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06 May 2016

Dear Ms Wass,

Application No: F/2001/16/CM
Proposal: Extraction of sand & gravel, and clay for landfill cell engineering, as an extension to an existing quarry; field conveyor; continued use of existing processing plant, stocking areas, silt lagoons, office & welfare buildings and private access road; and importation of waste for restoration
Location: Mepal Quarry, Block Fen, Chatteris, CB6 2AY

Thank you for the opportunity to comment on the above planning application.

The RSPB **objects** to the application due to the restoration scheme presented by the Applicant representing a departure from the adopted Minerals Plan and the accompanying Supplementary Planning Document the Block Fen Langwood Fen Master Plan ('the Master Plan').

This departure means that the application does not accord with national planning policy and law. The RSPB is therefore of the opinion that the application should be suitably amended or planning permission should be **refused** for this application, in its current form.

Our detailed comments are provided below.

1. Background

- 1.1 The RSPB's principle concern with the Application arises as the restoration scheme presented is not in line with the restoration plan for this area of the Block Fen / Langwood Fen strategic minerals and waste allocation ('the allocation') that is set by the Master Plan. The Master Plan (and accompanying maps, e.g. map 2.4) clearly identifies the need for this area to be wholly restored to complementary habitat for the adjacent Ouse Washes internationally designated site¹. This complementary habitat

¹ The Ouse Washes is designated as: a Special Protection Area (SPA) under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, as a Special Area of Conservation under the Habitats Directive (Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna), a Site of Special Scientific

would take the form of a large-scale, contiguous area of traditional cattle-grazed fenland meadowland or 'wet grassland' managed to support species that are interest features of the Ouse Washes designated site, principally breeding waders and waterfowl. Creation of such habitat is a core strategic objective for the Master Plan. However, the presented restoration scheme proposes to restore just 7ha of the 61ha application area to nature conservation habitat, with the remainder going back to its current use as intensive arable agriculture.

- 1.2 The Applicant suggests (e.g. at 8.2.38, 8.4.2 of the Environmental Statement) that this 7ha will complement the Ouse Washes. This will not actually be possible to achieve due to the minimal scale of wet grassland habitat proposed (6.4ha) (among other reasons, which are described further in later sections of this response). The need for such habitat to be delivered in a large scale block as close as possible to the Ouse Washes in order to function as complementary habitat is clearly explained in the Minerals and Master Plans (e.g. section 5 of the Master Plan).
- 1.3 It is apparent from this that the Application fails to recognise the significance of the Master Plan and the impact of presenting a scheme that departs from it, despite consultation responses at scoping stage (e.g. Annex I, Environmental Statement/ES) highlighting the need for conformity with the Master Plan and associated Minerals Plan policies. The following sections of this response therefore cover these considerations in some detail. This is to assist the Applicant in recognising the overriding need to achieve adherence to the Master Plan and to properly set the context, before subsequent sections of this response identify the various ways in which the Application fails to conform to the relevant planning policy, and make recommendations to help address this.
- 1.4 The vision and objectives for the Block Fen allocation are clearly set out in Minerals Plan policies CS1, CS2, CS3 and CS5 and the Master Plan (section 2). For example:

Policy CS1: "Notably by 2026 new lowland wet grassland enhancement habitat for the internationally important Ouse Washes will be forming in the Earith / Mepal area, as well as water storage bodies which will progressively secure more sustainable flood management for the sensitive Cranbrook / Counter Drain catchment. This area will become a strategic open space and recreational resource for the immediate and wider area. Mineral extraction and restoration in this area will be guided by the Block Fen / Langwood Fen Master Plan...." (CS1)

Policy CS5: "A site specific strategic allocation is made for sand and gravel extraction at Block Fen / Langwood Fen .. This allocation must be worked and restored in a phased manner in accordance with the Block Fen / Langwood Fen Master Plan."

Policy CS3: "...an area with its close links to the neighbouring internationally important Ouse Washes being positively strengthened over the Plan period and beyond. Due to inappropriate water levels and water quality issues the Ouse Washes is currently in 'unfavourable' condition. The restoration of mineral void to high quality wet grassland adjacent to the Washes will provide enhancement habitat for the nationally and internationally important breeding and wintering bird populations currently using the Washes... The new habitat will require active management in the long term, and this will be secured through planning obligations with the land being placed under the control of a suitably experienced and responsible conservation body..

...to ensure there is no adverse impact to the Ouse Washes ... through well planned, designed and controlled working and restoration

the creation of around 480 hectares of lowland wet grassland providing enhancement habitat to

complement the Ouse Washes, using inert waste and peat soils to create the wet grassland to provide for the long term management of the enhancement habitat adjacent to the Ouse Washes

the creation of water storage / supply bodies with capacity of 10 million m3

to provide for new and enhanced recreational opportunities, including a local visitor centre

to secure the sustainable use of soils as a resource for the future..."

