

PLANNING COMMITTEE



Date: Thursday, 17 May 2018

Democratic and Members' Services

Quentin Baker

LGSS Director: Law and Governance

10:00hr

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Kreis Viersen Room

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

- 1 Appointment of Chairman/woman
- 2 Appointment of Vice-Chairman/woman
- 3 Apologies for Absence
- 4 Declarations of Interest

Guidance for Councillors on declaring interests is available at:

<http://tinyurl.com/ccc-conduct-code>

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PLANNING APPLICATIONS

- 6 F-2000-17-CW Witcham Meadlands Quarry, Block Fen, CB6 2AY

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The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Ian Gardener (Vice-Chairman)

Councillor Anna Bradnam Councillor Lynda Harford Councillor Peter Hudson Councillor Bill Hunt Councillor Sebastian Kindersley and Councillor Joan Whitehead

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

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PLANNING COMMITTEE: MINUTES

Date: Thursday 14th December 2017

Time: 10.00am – 10.45am

Place: Kreis Viersen, Shire Hall, Cambridge

Present: Councillors A Bradnam, D Connor (Chairman), I Gardener (Vice-Chairman), B Hunt and S Kindersley.

28. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Harford, Hudson and Whitehead.

There were no declarations of interest.

29. MINUTES – 2ND NOVEMBER 2017

The minutes of the Planning Committee meeting held on 2nd November 2017 were agreed as a correct record and signed by the Chairman.

30. EXPANSION OF CHESTERTON COMMUNITY COLLEGE FROM SIX FORM ENTRY SECONDARY SCHOOL (600 PUPILS) TO EIGHT FORM ENTRY SECONDARY SCHOOL (1,200 PUPILS), INCLUDING PARTIAL DEMOLITION AND ERECTION OF PART ONE STOREY AND PART TWO STOREY EXTENSION TO INCLUDE A NEW MAIN ENTRANCE / RECEPTION, A LARGE MAIN HALL, A DINING HALL, A KITCHEN, NEW TEACHING ROOMS, CIRCULATION SPACE, WC'S AND STORAGE FACILITIES; EXTENSION TO THE EXISTING CAR PARK; THE PROVISION OF NEW CYCLE PARKING; HARD AND SOFT LANDSCAPING; GENERAL BUILDING REFURBISHMENT; REMOVAL OF A GAS METER; AND IMPROVEMENTS TO THE ACCESS ROAD WITH INTERNAL PEDESTRIAN CROSSING POINTS.

AT: CHESTERTON COMMUNITY COLLEGE, GILBERT ROAD, CAMBRIDGE, CB4 3NY

LPA REF: C/5003/17/CC

FOR: CAMBRIDGESHIRE COUNTY COUNCIL

The Committee received a planning application that sought planning permission to construct an extension to Chesterton Community College, to provide an additional two entry forms, which would result in an eight form entry school, increasing pupil numbers from 900 to 1200 students, and a commensurate increase in staff. It was noted that there was an inaccurate reference in the title to 600 students, which should read 900.

In the presentation, Members noted:

- The current layout of the site was very open and presented potential safeguarding issues. The proposed changes sought to address these issues and have more strongly defined locations around the site, including a 'gateway' extension to provide a reception area which was discussed through the use of elevation drawings and 3D views;

- Where the site was located within Cambridge and where the objections had been received from, with Gilbert Road and Carlton Way specifically pointed out by officers;
- A number of internal alterations were included in the plan, which did not require planning permission, but information was provided to give a full picture of the proposed scheme;
- The application included a junction improvement within the site, changes to car parks and landscaping and the introduction of renewable energies;
- The concerns raised by Cambridge City Council officers in relation to the design of the entrance building and the use of render to create a focal point, which was discussed within the report;
- That whilst the Sports Centre does not form part of the planning application, it was shown on the plans to provide context as it was on the same site.

Arising from Members' questions:

- It was confirmed that the main vehicular access to the site would still be the Gilbert Road entrance. Bateson Road was only used for vehicular access occasionally, e.g. for parents' evenings and other events. A Member expressed concern that the site was therefore still reliant on one very narrow entrance/exit, which was very constrained and not suitable for coaches. Officers explained that having Bateson Road open permanently as a pupil entrance was not an option as it would open more potential safeguarding issues. Reference to the objection from Cam Cycle about not using this entrance was also discussed by officers and an explanation had been supplied by the planning agent on this matter. 300 additional cycle spaces were being provided as part of the application, and the Sports Centre has its own cycle parking provision;
- It was noted that the intention that all visitors (but not students) entering the school would come through the reception area, and this was part of the improved safeguarding provisions.

Speaking in support of the application, Colin Young, on behalf of the applicant addressed the Committee.

Mr Young explained why the extension was necessary, and the benefits and enhancements that it would bring to the school. He confirmed that all proposed work was being built within the confines of the existing built area. The proposal would have minimal impact on transport, with the Transport Assessment estimating 26 additional car trips (22 pupils/4 staff) per day. Pupils would continue to be dropped off in neighbouring streets.

In July 2017, a simple survey of pupils found that 57% of pupils travelled to school on a bicycle or scooter, and 35% walked, albeit it was noted that Year 11 students were unlikely to have been there for that. The additional cycle trips could be comfortably accommodated within the provision for additional cycle spaces. It was noted that the requirement was for one parking space to be provided for every three members of staff. One of the key tools available to the school would be the operation of a Travel Plan, which would periodically monitor parking, cycling, and the numbers of pupils being dropped off, and identify any changes or actions required.

A Member asked whether there would be sufficient parking spaces to cover both staffing and Sports Centre usage. Mr Young indicated that with the support of the Travel Plan, the parking should be ample. It was confirmed that there was no suggestion of using Bateson Road for coach drop offs, as this was a constrained residential road, whilst Gilbert Road was more appropriate.

The Committee noted comments from the Local Members, Councillors Scutt and Richards. A Member commented that he found Cllr Scutt's detailed comments very helpful and informative.

In discussion:

A Member commented that this was clearly an important opportunity to refurbish and extend an existing school, and she supported the application in principle. She had some concerns about the reception building, in that it was in a separate building, which meant that staff would have to walk outside, in all weather conditions, to reach it. Officers advised that the applicants had had pre-application discussions with school management, so these type of issues would have been discussed at that stage. From an urban design perspective the design was very workable, and it also addressed the safeguarding issues.

Officers showed on a map the approximate catchment area for the school, which was useful in terms of the numbers of students who would realistically be walking and cycling. Members commented that they found this very helpful and it would be useful to have this type of catchment map when considering applications for other schools in future.

A Member observed that many schools and colleges were also 'Community Hubs', as pointed out in Councillor Scutt's submission, so sometimes there would be events being held at them with a wider 'catchment' of attendees, so there may be parking issues in the evening. Officers advised that the main transport issues expressed by those who had made representations related to drop off and pick up time, traffic during the construction phase and coaches. These issues would be picked up in the Travel Plan.

It was resolved unanimously to grant planning permission subject to the conditions set out in appendix A to these minutes.

31. ENFORCEMENT UPDATE REPORT

Members received the Enforcement Update Report for the period 1st August to 30th November 2017.

Members noted the following points:

- Two new Enforcement Notices and two Breach of Condition Notices had been served in this period, all four relating to breaches of planning control at a single site at Benwick Road Industrial Estate, Whittlesey. These relate to wood waste HGV movements out of hours (condition 6) at East Anglian Resources Ltd;
- Officers were working with legal colleagues regarding clay extraction and waste importation at a site on Black Bank, Little Downham. The land owner had been advised of Counsel's legal view that a prohibitory injunction from the court with a penal notice attached should be sought, making it a criminal offence to import any further waste material on to the agricultural unit;

- Officers had been working closely with the land owner of a former quarry at Long Drove, Somersham, to resolve issues around flooding, including provision of a Pocket Park, which should be opening in 2018;
- Officers were pleased to report that the Council's legal costs of nearly £24,000 had been paid in full by the site operators at Wilbraham Landfill, which was a long running case;
- Removal of specialist waste in an outside storage space at Warboys Airfield Industrial Estate was very close to completion. The Committee congratulated officers for their hard work and persistence in this and the Great Wilbraham case;
- There had been no further officer visits to the Long Acre Farm case since the report was produced, as officer time had primarily been focused on the Benwick Road and Black Bank cases.

Councillor Kindersley advised that he was happy with progress at Barrington Quarry, and the detailed updates officers provide to him, the Parish Council and the Liaison Group.

It was resolved to note the content of the report.

32. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

It was resolved to note the decision made under delegated powers.

Chairman

1. Commencement of the Development

The development hereby permitted shall be commenced no later than three years from the date of the decision notice. Within 14 days of the commencement of the development hereby approved, the County Planning Authority shall be notified in writing of the date at which the development commenced.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act and Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.

2. Occupation of the Development

Within one month of the occupation of any part of the development hereby permitted, as shown on Drawing Number 5138389_COL_LA001 REV F dated 18/07/17 'General Arrangement Plan', the County Planning Authority shall be notified in writing of the date on which it was first occupied.

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

3. Approved Plans and Documents:

The development hereby permitted shall be carried out in accordance with the application form dated 03/08/2017 and the details set out in the application document and in accordance with the following drawings and documents (received 03/08/20017 unless otherwise specified), except as otherwise required by any of the conditions set out in this permission:

- 5138389-ATK-Z1-ZZ-PL-A-4010, REV PL.2, Site Location Plan, dated 14.08.17 (received 14/08/2017);
- Email 'RE: C/5003/17/CC: Chesterton Community College,' dated 16 November 2017 (received 16 November 2017);
- 5138389-ATK-EXT-00-DR-L-0001: External General Arrangement Sheet 1 of 2 Rev P01., dated 12.09.17 (received 24/11/2017);
- 5138389-ATK-EXT-00-DR-L-0001: External General Arrangement Sheet 2 of 2 Rev P01., dated 12.09.17 (received 24/11/2017);
- 5138389-COL-LA003 REV E: External New Proposed and Existing Retained, dated 18/07/17
- 5138389_ATK_Z1_00_PL_A_4200 REV PL.1: Proposed Basement Plan, dated 21.07.17;
- 5138389-ATK-Z1-GF-PL-A-4201 REV PL.1: Proposed Ground Floor Plan, dated 21.07.17;
- 5138389-ATK-Z1-01-PL-A-4203 REV PL.1: Proposed First Floor Plan, dated 21.07.17;
- 5138389-ATK-Z1-02-PL-A-4205 REV PL.1: Proposed Second Floor Plan, dated 21.07.17;
- 5138389-ATK-Z1-RF-PL-A-4206 REV PL.1: Proposed Roof Plan, dated 21.07.17;
- 5138389-ATK-Z1-GF-PL-A-4211 REV PL.1: Proposed Ground Floor Plan Key Areas of Work, dated 21.07.17;

- 5138389-ATK-Z1-ZZ-EL-A-4300 REV PL.1: Proposed Elevation/Sections Sheet 1 of 7, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-EL-A-4301 REV PL.1: Proposed Elevation/Sections Sheet 2 of 7, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-EL-A-4302 REV PL.1: Proposed Elevation/Sections Sheet 3 of 7, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-EL-A-4303 REV PL.2: Proposed Elevation/Sections Sheet 4 of 7, dated 14.08.17 (received 14/08/2017);
- 5138389-ATK-Z1-ZZ-EL-A-4304 REV PL.1: Proposed Elevation/Sections Sheet 5 of 7, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-EL-A-4305 REV PL.1: Proposed Elevation/Sections Sheet 6 of 7, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-EL-A-4306 REV PL.1: Proposed Elevation/Sections Sheet 7 of 7, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-EL-A-4307 REV PL.1: Proposed Section A-A Sheet 1 of 1, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-VF-A-4500 REV PL.1: Proposed 3D Images Sheet 1 of 4, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-VF-A-4501 REV PL.1: Proposed 3D Images Sheet 2 of 4, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-VF-A-4502 REV PL.1: Proposed 3D Images Sheet 3 of 4, dated 21.07.17;
- 5138389-ATK-Z1-ZZ-VF-A-4503 REV PL.1: Proposed 3D Images Sheet 4 of 4, dated 21.07.17;
- ALS6930/500/07 Topographical Survey dated April 2015;
- Ref 0950D/CJO/0608: BS5837 Aboricultural Constraints Report by OMC Associates, dated 6 August 2015;
- Ref 0933D/CJO/2706: BS5837 Aboricultural Report for Development by OMC Associates, dated 27 June 2015;
- Cambridgeshire Application Checklist (Biodiversity Checklist);
- Chesterton Community College Drainage Strategy by Wilmot Dixon Limited, dated July 21 2017;
- Chesterton Community College Construction Method Statement Rev 0, dated 19/07/17;
- Chesterton Community College Design and Access Statement Document Reference 5138389_4600_REV PL1, dated July 2017;
- SWMP Data Collection by Wilmot Dixon, dated 24/07/2014;
- Energy Strategy for Extension at Chesterton Community College, Cambridge by EMEC; and
- Report R-STM3234B-FRA-01 Site Specific Flood Risk Assessment by Soiltechnics Ltd, dated January 2016.

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with Policies 3/1, 3/4, 3/7, 3/14 and 4/11 of the Cambridge City Local Plan 2006.

4. Materials

The hereby approved development shall be constructed in accordance with the building materials stipulated within the submitted Chesterton Community College Design and Access Statement, Document Reference 5138389_4600_REV PL1, dated July 2017 (Section 5); 5138389-ATK-Z1-ZZ-EL-A-4300 REV PL.1: Proposed Elevation/Sections Sheet 1 of 7,

dated 21.07.17; 5138389-ATK-Z1-ZZ-EL-A-4301 REV PL.1: Proposed Elevation/Sections Sheet 2 of 7, dated 21.07.17); 5138389-ATK-Z1-ZZ-EL-A-4302 REV PL.1: Proposed Elevation/Sections Sheet 3 of 7, dated 21.07.17; 5138389-ATK-Z1-ZZ-EL-A-4303 REV PL.2: Proposed Elevation/Sections Sheet 4 of 7, dated 14.08.17 (received 14/08/2017); 5138389-ATK-Z1-ZZ-EL-A-4304 REV PL.1: Proposed Elevation/Sections Sheet 5 of 7, dated 21.07.17; 5138389-ATK-Z1-ZZ-EL-A-4305 REV PL.1: Proposed Elevation/Sections Sheet 6 of 7, dated 21.07.17; and 5138389-ATK-Z1-ZZ-EL-A-4306 REV PL.1: Proposed Elevation/Sections Sheet 7 of 7, dated 21.07.17; unless otherwise updated in other documents. Those materials identified to be confirmed on the approved plans shall be submitted to and approved in writing by the County Planning Authority prior to their use. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with Policies 3/1, 3/4, 3/7 and 3/14 of the Cambridge City Local Plan 2006.

5. External Surfacing Materials

No hard landscaping or surfacing works shall take place until a schedule of material to be used in the construction of the external hard surfaces has been submitted, and approved in writing by, the County Planning Authority.

The development shall be constructed in accordance with the approved schedule.

Reason: To ensure that the external surfacing materials have a satisfactory character and appearance to preserve the character, appearance and quality of the area and ensure that the surfacing materials comply with the permeable surfaces identified within approved drainage strategy in accordance with Policies 3/1, 3/4, 3/7, 3/6, 3/11, 4/4, 4/15 and 8/18 of the Cambridge City Local Plan 2006.

6. Landscaping Scheme

Prior to the occupation of the proposed development, a landscaping schedule including full details of the proposed plant species shall be submitted to and approved in writing by the County Planning Authority. The planting schedule shall be informed by the layouts as detailed in plans 5138389_ATK_EXT_00_DR_L_0001: External General Arrangement Sheet 1 of 2, Rev P01., dated 12.09.17 (received 24/11/2017); 5138389_ATK_EXT_00_DR_L_0001: External General Arrangement Sheet 2 of 2 and 5138389_COL_LA003 REV E: New Proposed and Existing Retained (dated 18/07/2017). The approved landscaping scheme shall be implemented in the first planting season (October to March inclusive) prior to the occupation of the hereby approved extensions. The approved landscaping and tree works shall be carried out in strict accordance with 0950D/CJO/0608: BS5837 Arboricultural Report for Development by OMC Associates (dated 27th June 2015) and retained thereafter.

