraction, commission the reservoirs and restore their margins. The additional 17 months requested takes into account a lower demand for sand and gravel than was anticipated in 2010 when the first application was submitted and a remaining mineral reserve at the time the application was submitted in August 2016 of approximately 183,000 tonnes. Mineral extraction has continued since 8 January 2017 and at the end of April 2017 the reserves were approximately 138,500 tonnes.

### **4.0 CONSULTATIONS AND PUBLICITY**

- 4.1 Fenland District Council – No objection.
- 4.2 Wimblington Parish Council – No comments received.
- 4.3 Manea Parish Council – Support the application subject to the imposition of a condition requiring the applicant to ensure that the carriageway of Byall Fen Drove is maintained at its current standard.
- 4.4 Environment Agency – No objection in principle.
- 4.5 CCC Highways Development Management – Planning consent F/2004/14/CM gave permission for the completion of two irrigation reservoirs by extraction and export off site of approximately 685,000 tonnes of unprocessed sand and gravel. This permission expired 8th January 2017, by which time all works relating to the commissioning of the reservoirs should have been completed.
- 4.6 The current planning application (F/2013/16/CM) is a Section 73 application to vary condition 3 of planning consent F/2004/14/CM and allow the applicant a further 17 months (to 8th June 2018) to extract the full sand and gravel quota (approx. 183,000 tonnes remaining) that was permitted under planning consent F/2004/14/CM.
- 4.7 Given the number of vehicle movements associated with the extraction of 685,000 tonnes of sand and gravel was considered acceptable, and given this is an application to simply vary the period of time permitted to extract the remaining sand and gravel quota, a recommendation to refuse the application cannot be substantiated.
- 4.8 It should be noted that since issuing consent F/2004/14/CM, and from when the sand and gravel extraction commenced, the LHA's maintenance costs along the approved haulage route increased exponentially. The continuous overrun of the edge of pavement and verges resulted in the LHA implementing a £250,000 road widening scheme, a number carriageway shoulder restoration and surface patching schemes, and paid out for a number of carriageway defect related insurance claims. Clearly the £13,500 contribution taken for highway improvement measures for consent F/2004/14/CM was not an appropriate amount of money to address the consequential damage cause by the amount of HCV movements generated by this development.
- 4.9 Should any further development proposals come forward that would result in a significant number of HCV vehicle movements on Byall Fen Drove then it is likely there would be a

requirement to improve the carriageway pavement construction/width so that it is suitable for the transport impact associated with the development in question.

4.10 In conclusion, there are no highway objections to the current application.

## **5.0 INDIVIDUAL REPRESENTATIONS**

5.1 Thirteen local residents have objected to the application. All are concerned about the effect of the HGV traffic generated by the development on the condition of the public highway and the safety of other road users:

- The road is not strong or wide enough for the number and size of the HGVs transporting the sand and gravel;
- The road has been seriously damaged resulting in closure and repair which was an inconvenience for other users;
- Sand and gravel lorries are intimidating to other drivers who tend to use the centre of the road to avoid the potholes and damage verges;
- The council should seek funds from the developer to repair the damage;
- The noise and vibration from sand and gravel lorries disturbs occupiers of houses close to the road. This application would result in a further 17 months of disturbance;
- The sand and gravel should be processed on the site which would reduce vehicle movements; and
- Hauling the sand and gravel to Witcham Meadlands Quarry for processing has contributed to the deterioration of the northern section of Block Fen Drove which has not been widened.

5.2 Other concerns are:

- The site has become a gravel quarry with no irrigation water provided yet;
- All the sand and gravel should have been taken to Witcham Meadlands Quarry by January 2017 and sold from there when there is demand in the market;
- The planning conditions may not have been complied with;
- The stockpiles have had a negative impact on the landscape;
- The negative effects may not outweigh the contribution to the local community – there has been a lack of contribution to local infrastructure and to local employment.

## **6.0 PLANNING HISTORY**

6.1 F/02014/10/CM – The construction of two agricultural irrigation reservoirs, by the extraction and export off site of approximately 685,000 tonnes of unprocessed sand and gravel. Granted 26 April 2012

F/2004/14/CM – Completion of the construction of two agricultural irrigation reservoirs, by the extraction and export off site of approximately 685,000 tonnes of unprocessed sand and gravel (subject to revised conditions) - Granted 27 January 2016

## **7.0 PLANNING POLICY**

7.1 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 policies from the development plan are set out in paragraphs 7.3 and 7.4 below.