- 1.5 The vision and objectives for the Block Fen allocation are plain in emphasising the importance of achieving the identified strategic objectives for the allocation. In addition to this, the Master Plan clearly sets out the justification for its bold and progressive approach to the allocation. This recognises that such a large scale and long term allocation is not typical but is clearly justified, given the significant and unique opportunity to achieve multiple strategic objectives through restoration of the allocation to a mix of beneficial after uses:

"... It is acknowledged that allocations of this magnitude are not common, particularly where a substantial amount of the provision is being made for the post 2026 period. This situation has come about through recognition of the unique contribution that quarry restoration in this area can make i.e. in the creation of enhancement habitat for the Ouse Washes and more sustainable flood risk management... Together these can play a significant role in enhancing the Ouse Washes SSSI as is required of the Council under duties in the Countryside and Rights of Way Act 2000 and delivery of the Environment Agency's adopted Cranbrook / Counter Drain Strategy. In order to deliver these important wider objectives a comprehensive and long term approach has to be taken. It is also necessary to provide the minerals industry and land owners with a clear long term strategy, with greater certainty regarding the development of the area....

....The Block Fen / Langwood Fen area is unique, not only in terms of its location and characteristics, but also in terms of the opportunities it offers. This Master Plan seeks to address the challenges that exist in taking forward this area ... in support of the construction industry, and at the same time determine a sustainable way of restoring the site which will contribute to addressing national and international issues such as climate change, create enhancement habitat for the internationally important Ouse Washes, help deliver more sustainable flood risk management, and address the need for water storage and supply in the Fens..." (Master Plan sections 3.12-16 and 10.1).

- 1.6 This justification and the overriding importance of achieving the identified strategic objectives - including complementary habitat for the Ouse Washes - is further recognised and ratified in the Inspector's Report of the examination of the Minerals Plan (e.g. para. 41). Given the extensive and detailed context setting, guidance and explanation provided through the Minerals Plan and its accompanying Master Plan it is surprising that the Applicant has failed to recognise the significance of its departure from restoration proposals of the Master Plan. This is disappointing considering the Applicant's description of its environmental credentials and achievements in sections 1.24-1.27 of its planning statement.
- 1.7 The inconsistency of the restoration scheme with the Master Plan has wider ramifications than the loss of a potential 61ha of complementary habitat. The application is one of the first significant applications to come forward following the adoption of the Minerals Plan and accompanying Master Plan. If granted as currently presented (i.e. with a restoration scheme that does not accord with the Master Plan restoration vision), this risks setting a precedent that could see future applications similarly fail to adhere to the restoration vision. The cumulative effect of this situation would severely compromise the ability of the Master Plan to deliver its intended strategic objectives, or prevent this altogether. Further to this, the Master Plan approach is not only necessary in order to

realise the opportunities for significant public benefits that are presented by the allocation, it is also necessary in order to ensure the Minerals Plan accords with duties under relevant legislation and policy.

1.8 Under national and international legislation and policy² the Minerals and Waste Planning Authority (M&WPA) must ensure that adverse impacts on designated nature conservation sites and protected species are avoided. It must also seek to fulfil duties³ to conserve and enhance designated nature conservation sites such as the Ouse Washes SSSI in exercising its functions. The Master Plan describes how these duties will be met through delivering complementary habitat for the Ouse Washes:

- *“The Block Fen / Langwood Fen area will continue to be an important buffer area for the Ouse Washes, with the maintenance of a landscape which has few trees and hedges which could harbour predators”* (section 2.2, 3.20). This consideration was also taken into account through the Appropriate Assessment of the Minerals Plan under The Conservation of Habitats and Species Regulations 2010;
- *“To ensure there is no adverse impact to the Ouse Washes through the extraction, landfill and restoration of the Block Fen / Langwood Fen area, through well planned, designed and controlled working and restoration”* (section 2.2, emphasis added). Restoration to complementary habitat will ensure the extended period of minerals and waste activity adjacent to the Ouse Washes and its effect on this buffer area can be rebalanced, and the protective function of this buffer protected into the future;
- Providing complementary habitat will assist in achieving duties under the Natural Environment and Rural Communities (NERC) Act 2006, with respect to priority species³. Black-tailed godwit is a priority species under the NERC Act (section 41). The complementary habitat has the potential to benefit this breeding species, for which Cambridgeshire is the most important county in the UK;
- Delivering the complementary habitat is the primary means through which the M&WPA will meet its duties under the CRoW Act 2000 through the Minerals Plan (as described in 1.1, above);
- Delivering the complementary habitat is in direct accordance with NPPF principles concerning biodiversity. For example, the NPPF guides planning authorities to seek a net gain in biodiversity (para. 109), and to: plan for biodiversity at a landscape-scale, promote the restoration of priority habitats, ecological networks and the recovery of populations of priority species, and take account of potential components of ecological networks in plan making and decision taking (para.s 117, 165). The NPPF also requires protection of biodiversity interests to be commensurate with their status and for appropriate weight to be given to their importance and their contribution to wider ecological networks (para. 113). Given the Ouse Washes is recognised as a core component of the existing ecological network⁴, extending and buffering the Ouse Washes through provision of the complementary habitat is the most appropriate means to enhance the existing network⁵. In contrast, the Applicant’s proposal to create ecological connectivity via a narrow grassland corridor (section 6.1.23) is not capable of achieving such enhancement, and is

² Including: the Conservation of Habitats and Species Regulations 2010, The Wildlife and Countryside Act 1981, paragraphs 109, 113, 116-8 of the NPPF.