Reason: To ensure the satisfactory appearance, landscaping and ecology of the site in accordance with Policies 3/1, 3/4, 3/7, 3/11, 4/4 and 4/15 the Cambridge City Local Plan 2006.

7. Tree Protection Measures

The hereby approved development shall be carried out in full accordance with the tree protection measures, recommendations and details as set out within Ref 0933D/CJO/2706: BS5837 Arboricultural Report for Development by OMC Associates, dated 27 June 2015. The protective fencing within these plans shall be implemented prior to the commencement of development. The fencing shall be retained intact for the full duration of the development until all equipment, materials, and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced areas.

Reason: To ensure the protection, health and visual amenity of the trees and landscaping features to be retained on site during the construction period in accordance with Policies 3/1, 3/4, 3/7, 3/11, 4/4 and 4/15 the Cambridge City Local Plan 2006.

8. Tree Replanting Scheme

Prior to the occupation of any part of the extensions hereby permitted, a scheme for the replanting of the seven trees lost to accommodate the proposed works as identified in the Ref 0933D/CJO/2706: BS5837 Arboricultural Report for Development by OMC Associates, dated 6 August 2015 shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall include the full details of the replacement trees, including the size, species and location of the replanting. The replanting shall be carried out in full accordance with the approved details in the first planting season (October to May inclusive) following the occupation of the proposed extension, as identified through condition 2.

The replacement trees shall be maintained for a period of 5 years and any dead, dying or diseased trees within this period shall be replaced.

Reason: To ensure the health and visual amenity of the trees and landscaping features to be retained on site in accordance with Policies 3/1, 3/4, 3/7, 3/11, 4/4 and 4/15 of the Cambridge City Local Plan 2006.

9. Drainage Sustainable Urban Drainage Systems and Drainage Scheme

Prior to the commencement of drainage works a detailed surface water drainage scheme for the site, based on the Drainage Strategy prepared by Atkins (ref:5138389) dated 21 July 2017 shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity having regard to Policies 3/1, 3/6 and 8/18 of the Cambridge City Local Plan 2006.

10. Surface Water Drainage Maintenance

Prior to the first occupation of the development, full details for the long terms maintenance arrangements for the surface water drainage systems (including all SuDs features) are to be submitted to and approved in writing by the County Planning Authority. The submitted details shall identify any run-off sub-catchments, SuDs components, control surfaces, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance shall be carried out in full thereafter.

Reason: In the interest of flood prevent, water quality and to ensure adequate maintenance of the installed drainage systems having regard to Policies 3/1, 3/6 and 8/18 of the Cambridge City Local Plan 2006.

11. Construction and Construction Traffic Management Plan

The hereby approved development shall carried out in strict compliance with the 'Chesterton Community College Construction Method Statement Rev 0, dated 19/07/17' and the construction compounds detailed within the agent's 'Email 'RE: C/5003/17/CC: Chesterton Community College,' dated 16 November 2017 (received 16 November 2017)', including the construction access, welfare and storage compounds, construction and demolition hours, dust and mud suppression details and the registration and compliance with the Considerate Contractors Scheme.

Reason: In the interest of amenity, highway and traffic safety in accordance with Policies 8/3, 8/4, 8/6 and 8/10 of the Cambridge City Local Plan 2006.

12. Construction and Demolition Hours

No construction work, including the operation of plant and the demolition of buildings, shall be carried out except between 0730hrs to 1800hrs each day on Mondays to Fridays; and between 0800hrs to 1300hrs on Saturdays; and at no time on Sundays, bank or public holidays.

Reason: In the interest of residential amenity in accordance with Policy 3/1 of the Cambridge City Local Plan 2006.

13. Delivery Hour Restrictions

No construction or demolition traffic, including deliveries to or from the site, or removal of waste or materials from the site, shall take place except between the hours of 0910 and 1500 and between 1600 and 1700 Mondays to Fridays, 0800 and 1300 on Saturdays and at no time on Sundays, bank or public holidays.

Reason: In the interest of highway safety to avoid construction and demolition vehicle movement conflicting with the peak drop-off and pick-up times for pupils and staff entering and leaving the school premises in accordance with Policy 3/1 of the Cambridge City Local Plan 2006.

14. Car Parking and Cycle Parking

The hereby approved car parking and cycle/scooter provision as identified on 5138389-ATK-EXT-00-DR-L-0001: External General Arrangement Sheet 1 of 2 Rev P01., dated 12.09.17 (received 24/11/2017) and 5138389-ATK-EXT-00-DR-L-0001: External General Arrangement Sheet 2 of 2 Rev P01., dated 12.09.17 (received 24/11/2017); and within the Chesterton Community College Design and Access Statement Document

Reference 5138389_4600_REV PL1., dated July 2017, shall be implemented prior to the first occupation of any part of the approved extensions hereby permitted and shall be retained thereafter in their entirety for that specific use.

Reason: In the interest of highway safety in accordance with Policies 8/3, 8/4, 8/6 and 8/10 of the Cambridge City Local Plan 2006.

15. Travel Plan

Within 6 months of the date on which any part of the extensions hereby permitted are first brought into use, as identified through condition 2, a revised School Travel Plan shall be submitted to, and approved in writing by, the County Planning Authority. The approved School Travel Plan shall be implemented in full and reviewed in accordance with a timetable that shall be included within the approved Travel Plan.

Reason: To reduce trips by private cars to and from the school, reduce the pressure the surrounding highway network and encourage sustainable modes of travel in accordance with Policies 8/3, 8/4, 8/6 and 8/10 of the Cambridge City Local Plan 2006.

16. Renewable Energy

Prior to the first occupation of the development hereby permitted, a Renewable Energy Statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the County Planning Authority. The statement shall include the following details: a) The total predicted energy requirements of the development, set out in Kg/CO₂/annum. b) A schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, location, design and a maintenance programme.

Reason: In the interests of reducing carbon dioxide emissions and in accordance with policy 8/16 of the Cambridge Local Plan (adopted July 2006).

17. BREEAM

Within 6 months of the commencement of development, as identified through Condition 1, evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a BREEAM Buildings; scheme or a bespoke BREEAM) and a Design Stage Assessment Report showing that the development will achieve an overall BREEAM rating of no less than 'Very Good', shall be submitted to the County Planning Authority. A completed pre-assessment estimator will not be acceptable. Where the design stage certificate shows a shortfall in credits for BREEAM 'Very Good', a statement shall be submitted identifying how the shortfall will be addressed.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with NPPF paragraph 14 and in the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction and efficient use of buildings in accordance with Policy 3/1 of the Cambridge City Local Plan 2006.

18. BREEAM Post Construction Review

Within 12 months of the first occupation of any part of the extensions hereby permitted, as identified through condition 2, a BREEAM Design Stage Certificate and a BRE issued post-construction review certificate shall be submitted to the County Planning Authority confirming that a BREEAM rating of 'Very Good', with no less than 10 credits in the energy category (Ene01 to Ene08) and no less than 2 credits in the water category (Wat01 to Wat04) or better has been achieved. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Where the Post Construction Review shows a shortfall in these credits for BREEAM 'Very Good', a statement shall be submitted identifying how the shortfall will be addressed.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with NPPF paragraph 14 and in the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction and efficient use of buildings in accordance with Policy 3/1 of the Cambridge City Local Plan 2006.

19. Bird and Bat Boxes Scheme

Prior to the occupation of any part of the extensions hereby permitted, as identified through condition 2, a scheme for bird and bat boxes shall be submitted to and approved in writing by the County Planning Authority. The submitted details shall include the type, number and locations of the proposed boxes and they shall be installed within 6 months of the first occupation of the proposed extensions.

Reason: In the interests of biodiversity in accordance with Policy 4/7 of the Cambridge City Local Plan 2006.

20. Artificial Lighting

Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted light levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lightings Professional Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or as superseded). The approved lighting scheme shall be installed and maintained in accordance with the approved details/measures.

Reason: In the interest of residential amenity in accordance with Policy 4/13 of the Cambridge City Local Plan 2006.

21. Plant Noise Prior to Installation

Notwithstanding the approved photovoltaic panels, no external plant shall be installed until a full noise impact assessment has been submitted to

and approved in writing by the County Planning Authority. The scheme shall minimise the noise emanating from the plant and shall ensure that there is no increase in noise levels when measured from the boundary of the nearest residential property. The submitted assessment shall include an initial noise assessment to establish the noise levels prior to the insulation of the plant equipment.

The approved noise impact assessment scheme shall be implemented in full accordance with the approved details/measures.

Reason: To protect the amenity of nearby properties in accordance with Policy 4/13 of the Cambridge City Local Plan 2006.

Informatives

1. **Environmental Health**

The development shall be carried out in accordance with the informatives as set out in consultation response received from the Cambridge City Council Environmental Health Officer received 31st August 2017 pertaining to Plant Noise.

2. **Environment Agency**

The development shall be carried out in accordance with the informatives as set out in consultation response received from the Environment Agency received 31st August 2017 pertaining to SuDs and ground water pollution, foul water drainage and undiscovered contaminated land.

Compliance with paragraphs 186 and 187 of the National Planning Policy Framework

In accordance with paragraphs 186 & 187 of the NPPF, the County Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms, by negotiating the submission of further details and ensuring that highway safety matters were discussed in full. All land use planning matters have been given full consideration and consultation took place with statutory consultees, which resulted in overall support for the expansion of Chesterton Community College from a six form entry secondary school to an eight form entry school.

CONTINUATION OF LANDFILL OF INERT WASTE AND STABLE NON-REACTIVE HAZARDOUS WASTE, SOIL WASHING AND MINERAL PROCESSING WITHIN THE EXISTING SITE UNTIL 31 DECEMBER 2031. RETENTION OF 2 NO. WEIGHBRIDGES AND 14 METRE X 8 METRE SITE OFFICE BUILDING. EXTRACTION OF CLAY. ERECTION OF 50 METRE X 50 METRE BUILDING FOR RECYCLING TYRES, 50 METRE X 50 METRE BUILDING FOR RECYCLING PLASTERBOARD, 40 METRE X 20 METRE BUILDING FOR BAGGING AGGREGATE, 3 NO. 14 METRE X 8 METRE BUILDINGS TO SERVE AS OFFICE, SITE LABORATORY AND WELFARE UNIT AND 6 NO. TEMPORARY BUILDINGS ANCILLARY TO THE CLAY EXTRACTION OPERATIONS. INSTALLATION OF CONCRETE SURFACE AND ITS USE FOR TREATING LIQUID WASTE; BIO-REMEDIATION OF WASTE; AGGREGATE STORAGE AND RECYCLING; STORING VEHICLES AND MACHINERY; AND ANCILLARY PARKING FOR CARS AND LORRIES. ALTERATION OF INTERNAL HAUL ROAD. STORAGE OF TOPSOIL AND SUBSOIL. FORMATION OF SILT SETTLEMENT PONDS

AT: Witcham Meadlands Quarry, Block Fen, CB6 2AY
LPA REF: F/2000/17/CW
FOR: Mick George Ltd

To: **Planning Committee**
Date: **17 May 2018**
From: **Assistant Director Environment & Commercial**
Electoral division(s): **March South & Rural and Sutton**
Purpose: **To consider the above planning application**

Recommendation: *That planning permission be granted subject the conditions set out in paragraph 10.1*

<i>Officer contact:</i>	
Name:	Helen Wass
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1.0 INTRODUCTION

- 1.1 Planning permission (ref. no. F/0480/00/CM & E/0507/00/CM) was granted in 2001 for the extraction of 1.8 million tonnes (1.77 million tons) of sand and gravel from a 55 hectare (136 acre) site at Block Fen and its progressive restoration to agricultural use by infilling with inert waste. That planning permission also allowed the operation of a waste recycling facility for the importation of inert construction and demolition waste and processing it into secondary aggregates for sale. Non-recyclable inert waste was deposited in the quarry void followed by the re-spreading of stored soil to restore the land to a condition fit for the resumption of agricultural use. The 2001 permission area is shown on Agenda plan 2. Approximately half of the land has been restored, part as the Block Fen wet grassland pilot project which demonstrated that it is possible to create conditions suitable for breeding wading birds.
- 1.2 Planning permissions for a number of ancillary mineral and waste uses have been granted subsequently. The planning history of the site is set out in section 6 of this report. The extant permissions are shown in bold and their expiry date is noted. In 2014 planning permission F/02020/11/CW & E/03012/11/CW was granted which allowed the disposal of stable non-reactive hazardous waste (SNRHW) in the southwest of the 2001 permission area (shown on Agenda plan 2). It is a requirement of the environmental permit that the final profile is slightly domed to shed surface water and for this reason this part of the site will be restored to agriculture at a slightly higher level than the surrounding land. This permission is subject to a S106 planning obligation requiring the developer, Mick George Limited (MGL), to submit a restoration scheme for all the company's land which forms part of the Witcham Meadlands Quarry site.
- 1.3 In 2011 planning permission (ref. no. F/02017/08/CM & E/03008/08/CM) was granted for a 52 hectare (128 acre) extension to the quarry. The 2011 permission area is shown on Agenda plan 2. Aggregate Industries completed mineral extraction in April 2017 and the site is being progressively restored to agriculture by the importation of inert waste. The 2011 permission was granted subject to a S106 planning obligation with requirements including:
 - Submission of a scheme for the restoration of the land owned by the Sole family to a condition suitable for agricultural use
 - Submission of a scheme for the restoration of the land owned by Mick George Ltd and Cambridgeshire Aggregates Ltd to a condition suitable for the resumption of agricultural use but also to be managed for the benefit of nature conservation (primarily wet grassland habitat)
- 1.4 The scheme submitted by Aggregate Industries has been approved in respect of the restoration of the Sole family's land to agriculture and its implementation will be continued to be secured through the 2011 Section 106 Agreement A scheme submitted by MGL which includes all the company's land at the Witcham Meadlands site has been approved. This includes the current application area.
- 1.5 In January 2018 Fenland District Council granted planning permission for the formation of a temporary access road (10 metres / 33 feet wide) which would enable clay from Witcham Meadlands Quarry to be transported to the Environment Agency's

engineering works to the barrier banks along the Ouse Washes without using the public highway. This route is shown on Agenda plan 2.

2.0 THE SITE AND ITS LOCATION

- 2.1 The application area, shown outlined and shaded in red on Agenda plan 1, is in open countryside approximately 4 kilometres to the southeast of Chatteris and 2.5 kilometres (1.6 miles) north of Mepal. Approximately half of the application area is the Manea Parish (Fenland District Council) and approximately half is in Mepal Parish (East Cambridgeshire District Council). The closest residential properties are: Langwood Fen Farm 670 metres (2198 feet) to the northwest and Middle Farm 1 kilometre to the north (Manea) and Fortreys Hall 900 metres (2952 feet) to the south (Manea parish but situated much closer to Mepal village).
- 2.2 Before it was quarried the application area was best and most versatile agricultural land, mostly grade 2 and small part grade 1. The site is within flood zone 3 in an area benefitting from flood defences. The closest scheduled monument to the application area is a bowl barrow at Common Farm approximately 1 kilometre (0.6 mile) to the south. Fortreys Hall is a grade II listed building. The southeastern boundary of the application area is 640 metres (2100 feet) to the northwest of the Ouse Washes Site of Special Scientific Interest (SSSI) which is of international importance and is designated a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The Sutton and Mepal Pumping Station Drains County Wildlife Site (CWS) runs through the application site and along the private access road.
- 2.3 Access to the site is derived from Block Fen Drove, an unclassified road, which becomes a private haul road and is also used for access to water sports lakes. There are a number of commercial and residential properties at the western end of Block Fen Drove close to its junction with the A142.
- 2.4 Two mineral operators, Hanson and Tarmac, also have sites that derive access from Block Fen Drove. The Hanson quarry is not currently operational.

3.0 THE PROPOSAL

- 3.1 The application was amended in response to planning officers' concerns that some of the proposed development was not sufficiently related to and/or would delay the restoration of parts of the mineral site. Withdrawn from the original proposals were: concrete batching plant, green waste composting, extension (lateral and capacity) of SNRHW landfill and extraction of clay for unspecified engineering projects.
- 3.2 The application has two strands: continuation of existing permitted operations for a further 12 years until the end of 2031 and new mineral and waste development. The proposed site layout is shown on Agenda plan 3.