- 7.2 The National Planning Policy Framework (2012) is also a material planning consideration.
- 7.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (the MWCS)

CS1 - Strategic Vision and Objectives for Sustainable Minerals Development  
CS25 – Restoration and Aftercare of Mineral and Waste Management Sites  
CS32 – Traffic and Highways  
CS33 – Protection of Landscape Character  
CS34 – Protecting Surrounding Uses  
CS35 – Biodiversity and Geodiversity  
CS36 – Archaeology and the Historic Environment  
CS38 – Sustainable Use of Soils  
CS39 – Water Resources and Water Pollution Prevention  
CS42 - Agricultural Reservoirs, Potable Water Reservoirs and Incidental Mineral Extraction

- 7.4 Fenland Local Plan (adopted May 2014) (the FLP)

LP2 – Facilitating Health and Wellbeing of Fenland Residents  
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland  
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland  
LP16 – Delivering and Protecting High Quality Environments across the District  
LP18 – The Historic Environment  
LP19 – The Natural Environment

## **8.0 PLANNING CONSIDERATIONS**

- 8.1 The National Planning Policy Framework (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 (para 14). It states that:
- Proposed development that accords with the development plan should be approved without delay;
  - Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
  - Proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
- 8.2 Along with a presumption in favour of sustainable development the NPPF (para 28) seeks to promote a strong rural economy by the development and diversification of agricultural and other land-based rural businesses. The proposed development which will enable the capture and storage of water in times of surplus and its reuse in times of deficit to grow food is consistent with the Government's objectives.
- 8.3 The current application is for permission for additional time in which to complete the extraction of sand and gravel which is necessary to create the agricultural irrigation reservoirs. It therefore needs to be assessed against MWCS policy CS42. MWCS policy CS42 deals with agricultural reservoirs and sets out 5 criteria which proposals must fulfil in order for planning permission to be granted

- a) there is a proven need for the proposal
- b) any mineral extracted will be used in a sustainable manner
- c) the reservoir design minimises its surface area by maximising its depth
- d) the minimum amount of mineral is to be extracted consistent with the purpose of the development
- e) the phasing and duration of the development adequately reflects the importance of early delivery of water resources or other approved development

- 8.4 Planning application F/02014/10/CM was assessed against the MWCS policies in September 2011. At that time it was considered that the proposed development met the 5 criteria in policy CS42. The factors affecting criteria (a) – (d) have not changed but criterion (e) should be reconsidered. In 2011 the applicant anticipated that the development would be completed within 3 ½ years, with the first reservoir in operation for irrigation purposes within 18 months of the start of the construction phase. The sand and gravel would be extracted at a rate of 200,000 to 220,000 tonnes per annum. The development commenced on 8 January 2013. According to the applicant's predictions it was therefore expected that the first reservoir would be commissioned by July 2014 and the development completed by July 2016. Condition 3 of planning permission required the development to be completed within 4 years of commencement i.e. by 8 January 2017.
- 8.5 Demand for sand and gravel was not as high as the applicant anticipated in 2011 therefore the rate of extraction has been less than was necessary to complete the development by 8 January 2017. When the current application was submitted in August 2016 approximately 183,000 tonnes of mineral remained to be removed i.e. approximately 27% of the permitted reserve. At the end of April 2017 this had reduced to 138,500 tonnes (20% of the permitted reserve).
- 8.6 The anticipated completion of the first reservoir within 18 months of commencement has not been achieved. The applicant has advised that work on creating the embankment between the reservoirs will commence in mid-June 2017. It could be considered that criterion (e) of MWCS policy CS42 has not been met in that irrigation water has not been delivered as soon as initially proposed. However, if the extension of time for completing the development is not granted, the agricultural justification for the reservoirs could be compromised. It is now necessary to assess whether or not the proposal complies with the other relevant development plan policies.