³ E.g. as a Section 28G Authority under the Countryside and Rights of Way Act 2000 (CRoW) and as a Competent Authority under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC).

⁴ See, for example, the [Fens for the Future](#) strategy (section 8.1).

⁵ Applying the principles set out in: *Making Space for Nature: A review of England’s Wildlife Sites and Ecological Network (2010). Report to Defra.*

certainly not commensurate with the status of the neighbouring Ouse Washes internationally designated site.

- 1.9 The Block Fen/Langwood Fen allocation represents the only opportunity to realise significant benefits for an internationally designated site in the Minerals Plan area. The need for this opportunity to be taken up is particularly great as the site in question, the Ouse Washes, is in declining condition (as described sections 5.2/Policy CS3 and 6.25 of the Minerals Plan). This situation is already being acted upon by other public bodies in pursuit of their duties towards such sites. This includes the Environment Agency, which is leading on a project to restore the deteriorated interest features of the Ouse Washes through creating new habitat adjacent to it. The Master Plan recognises the opportunity to enhance this project through providing complementary habitat at Block Fen, which lies opposite the first habitat creation area that the Agency will deliver:

“The Block Fen / Langwood Fen site is also directly opposite Coveney which is a priority area for the Environment Agency’s Habitat Creation Project. If both these areas were to be developed, they would complement each other and provide significant added value through the increased area of contiguous wetland... The creation of the new substantial area of lowland wet grassland is a vital part of the Block Fen / Langwood Fen vision, and one which acts on the excellent opportunity to provide enhancement opportunities for the special interest features of the Ouse Washes, which will supplement other work being undertaken by the Environment Agency and others”. (Sections 5.4, 5.10 and 5.23).

- 1.10 As well as the Environment Agency’s habitat creation project, a major funding bid to fund a five year programme of action to restore the UK’s population of breeding black-tailed godwits has been submitted by the RSPB and the Wildfowl and Wetlands Trust to the European Commission’s Life Nature and Biodiversity programme. The Ouse Washes and Nene Washes in Cambridgeshire are the last remaining strongholds for this species in the UK. The bid has received wide support including from the Local Nature Partnership, Natural England and the Environment Agency, demonstrating the importance of conserving this priority species.
- 1.11 Initiatives such as these underline the importance and need for the Minerals Plan’s strategic objective to deliver 480ha of complementary habitat for the Ouse Washes. The uniqueness of the situation and scale of the opportunity is also without question. Indeed, the Block Fen/Langwood Fen allocation is the only location in the country where the priority species black-tailed godwit can receive benefits through minerals restoration.
- 1.12 A careful approach to the design of the Master Plan vision was needed in order to achieve a configuration of beneficial after uses within the Master Plan area that would ensure each could perform their intended function, and equally importantly, to prevent different after uses compromising others. There is therefore very limited geographical scope to amend the configuration of the vision as outlined in the Master Plan and clear reasons as to why particular after uses need to be located as depicted in its maps. Sections 3, 5 and 6 of the Master Plan explain that:
- *“In order to attract the species of birds that are associated with the Ouse Washes [and so be deemed to be complementary to the Ouse Washes], created habitat needs to be as close as possible, and ideally be immediately adjacent to the Ouse Washes;*
 - *Minerals reserves are deeper in the west of the site, making it an appropriate location for the water storage bodies. The costs and feasibility of removing flood water from the Counter Drain and feeding excess water into the wider carrier drainage system for farmers to use in the summer also remain practical in this location.*

- *Significant formal recreation opportunities (and the associated benefits of increasing access to the countryside, tourism and supplementing the local economy) also require careful zoning. They will be most appropriately associated with the water storage bodies (for water sports and angling), whereas more informal recreation will be appropriate for the complementary habitat areas, to avoid undue disturbance to its wildlife interests;*
- *The location of the water bodies have been designed to avoid having a large expanse of water too close to the Ouse Washes (which would attract predatory birds such as gulls, which will predate the eggs and chicks of the ground nesting birds that breed on the Ouse Washes)."*

1.13 Hence there are clear reasons as to why the restoration scheme for the Application site needs to be consistent with the Master Plan restoration vision. The alternative restoration scheme of predominantly arable after use would compromise the ability of any other areas of complementary habitat brought forward to function as such, due to fragmenting the continuous area of this habitat, which is required to attract species that are interest features of the Ouse Washes such as breeding waders. Such fragmentation would also make these species more vulnerable to 'edge effects', including increased predation by ground predators. Seeking to extend any complementary habitat elsewhere in the allocation to make good any loss of complementary habitat in the area currently proposed for it would displace other beneficial after uses such as the water storage bodies, which have been strategically located so they can similarly perform their intended function.