Existing operations to be continued:

- Inert waste landfill to restore the 2011 permission area and part of the 2001 permission area

- SNRHW landfill to restore part of the 2001 permission area
- Operation of mineral washing plant and soil washing plant
- Aggregate storage and recycling
- Bioremediation of soil
- Storage of topsoil and subsoil
- Retention of 2 weighbridges and office building
- Storing vehicles and machinery
- Ancillary parking for cars and lorries

Proposed new development:

- Extraction of clay as a borrow pit for the Environment Agency's engineering works to the barrier banks along the Ouse Washes (part retrospective)
- Tyre recycling in new building
- Plasterboard recycling in new building
- Bagging aggregates in new building
- Erection of 3 buildings to serve as office, laboratory, and welfare unit
- Erection of 6 temporary buildings ancillary to the clay extraction operation
- Treating liquid waste
- Formation of silt settlement ponds
- Alteration of internal haul road (retrospective)

3.3 The mineral and waste development described in paragraph 3.2 above would generate 458 HGV movements per weekday (229 in and 229 out). Approximately 80% would be 8-wheel tippers and the remainder articulated lorries.

3.4 A revised detailed restoration and outline aftercare scheme was submitted in March 2018 following discussions with the Royal Society Protection of Birds (RSPB). It is proposed that 30 hectares (74 acres) of the site will be restored to wet grassland in 2018 and 2019 and 6.5 hectares (16 acres) of the SNRHW to flower-rich and transition grassland by 2024. The remainder of the site will be restored by 2029. Apart from the southern flank of the SNRHW cell this will be to wet grassland with reservoirs to provide water for surface irrigation. The aftercare scheme includes monitoring by an independent ecologist and an annual aftercare meeting which would inform the submission of a detailed programme of aftercare measures in the autumn of each aftercare year. The restoration proposals are shown on Agenda plan 4. The phasing of the restoration scheme is shown on Agenda plan 5.

4.0 PUBLICITY AND PROCESS

4.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as being for development which does not accord with the development plan and accompanied by an environmental statement. A notice was placed in the Fenland Citizen on 5 July 2017 and notices erected at the site access and at the junction of Block Fen Drove with the A142 where it would be visible to all users of Block Fen Drove.

- 4.2 Supplementary information was submitted in January 2018 in response to comments made by consultees and planning officers. A notice was placed in the Fenland Citizen on 18 January 2018 and notices erected in the same place as the original ones.
- 4.3 It has been suggested by a third party that the application may fall within the provisions of Part 3 of the Planning Act 2008. This sets out projects that are nationally significant infrastructure projects; Regulation 30 deals with hazardous waste. A distinction is drawn between the construction of a hazardous waste facility and the alteration of a hazardous waste facility. Different thresholds are set for landfill (an increase in capacity of more than 100,000 tonnes / 98,425 tons per year) and other hazardous waste recovery (an increase in capacity of more than 30,000 tonnes / 29,528 tons per year).
- 4.4 It is considered that the hazardous waste landfill cell is a hazardous waste facility and that the soil washing plant and bioremediation of contaminated soils are also part of a hazardous waste facility. The current application is for the alteration of a hazardous waste landfill facility and the alteration of a hazardous waste recovery (non-landfill) facility.
- 4.5 It is stated on the application form that the hazardous waste landfill facility will have a maximum annual throughput of 100,000 tonnes (98,425 tons) per annum. The breakdown of sources of this waste elsewhere in the application suggests that the annual rate of infill will be 75,000 tonnes (73,819 tons) (see paragraph 8.13 below). Based on either figure this would not increase the annual capacity by more than 100,000 tonnes (98,425 tons) per annum. The continued use of the hazardous waste landfill facility would not fall within section 30 of the Planning Act 2008.
- 4.6 It is proposed that 125,000 tonnes (123,031 tons) per annum of hazardous waste will be recovered by means other than landfill (soil washing and bioremediation). This is based on a total hazardous waste throughput of 225,000 tonnes (221,457 tons) per annum less the 100,000 tonnes (98,425 tons) per annum being landfilled. The applicant has provided information on the quantities of hazardous waste treated since the operation started in the last quarter of 2015: 28,172 tonnes (27,728 tons) in 2016 and 122,715 tonnes (120,782 tons) in 2017. 31% was soil washing and 69% bioremediation. It is noted that the National Policy Statement for Hazardous Waste states at paragraph 1.2.1 that: “where existing facilities are expanded, capacity would need to be **increased** by at least these amounts to meet the threshold requirements for consideration under the Planning Act, *irrespective* of whether the capacity of the original facility exceeded those thresholds.”
- 4.7 It is considered that the capacity of the original hazardous waste recovery (non-landfill) facility has been shown to be 122,715 tonnes (120,782 tons) per annum based on 2017 throughput. The current proposal is for 125,000 tonnes (123,031 tons) per annum. The increase would be approximately 2,285 tonnes (2,249 tons) per annum, well below the 30,000 tonnes (29,528 tons) per annum threshold in the 2008 Act.
- 4.8 For the reasons given in paragraphs 4.5 – 4.7 above it is considered that proposals contained within planning application no. F/2000/17/CW do not fall within Section 30

of the Planning Act 2008 so the application should be determined by Cambridgeshire County Council as the waste planning authority.

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 Fenland District Council – (Planning) The Block Fen / Langwood Fen Masterplan 2011 Supplementary Planning Document (SPD) has masterplanned the area until 2050. There is no objection to continuing the existing work on the site until 2044, as long as it is in accordance with the SPD. [No comments received on January 2018 amended application or the March 2018 restoration and aftercare plan]
- 5.2 (Environmental Health) No objections. Consideration should be given to securing the noise and dust abatement measures set out in the application documents by planning conditions.
- 5.3 East Cambridgeshire District Council (Planning) - Policy ENV7 (Biodiversity and geology) in the Adopted Local Plan 2015 and Policy LP30 in the Proposed Submission Local Plan 2017 make specific reference to the need to protect wetlands but also mentions where there is a main aim to conserve biodiversity the proposal should be supported. The updated ecology report is noted and accepted. The restoration proposal appears to be of a high quality; if the County Council Ecologist has no objections the plan is supported. The delay in bringing forward important biodiversity measures in the areas for now 13 years means the proposal will lead to substantial reduction in biodiversity within the area but is an improvement over the original 25 years. The delay in biodiversity improvements is a concern. If the RSPB, Natural England and other relevant ecologist specialists are in support of the application then we have no objection to the proposal.
- 5.4 (Environmental Health) – Residents within East Cambridgeshire are over 1km from the site. The noise report predicts unscreened noise levels of 35dBLAeq at night at Fortrey's Hall. The noise levels at properties within the district would meet the relevant Planning Practice Guidance for minerals and even with windows partially open, would meet internal noise levels under BS8233 & WHO guidelines. HGV departures along Block Fen are unlikely to affect residents in the district.
- 5.5 Manea Parish Council: Support the application.
- 5.6 Mepal Parish Council – Has concerns primarily about the extension of hours (5am to 7pm and overnight operations during the week). Also concerned about smell (from composting which would be closest to Mepal) and the impact of light in the night sky. The Parish Council do not object but would like to see hours of use reduced and made unambiguous, and to ensure there is zero deterioration in residential amenity or in the environmental aspects of noise, light, odour and dust.
- 5.7 Chatteris Town Council – Support the application provided all the necessary environmental protections are included.
- 5.8 Environment Agency – No objection in principle but has provided informatives about the safety of people in the event of a flood, the developer's responsibilities under the Water Resources Act 1991 and the need to vary the environmental permit to take

into account the new waste management activities. Due to the site's sensitive location and the existing potentially contaminative activities the application for a permit variation would need to be accompanied by individual and cumulative risk assessments. General pollution prevention measures should continue to be undertaken to prevent polluting substances from entering the watercourses on and around the site. Natural England's advice should be taken on the assessment of the potential impact of the development on the Ouse Washes.

- 5.9 Several County Wildlife Sites are within, adjacent or close to the site of the proposed development and the applicant must ensure that there will be no adverse impacts on these sites and the habitats associated with them. Consideration should also be given to the wider context of the site, for example, ensuring habitat linkages and wildlife corridors are maintained or created. Protection is especially important for the Sutton and Mepal Pumping Station Drains County Wildlife Site. It should be ensured that adequate buffer zones are in place to protect the watercourse and that habitat enhancements are made where possible.
- 5.10 The UK Biodiversity Action Plan 1994 (BAP) identifies certain species and habitats as being of principal importance for the conservation of biodiversity. Important species and habitats are also listed for England under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. Local planning authorities have responsibilities under the NERC Act to have regard to the species and habitats listed under s41 in their decision making by virtue of their duty to have regard to the purpose of conserving biodiversity.
- 5.11 Sutton and Mepal Internal Drainage Board (IDB) – No comments received.
- 5.12 Natural England - Previously raised significant concern with the proposal to delay the restoration of the site to nature conservation habitat by 25 years, contrary to the requirements of development plan policies. Also raised concerns that the proposed extension of the existing SNRHW operation would have significant impacts on the potential of the land to which the application relates, and neighbouring land, to provide Ouse Washes complementary habitat. Natural England therefore welcomes the reduction in time of the proposed operations to 12 years and in the scale of operations which would allow earlier restoration of land for wet grasslands consistent with the objectives of the Minerals and Waste Core Strategy and the Master Plan. Also support confirmation that there will be no extension to the already consented SNRHW cell. On this basis Natural England no longer objects to this element of the application.
- 5.13 Natural England welcomes the effort made by the applicant to revise the restoration and aftercare scheme further in accordance with RSPB's detailed recommendations. Natural England is satisfied that the Detailed Restoration and Outline Aftercare Scheme, prepared by Mick George Ltd (Revised 20 March 2018), will ensure delivery of the key objectives of the Block Fen / Langwood Fen Masterplan Supplementary Planning Document (SPD), including creation of wet grassland habitat to complement the Ouse Washes Special Protection Area (SPA) and Ramsar site.

- 5.14 Royal Society for the Protection of Birds (RSPB) – Note and welcome changes to the proposals that allow restoration of wet grassland to come forward on a phased basis. This is more in keeping with the intended phased delivery of beneficial afteruse required by the Cambridgeshire and Peterborough Minerals and Waste Plan and the Master Plan. The withdrawal of the lateral extension to the SNRHW cell and the proposed increase to the height of the cap to the cell are also welcomed. This will mean that the additional deleterious effects of an expanded SNRHW cell for the eventual complementary habitat that were previously concerns will not transpire.
- 5.15 The revised restoration and aftercare scheme addresses concerns raised previously. It will ensure complementary habitat for the Ouse Washes will be created on a phased basis, as the Master Plan for the strategic allocation intends. The RSPB looks forward to providing further advice to the applicant to help ensure the successful implementation of this technically challenging restoration scheme.
- 5.16 County Wildlife Trust – Have reviewed the relevant documentation and liaised with RSPB. Based on this the Wildlife Trust is pleased to note that the revised restoration and aftercare scheme has addressed the concerns raised in the RSPB's response of 29 January 2018. The new proposals will ensure complementary habitat for the Ouse Washes will be created on a phased basis, as set out in the strategic allocation Master Plan. It is hoped that the applicant will take on board offers of advice from RSPB to ensure that such a challenging restoration scheme is successfully delivered to a high quality.
- 5.17 Fire and Rescue Service: No comments received.
- 5.18 CCC Highways Development Management - Block Fen Drove pavement is unsuitable for the traffic proposed by this development. The applicant should provide improvement to Block Fen Drove to make it suitable for the proposed traffic generation. A general arrangement plan needs to be submitted that reflects the alignment submitted for the Section 278 detailed design. This plan needs to state 'the carriageway will be constructed suitable for 32 million standard axle movements (MSA's) or greater, and built for a 40 year design life'. Such a plan should be referred to in a pre-commencement condition. A pre-commencement condition will be required to secure details relating to drainage and the pavement design methodology. This level of detail needs to be agreed before the detailed design to avoid any unexpected surprises and debate at Section 278 stage. Alternatively the applicant could wait until the Section 278 is approved and then submit the detailed design in support of this planning application.
- 5.19 CCC Transport Assessment Team – The application as submitted is not expected to have any significant impact on the local highway network. CCC therefore holds no objections to the proposals.
- 5.20 CCC Ecology Officer / Peterborough City Council Wildlife Officer – The revisions to the proposal including the completion of restoration of wet grassland within twelve years (with earlier phased delivery following the relocation of soil storage areas S1 and T1), a reduction in dome height with no extension of SNRHW cell and removal of green waste composting facility and concrete plant are welcomed. The submitted

revised Ecological Impact Assessment and Habitat Regulations Preliminary Screening Assessment also broadly address previous concerns.

- 5.21 The "Ecological Mitigation Strategy" and "Construction Environmental Management Plan: Biodiversity" (both dated 28 March 2018) provide adequate detail and may be referred to as approved documents. It is important to note that there is some cross referencing with the restoration drawings, for example the reptile hibernacula referred to in the EMS are detailed on drawing ref. M3/16/10, but not shown in the EMS itself. It is recommended that annual update meetings take place between the operator, their ecologist and the planning authority to review activities including protected species monitoring results (e.g. water voles, badgers and any requirements for Natural England licences for sett closures etc).
- 5.22 It is noted that the RSPB have been able to work with the applicant to revise the restoration and aftercare plan. This overcomes the previous concerns raised. It will be important to ensure that regular update/ aftercare meetings are secured to review progress on site, assess ongoing monitoring of species and habitats including wading birds, plants and water levels/ quality etc. and ensure any remedial action identified is effectively implemented.
- 5.23 CCC Flood and Water Team – No objections in principle. The strategy contained within the Surface Water Drainage Assessment (v1, dated March 2018) is satisfactory and should be secured by condition.
- 5.24 Cllr Lorna Dupre (Local member for Sutton) – Conditions should continue to include a requirement to use the county council's strategic freight routes and not the B1381 through Sutton.
- 5.25 Individual representations – None received.

6.0 PLANNING HISTORY

(NOTE: Extant permissions and their expiry dates are shown in bold as explained in paragraph 1.2. The permissions that expired on 30 April 2018 are also highlighted.)

- 6.1 F/0480/00/CM & E/0507/00/CM – Extraction of sand & gravel and restoration to agricultural use by infilling with inert waste; together with the erection of processing plant & operation of inert waste recycling centre granted 4 June 2001.
- 6.2 F/0858/01/CM & E/0819/01/CM – Variation of condition 8 of F/0490/00/CM & E/0507/00/CM to permit the commencement of development without first undertaking specified highway improvement works to the junction of Block Fen Drove with the A142 Ireton's Way granted 20 May 2002.
- 6.3 **E/3001/04/CM** – Erection of an aggregate bagging plant & ancillary facilities granted 13 April 2004. To be removed by 17 April 2019.
- 6.4 **E/3003/05/CW** – Proposed new access road and development of a green waste composting facility granted 26 April 2005. Expires 1 October 2018.

- 6.5 E/3004/05/CM – Extraction of clay beneath permitted sand & gravel reserve (2.7 hectares) granted 26 April 2005. Expired by 26 April 2015.
- 6.6 E/3015/07/CM & F/2010/07/CM – Variation of condition 14 of planning permission F/0490/00/CM & E/0507/CM to allow importation and deposit of non-hazardous waste granted 11 August 2008.
- 6.7 F/02013/07/CW – Waste transfer station & skip storage area & associated traffic granted 5 August 2010 subject to S106 planning obligation. **Expired 30 April 2018.**
- 6.8 **F/02017/08/CM & E/03008/08/CM** – Extension to Mepal Quarry granted 29 June 2011 subject to a S106 planning obligation. Expires 31 December 2024 (mineral extraction, deposit of waste and restoration to be completed by 31 December 2019 then 5 years aftercare).
- 6.9 E/3011/09/CM & F/02014/09/CM – Development (disposal of non-hazardous waste) without compliance with conditions 2, 3, 4, 5 & 7 of planning permission E/03015/07/CM & F/02010/07/CM granted 24 November 2009.
- 6.10 E/03016/09/CW – Installation of soil washing plant (retrospective) granted 4 August 2010 subject to a S106 planning obligation.
- 6.11 **F/02003/10/CM** – Removal of clay stockpile granted 4 August 2010. Expires 30 June 2018.
- 6.12 E/03005/10/CW – To amend conditions 3 & 4 of planning permission E/03016/09/CW to allow import and processing of unprocessed mineral and not to paint the soil washing plant granted 12 November 2010.
- 6.13 E/03011/11/CW – Variation of conditions 3 & 5 of planning permission E/03005/10/CW to allow hazardous waste to be imported and processed and to increase the height of stockpiles from 5 metres to 8 metres granted 27 March 2012. **Expired 30 April 2018.**
- 6.14 F/02020/11/CW & E/03012/11/CW – Variation of condition 1 of planning permission E/03015/07/CM & F/02010/07/CM to allow the importation and deposit of stable non-reactive hazardous waste granted 15 April 2014 subject to a S106 agreement. **Expired 30 April 2018.**
- 6.15 E/03012/12/CW – Extension to soils and minerals processing and stockpile area including bioremediation granted 13 November 2012. **Expired 30 April 2018.**
- 6.16 E/03013/12/CM & F/02020/12/CM – Variation of condition 6 of planning permission F/02017/08/CM & E/03008/08/CM (extension to Mepal Quarry) to allow deferral of improvement of Block Fen Drove until 31 December 2015. Not determined.
- 6.17 F/02023/12/CW – Variation of condition 9 of planning permission F/02013/07/CW (Waste Transfer Station & Skip Storage Area and Associated Traffic) to allow deferral of improvement of Block Fen Drove for 3 years. Not determined.