#### Traffic and highways

- 8.7 The objections to the application for the most part relate to the impact of the HGVs serving the quarry on the public highway, on other highway users and on residential amenity. The likely effect of the volume of HGVs generated by the development was assessed in 2011 on the basis of 80 movements per day (40 in and 40 out) and a contribution from the developer was required for highway improvement works. Whilst there would appear to be evidence that HGVs from the site have contributed to damage to Byall Fen Drove, legal advice is that it is not open to the mineral planning authority to seek additional contributions from the developer at this stage, as the same development with the same tonnages and associated overall HGV movements is being carried out but over a longer period. In December 2016 the applicant stated that there were, at that time, typically more than 200 HGV movements (100 in and 100 out) per day and undertook to limit the rate of output to 50 HGV movements per day (25 in and 25 out) from January 2017 until the current application had been determined. Given that the development was originally assessed and found acceptable on the basis of 80 HGV movements (40 in and 40 out) per day, it is considered appropriate to limit this by a planning condition which also requires the operator to maintain a record of HGV movements. The applicant has agreed to this.

- 8.8 Condition 41 of planning permission F/2004/14/CM states that no plant or machinery may be installed at the site without the mineral planning authority's written approval. In December 2016 the mineral planning authority gave approval for a mineral processing plant to be installed. Without condition 41 the processing plant would have been permitted development under Class A of Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Since then the sand and gravel has been processed at the site i.e. the silt has been removed. This amounts to about 7% less material leaving Lyons Farm Quarry and consequently a reduction in vehicle movements. It also removes the need for the HGVs to travel to Block Fen Drove for processing which as an objector has noted is in need of repair at its northern end.
- 8.9 Condition 36 of planning permission F/2004/14/CM states that no clay for engineering may be imported to the site without the mineral planning authority's written approval. In September 2016 the operator sought approval to import 78,000 cubic metres (approximately 124,800 tonnes). This would equate to 6,240 loads or 12,480 HGV movements. This traffic would be additional to that which was considered in 2011. The applicant states that 70 – 75% would be "backloaded" leaving an additional 3,744 HGV movements over the remaining life of the project. This would amount to an average of 10 – 12 movements per day which would be a 15% increase in HGV movements over and above those considered in 2011. This increase would add to the impact of the traffic from the development on Byall Fen Drove and for this reason the proposal to import clay was not approved. The developer is instead using the clay which underlies the sand and gravel to create the base and side seals for the reservoirs.
- 8.10 MWCS policy CS32 states that minerals development will only be permitted where access and the highway network serving the site are suitable or could be made suitable and able to accommodate any increase in traffic and/or the nature of the traffic associated with the development. FLP policy LP15 states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified which will make the development acceptable in transport terms. The current proposal would not increase the amount of traffic generated by the development as a whole or change its nature. Processing the mineral on site would reduce traffic generated since the beginning of 2017 by approximately 7%. The impact of traffic from the development on Byall Fen Drove is explained in paragraph 4.8 above. For the reasons set out in paragraph 8.7 it is not considered possible to seek further contributions from the developer for highway improvements.
- 8.11 MWCS policy CS32 goes on to say that minerals development will only be permitted where any associated increase in traffic would not cause unacceptable harm to the environment, road safety or residential amenity. Given the small reduction in the total number of vehicle movements that would be the result of processing mineral on site it is considered that the impacts on the environment, road safety and residential amenity are marginally less than when the development was considered in 2011.
- 8.12 For the reasons set out in paragraphs 8.10 and 8.11 it is considered that allowing a further 17 months from 8 January 2017 or 12 months from June 2017 for the development to be completed would not conflict with MWCS policy CS32 or FLP policy LP15.

#### Visual impact

- 8.13 An objector considers that the stockpiles of stripped soil and mineral have had a negative effect on the environment. Condition 27 of planning permission F/2004/14/CM requires soils to be stored in accordance with a scheme that was approved by the mineral planning authority on 12 August 2012. The approved scheme allows topsoil to be stored in mounds up to 3 metres high and subsoil in mounds up to 5 metres high. There is no record in the reports of county council officers' site monitoring visits that the soil stockpiles have exceeded the height

limits set out in the approved scheme. When the proposed development was assessed in 2011 it was noted that it would have a noticeable visual impact in an otherwise flat local landscape during the construction period. This would be temporary and the resulting below ground reservoirs would not have such impacts in the long term. It is considered that the development complies with MWCS policy CS33 which requires mineral development to be assimilated into its surroundings and local landscape character and with FLP policy LP16 (d) which requires development not to adversely impact on the landscape character of the local area.