2. Failure to adhere to Minerals Plan policies and the Block Fen /Langwood Fen Master Plan SPD

2.1 Sections 3, 4 and 6 of the Planning Statement to the application and Appendix 2 of its Environmental Statement set out the Applicant's interpretation of how the application accords with the Minerals Plan policies and Master Plan SPD. However, the RSPB considers that this interpretation is flawed in a number of respects and this leads to the Application failing to conform to adopted Minerals Plan policies. Subsequently, the application is not in accordance with the relevant Development Plan and therefore planning permission cannot, in our view, be granted to the application, as currently presented. The following paragraphs outline how the application fails to accord with a number of specific Minerals Plan policies.

Policies CS1, CS2, CS3 and CS5 – Strategic Vision and Objectives and Block Fen allocation

2.2 Sections 4.5.2 and 3.2.8 of the Planning Statement claim that:

"...the objectives of the [Master Plan] SPD have been incorporated into the proposed development and the restoration scheme has been designed taking into account the Block Fen/Langwood Fen SPD, for which the protection and enhancement of the Ouse Washes represents the key vision" and "Overall, the proposed restoration plan fits within the Local plan for mineral developments under Policies CS1 to contribute to meeting strategic objectives relating to sustainable flood risk management for the Cranbrook and Counter Drain catchment, and enhancement habitat creation adjacent to the Ouse Washes, through mineral extraction and restoration in the Earith/Mepal area".

As set out in section 1 of this response, the restoration scheme presented fails to deliver complementary habitat, a core strategic objective of the Master Plan. The restoration scheme also fails to contribute meaningfully to any other strategic objective of the Master Plan. This significant shortfall means that the planning application does not conform with core policies of the Minerals Plan, most chiefly policies CS1, CS2, CS3 and CS5.

Policy CS35 – Biodiversity

2.3 The Planning Statement emphasises that due to the inclusion of some 7ha of nature conservation habitat in the current restoration scheme, the application can be considered to be in accordance with policy CS35. This requires benefits for Biodiversity Action Plan habitats and species to be realised through restoration schemes. However, this does not justify the departure from the Master Plan. Policy CS5 is clear that the Block Fen allocation is to be worked and restored in accordance with its dedicated Master Plan. Policy CS35 guides restoration schemes for allocations other than the Block Fen allocation to ensure biodiversity benefits can be realised through other allocations of the Minerals Plan. Whether or not the nature conservation proposals can be considered to be in accordance with policy CS35 is therefore immaterial.

Policies CS1, CS3 and CS38 – Sustainable Use of Soils

2.4 The Environmental Statement and Planning Statement (sections 11.2.1, ES and 3.2.8, respectively) argue that restoration to predominantly intensive arable after use is in accordance with policy CS25, as CS25 states:

“Where there is best and most versatile agricultural land restoration back to agriculture may be appropriate”.

However, other policies of the Minerals Plan are stronger in requiring sustainable use of soils. These include policies CS1, CS3 and CS38. CS38 requires that minerals and waste development is only permitted where it can be shown that this *“incorporates proposals for the sustainable use of soils”* and *“the proposed restoration can be shown to positively contribute to the long term conservation of soils”*. The Master Plan dedicates a section (section 9) to the Sustainable Use of Soils, and requires the avoidance of soil organic matter loss. It also clearly sets out the issue:

“It is not enough just to use the soils in a sustainable way; in order to keep them in the ‘carbon store’ it is necessary to secure their long term future management. Arable production on peat soils causes the release of carbon dioxide held in the peat as it oxidises after ploughing. Grassland is a land use that helps protect the peat resource and reduces the release of carbon dioxide. Restoring the Block Fen /Langwood Fen to wet grassland is a practical action to reduce emissions in line with the County Council's commitment to addressing the challenge of climate change. The methodology for the creation of lowland wet grassland would allow the land to revert back to an arable agricultural use should this be required in the long term” (section 9.17, Master Plan)

The Minerals Plan policies and accompanying guidance in the Master Plan are unequivocal in stating sustainable use of soils and long term conservation of soils are requirements, whereas policy CS25 relied upon by the Applicant describes that *restoration back to agriculture may be appropriate*.

2.5 There is a strong body of scientific research and evidence that confirms that arable farming - with intensive drainage and cultivation - can result in comparatively rapid peat wastage (and associated loss of soil carbon⁶). The value of conserving agricultural peatlands for enhancing future food security (for example by using more extensive farming systems such as grazing, so that they could be returned to agricultural production should the need arise in the future) has also been identified through research⁷.