- 6.18 F/2001/16/CM – Extraction of sand and 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 refused 19 September 2017.
- 6.19 **F/YR17/1141/F** – Formation of a temporary access road (10 metres wide) granted by Fenland District Council on 24 January 2018. Expires 31 October 2021.

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 – 7.5 below.
- 7.2 The National Planning Policy Framework (March 2012) and the National Planning Policy for Waste (October 2014) are also material planning considerations.

- 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

CS2 - Strategic Vision and Objectives for Sustainable Waste Management Development

CS3 - Strategic Vision and Objectives for Block Fen / Langwood Fen, Earith / Mepal

CS5 – Block Fen / Langwood Fen, Earith / Mepal

CS7 – Recycled and Secondary Aggregates

CS12 – Engineering Clay

CS14 – The Scale of Waste Management Provision

CS15 – The Location of Future Waste Management Facilities

CS18 – Waste Management Proposals Outside Allocated Areas

CS19 – The Location of Hazardous Waste Facilities – Resource Recovery and Landfill

CS20 – Inert Landfill

CS22 – Climate Change

CS24 – Design of Sustainable Minerals and Waste Management Facilities

CS25 – Restoration and Aftercare of Mineral and Waste Management Sites

CS29 – The Need for Waste Management Development and the Movement of Waste

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

CS41 – Ancillary development

Cambridgeshire and Peterborough Minerals and Waste Development Plan
Block Fen / Langwood Fen Master Plan Supplementary Planning Document
(adopted July 2011) (the Master Plan)

The Location and Design of Waste Management Facilities Supplementary
Planning Document (adopted July 2011) (the Design SPD)

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

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

LP19 – The Natural Environment

7.5 East Cambridgeshire Local Plan (adopted April 2015) (the ECLP)

ENV 1: Landscape and settlement character

ENV 7: Biodiversity and geology

ENV 8: Flood risk

ENV 9: Pollution

COM 7: Transport impact

7.6 East Cambridgeshire District Council is currently preparing a Local Plan for the period up to 2036. The Proposed Submission Plan is a material consideration but does not yet form part of the adopted development plan therefore it has limited weight.

7.7 Cambridgeshire County Council and Peterborough City Councils have started a review of the Minerals and Waste Development Plan which will be known as the Minerals and Waste Local Plan. It is currently at the first consultation stage in the form of the Minerals and Waste Local Plan Preliminary Plan (May 2018) so currently carries very limited weight. The MWCS and the MWSSP remain in force until the new Local Plan replaces them.

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 Section 13 of the NPPF sets out the Government's planning policies for "Facilitating the sustainable use of minerals". It starts by stating that "Minerals are essential to support sustainable economic growth and our quality of life." It also asks planning authorities in preparing local plans to take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering the extraction of primary materials.
- 8.3 The National Planning Policy for Waste (NPPW) refers to the Waste Management Plan for England (published in December 2013). The NPPW sets out the national planning policies for waste development and is to be read in conjunction with the NPPF. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. Paragraph 7 sets out specific considerations to be taken into account in determining planning applications. These include only expecting applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan; and ensuring that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 8.4 The MWCS and the Master Plan were adopted in July 2011. Their purpose is to guide mineral and waste development in Cambridgeshire and Peterborough until 2026. A long term approach was taken to help provide certainty to the minerals industry and local communities. A strategic vision of the MWCS set out in policy CS1 is that as mineral extraction, particularly sand and gravel, progresses it will deliver other strategic objectives through the restoration of workings. This includes increased biodiversity, amenity and recreational uses, helping to enhance and increase enjoyment of the countryside. The policy then specifically refers to the Earith/Mepal area where by 2026 it was expected that new lowland wet grassland enhancement habitat for the Ouse Washes would be forming. Mineral extraction and restoration in this area will be guided by the Block Fen / Langwood Fen Master Plan.
- 8.5 The strategic vision in MWCS policy CS1 is supported by strategic objectives which include:
- the preparation of the Block Fen / Langwood Fen Master Plan to guide mineral extraction and restoration in the Earith / Mepal area
 - 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

- to maximise biodiversity and community benefits including additional green infrastructure through appropriate afteruses following mineral extraction, particularly in the Earith / Mepal area
- 8.6 The strategic vision and objectives for sustainable waste management development are set out in MWCS policy CS2. The policy identifies construction / demolition and inert waste as being the largest waste stream to be managed. Whilst acknowledging the increasing role of recycling, it states that “a significant amount of that which requires disposal will be used in a positive manner to secure restoration of mineral extraction sites, including the creation of new lowland wet grassland in the Earith / Mepal area, to complement the internationally important Ouse Washes. In due course this area will become a strategic open space and recreational resource for the immediate and wider area.”
- 8.7 This is supported by the following strategic objective:
- to use construction and demolition waste in the creation of strategic new enhancement habitat for the internationally important Ouse Washes, consistent with the Block Fen / Langwood Fen Master Plan
- 8.8 Chapter 5 of the MWCS deals specifically with Earith / Mepal and opens by emphasising that “The overarching vision and objectives for sustainable minerals development makes provision for extraction to take place in the Earith / Mepal area, and for restoration to contribute to meeting strategic objectives relating to sustainable flood risk management for the Cranbrook Drain catchment, and complementary habitat creation adjacent to the Ouse Washes.” It goes on to stress that the long term vision “reflects the opportunity to link the restoration of the area to other high level objectives which necessitated a close examination of the proposals to ensure that the proposals are sustainable and deliverable.” MWCS policy CS3 provides the strategic vision and objectives for Block Fen / Langwood Fen, Earith / Mepal.
- 8.9 MWCS policy CS7 states that priority will be given to the production and supply of recycled/secondary aggregates to be used in preference to land won aggregates. A strategic allocation is made for inert waste recycling at Block Fen / Langwood Fen. Provision will also be made within the MWSSP for a network of permanent and long term temporary recycling facilities across the Plan area which will make a significant contribution to the production of recycled and / or secondary aggregates.
- 8.10 MWCS policy CS14 sets out the scale of waste management and states that a minimum of 12.09 million cubic metres (15.8 million cubic yards) of inert landfill void space will be provided over the Plan period. MWCS policy CS20 makes a single specific allocation (ref. no. W1) of 1,135 hectares (2,805 acres) at Block Fen / Langwood Fen which would provide 14 million cubic metres (18.3 million cubic yards) void space (8.4 /11 up to 2026 and 5.6 / 7.3 post 2026). The landfill allocation includes approximately 390 hectares (964 acres) of land that already has planning permission for sand and gravel extraction. Paragraph 7.66 of the MWCS states that “Through the proposals for the Earith / Mepal area, and in particular the restoration of part of this area to lowland wet grassland, a significant opportunity will be created for the disposal of inert material, more specifically inert construction material. It is

estimated that in total this area will be able to accommodate up to 0.56 million cubic metres (0.73 cubic yards) per annum. This inert material will be required to help create new habitats, and could also provide engineering materials for the flood management scheme.”

Principle of the proposed development

- 8.11 The application area is within the land allocated for sand and gravel extraction, inert waste landfill and inert waste recycling in MWCS policies CS5, CS7 and CS20. These elements of the proposed development are considered to be acceptable in principle. It is now necessary to consider whether the other mineral and waste development that it is proposed to continue or be added to the site accords with the development plan or if not whether there are other material considerations which would outweigh the provisions of the development plan.

Existing mineral and waste treatment processes

- 8.12 The following activities have planning permission until the site is due to be restored under the 2001 and 2011 planning permissions:

- Landfill of SNRHW
- Aggregate storage and recycling
- Operation of mineral washing plant and soil washing plant
- Bioremediation of soil
- Storage of topsoil and subsoil
- Retention of 2 weighbridges and office building
- Storing vehicles and machinery
- Ancillary parking for cars and lorries

Landfill of SNRHW

- 8.13 In 2014 planning permission was granted for landfilling SNRHW in 11 hectares (27 acres) of the 2001 permission area. The 2014 planning permission was time-limited to 30 April 2018 to coincide with the timescale for restoring the 2011 permission area. Landfilling SNRHW commenced in October 2015 and the applicant states that approximately 545,000 cubic metres (712,791 cubic yards) void remains which would be filled at a rate of approximately 75,000 tonnes / 73,819 tons (47,000 cubic metres / 61,470 cubic yards) per year. This would be made up from:

SNRHW (including asbestos)	32,500 tonnes / 31,988 tons (43%)
Residue from on site bioremediation process	25,500 tonnes / 25,098 tons (34%)
Plasterboard from on site recycling	9,500 tonnes / 9,350 tons (13%)
Residues from on site contaminated soil washing	5,000 tonnes / 4,921 tons (7%)
Residue from on site gully waste (liquid treatment)	2,500 tonnes/ 2,461 tons (3%)

Accordingly it would take approximately 11.5 years (from November 2017) to fill the previously consented void i.e. until 31 May 2029. Restoration would be completed by 30 November 2029.

- 8.14 MWCS policy CS19 deals with hazardous waste and states that:

Where there is a demonstrated need for additional stable non-reactive hazardous waste (SNRHW) landfill capacity, limited extensions will be made within existing landfill sites.

Sites to deliver the additional SNRHW landfill capacity will be identified through the Site Specific Proposals Plan.

Where there is a demonstrated need for additional hazardous waste management facilities in Cambridgeshire and Peterborough, proposals will be considered in the context of this Plan and the wider Development Plan.

- 8.15 MWCS policy CS14 deals with the scale of waste management provision and states that by 2026 provision will be made for a minimum of 14,000 cubic metres (18,310 cubic yards) per annum of SNRHW void space. MWSSP policy SSP W4 allocates Grunty Fen (near Wiltchford) and Thornhaugh 1 (near Peterborough) for the landfill of SNRHW. Thornhaugh 1 already takes SNRHW and at the planned rate of 75,000 tonnes (73,819 tons) per annum it would be filled within the duration of its planning permission i.e. by the end of 2034.
- 8.16 MWCS policy CS20 allocates Block Fen / Langwood Fen as an Area of Search for inert landfill. The current application site forms part of an area that originally had planning permission for landfill of inert waste. The MWSSP allocates Grunty Fen as a new site for SNRHW landfill, not land in the Block Fen / Langwood Fen area so in 2014, consideration was given as to whether there was a justification for making an exception to the development plan allocation.
- 8.17 Grunty Fen is a landfill site with limited void available for further infilling with non-hazardous waste. The allocation for SNRHW was for 30,000 cubic metres (39,236 cubic yards). It has operated at a very low capacity in recent years and was closed until recently when it reopened for a short time to accept non-hazardous waste which could not be accommodated at the operator, FCC's, Milton site. FCC have given no indication that they will seek permission to create a cell to accept SNRHW. There is, therefore, no immediate prospect of SNRHW capacity coming forward in the centre/south of the Plan area at an allocated site. When the 2014 permission was being considered Thornhaugh 1 was the only hazardous waste landfill site in the Plan area and it was considered prudent to permit the proposal at Block Fen to help maintain the long term provision and geographical distribution of this type of facility over the Plan period.
- 8.18 Also taken into account was the location of the proposed SNRHW landfill within the same waste management complex as a soil washing plant. The washing plant and associated bioremediation operation have the ability to treat hazardous waste so that it is classified as SNRHW. The creation of a SNRHW disposal facility enables any residual waste that meets the criteria for being classified as stable and non-reactive to be disposed of without incurring the additional vehicle movements that would be necessary to take it off site. The proposed plasterboard recycling and treatment of liquid and gully waste would contribute a further 16% of the SNRHW landfill input.
- 8.19 The SNRHW landfill would reduce the capacity of inert landfill at Block Fen. The current proposal to extract 300,000 cubic metres (392,362 cubic yards) of clay as

described in paragraph 8.28 below would result in replacement of more than half of the capacity lost to SNRHW. It is considered that there is sufficient justification for permission to be granted for the completion of the permitted SNRHW landfill provided the proposal complies with other development plan policies.

Aggregate storage and recycling

- 8.20 MWCS policy CS7 supports the production and supply of recycled / secondary aggregates and as has already been noted at paragraph 8.10 a strategic allocation has been made for inert waste recycling at Block Fen / Langwood Fen. This is based on the connection between recycling and landfill: non-recyclable inert waste is landfilled in the adjacent mineral working void. It is now necessary to consider the recycling of non-inert waste.

Operation of mineral washing plant and soil washing plant and bioremediation of soil

- 8.21 The MWCS has set an increasing target for recycling of construction and demolition waste. Policy CS15 states that a network of waste management facilities will be developed across Cambridgeshire and Peterborough and that their spatial distribution will be guided by the Minerals and Waste Management Key Diagrams and a number of factors including the need for waste management facilities, the existing network of waste management sites, existing / planned mineral sites and the need to minimise the movement of waste.
- 8.22 The soil washing plant produces recycled aggregates by washing contaminated soil. Silt from the process is disposed of in the SNRHW landfill. Bioremediation uses micro-organisms to treat soils that are contaminated with hydrocarbons after recyclable materials such as brick, concrete or stone have been removed. They either undergo further bioremediation or stabilisation before being disposed of in the SNRHW landfill. Washing and bioremediation of soil make up 41% of the input to the SNRHW landfill.
- 8.23 MWCS policy CS7 states that the spatial distribution of sites for producing recycled and secondary aggregates will be guided by the Minerals and Waste Management Key Diagrams and for temporary facilities mineral sites.
- 8.24 Block Fen / Langwood Fen is not allocated for non-inert waste recycling so the treatment of non-inert waste should also be considered against MWCS policy CS18. CS18 states that proposals for waste management development outside allocated areas will be considered favourably where this is consistent with the spatial strategy for waste management and it can be demonstrated that they will contribute to sustainable waste management, moving waste up the waste hierarchy. It is considered that for the reasons given in paragraphs 8.21 and 8.22 above these criteria are fulfilled. The policy goes on to identify the types of site where waste management facilities may be permitted and includes co-location with complementary activities. It is considered that co-location with inert waste landfill and recycling and SNRHW landfill would meet the locational criterion for non-landfill waste management uses. It is considered that the proposed development would comply with MWCS policy CS18.

Storage of topsoil and subsoil; retention of 2 weighbridges and office building; storing vehicles and machinery; ancillary parking for cars and lorries

- 8.25 The storage of topsoil and subsoil, retention of 2 weighbridges and office building, storing vehicles and machinery and ancillary parking for cars and lorries are ancillary to and / or necessary for the restoration of the mineral site and / or operation of the waste management facilities. It is considered that they would comply with MWCS policy CS41.