#### Other environmental considerations

- 8.14 The current application does not propose any changes to the method of working or the restoration of the site. The development was considered in 2011 to comply with the relevant policies of the MWCS (July 2011). The same document remains part of the development plan and it is considered that the development, as amended by the current proposal, would still comply with policies CS1 - Strategic Vision and Objectives for Sustainable Minerals Development; CS25 – Restoration and Aftercare of Mineral and Waste Management Sites; CS34 – Protecting Surrounding Uses; CS35 – Biodiversity and Geodiversity; CS36 – Archaeology and the Historic Environment; CS38 – Sustainable Use of Soils; and CS39 – Water Resources and Water Pollution Prevention.
- 8.15 The Fenland Local Plan was adopted in May 2014 so was not part of the development plan when the development was considered in 2011. The current proposal needs to be assessed against the relevant FLP policies. Policy LP2 signposts policy LP15 in respect of transport (which has been dealt with in paragraphs 8.7 – 8.12 above) and policy LP16 in respect of avoiding adverse impacts of development. Policy LP16 requires development to mitigate against risks from sources of noise, emissions, pollution, contamination, odour and dust and protects form water body deterioration. It is considered that the requirements of the planning conditions provide sufficient mitigation.
- 8.16 The Environment Agency advised in 2011 that there were no concerns about flood risk. The development would not increase surface water run off so would comply with FLP policy LP14. In 2011 the County Council's Historic Environment Team advised that the results of an archaeological evaluation indicated low potential for archaeological evidence that pre-dated Vermuyden's drainage of the fens. The nearest designated heritage assets are at least 1 kilometre from the site. It is considered that the development would not have an adverse impact on their settings. For these reasons it is considered that the development complies with FLP policy LP18.
- 8.17 The restoration, management and aftercare of the site is secured by details approved by the mineral planning authority in September 2012. The approved scheme includes planting appropriated wetland species at the margins of the reservoirs; a small number of willow trees on the northwest boundary of the site and the creation of a beetle bank on the land between the two reservoirs. It is considered that these features, which would be managed for 5 years, would increase the biodiversity of formally intensively cultivated arable land and so comply with FLP policy LP19.

## **9.0 CONCLUSION**

- 9.1 The reasons for the objections to the proposal relating to the impact of HGVs serving the quarry on the public highway are understood. However, for the reasons set out earlier in this report the mineral planning authority is not able to seek further financial contributions from the developer to mitigate the impact of a total volume of traffic that has not increased since the development was first considered. Processing the sand and gravel on site since the beginning



of 2017 would slightly reduce the overall volume of HGV traffic for the remaining 12 months it will take to complete the development

- 9.2 If planning permission is not granted, the resulting development would be two partially constructed reservoirs. Whilst it would be possible to redesign the restoration scheme to take this into account, the purpose of the development i.e. agricultural irrigation would not be fulfilled. Water is crucial to fenland agriculture and is a commodity which is becoming scarcer and its availability less predictable. The desire of growers to have a secure source of water for irrigation is acknowledged and considered to contribute to a thriving agricultural economy. It is considered that the completion of the reservoirs and provision of 450,000 cubic metres of water storage capacity for agricultural irrigation outweighs the impact of the HGV traffic.

## **10.0 RECOMMENDATION**

- 10.1 It is recommended that permission be granted subject to the following conditions.

### **Commencement**

1. This permission shall take effect on the day of issue and shall supersede planning permission F/2004/14/CM.

*Reason: For the avoidance of doubt and to comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