⁶ E.g. Natural England Report NE257: England's peatlands: carbon storage and greenhouse gases (2010)

⁷ E.g. Morris J. et al (2010). Restoration of Lowland Peatland in England and Impacts on Food Production and Security. Report to Natural England. Cranfield University, Bedford.

While the Application presents a strategy to minimise impact on soil resources (section 11.3 of the ES), it is clear that the restoration to predominately arable after use would not achieve sustainable use of soils or long term soil conservation, due to this after use actively destroying peat soils. Conversely, the alternative agricultural after use of creating complementary habitat will achieve both of these things, (alongside additional benefits). This is therefore a further area of Minerals Plan policy that the Application fails to accord with due to proposing a restoration scheme that departs from the Master Plan.

Policy CS22 – Climate Change

- 2.6 Aside from describing how a positive determination of the application would ensure that minerals and waste development at sites further afield from the current processing plant at Mepal would be avoided (and so potentially result in increased transport emissions) (section 5.4.4), the application does not present proposals to accord with policy CS22 on Climate Change. CS22 requires that:

“Minerals and waste management proposals, including operational practices and restoration proposals, must take account of climate change for the lifetime of the development. This will be through measures to minimise greenhouse gas emissions, and by measures to ensure adaptation to future climate changes. Proposals should set out how this will be achieved, and include... In the case of mineral workings, restoration schemes which will contribute to addressing climate change adaptation will be encouraged e.g. through flood water storage, and biodiversity proposals which create habitats which act as wildlife corridors and living carbon sinks..”

- 2.7 Through promoting restoration to arable agricultural after use, the application fails to comply with the above policy. As noted above, this after use in the Fenland context will actually increase greenhouse gas emissions in comparison to restoration in accordance with the Master Plan. Arable cultivation of peat soils releases soil carbon at significantly greater rates than alternative agricultural or other land uses, such as extensively managed grassland systems⁶.
- 2.8 In summary, the RSPB strongly recommends the application is amended to bring it in line with the Master Plan, in order to achieve conformity with adopted planning policy in these areas and help to realise the significant intended benefits of the Plan.

3. Inadequate assessment of alternatives to the presented restoration scheme

- 3.1 An assessment of alternatives to the application is presented at section 6 of the ES. This majors on assessing alternatives to primary aggregates, doing nothing, or alternative minerals and waste allocation sites. The relative merits of the presented restoration scheme versus bringing forward a scheme that accords with the Master Plan are considered in a superficial way only.
- 3.2 Had the alternatives assessment considered the relative value that a restoration scheme that accords with the Master Plan by delivering complementary habitat for the Ouse Washes, managed as traditional cattle-grazed fenland meadowland (i.e. including Natural Capital/ecosystem services benefits, ranging from sustainable use of soils, climate change adaptation, food production, water quality and flood risk management), the relative merits would clearly override those of the present scheme.

4. Flawed interpretation of the National Planning Policy Framework

- 4.1 Sections 4 and 6 of the Planning Statement and Appendix 2 of the Environmental Statement set out the Applicant's interpretation of how the application and its proposed restoration scheme accords with the National Planning Policy Framework (NPPF). The RSPB believes that the interpretation presented is flawed.

4.2 It is argued that the application and restoration scheme achieve sustainable development as defined by the NPPF: *"NPPF paragraph 14 promotes a presumption in favour of proposals for sustainable development and this includes satisfying an economic role, a social role and an environmental role. The proposed development meets all of these roles in a positive way:-*

- *By maintaining and underpinning the development aspirations of the area (as set out in policy) ...by contributing towards meeting the Earith/Mepal Zone annual apportionment and the County's sand and gravel requirements;*
- *By securing a significant number of jobs both directly and indirectly related to the site and the associated injection of capital into the local economy;*
- *Environmentally the development has evolved in a manner such that likely significant adverse impacts have been designed out of the scheme to leave a scheme that will fall within the limits of acceptability."*

Balancing these three roles leads Aggregate Industries to the conclusion that planning permission should be granted in accordance with the Development Plan and paragraphs 187 and 14 of the NPPF" (Section 6.1.27-6.1.28).

4.3 However, as described in section 1 of this response, the restoration proposals do not achieve a commensurate contribution to the strategic objectives of the Master Plan, namely through creation of complementary habitat and provision of associated informal recreation opportunities. The Application is therefore flawed in its above claim, as it cannot be considered to achieve an appropriate balance across the economic, environmental and social dimensions of sustainable development as defined by paragraph 7 of the NPPF.