Proposed new mineral, waste and ancillary development

- 8.26 The following are proposed new development or, in the case of the internal haul road and some of the clay extraction, have already been carried out:
- Extraction of clay
 - Tyre recycling in new building
 - Plasterboard recycling in new building
 - Treating liquid waste
 - Bagging aggregates in new building
 - Erection of 3 buildings to serve as office, laboratory, and welfare unit
 - Erection of 6 temporary buildings ancillary to the clay extraction operation
 - Formation of silt settlement ponds
 - Alteration of internal haul road (retrospective)

Extraction of clay

- 8.27 MWCS policy CS12 relates to engineering clay borrow pits and states that where there is a demonstrated need for the extraction of engineering clay, priority will be given to extracting from existing mineral or landfill sites in preference to greenfield sites. It goes on to say that engineering borrow pits will only be considered where it is demonstrated that they are well related to the project they will serve and that an unacceptable level of mineral traffic will be removed from the public highway and / or from passing through local communities. CS12 also requires that the borrowpit will serve the related project only and will be restored within the same timescale as the related project.
- 8.28 In the summer of 2017, the Environment Agency embarked on a 3 year project to raise the barrier banks along the Ouse Washes between Earith and Welmore Lake Sluice (near Denver Sluice). They require approximately 300,000 of clay (392,362 cubic yards), some of which has already been provided by MGL from Witcham Meadlands Quarry. The proposal is to extract 300,000 cubic metres (392,362 cubic yards) of clay from first the southernmost part of the application site (Area 1) and then following the removal of the underlying sand and gravel from most of the land currently occupied by the Aggregate Industries processing plant (Area 2). These areas are shown in Figure 1 below. Fenland District Council has granted planning permission for a temporary haul road which would link the clay extraction site to the existing access track which runs parallel to the barrier bank. This would enable the clay for most of the Environment Agency's engineering works to be delivered from an existing mineral and landfill site without using the public highway. It is considered that this would comply with MWCS policy CS12. The clay extraction could be linked

to the specified engineering project by condition. Extracting clay from Area 1 would create a larger void space for landfilling inert waste prior to restoration to lowland wet grassland. The clay would be removed in 2018 and the void landfilled in early 2019. The land would then be used as a topsoil storage area until final restoration. Whilst the disposal of inert waste is supported in principle by development plan policy, the clay extraction and increase in void space would delay restoration of both Area 1 and Area 2. This is discussed later in this report.

Figure 1: Clay extraction areas

- 8.29 The tyre and plasterboard recycling and the treatment of liquid waste need to be considered against the same policies as the soil washing plant and the soil remediation facility.
- 8.30 It is proposed that old vehicle tyres will be brought to a new building (shown on Agenda plan 3 where they will, if necessary, be de-rimmed from wheels before being shredded and passed under a magnetic separator to remove the wire reinforcement. The rubber crumb would be bulked up and taken off site for further recycling or use as a surfacing material. Approximately 15,000 cubic metres (19,618 cubic yards) of shredded tyres would be used as the drainage blanket for the SNRHW landfill.
- 8.31 Waste plasterboard would be delivered in sealed containers which would be emptied within a new building (shown on Agenda plan 3). It would be shredded to remove the paper backing from the gypsum then put through a screen where the gypsum powder is separated from the paper. The paper would be sent off site to a paper pulping facility. The pure screened gypsum can be used in the manufacture of, for example, plasterboard, cement and cat litter. The applicant states that up to 60% of

the waste plasterboard can be recycled. Some of the residual waste would be disposed of in the SNRHW landfill.

- 8.32 Liquid waste (primarily contaminated water containing suspended solids) would be brought to the site in tankers and discharged into a settlement tank in the area shown on Agenda plan 3. It would be treated by an electro-coagulation unit before being fed into a dissolved air flotation system. The process would produce clean recycled water for the washing plant. The solids would be processed through the washing and screening plants to produce recycled sand and gravel aggregate that can be used as pipe bedding or in the manufacture of concrete blocks. Some of the residual waste would be disposed of in the SNRHW landfill.
- 8.33 The plasterboard recycling and liquid waste treatment would together contribute 16% of the input to the SNRHW landfill and some of the shredded tyres would be used as the drainage blanket. The liquid waste treatment would also be linked to the soil washing and screening plant. They could therefore be considered to be co-located with complementary activities and would meet one of the locational criteria of MWCS policy CS18.

Bagging aggregates in new building

- 8.34 It is proposed that aggregates would be bagged in a new 40 metre x 20 metre x 12 metre high (131 feet x 66 feet x 39 feet high) building to be situated immediately to the south of the SNRHW landfill (see Agenda plan 3). It would be served by aggregate storage bays and would bag primary aggregate from the washing plant for sale in 1 tonne (0.98 ton) bags.
- 8.35 It is considered that this would be complementary to the mineral washing plant so could be supported.

Erection of 3 buildings to serve as office, laboratory, and welfare unit

- 8.36 These 14 metre x 8 metre (45 feet x 26 feet) single storey temporary buildings would be located close to the mineral and soil washing plant and bioremediation area (see Agenda plan 3). They are necessary to provide administrative, technical and welfare support for the mineral processing and waste treatment operations and it is considered would comply with MWCS policy CS41.

Erection of 6 temporary buildings ancillary to the clay extraction operation

- 8.37 These 10 metre x 3 metre x 2.5 metre high (33 feet x 10 feet x 8 feet high) Portakabin-type buildings would be double stacked and located between the existing site office and the lorry park as shown in Figure 2 below. They would be on site from June for a period of 12 weeks in 2018, 2019 and 2020 to serve the Environment Agency engineering project.

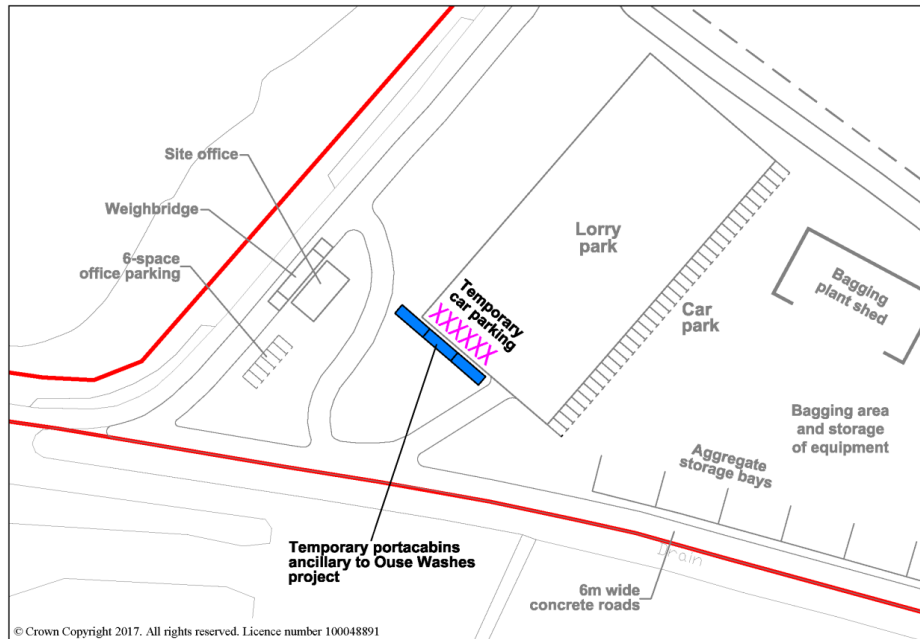


Figure 2: temporary buildings for clay extraction operation

Formation of silt settlement ponds

- 8.38 These would be located to the northeast of the SNRHW landfill and are part of the restoration scheme referred to in paragraph 3.4 above. They will ultimately be used for irrigating the wet grassland.

Alteration of internal haul road

- 8.39 The site is approximately 650 metres (2133 feet) beyond the end of the public highway, Block Fen Drove and is reached via private road which was improved under planning permission F/02013/07/CW by the addition of passing places. Previously the mineral and soil washing plant and the Aggregate Industries quarry were accessed using an existing track immediately to the south of the SNRHW landfill. A new haul road has been created along the southern boundary of the site. The main potential impact is on the adjacent County Wildlife Site. This is discussed later in this report.
- 8.40 The most significant potential effect of the new buildings referred to in paragraphs 8.30, 8.31 and 8.34 is their impact on the fen landscape. This is discussed in the following paragraphs. MWCS policy CS24 requires a high standard of design for mineral and waste management development and compliance with the Design SPD. The Design SPD recommends that in rural locations waste management buildings should reflect the scale and design of agricultural buildings. The proposed tyre and plasterboard recycling and aggregate bagging buildings would be steel framed with olive green corrugated metal roofs and cladding of the upper facades above concrete wall panels. They would be similar to agricultural buildings and it is considered that they would be appropriate for the location bearing in mind that they would be required for a temporary period of 10 – 12 years.

Visual impact

- 8.41 MWCS policy CS33 requires mineral and waste management development to be assimilated into its surroundings and local landscape character. FLP policy LP16 (d) requires development proposals to not adversely impact the landscape character of the surrounding area. ECLP policy ENV 1 seeks to protect and enhance the landscape.
- 8.42 The site is within an area of flat, fenland landscape with extensive views across predominantly arable land and active and restored mineral workings. The principle of mineral extraction and restoration by inert waste landfill within the area has been established with the allocation in the MWCS and the current permissions. It is necessary to consider how the proposed new mineral processing, waste management and ancillary development would impact on the landscape and receptors.
- 8.43 The liquid waste treatment plant would be similar in size and scale and located close to the existing soil and mineral washing plant. It is considered that the additional impact would be minimal. The proposed bagging plant building would be in almost the same location as a slightly larger waste transfer building (50 metres x 25 metres / 164 feet x 82 feet) of the same height (12 metres / 39 feet) which was granted permission (no. F/02013/07/CW) but has not been built. The proposed buildings for the tyre and plasterboard recycling would be adjacent so have the appearance of a single 50 metre x 100 metre (164 feet x 328 feet) building 12 metres (39 feet) high. This would be approximately 10 times larger in area and 4 metres (12 feet) higher than the existing Aggregate Industries bagging plant building which is situated approximately 80 metres (262 feet) to the west. The existing building can be seen from the public footpath along the river 750 metres (2,461 feet) to the southeast and from close to Fortreys Hall, approximately 1 kilometre (0.6 mile) to the south so the proposed, larger building would be more prominent. However, at these distances it is not considered the visual impact would be significant.
- 8.44 The applicant has carried out visual impact assessment which concludes that the proposed development would not result in any significant adverse impacts to local visual receptors. This analysis is not disputed. It is considered that the development would comply with MWCS policy CS33, FLP policy LP 16(d) and ECLP policy ENV 1.

Traffic and highways

- 8.45 MWCS policy CS32 states that minerals and waste development will only be permitted where:
- a. it is demonstrated that opportunities for the use of alternative methods of transport have been evaluated and the most appropriate pursued where practicable;
 - b. 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;
 - c. any associated increase in traffic or highway improvements would not cause

unacceptable harm to the environment, road safety or residential amenity; and

d. binding agreements covering lorry backloading, routeing arrangements and HCV signage for mineral and waste traffic may be sought. In Cambridgeshire this will be informed by the Cambridgeshire Advisory Freight Map.

Further mineral extraction and waste recycling and disposal will only be permitted in the Block Fen / Langwood Fen area if access can be achieved via the existing roundabout junction off the A142 at Block Fen, and will be subject to securing the necessary improvements to Block Fen Drove. In addition the Mineral / Waste Planning Authority will require binding agreements covering lorry backloading, routeing arrangements and HCV signage for mineral and waste management traffic.

- 8.46 FLP policy LP15 (C) states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms. ECLP policy COM 7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality.
- 8.47 It was a condition of MGL planning permission no. F/02013/07/CW that a scheme for the improvement of the whole of Block Fen Drove be implemented by 5 August 2012. A scheme submitted by MGL in November 2010 was not to the technical design standard required by the highway authority and was therefore not approved.
- 8.48 It was also a condition of the 2011 permission that a scheme for the improvement of the whole of Block Fen Drove be implemented by 5 August 2012. However this scheme that was submitted by Aggregate Industries related only to the section of highway between the A142 roundabout and the access to the Tarmac quarry because *at that time* (early 2011) it was the highway authority's opinion that the northern section of the road was then of an adequate standard. The Aggregate Industries scheme was approved in March 2011 and was implemented in 2016.
- 8.49 In April 2014 MGL submitted a revised scheme (further to their 2010 scheme) pursuant to planning permission F/02013/07/CW. This was based on the Aggregate Industries 2011 scheme for the section of highway between the A142 roundabout and the access to the Tarmac quarry. However, by the time of the submission the highway beyond the Tarmac quarry access (the northern section) had deteriorated to such an extent that, in the opinion of the highway authority, it needed to be reconstructed to a similar specification as the works approved pursuant to the Aggregate Industries 2011 scheme. The scheme was therefore not approved.
- 8.50 This remaining northern section of Block Fen Drove (between the access to the Tarmac quarry and the MGL site) remains in a poor condition. The highway authority considers that the northern section of Block Fen Drove is currently of inadequate standard to accommodate the vehicles that would be generated by the proposed development and that it should therefore be improved before any further development can be permitted. Unless the improvement works are secured, the application would be contrary to policy CS32 of the MWCS, policy LP15 (C) of the

FLP and policy COM 7 of the ECLP.

- 8.51 The works to improve Block Fen Drove require the developer to enter into an agreement with the highway authority pursuant to section 278 of the Highways Act 1980. The design of the Block Fen Drove improvement works has been agreed in principle with the highway authority and the detailed drawings that are necessary for the S278 agreement are nearing completion. MGL is leading on this with the agreement of the other mineral companies (Aggregate Industries, Hanson and Tarmac) They are working together to design and implement improvements that would give the haul road a design life of 40 years. It is noted that in order to achieve satisfactory drainage a small amount of land outside the public highway and MGL's control will be required and that consent to connect to the IDB system will be necessary. However, given the advanced stage of the S278 design, officers consider that the works should be able to be completed during 2018.
- 8.52 Consideration has been given to the most effective way of wording a planning condition which would enable the County Council to enforce the implementation of the highway improvement works. The applicants put forward a proposal suggesting that the proposed aggregate bagging, tyre recycling, plasterboard recycling and treatment of liquid or gully should not take place until the improvement works have been completed. However, by the end of April 2018 the planning permissions which allow most of the existing waste management operations (the SNRHW landfill and the mineral and soil washing plants) would have had expired so by the time that this matter is put before the Planning Committee more elements of the application would be retrospective if they were continued after the planning permissions had expired but (see Planning History in section 6.0 above). The only significant element of the current activities which has planning permission beyond April 2018 is the restoration of the 2011 permission area by infilling with inert waste (see paragraph 6.8 above).
- 8.53 A large part of the current application is for permission to continue existing waste disposal and management operations, principally the deposit of SNRHW and washing contaminated soils. The highway authority is of the opinion that the northern section of Block Fen Drove is already unsuitable to accommodate the existing mineral and waste traffic. The current application states that the development would generate 458 HGV movements (229 in and 229 out) on weekdays. The previous planning permissions for the waste transfer station and mineral and soil washing plants were granted subject to a condition limiting the combined number of HGV movements to 120 per day (60 in and 60 out). Whilst the HGV traffic generated by *all* the mineral and waste activities taking place at the site would exceed 120 per day, the current application proposes a significantly higher number – 458 per day on weekdays.
- 8.54 It is therefore recommended that if planning permission is granted, it should be subject to a planning condition which is phrased as a pre-commencement requirement that no development can take place in accordance with this permission until the northern part of Block Fen Drove, beyond the Tarmac quarry access, has been constructed and completed to the satisfaction of the Waste Planning Authority. Such works would be carried out pursuant to the Section 278 Agreement referred to above (see recommended condition 8). If the development was to continue without the northern part of the haul road being completed the County Council would then

need to take a view as to whether it was appropriate to take enforcement action and consider its options for doing so.

- 8.55 The requirement for routeing arrangements, HCV signage for mineral and waste management traffic and a speed limit on Block Fen Drove could be included in an HGV traffic management strategy secured by recommended planning condition 25.
Historic environment
- 8.56 The site has been previously developed for mineral extraction and all archaeological matters have been dealt with. It is considered that the proposed development would not have an impact on the nearest designated heritage assets (the scheduled monument at Common Farm and the listed Fortreys Hall 1 kilometre (0.62 mile) and 900 metres (0.56 mile) to the south respectively. It is considered that the proposed development complies with MWCS policy CS36 which seeks to protect designated heritage assets.