### **Compliance with Submitted Details**

2. The development hereby permitted shall not proceed except in accordance with the details set out in the submitted application form, planning statement, and environmental statement set out in the original application (F/02014/10/CM), received by the mineral planning authority on 30 November 2010, as amended by the conditions stated on this decision notice and the following documents and drawings:
- Drawing titled *Relocated Site Access & Visibility*, produced by David Tucker Associates, Drawing no: LF103, dated Sept 2011 and drawing titled *Site Plan* produced by David Tucker Associates, Drawing no: LF101, dated Dec 2011.
  - Report titled *Ecological Assessment (Addendum- survey of the access route from Byall Fen Drove)* by Robert Stebbings Consultancy Ltd. dated, 13 January 2011, ref no: 091/10-01725/e/0111.
  - Email dated 1 June 2011 (Nicholas to North) identifying location of off-site sand and gravel processing plant.
  - Report titled *Potential need for irrigation water to supply Lyons Farm, Wimblington Fen and neighbouring farmland*, by Land Research Associates, dated 10 June 2011, ref no: 644/9a.
  - Drawing no. LF6 *Mineral Processing Plant Detail* dated 14/09/2016.
  - Figure 2 of L F Acoustics report *Mineral Processing at Lyons Farm, Wimblington* dated November 2016.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, with*

*the minimum harm to the local environment and in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

### **Cessation of Development**

3. The development hereby permitted shall be for a limited period only, expiring on 8 June 2018, by which time all works, including the removal of all equipment, the final restoration and landscaping and the commissioning of the reservoirs shall have been completed.

**Reason:** *To ensure that the working and restoration of the mineral site to its proposed use as an agricultural irrigation reservoir takes place within an acceptable timescale in accordance with policy CS42 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Restriction of Afteruse**

4. The use of the reservoir hereby permitted shall be restricted to the storage of water for agricultural irrigation purposes only.

**Reason:** *To support improved versatility in land and to sustain the rural economy in accordance with policy CS42 of the Cambridgeshire and Peterborough Core Strategy 2011.*

### **Reservoir Engineering Detail**

5. The permitted reservoirs shall only be engineered in accordance with the details approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 23<sup>rd</sup> August 2013.

**Reason:** *To ensure that the site is engineered in a satisfactory manner with regard to the water environment, in accordance with policies CS39 and CS42 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Ancillary Structures**

6. Ancillary structures and parking areas shall not be installed, except in accordance with the details approved pursuant to planning permission F/02014/10/CM by letter from the Mineral Planning Authority dated 14<sup>th</sup> August 2012, as amended by drawing no. LF/NMA/1501 submitted under cover of letter dated 20<sup>th</sup> April 2015.

**Reason:** *For the avoidance of doubt, and in the interests of residential and visual amenities, in accordance with policies CS33, and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

### **Hours of working**

7. Except in emergencies to maintain safe mineral working, which shall be notified to the mineral planning authority as soon as practicable:

(a) No operations other than water pumping and environmental monitoring shall be carried out at the site except between the following times:-

0700 hours to 1800 hours Monday to Friday; and;  
0700 hours to 1300 hours Saturdays.

(b), No soil stripping or operations for the formation and subsequent removal of material from any soil storage and clay bunds shall be carried out at the site except between the following times;

0800 hours to 1700 hours Monday to Friday; and;  
0830 hours to 1300 hours Saturdays;

(c) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

**Reason:** *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

8. No vehicle engaged in the removal of mineral or surplus soil resources from the site shall enter or leave the site before 0700 hours Mondays to Fridays and 0800 hours on Saturdays.

**Reason:** *In the interests of residential and rural amenity, in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

#### **Site Access Road**

9. No vehicles shall enter or leave the site except by way of the existing site access constructed in accordance with planning permission F/02021/11/CM.

**Reason:** *In the interests of highway safety and safeguarding local amenity and to comply with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP15 of the Fenland Local Plan 2014.*

#### **Visibility Splays**

10. The existing site visibility splays shall be retained free of any obstruction at all times.

**Reason:** *In the interests of highway safety and to comply with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

11. (Highway Condition Survey from planning permission F/02014/10/CM already discharged so no longer applicable)

#### **Prevention of Mud and Debris on Highway**

12. The existing facilities for cleaning the wheels and underside of waste vehicles, approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012, shall be maintained for the duration of the development hereby permitted and no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

**Reason:** *In the interests of highway safety and safeguarding local amenity and to comply with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2, LP15 and LP16 of the Fenland Local Plan 2014.*

### **Lorry Sheeting**

13. No loaded heavy commercial vehicle shall leave the site unsheeted.

**Reason:** *In the interests of highway safety and safeguarding local amenity and to comply with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2, LP15 and LP16 of the Fenland Local Plan 2014.*

### **Vehicle Routeing**

14. The directional road signs approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2014 shall be retained at the site exit for the duration of the development hereby permitted.