4.4 Furthermore, the Application appears to present an interpretation of the NPPF that would suggest that economic considerations of any kind can be considered to be paramount in the NPPF. It appears to use this to argue that the departure from the adopted Master Plan restoration vision is justifiable because restoration to arable is more economically advantageous to the direct beneficiaries of the Application (the Applicant and landowners). For example, the planning statement (sections 4.2.6, 5.4.6, 3.2.1 and others) describes:

"... paragraph 19 [of the NPPF] requires that: Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system... NPPF paragraph 144 emphasises the need for local authorities to give great weight to the benefits of mineral extraction including to the economy when determining planning applications. NPPF Paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development wherever possible...

....The proposed extension area is dominated by best and most versatile agricultural land. Therefore, the proposed restoration scheme has been developed taking account of the three dimensions to sustainable development (NPPF, para 7). The site needs to perform an economic role and the restoration proposals are generally based around recreating commercially viable agricultural land along with the creation of areas of ecological and nature conservation enhancement..."

The apparent suggestion is that as the NPPF definition of sustainable development includes an economic dimension, and elsewhere in the Framework emphasis is placed on increasing the speed of planning decisions to help facilitate economic growth, the proposed restoration to arable after use conforms with the NPPF as this is the (assumed) most economically valuable after use for the direct beneficiaries. This would also suggest that restoration according to the Master Plan would not be in accordance with the NPPF as it would not be the most economically advantageous future use of the land for these parties. Such an interpretation is erroneous and provides insufficient justification for

presenting a restoration scheme that does not accord with the relevant Minerals Planning policies and Master Plan. As described above, the definition in the NPPF includes three dimensions, incorporating social and environmental dimensions alongside economic. If economic considerations at all stages of the development process and at all levels were allowed to override the other dimensions, this would achieve development that was sustainable in only one sense, and actually go against the definition set out by the NPPF.

- 4.5 In addition, to support this line of argument several unreferenced claims in relation to agricultural economics purported to be specific to the local area are presented:-

“The landowners are keen to retain this valuable farmland resource for future generations of their family. Prices of agricultural land in the area have increased tenfold over the last 10 years from circa £1,200 to over £12,000 per acre. Issues such as global food demand has led to significant increase in land values, while the amount of land coming onto the market for sale is continuing to lag well behind, therefore making it increasingly difficult for the landowners to secure alternative farmland. It is probable that when the Block Fen Masterplan was in the course of inception that land values were toward the bottom end of the land price scale. With current values so high, it is considered that the Block Fen Drove Masterplan will be extremely difficult to deliver and there is a school of thought which takes the view that it is undeliverable, not sustainable and outdated” (Section 6.1.6, Planning Statement).

These claims are unsupported by reference to objective evidence and also flawed in the following ways. They consequently should not have any bearing on the question of conformity with the NPPF or be considered material considerations in their own right.

- 4.6 The assertions begin by correctly stating that land prices have increased significantly over the last decade as is supported by industry literature⁸ though a ten-fold increase is not supported by any data seen by the RSPB. Savills gives an average 10 year increase of 247% in the East of England while the East’s prime arable land fell by -11.5% in price in the last year⁹. The application goes on to incorrectly state that land price increases have been driven by food prices, land availability has been constricting and that land prices were at the bottom of the range they present when the strategy was created. We would contend that:

- There has been no spike in food prices necessitating concern over food security or need to maintain arable land at the expense of long term soil preservation.
- Land availability is increasing and variable. What change there has been in the ability of landowners to buy suitable alternative land, according to land agent publications, has led to an improvement for buyers.
- What changes there have been since plan approval in 2011 for farm economics would in the short term depress the case for investment in farming.

Market conditions are always complex and evolving. Land management requires us to think in hundreds of years whilst the market changes discussed are occurring over 5 or 10 years. We would argue that short term market variations would not support the case for a return to intensive arable agricultural production.

⁸ <http://www.rics.org/us/knowledge/market-analysis/ricsrau-rural-land-market-survey-h2-2013/http://pdf.euro.savills.co.uk/uk/rural---other/uk-agricultural-land-2016.pdf>

⁹ <http://pdf.euro.savills.co.uk/uk/rural---other/uk-agricultural-land-2016.pdf>

Demand for food is not inflating food prices nor land prices

- 4.6.1 In response to land prices increases over the last ten years FAO data shows that average wheat prices (for example) for the top 5 producers only increased by 50% between 2004 and 2014 and has been falling in recent years¹⁰. Figure 3.3.1-1 shows the prices for the 5 largest wheat producers over the last decade.