Ecology

- 8.57 The application site is within 640 metres (2,100 feet) of the Ouse Washes which are of international importance as set out at paragraph 2.2 above. The proposed development has the potential to affect the interest features of the Ouse Washes and therefore falls within the scope of the Conservation of Habitats and Species Regulations 2010. The applicant's environmental statement included an ecological appraisal and a Habitat Regulations Preliminary Screening Assessment which concludes that no internationally designated sites, including the Ouse Washes, will be directly impacted by the proposed development. The proposal is for the continuation of existing operations only which have been in place for the past 13 years with no detrimental effects to the environment. The proposed development will be confined to the bounds of the existing site footprint. Natural England is satisfied with the conclusions of the report that state that with the implementation of mitigation measures, any residual impacts to the Ouse Washes could be considered negligible, and therefore not significant.
- 8.58 MWCS policy CS35 states that minerals and waste development will only be permitted where it has been demonstrated that there will be no likely significant adverse impact on sites of local nature conservation, such as County Wildlife Sites. FLP policies LP16 (b) and LP19 and ECLP policy ENV 7 also seek to protect sites of local importance. Part of the Sutton and Mepal Pumping Station Drains CWS is within the site as set out in paragraph 2.2. The applicant's supplementary ecological information has addressed concerns raised by the County Council's Ecology Officer who recommends that wildlife and its habitats could be protected by the implementation of appropriate schemes which should be secured by planning condition (see recommended conditions 23 and 24). With these measures in place it is considered that the development would comply with MWCS policy CS35, FLP policies LP16 (b) and LP19 and ECLP policy ENV 7.

Flood risk, water resources and water pollution prevention

- 8.59 MWCS policy CS39 seeks to protect the quantity and quality of ground and surface water; the quantity and quality of existing water abstraction; and the flow of

groundwater. LPF policy LP14 (b) and ECLP policy ENV 9 seek to minimise the risk of flooding. The site is all within flood zone 3 and an area benefitting from flood defences. The applicant has submitted a surface water drainage strategy which the Leading Local Flood Authority (LLFA) considers to be satisfactory. Its implementation could be secured by planning condition (see recommended condition 16). The application is considered to comply with NPPF paragraph 103, FLP policy LP14 (b) and ECLP policy ENV 9 in this respect.

- 8.60 The Environment Agency has advised that the existing and proposed new waste management activities will be regulated by an environmental permit. The mitigation measures referred to in paragraph 8.58 would also reduce the likelihood of pollution of watercourses. There is no reason to believe that the development would have an unacceptable impact on the water environment. With relevant conditions in place it is considered that the proposal would comply with MWCS policy CS39 (see recommended conditions 23 and 24).

Noise

- 8.61 NPPF paragraph 144 states that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled mitigated or removed at source and that appropriate noise limits should be established for extraction in proximity to noise-sensitive properties. The proposal would not bring mineral or waste operations closer to residential properties. The proposed tyre shredding, plasterboard recycling and aggregate bagging would take place within buildings. Most of the activities would continue to operate during the currently permitted hours i.e. between 0700 and 1900 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays. It is, however, proposed that on Mondays to Fridays the soil and mineral washing plant would operate 24 hours per day and up to 15 vehicles per hour could leave the site between 0500 and 0700 hours. The applicant's noise assessment concludes that the noise attributable to the operation of plant would be low at noise-sensitive properties. It also states that with a 10 mph (16 kph) speed limit in place the noise from HGVs in the early morning experienced at the properties close to the junction of Block Fen Drove with the A142 roundabout would not be unacceptable. This could be included in a HGV management strategy secured by condition (see recommended condition 25).
- 8.62 The County Council has no record of complaints about noise from mineral or waste management activities at Block Fen. It is considered that the proposed development would be capable of being carried out without the quality of life of the occupants of the nearest properties being adversely affected to an unacceptable degree. It is considered that in that respect the proposal would comply with NPPF paragraph 144, MWCS policy CS34, FLP policy LP16 (e) and (l) and ECLP policy ENV 9.

Dust

- 8.63 The proposal would not bring waste operations closer to residential properties. The proposed tyre shredding, plasterboard recycling and aggregate bagging would take place within buildings. The applicant proposes the use of best practice and the implementation of a dust action plan. This could be secured by condition (see recommended condition 19). It is considered that with mitigation the impact of dust

would be reduced to a level such that the proposal would comply with MWCS policy CS34, FLP policy LP16 and ECLP policy ENV 9 in this respect.

Restoration

- 8.64 Policy CS5 of the MWCS, which allocates mineral extraction at Block Fen / Langwood Fen states that “This allocation must be worked and restored in a phased manner in accordance with the Block Fen / Langwood Fen Master Plan.” The purpose of the Master Plan is to provide a more detailed land use planning framework for mineral and waste activity in the Earith/Mepal area. The MWCS identifies the Earith/Mepal area as a strategic area for sand and gravel extraction and construction / demolition waste management until 2026 and beyond. This has been shaped by the location of the area next to the Ouse Washes, which is one of the few remaining fragments of wetland habitats within the Fens. It is of international importance for its wintering waterfowl and for a suite of breeding birds, including snipe and black-tailed godwit.
- 8.65 Mineral extraction followed by appropriate restoration offers the opportunity to deliver three equally important strategic objectives. Firstly, it can provide strategic water storage bodies which can help to intercept water before it goes into the Counter Drain, and also take some of the water from the Counter Drain which would otherwise be pumped into the Ouse Washes, thereby managing flood risk in a more sustainable way. In addition, quarry restoration using inert construction and demolition waste soils can create a significant amount of new lowland wet grassland, providing new breeding areas for birds such as the black-tailed godwit, snipe, redshank and lapwing. Thirdly, the water bodies created after restoration from gravel workings, and the new lowland wet grassland, can provide a focus for recreational opportunities for those living in, or visiting the area.
- 8.66 The existing quarry (the 2001 and 2011 permission areas) and therefore the current application area are within the land shown in the Master Plan as being restored to lowland wet grassland. In 2014 MGL entered into a S106 planning obligation in which the company agreed that their land would be restored to a condition to complement the Ouse Washes suitable for management as wet primarily wet grassland habitat for the benefit of nature conservation. The restoration proposals submitted with the current application are consistent with the scheme referred to in paragraph 1.4 above and has the support of the conservation organisations.
- 8.67 The scheme shows that with the exception of some of the SNRHW area the MGL land will be restored to create wet grassland together with reservoirs to provide water to irrigate the wet grassland. It has already been noted that it is a requirement of the environmental permit that the final profile of the SNRHW area is slightly domed to shed surface water and for this reason this part of the site will be restored to a slightly higher level than the surrounding land. This will be dry flower rich grassland. It is acknowledged that this would not fully comply with the Master Plan but the principle of the domed landform was accepted when planning permission no. F/02020/11/CW & E/03012/11/CW was granted in 2014. The current restoration scheme for the MGL land was produced with the advice of the RSPB and is

considered to be an improvement on previous schemes and probably the best outcome that could be achieved given the constraint of the topography of the SNRHW area. It has been accepted in the context of the 2011 permission so it is considered that if the principle of the development proposed in the current application is accepted, implementation of the proposed restoration scheme should be a requirement **through the imposition of a planning condition** of any planning permission granted.

- 8.68 It is considered that the most significant impact of the current application is that it would delay restoration of more than half of the 2001 and a small part of the 2011 permission areas. The land to which the 2011 permission relates should under the terms of F/02017/08/CM & E/03008/08/CM be restored in accordance with the scheme approved under condition 23 by 31 December 2019. This would be followed by a 5 year period of aftercare. Apart from the proposed tyre shredding area and clay extraction Area 1 the 2011 permission area is on track to being restored in accordance with the planning permission.
- 8.69 Under the terms of the 2001 (now 2014) permission the land should be restored in accordance with the 2014 S106 agreement by 30 April 2018. The northern section has already been restored to wet grassland and the current application proposes that the adjacent 5.5 hectares (13.6 acres) will be restored in 2018 and 2019. It is also proposed that a further 6.5 hectares (16.1 acres) in the western part of the SNRHW area would be restored by 2024. That would leave the remainder of the SNRHW area to be restored by the end of 2029. The buildings, plant and hardstandings would then need to be removed from the waste processing and parking areas and the soil profile reinstated.
- 8.70 The void in the SNRHW area needs to be filled to allow the land to be restored. The case for the continued landfill of SNRHW is considered in paragraphs 8.13 – 8.19 above. It has already been noted that the principle of the domed landform which does not comply with the Master Plan has previously been accepted. The impacts of delaying most of the current application area needs to be assessed in the context of the restoration of the wider area.
- 8.71 Mineral extraction in the 2011 permission area ceased in April 2017 and most of it i.e. the land that is not part of the current application area, is being restored. Most of this land is in the ownership of the Sole family and is being restored to agricultural land with the *potential* for conversion to wet grassland. There is no commitment that it *will* be converted to wet grassland. This is consistent with the 2011 S106 agreement (see paragraph 1.3 above). It should be noted that when the 2011 permission was determined the MWCS and Master Plan had not been adopted so the MPA could not require the restoration of the Sole family's land to wet grassland. The "potential for conversion to wet grassland" was the best that could be negotiated at the time. In September 2017 the County Council refused planning permission for an extension to the quarry principally because the proposed restoration scheme included very little wet grassland so did not comply with the Master Plan. The time for Aggregate Industries lodging an appeal against that decision has passed. There is, therefore, no immediate prospect of any land outside the control of MGL being restored to wet grassland.

- 8.72 The 2014 S106 agreement requires “provisions relating to the ongoing maintenance of the created habitat or evidence (such as the conclusion of a legal agreement for on-going management after restoration by a third party such as the Royal Society for the Protection of Birds) that a third party will undertake the management of such habitat after its establishment.” MGL has had preliminary discussions with the RSPB who expressed a willingness in principle to manage the restored land. However, they would only take over the management of wet grassland if the area was large enough to be viable (an area of at least 100 hectares / 247 acres). The proposed restoration plan shows that 55.5 hectares (137 acres) (out of around 70 hectares / 173 acres) of MGL’s land will be restored to wet grassland. This area falls short of the minimum that the RSPB consider would be viable for them to manage.
- 8.73 MWCS policy CS25 deals with the restoration and aftercare of mineral and waste management sites and requires them to be restored in a phased manner to a beneficial afteruse. Most of the current application area would eventually be restored to wet grassland. This part of the proposal would comply with the Master Plan and MWCS policy CS25.
- 8.74 The NPPF at paragraph 109 states that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity. At paragraph 118 the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged. FLP policy LP19 promotes the preservation, restoration and re-creation of priority habitats identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans. ECLP policy ENV 7 requires development proposals to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.
- 8.75 The County Council has a duty to seek to further and enhance the conservation of designated sites and priority species under the Natural Environment and Rural Communities Act 2006 and the Countryside and Rights of Way Act 2000 (as amended). The proposed development is within a Target Area in the Cambridgeshire Green Infrastructure Strategy for the delivery of biodiversity and other environmental objectives. The Master Plan seeks to make a significant contribution to local Biodiversity Action Plan targets and to support the Ouse Washes Habitat Replacement Project. The proposed restoration scheme would make a contribution to meeting these aims and meeting the aims of FLP policy LP19.

Climate change and sustainable waste management

- 8.76 MWCS policy CS22 requires minerals and waste management development to take account of climate change. It states that “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.” The proposed restoration scheme would by replacing peat soils on most of the site minimise greenhouse gas emissions and help address climate change so would comply with MWCS policies CS1, CS3, CS22 and CS38 and the Master Plan.

9.0 CONCLUSION

- 9.1 The principle of mineral extraction, restoration of the land to its original level by importing inert waste and recycling inert waste is established in the MWCS allocation. The principle of landfilling a small part of the allocation area with SNRHW was established in 2014 as noted in paragraph 8.13. It is considered that the applicant has demonstrated that the proposed non-inert waste recycling operations are sufficiently connected to the SNRHW landfill to be supported as discussed in paragraphs 8.31 – 8.33. It is considered that the extraction of clay for a specific local engineering project should be supported for the reasons set out in paragraph 8.28. The delay in restoring most of the application area for around 10 years is not desirable but given the failure of other land to be brought forward for restoration in accordance with the Master Plan the amount of wet grassland that will be created in the short and medium term will not have a significant positive effect on the Ouse Washes. On balance, it is considered that the proposed development would provide an integrated mineral extraction, landfill and waste management operations that would make a significant contribution to sustainable waste management so should be supported in principle.
- 9.2 It is considered that taking into account that the landfill and waste management operations will be regulated by an environmental permit and subject to appropriate planning conditions the proposed development is capable of being carried out without having unacceptable adverse impacts on the human or natural environments.
- 9.3 Block Fen Drove is not in a condition that is suitable for the amount of HGV traffic that would be generated by the development. It is capable of being brought to an acceptable standard within a relatively short time and the developer should be required to undertake this work.

10.0 RECOMMENDATION

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

Site Area:

1. This permission relates to the land outlined in red on drawing no. M3/16/01 Location Plan dated 22/05/2017 referred to in these conditions as “the site”.

Reason: To define the permission for the avoidance of doubt.

Commencement:

2. The development hereby permitted shall be commenced not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the mineral and waste planning authority in writing of the exact start date.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Act 2004.

Approved Plans and Documents:

3. The development hereby permitted shall not proceed except in accordance with the application form dated 28 April 2017, Planning Statement dated April 2017 and Environmental Statement dated April 2017 as amended by the additional supporting information and amendments included within the Environmental Statement Vol II Additional Information Regulation 25 dated January 2018 and Transport Statement Technical Note 2.2 dated 5 October 2017 and the following conditions. The site shall be worked, engineered, and restored in accordance with the following approved drawings, received 28 April 2017 unless otherwise stated in this permission:
- M3/16/01 Location Plan dated 22/05/2017 (received 12 June 2017);
 - M3/16/03 Site Layout Rev B dated 08/11/17 (received 12 December 2017);
 - M3/16/04 Elevations of Tyre Recycling and Plasterboard Recycling Buildings dated 06/01/2017;
 - M3/16/05 Bagging Plant Building Elevations dated 07/11/2016;
 - Fig 2 on page 11 of Annexure 11 of the Revised Environmental Statement Section 3 (Proposed Development) dated January 2018 (received 5 January 2018);
 - M3/16/10 Restoration Proposals Main Site dated 20/03/2018 (received 20 March 2018);
 - M3/16/11 Restoration Proposals SNRHW Cell Area dated 20/03/2018 (received 20 March 2018);
 - M3/16/12 Progressive Restoration – 2018 & 2019 dated 20/03/2018 (received 20 March 2018);
 - M3/16/13 Progressive Restoration – 2024 dated 20/03/2018 (received 20 March 2018); and
 - M3/16/14 Drainage Layout (2024) dated 20/03/2018 (received 20 March 2018).

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS1, CS2, CS25, CS33, CS34, CS35 and CS41; Fenland Local Plan (May 2014) policies LP16 and LP19; and East Cambridgeshire Local Plan (April 2015) policies ENV1, ENV7 and ENV9.

Timescale of permission:

4. This permission shall be limited to a period expiring on 31 December 2031. All winning and working of mineral, mineral processing, waste importation, waste processing and deposit of waste shall cease and the buildings and plant shown on drawing no. M3/16/03 Site Layout Rev B dated 08/11/17 (received 12 December 2017) shall be removed no later than 31 December 2029. Within seven days of the cessation of the deposit of waste the operator shall notify the mineral and waste planning authority in writing of the date on which the deposit of waste ceased.

Reason: To ensure the completion and progressive restoration of the site within an approved timescale in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS1, CS2, CS3 and CS25.

Site Restoration:

5. The site shall be fully restored in accordance with drawings no. M3/16/10 Restoration Proposals Main Site dated 20/03/2018 (received 21 March 2018); M3/16/11 Restoration Proposals SNRHW Cell Area dated 20/03/2018 (received 21 March 2018) and M3/16/14 Drainage Layout (2024) dated 20/03/2018 (received 21 March 2018) and the Detailed Restoration and Outline Aftercare Scheme Revised 20th March 2018 (received 21 March 2018) by 31 December 2031. Within seven days of the completion of the restoration scheme the operator shall notify the mineral and waste planning authority in writing of the date on which the restoration scheme was completed.

Reason: To ensure the completion and progressive restoration of the site within an approved timescale in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS1, CS2, CS3 and CS25.

Aftercare Scheme:

6. The aftercare scheme set out in section 4 of the Detailed Restoration and Outline Aftercare Scheme Revised 20th March 2018 (received 21 March 2018) shall be carried out in full for a period of 5 years following completion of the restoration scheme referred to in condition 5.

Reason: To ensure that the restored site is correctly managed to bring it to the standard required for wet grassland in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS1, CS2, CS3 and CS25.

Vehicular Access:

7. Vehicular access to the site shall only be from the A142 via Block Fen Drove and the private haul road which forms part of the application area and is shown outlined in red on drawing no. M3/16/01 Location Plan dated 22/05/2017 (received 12 June 2017).