**Reason:** *In the interests of highway safety and safeguarding local amenity and to comply with policies CS 32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

- 14A. The application area edged red on drawing no. LF1 dated July 2010 shall not be operated except in accordance with the HGV routeing scheme dated xxxxxxxx [text and plan from S106 agreement dated 25 April 2012]

**Reason:** *In the interests of highway safety and safeguarding local amenity and to comply with policies CS 32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

15. The number of HGV movements generated by the development hereby permitted shall not exceed 80 per day (40 movements in and 40 movements out). A daily written record of all HGV movements shall be maintained at the site and on request made available to the mineral planning authority.

**Reason:** *In the interests of highway safety and safeguarding local amenity and to comply with policies CS 32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Monitoring Noise Levels**

16. The level of noise emitted from the site shall not exceed the following limits at:

- New Ghant Farm 52 dB LAeq, 1 hour
- Vicarage Farm 50 dB LAeq, 1 hour
- Honey Hill House 50 dB LAeq, 1 hour

Monitoring of noise levels arising from the site shall be carried out in complete accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012 for the duration of operations.

**Reason:** *In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with policy CS34 of the*

### **White Noise Alarms**

17. No vehicles or mobile plant used exclusively on site shall be operated unless they have been fitted with noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity. Details of the proposed alarms are to be submitted to the mineral planning authority for prior approval in writing. The approved alarms must then be fitted to all site vehicles and mobile plant and thereafter maintained.

**Reason:** *In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

### **Silencing of Plant and Machinery**

18. No plant, equipment or machinery shall operate on site, except during the hours permitted under Condition 7. No vehicle, plant, equipment or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times.

**Reason:** *In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

### **Fixed Lighting Restriction**

19. No fixed lighting shall be erected, installed or operated on the site except in accordance with details of the location, height, design, sensors, and luminance that have first been submitted to and approved in writing by the mineral planning authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

**Reason:** *To minimise the nuisance and disturbances to neighbours and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

### **Dust Suppression Scheme**

20. Dust suppression on the site shall be carried out in full accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012 for the duration of operations.

**Reason:** *To reduce the impacts of dust disturbance from the site on the local environment and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

## **Spraying of Haul Road**

21. The access/haul road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions, at such intervals as may be necessary to prevent the raising of dust by vehicles.

**Reason:** *To reduce the impacts of dust disturbance from the site on the local environment and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

## **Dewatering Pumps**

22. No pumps shall be installed or operated on the site other than in accordance with the details set out in the letter dated 26 April 2017 (Jonathan Halewood, Mick George Ltd to Mr S Gono, Cambridgeshire County Council).

**Reason:** *To safeguard residential amenity, and to enable the effects of the development to be adequately monitored during the course of operations, in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

23. (Dewatering pump information has already been supplied under condition 22 so no longer applicable)

## **Soil Stripping**

24. The developer shall give the mineral planning authority at least 7 days' notice in writing prior to the commencement of stripping of any topsoil or subsoil.

**Reason:** *In order to safeguard the condition of the soils in the interests of the restoration of the site to a beneficial after-use, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011*

## **Soil Movement**

25. No topsoil, subsoil or soil making material shall be handled except when they are in a dry and friable condition. Movement of soils shall only occur:

(a) during the months of April to September inclusive, unless otherwise approved in writing by the mineral planning authority, or

(b) when all soil above a depth of 500mm is in a suitable condition that is not subject to smearing by plant and machinery,

(c) when topsoil is sufficiently dry so that it can be separated from subsoil without difficulty.

**Reason:** *To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist, which as such does not meet the defined criteria, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011*

## Soil Management

26. No movement of soils shall take place except in accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *To prevent damage to soils and to ensure that they remain in a suitable condition to effect a beneficial afteruse in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

27. No soils shall be stored except in accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *To prevent damage to soils and to ensure that they remain in a suitable condition to effect a beneficial afteruse in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

## Seeding and Maintenance of Soil Storage Bunds

28. All storage mounds that will remain in situ for more than 6 months or over winter shall be grass seeded and managed in accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012 for the duration of operations.