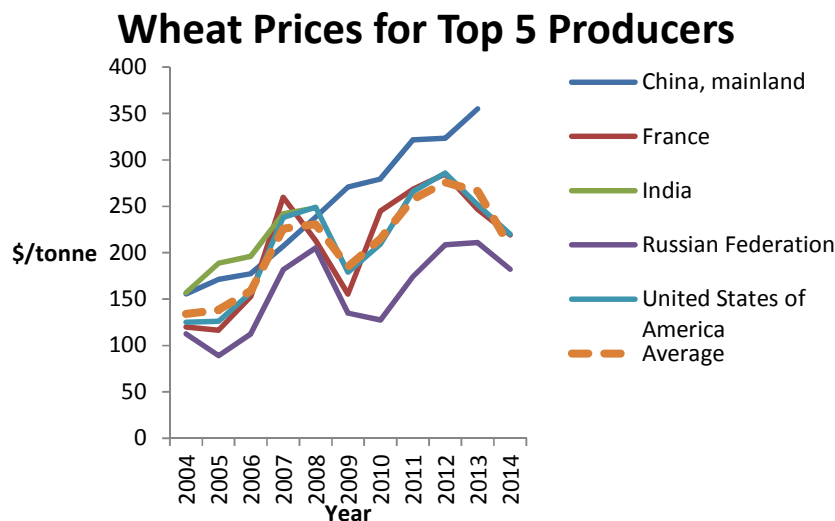


Figure 3.3.1-1: Historic wheat prices for the top 5 global producers (source FAOstat)

- 4.6.2 Furthermore there is good reason to believe that even this increase in commodity prices is driven not by demand but by global cost increases. In 2004 UK average milling wheat prices were £80/tonne¹¹, in 2015 they were quoted at £152/tonne¹²; but the gross margin per tonne was £600 in 2004¹¹ and rose to only £626/tonne in 2015¹². Sugar Beet prices have fallen from £33 per clean tonne in 2004 to £29.51 in 2015 with gross margins dropping from £1195/ha to £801/ha^{11,12}. Maincrop potato income has risen from £1225/ha to £2334/ha between 2004 and 2015 due to price and average yield increases^{11,12}. However, rather than escalating since the inception of the Masterplan the gross margin on maincrop potatoes has fallen from £3461/ha in 2011¹³ a fall of over £1,000/ha in a very short time. Yields have remained stable but prices fell from £150 to £130/tonne and input costs rose^{12,13}.
- 4.6.3 Commodity price signals are not commensurate with land price changes. As such demand can not be considered to be creating an overwhelming demand for productive farmland in the UK. Long term price signals responding to underlying cost increases globally which are likely driven in many cases by oil prices. For instance fertiliser costs for wheat per hectare of farmland were around £82.50 in 2004¹¹ rising to £207 in 2015¹². Given that modern fertilisers are derived from oil and that oil prices rose from \$38 to \$86 per barrel¹⁴ it is likely that this is the real short term driver of global food commodity prices rather than demand for production.
- 4.6.4 In 2015 Farmers represented 43% of all agricultural land buyers, which was the lowest proportion of the market since 2003. Conversely farmers were the highest proportion of sellers in seven

¹⁰ <http://faostat3.fao.org/home/E>

¹¹ J. Nix (2004) "Farm Management Pocketbook" (34th ed.) Agro Business Consultants Ltd., Melton Mowbray

¹² J. Nix (2015) "Farm Management Pocketbook" (45th ed.) Agro Business Consultants Ltd., Melton Mowbray

¹³ J. Nix (2011) "Farm Management Pocketbook" (41st ed.) Agro Business Consultants Ltd., Melton Mowbray

¹⁴ http://inflationdata.com/Inflation/Inflation_Rate/Historical_Oil_Prices_Table.asp

years¹⁵. There are a range of ideas regarding what might be driving UK land prices. Amongst these are asset price investment and the shadow price of development but demand for maintenance of productive land is not a primary and likely not even a secondary driver of recent significant rises. This would undermine the assertion that there is a pressing need to keep every hectare of farmed land in the UK in production.

Land Availability is in nature erratic but the trend is increasing

4.6.5 Figure 3.4.2 -1 is taken from RICS¹⁶ and shows the trend for the last decade has been, rather than a contraction, an increase in supply of land. It is also worth noting how variable land availability is. A shortage of available land in one year does not indicate that land sales will be low in a year and certainly not in 10 years time. In 2015 there was a 24% increase in purchases over 2014 with the largest increase in the East of England¹⁵. The landowner would be in a strong position to wait until suitable land became available and there is no reason to believe that it would not according to land agent literature. It is worth noting the opinions of land agents in the East of England who suggest it is currently a buyers market¹⁵.

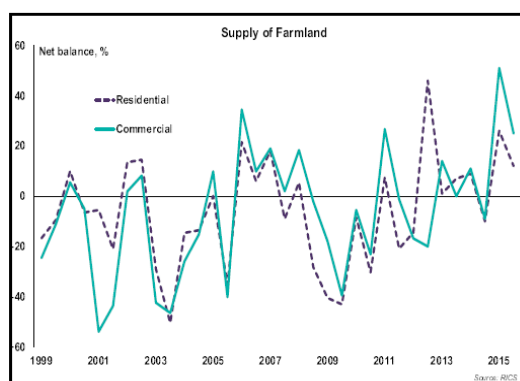


Figure 3.4.2 -1: Supply of farmland (source RICS⁹)

No Material changes since adoption of the Block Fen/Langwood Fen Master Plan - though short term changes in income would depress the case for farming

4.6.6 The first thing to note is that the Master Plan was adopted in 2011. That discussion and development of that plan started in several years previous to this has no bearing on the case for its acceptance in 2011 and merely underlines how thorough the process of its adoption was. In 2011 prime arable land was not close to the bottom of the range presented in the documents. While land prices have risen in that time it is by a much closer to 50% and is currently falling^{17, 18}. As we have already shown this land price increase has not been accompanied by a correlating increase in farmers' gross margins. With respect to the profitability of farming the return on capital has shrunk thereby making farming a less viable land use.