Reason: In the interests of highway safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS3 & CS32.

Highway Improvements:

8. No development shall take place until the public highway known as Block Fen Drove from the point shown as Limit of Section 278 Works on Plan 1 of drawing no. 6018-101 Rev A dated 22/01/18 (received 25 January 2018) to its junction with the private

haul road shown edged red on drawing no. M3/16/01 dated 22/05/2017 received 12 June 2017 has been improved in accordance with a scheme that has been submitted to and approved in writing by the waste planning authority.

Reason: The access to the site is not in a suitable condition to accommodate the proposed traffic generated by the development hereby permitted together with other users in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS3 & CS32; Fenland Local Plan (May 2014) policy LP15 (C); and East Cambridgeshire Local Plan (April 2015) policy COM7.

9. Clay extraction limit:

Clay shall only be extracted from the areas shown as Clay extraction area 1 and Clay extraction area 2 and cross-hatched in yellow on Fig 1 on page 10 of Annexure 11 of the Revised Environmental Statement Section 3 (Proposed Development) dated January 2018 (received 5 January 2018). The depth of clay extraction shall not exceed 9 metres below the base of the sand and gravel.

Reason: The application has been assessed on the basis of that depth of extraction and the resulting void that will be filled with inert waste.

Clay export limits:

10. No more than 300,000 cubic metres of clay in total shall be exported from the site. Clay exported from the site shall only be used in the construction of the Environment Agency's Middle Level & South Level Barrier Banks works. No clay shall leave the site except via the temporary access road shown on drawing no. M3/43/17/02 Mepal Ouse Washes Internal Road Detailed Route dated 25/09/2017 referred to in condition 7 of planning permission no. F/YR17/1141/F dated 24 January 2018.

Reason: To comply with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS12 and CS32. It has not been demonstrated that the public highway network in the area of the Middle Level & South Level Barrier Banks works is suitable for the type and number of vehicles that would be used to move the clay.

Clay export records:

11. A record of the volume of clay that has been exported from the site shall be kept and made available to the waste planning authority within seven days of a written request.

Reason: To enable compliance with condition 10 to be monitored in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS12.

Hazardous waste input limits:

12. No more than 100,000 tonnes of hazardous waste shall be disposed of by landfill within any calendar year. No more than 125,000 tonnes of hazardous waste shall

be treated (non-landfill) within any calendar year.

Reason: The application has been considered on the basis of the information provided on the application form dated 12/06/2017 (received 12 June 2017).

Hazardous waste facilities with a larger annual capacity may fall within Schedule 30 of the Planning Act 2008 and be Nationally significant infrastructure projects.

Restriction of HGV movements:

13. The total number of HGV movements (vehicles in excess of 7.5 tonnes gross weight) associated with the development hereby permitted entering the public highway shall not exceed the following limits:

458 movements (229 in and 229 out) per day Mondays to Fridays;

230 movements (115 in and 115 out) per day on Saturdays; and

No movements on Sundays and bank and public holidays.

No HGVs shall enter the site before 0700 hours and no more than 15 HGVs per hour shall leave the site between 0500 and 0700 hours Mondays to Fridays.

Reason: It has not been demonstrated that the public highway is capable of safely accommodating higher number of vehicle movements and in the interest of the amenity of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34; Fenland Local Plan (May 2014) policy LP16; and East Cambridgeshire Local Plan (April 2015) policy ENV9.

HGV records:

14. A record of the date and time of all HGV movements to and from the site shall be kept and made available to the waste planning authority within seven days of a written request.

Reason: To enable compliance with condition 13 to be monitored in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34.

Prevention of mud on the Public Highway:

15. HGVs and the haul road shall be cleaned as necessary to prevent materials including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and safeguarding local amenity in accordance the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34.

Surface Water Drainage Scheme:

16. The surface water drainage strategy set out in Section 3.0 of the Surface Water Drainage Assessment March 2018 Version 1 (received 29 March 2018) shall be implemented in full for the duration of the development.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with National Planning Policy Framework paragraph 103; the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS2 and CS39; Fenland Local Plan (May 2014) policy LP14 (B); and East Cambridgeshire Local Plan (April 2015) policy ENV8.

Stockpile heights:

17. No stockpile of mineral, processed waste or unprocessed waste shall exceed a height of 8 metres measured from the existing adjacent ground level.

Reason: In the interests of visual amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS33 and CS34; Fenland Local Plan (May 2014) policy LP16; and East Cambridgeshire Local Plan (April 2015) policy ENV1.

Hours of Operation:

18. No mineral extraction or processing operations and no waste treatment or disposal operations shall take place within the site outside the hours of:

0700 - 1900 on Mondays to Fridays inclusive, and

0700 - 1300 on Saturdays.

No development authorised by this permission shall take place on bank or public holidays.

Subject to the following exceptions:

(i) Pumping water, environmental monitoring and essential maintenance, which has been previously notified to the mineral and waste planning authority, to maintain safe working;

(ii) The soil and mineral washing plants shown on drawing no. M3/16/03 Site Layout Rev B dated 08/11/17 (received 12 December 2017) may be operated at any time on Mondays to Fridays and between 0700 and 1300 hours on Saturdays; and

(iv) Arrival and departure of staff in light vehicles.

Reason: To minimise disturbance to residents and users of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34; Fenland Local Plan (May 2014) policy LP16; and East Cambridgeshire Local Plan (April 2015) policy ENV9.

Dust controls and mitigation measures:

19. The development hereby permitted shall not take place except in accordance with the Dust Action Plan dated January 2018 (received 26 January 2018).

Reason: To minimise the impact of the development on wildlife and wildlife habitats

in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS35; Fenland Local Plan (May 2014) policy LP19; and East Cambridgeshire Local Plan (April 2015) policy ENV7.

Operations within Buildings:

20. The bagging of aggregates and the recycling of tyres and plasterboard shall take place only within the buildings as shown on drawing no.M3/16/03 Site Layout Rev B dated 08/11/17 (received 12 December 2017).
Reason: In order to minimise the emission of dust and noise in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS34 and CS35; Fenland Local Plan (May 2014) policies LP16 and LP19; and East Cambridgeshire Local Plan (April 2015) policies ENV7 and ENV9.

Maintenance, Silencers, and Reversing Alarms:

21. All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with effective silencers that shall be used at all times. All vehicles that are fitted with reversing alarms shall be fitted with "white noise" type or similar, reversing alarms.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34; Fenland Local Plan (May 2014) policy LP16; and East Cambridgeshire Local Plan (April 2015) policy ENV9.

Soil protection:

22. No topsoil or subsoil shall be removed from the site.

Reason: All soils are required for the restoration of the land in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS25 and CS38.

Ecological Mitigation Strategy:

23. The Ecological Mitigation Strategy (Report Reference: CE-WM-1177-RP05 – Final dated 28 March 2018) shall be implemented in full for the duration of the development.

Reason: To minimise the impact of the development on wildlife and wildlife habitats in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS35; Fenland Local Plan (May 2014) policy LP19; and East Cambridgeshire Local Plan (April 2015) policy ENV7.

Construction Environmental Management Plan:

24. The Construction Environmental Management Plan: Biodiversity (Report Reference

CE-WM-1177-RP06 Final dated 28 March 2018) shall be implemented in full for the duration of the development.

Reason: To minimise the impact of the development on wildlife and wildlife habitats in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS35; Fenland Local Plan (May 2014) policy LP19; and East Cambridgeshire Local Plan (April 2015) policy ENV7.

Routeing Agreement:

25. The site shall not be operated except in accordance with the Traffic Management Scheme set out in Mick George Ltd letter dated 25 April 2018 and Plan MGL1 Approved HGV routes dated 23/04/2018 (received 25 April 2018).

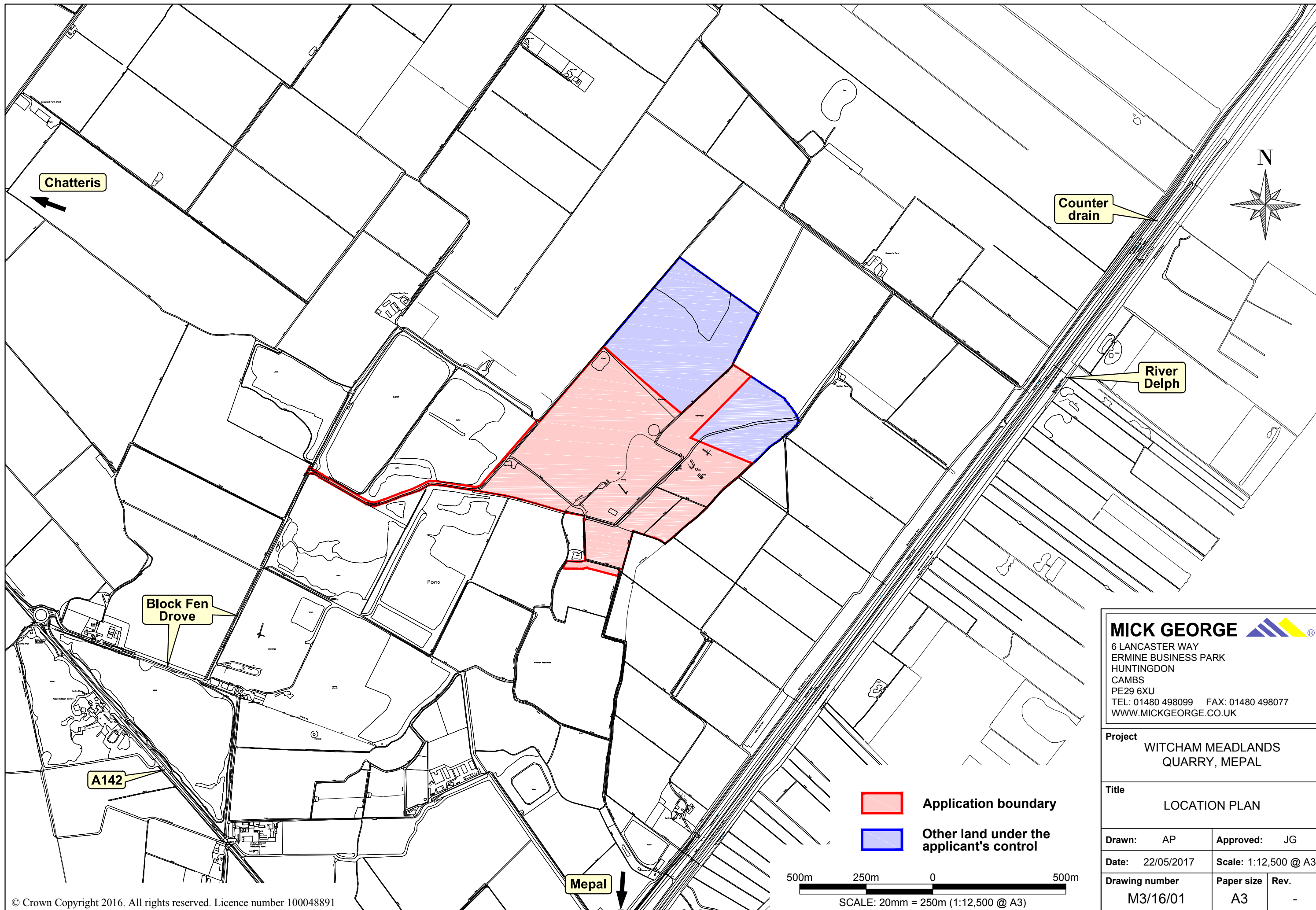
Reason: In the interests of limiting the effects on local amenity to control the impacts of the development and to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34.

Waste Catchment Restriction:

26. No waste arising from a distance greater than a 50 kilometre radius of the site as shown on Plan MGL2 Waste Catchment Area dated 12/04/2018 (received 13 April 2018) shall be received at or deposited on the site. Waste from a waste transfer station within the defined catchment area shown on Plan MGL2 Waste Catchment Area dated 12/04/2018 (received 13 April 2018) shall be regarded as arising from within the catchment area. The operator shall maintain a record of the origin of waste delivered, the tonnage, and the date of delivery. These records shall be maintained and the results collated within a report to be supplied to the mineral and waste planning authority within 10 working days of a written request.

Reason: To limit the movement of waste when taken cumulatively with existing mineral operations, in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS29.

Source Documents	Location
Link to the National Planning Policy Framework: https://www.gov.uk/government/publications/national-planning-policy-framework--2	
Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7	
Link to the Fenland Local Plan: http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&p=0	
Link the East Cambridgeshire Local Plan: https://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan-2015	