**Reason:** *To protect mounds from soil erosion, prevent buildup of weed seeds in the soil and remove vegetation prior to soil replacement, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

## Trafficking Across Soils

29. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or mineral, until all available topsoil and subsoil has been stripped from that part. The only exception to the above is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

**Reason:** *To prevent unnecessary trafficking of soil by heavy equipment and vehicles as this may damage the soil, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

## Sustainable Use of Site Soils

30. No surplus soil or topsoil shall be removed from the site except in accordance with the scheme for the transport, spreading and sustainable re-use of the soils approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *To prevent the loss of soil required for restoration and ensure beneficial re-use of surplus, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

31. Other than as agreed in Condition 30, topsoil and subsoil stripped from the site shall be permanently retained on site for subsequent use in restoration.

**Reason:** *To prevent loss of soil needed for restoration, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

32. Within three months of the completion of soil handling operations in any calendar year, the mineral planning authority shall be supplied with a plan showing:

- (i) the area stripped of topsoil, subsoil and soil making material,
- (ii) the location of each soil storage mound, and
- (iii) the quantity and nature of material therein.

**Reason:** *To facilitate soil stock-taking and the monitoring of soil resources in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Relief of Soil Compaction**

33. Compacted layers caused by machinery engaged in the re-spreading of subsoil and topsoil shall be relieved using a suitable tined subsoiler, to the satisfaction of the mineral planning authority, and any stones in excess of 150mm in any dimension which arise shall be removed from the site or buried at a depth greater than 1.5m.

**Reason:** *To ensure that the soils remain in a satisfactory condition in the interests of the restoration of the site to a beneficial after-use, in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Ecological, Landscape Management and Final Restoration**

34. Restoration, management and aftercare of the site shall be implemented in accordance with the details approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 3 September 2012. The approved restoration scheme shall be completed no later than the end of the first planting season following the commissioning of the reservoirs in accordance with the approved details. Management shall thereafter continue in accordance with the approved scheme for a period of not less than five years and any trees or shrubs which die or become diseased within that period shall be replaced during the next available planting season in accordance with details to be approved in writing by the Mineral Planning Authority.

**Reason:** *For the avoidance of doubt and to secure detailed proposals for the restoration of the site within a reasonable timescale, in accordance with policies CS25 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policy LP19 of the Fenland Local Plan 2014.*

### **Clay for containment engineering**

35. No engineering sealing clay shall be removed from the site;

**Reason:** *To prevent the loss of sealing clay required for the construction of the agricultural reservoir, and ensure the satisfactory restoration of the site, in accordance with policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*



36. No clay for site engineering shall be imported to the site except in accordance with full details of the type of clay and quantity that have first been submitted to and approved in writing by the mineral planning authority.

**Reason:** *In the interests of the visual amenity of the area and highway safety, in accordance with policies CS32, CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

37. Clay shall only be stored on site in accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *In the interests of the visual amenity of the area, and to ensure the satisfactory restoration of the site to an agricultural reservoir, in accordance with policies CS25 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Drainage and Pollution Control**

38. The development shall only be carried out in complete accordance with the scheme for pollution control approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *To prevent the increased risk of pollution to the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

39. No dewatering or extraction of minerals shall be carried out except in accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *To safeguard the water environment, in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

### **Water Transfer Pumping Operations**

40. No water shall be pumped from the site to facilitate water transfer for spray irrigation except in accordance with the scheme approved pursuant to planning permission F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012.

**Reason:** *In the interests of visual and residential amenity in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*

### **Permitted Development Rights**

41. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order then in force, no plant or machinery shall be erected, installed or constructed on the site without the prior written approval of the mineral planning authority.

**Reason:** *In the interests of retaining the open character of the local landscape in accordance with policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

## Unexpected Cessation of Operations

42. In the event of the cessation of the winning and working of sand and gravel or the sealing of the reservoir which in the opinion of the mineral planning authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted to the mineral planning authority for approval within two months of a written request from the authority to that effect. The approved revised scheme shall be fully implemented within 2 years of the written approval.

**Reason:** *To enable the mineral planning authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use, in accordance with policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011.*

Source Documents	Location
Link to the National Planning Policy Framework: <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>	
Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy: <a href="http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7">http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</a>	
Link to the Fenland Local Plan: <a href="http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&amp;p=0">http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&amp;p=0</a>	