4.6.7 The poorer outlook for farm investment is born out in the increases in debt driven sales. Despite historically low interest rates in the UK debt drove nearly 20% of all sales the highest in well over a decade¹¹ and in addition prices are dropping. It is hard to be certain what is driving recent land price signals. Prices and sales may indicate that the market is reacting to the poorer returns to capital in recent years.

¹⁵ <http://pdf.euro.savills.co.uk/uk/rural---other/uk-agricultural-land-2016.pdf>

¹⁶ <http://www.rics.org/us/knowledge/market-analysis/ricsrau-rural-land-market-survey-h2-2013/>

¹⁷ <http://www.rics.org/us/knowledge/market-analysis/ricsrau-rural-land-market-survey-h2-2013/>

¹⁸ <http://pdf.euro.savills.co.uk/uk/rural---other/uk-agricultural-land-2016.pdf>

4.6.8 The debate here is over uncertain and complex short term changes in market conditions which can change rapidly. We would argue that nothing has changed to support a shift towards more intensive farming in the area and in fact price signals are in the opposite direction. Note the drop in income from maincrop potatoes. Even if the assertions in the application regarding recent market conditions were salient overturning carefully developed strategies due to short term prices signals would be unsustainable. Sustainable land use strategy requires a long term vision for 50, 100 or 500 years and not 5 years. A short term market led approach would lead to expensive mistakes and constant policy changes.

4.7 Finally, any suggestion that the Master Plan is not in accordance with the NPPF is also invalid. The approach taken to the Block Fen allocation by the M&WPA wholly accords with the principles of the NPPF cited by the Applicant (i.e. those set out in NPPF paragraphs 7, 144 and 187). In producing a thoroughly researched and widely consulted upon Master Plan that gives due weight to and balances the multiple economic, social and environmental opportunities and constraints of the allocation the M&WPA has ensured sustainable minerals and waste development can be brought forward in the area. The clear guidance to Applicants and operators as to how to achieve conformity with the relevant Minerals Plan and other considerations relevant to the allocation enables rapid determination of planning applications that conform to the Plan. It is also relevant that the NPPF does not place any emphasis on specific after uses. Rather, it emphasises the need for planning policies to ensure:

“...high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.”
(Para. 143, NPPF).

Restoration to complementary habitat as per the Master Plan would realise a greater number of these NPPF objectives for minerals restoration compared to the promoted restoration scheme. The land would be managed by traditional summer cattle grazing, akin to the management of the neighbouring Ouse Washes. This would ensure the high quality soils are conserved relative to arable agriculture and so protect this resource for the future. Added to this would be enhanced recreation opportunities for local communities and significant benefits for biodiversity.

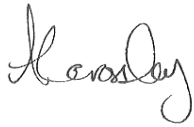
4.8 To summarise, all arguments made by the Applicant that seek to suggest that resumption of arable use must be permitted in order to be consistent with national planning policy (despite not being in accordance with the adopted Minerals Plan), cannot be considered material to the determination of the planning application and should be disregarded. The same treatment must be applied to the argument that the Master Plan is ‘*undeliverable, not sustainable and outdated*’. This argument rests upon the fact that agricultural economics and land availability have changed significantly since the Master Plan was adopted, which are unfounded claims that do not carry due weight to provoke a review and any subsequent revision of the adopted Minerals Planning policy. The Master Plan provides specific guidance (e.g. sections 2.5, 10.3) as to how long term management arrangements and funding of the beneficial after uses it sets out can be secured. No circumstances have changed since the adoption of the Minerals Plan that would suggest such approaches are no longer possible. The Master Plan therefore remains deliverable, sustainable and current.

5. Conclusions

The RSPB is of the opinion that planning permission cannot be granted to the Application, as currently presented. The Master Plan sets out a sustainable plan for the future of Block Fen / Langwood Fen that will see the positive benefits of minerals and waste development and restoration maximised. This application does not accord with that Plan and should be amended to achieve this.

The RSPB would welcome the opportunity to contribute to discussions with the Council and Applicant on the matter of achieving consistency with the Master Plan restoration vision through this Application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Crossley', written in a cursive style.

Amy Crossley
Conservation Officer
RSPB Eastern England Regional Office