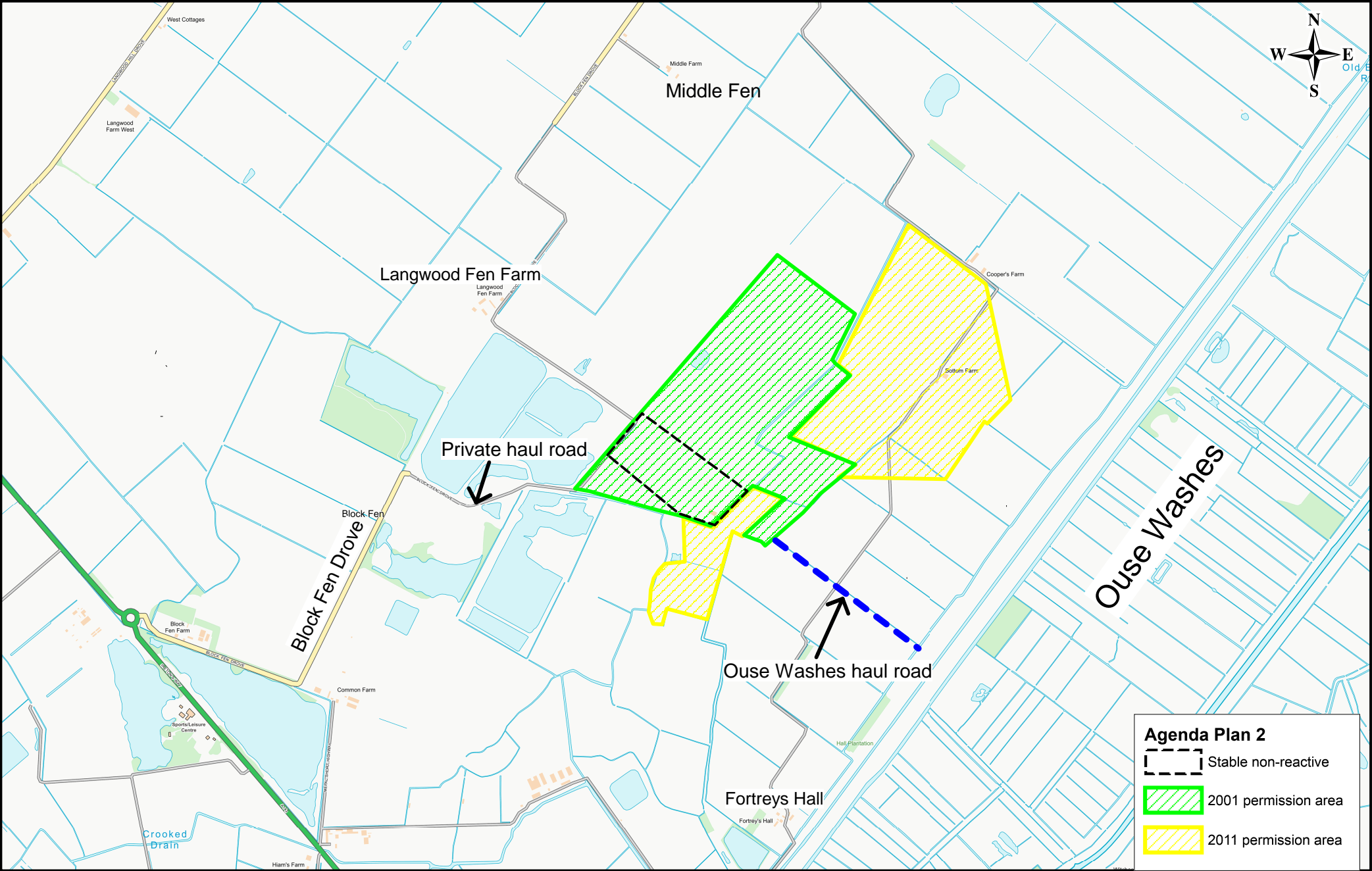


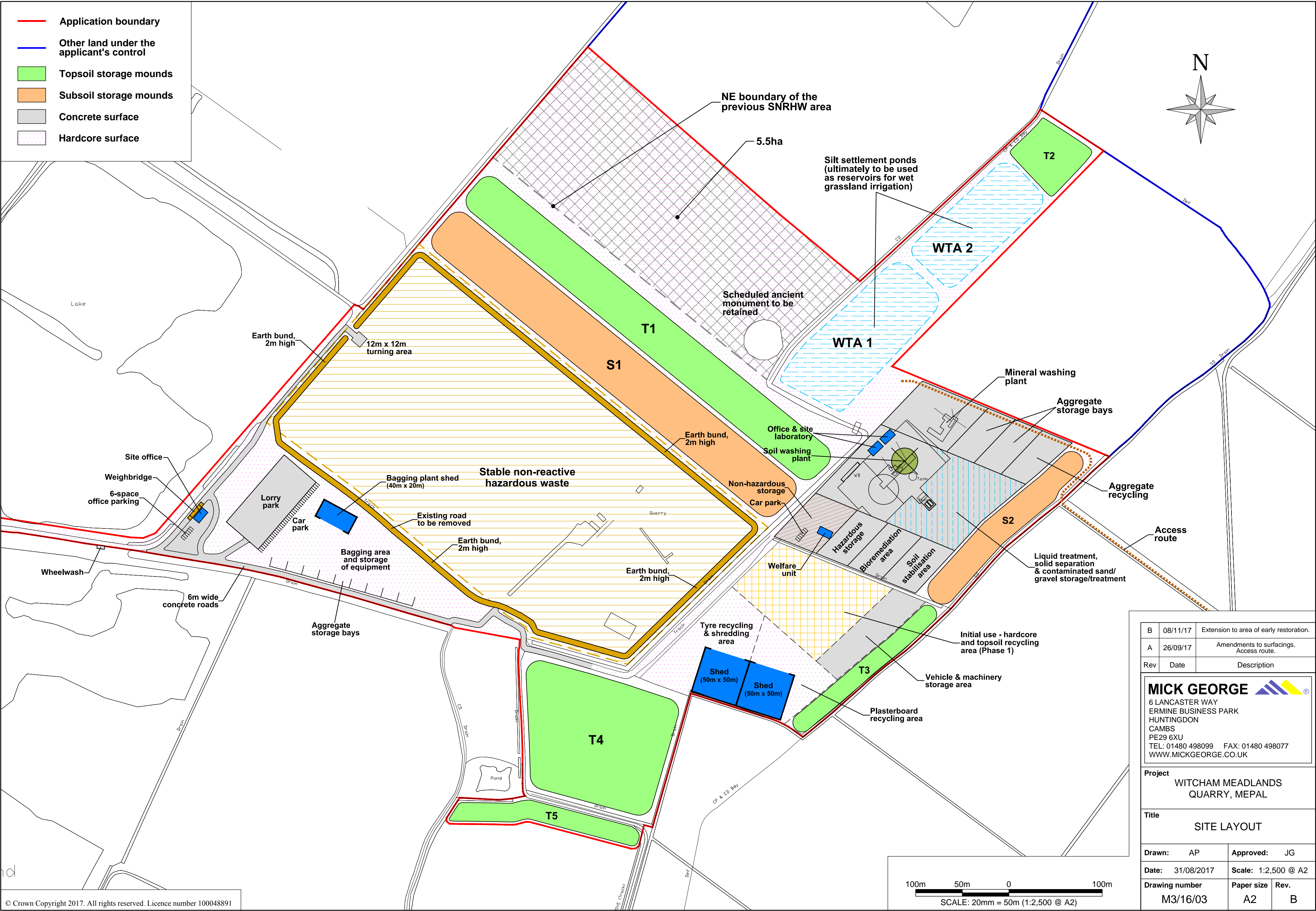
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Project
WITCHAM MEADLANDS
QUARRY, MEPAL

Title
LOCATION PLAN

Drawn: AP	Approved: JG
Date: 22/05/2017	Scale: 1:12,500 @ A3
Drawing number M3/16/01	Paper size A3
	Rev. -

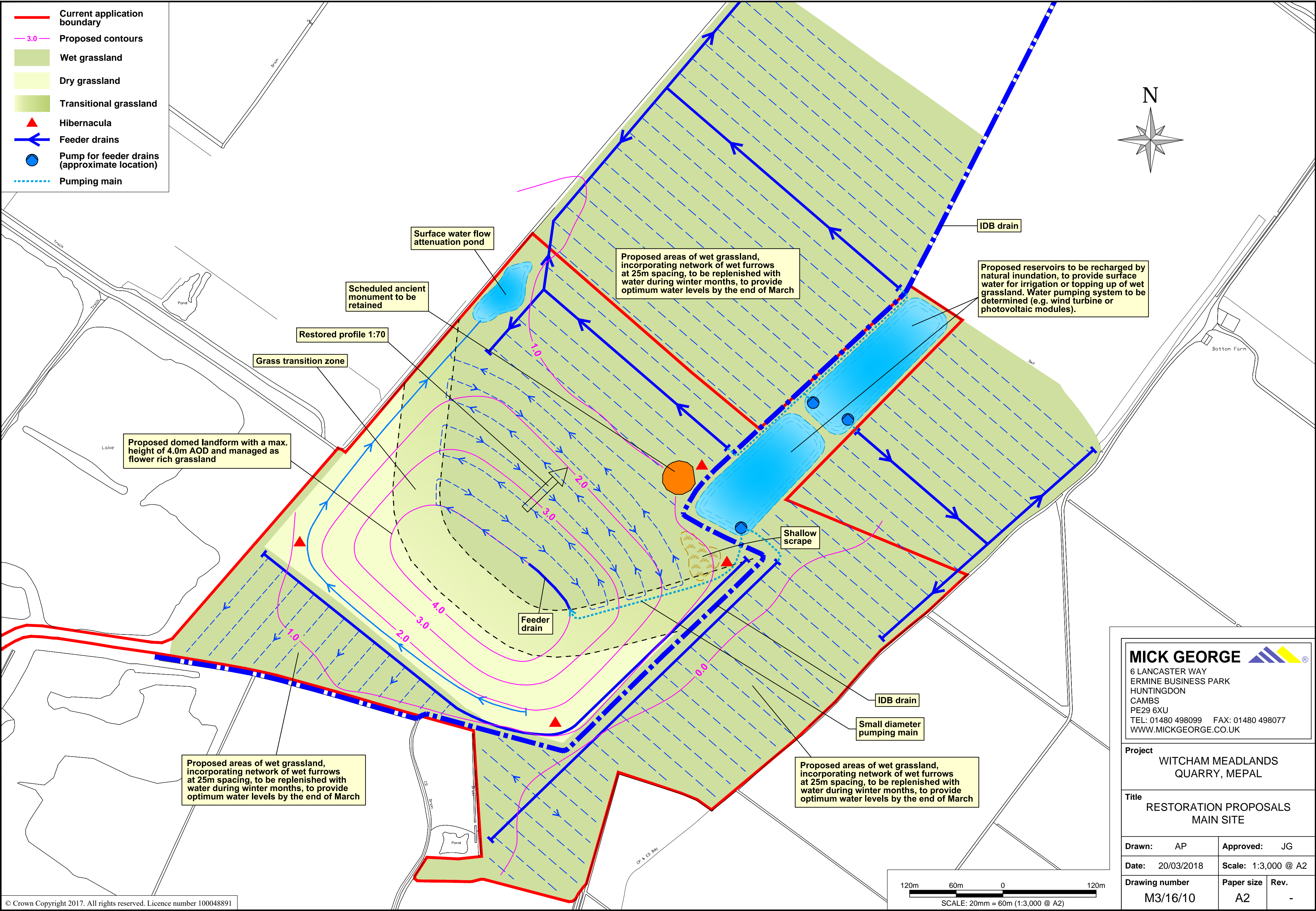




B	08/11/17	Extension to area of early restoration.
A	26/09/17	Amendments to surfacings. Access route.
Rev	Date	Description

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Project WITCHAM MEADLANDS QUARRY, MEPAL		
Title SITE LAYOUT		
Drawn: AP	Approved: JG	
Date: 31/08/2017	Scale: 1:2,500 @ A2	
Drawing number M3/16/03	Paper size A2	Rev. B

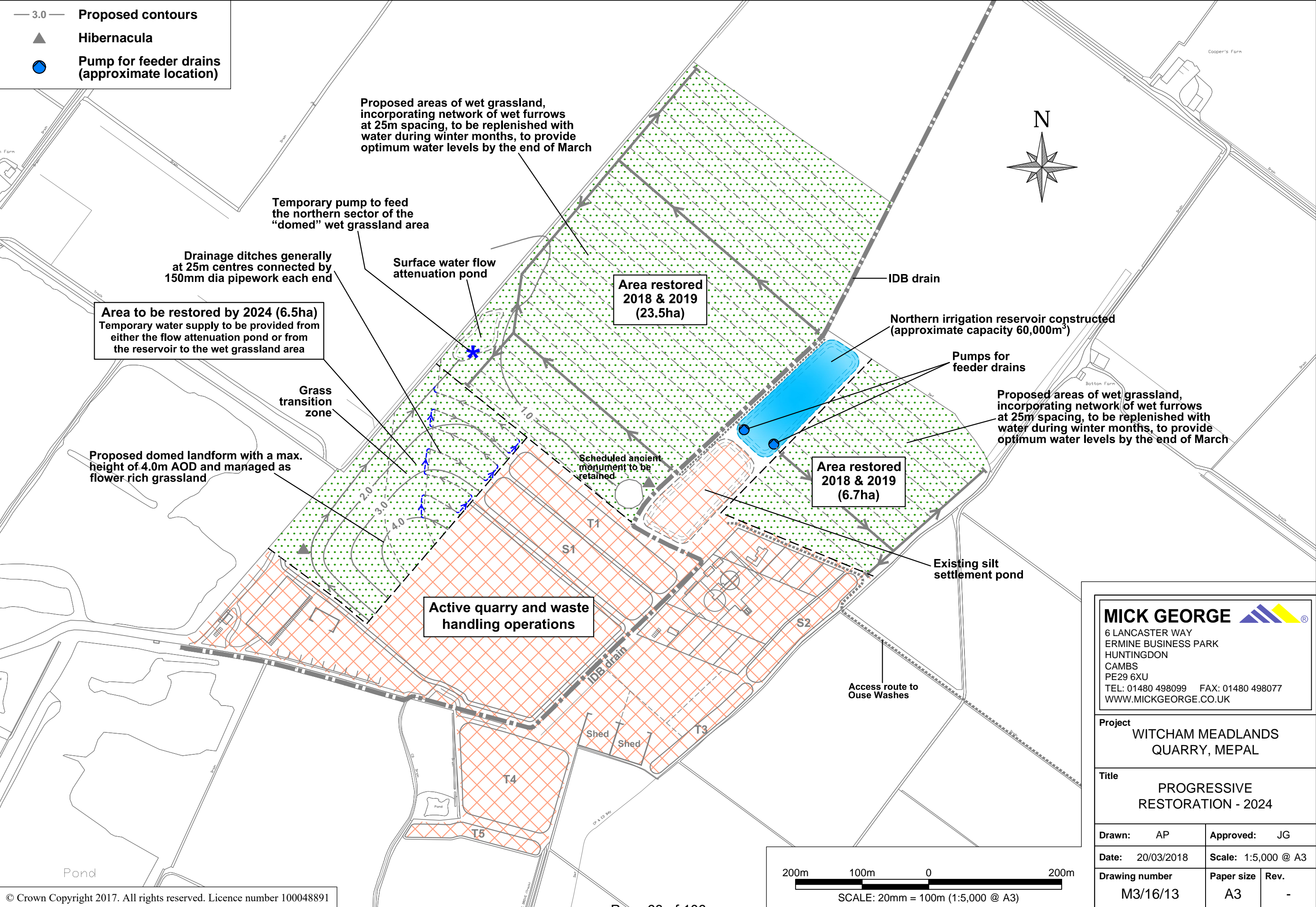


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Project
WITCHAM MEADLANDS
QUARRY, MEPAL

Title
RESTORATION PROPOSALS
MAIN SITE

Drawn:	AP	Approved:	JG
Date:	20/03/2018	Scale:	1:3,000 @ A2
Drawing number	M3/16/10	Paper size	A2
		Rev.	-



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Title
PROGRESSIVE
RESTORATION - 2024

Drawn: AP	Approved: JG
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SECTION 73A PLANNING APPLICATION TO VARY CONDITION 18 RELATING TO THE PROCESSING HOURS WITHIN THE CONFINES OF THE ‘ GRANULATION’ AND ‘SEPARATION AND COMPOUNDING BUILDING’ OF PLANNING PERMISSION REFERENCE F/02005/08/CW TO ALLOW OPERATIONS WITHIN THE “ GRANULATION” BUILDING TO TAKE PLACE MONDAY TO FRIDAY (INCLUDING BANK HOLIDAYS) 0700 to 1700 HOURS WITH OCCASSIONAL 2 HOUR OVERTIME , SATURDAYS 08:00 TO 13:00 AND AT NO TIMES ON SUNDAYS; AND TO ALLOW OPERATIONS WITHIN THE “SEPARATION AND COMPOUNDING” BUILDING 24 HOURS 7 DAYS A WEEK INCLUDING SUNDAYS AND BANK/PUBLIC HOLIDAYS; WITH THE CONTINUED USE OF THE RELOCATED PLASTIC RECYCLING CENTRE, OFFICE BUILDING, GRANULATION BUILDING WITH UNLOADING CANOPY, BAILING BUILDING WITH INTEGRAL OFFICE AND FACILITIES AND ASSOCIATED WORKS INCLUDING ROADWAYS AND VEHICLE PARKING AREAS AS SET OUT IN PLANNING PERMISSION F/02005/08/CW.

AT: MANEA ROAD, WIMBLINGTON, CAMBRIDGESHIRE PE15 0PE

APPLICANT: PLASGRAN LIMITED

APPLICATION NO: F/2012/17/CW

To: **Planning Committee**

Date: **17th May 2018**

From: **Head of Place and Economy**

Electoral division(s): **March South & Rural**

Purpose: **To consider the above planning application.**

Recommendation: **That permission is granted subject to the conditions set out in paragraph 10.1**

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1.0 INTRODUCTION/BACKGROUND

- 1.1 Planning permission LPA reference F/02005/08/CW was granted on 8th December 2008 for the relocation of an existing plastic recycling centre, including the erection of an office building, granulation building with unloading canopy, baling building with integral offices and facilities and associated works including roadways and vehicle parking areas at the former 'Baker Youngs' Nursery site, Manea Road, Wimblington.
- 1.2 Planning permission LPA reference F/02005/08/CW was granted subject to planning conditions including Condition 18 that the permitted hours of work were limited to 0700 to 20.00 hrs Mondays to Friday and 0800 to 1300 hrs on Saturdays. There shall be no working on bank and public holidays or on Sundays. The reason why this planning condition was imposed was to safeguard the amenity of local residents.
- 1.3 Retrospective planning approval is being sought for the continued operation of the existing plastic and cardboard recycling facility without complying with Condition 18 of planning permission LPA reference F/02005/08/CW planning condition relating to the permitted hours of use by requesting a revised planning condition (see Section 3 below).

2.0 THE SITE AND SURROUNDINGS

- 2.1 The application site encompasses some 2.68 hectares (6.6 acres) of land and buildings occupied by an existing waste recycling use located on land off Manea Road, near Wimblington. Vehicular access to the site is gained from Manea Road. The access onto the public highway lies some 800 metres (875 yds) from the junction with the A141 Chatteris to March A Class road.
- 2.2 The site has two large industrial buildings together with an office block and a smaller building retained from its previous use as a plant nursery. The smaller of the two large buildings is used for the granulation of plastic waste whilst the second larger building is used for the process of separation and compounding.
- 2.3 The site is bounded to the east by a field in agricultural use. At the eastern edge of the field is a residential property called The Latches lying 430 metres from the site boundary. Immediately to the west of the site fronting the road is a single residential property and outbuildings called The Roost. Open agricultural land lies to the south west and south of the site. Manea Road and open agricultural land lie to the north of the site.
- 2.4 An existing tree belt helps screen views of the site from the east, south and west. The boundary and vehicular entrance to the site with the public highway is delineated by 2.5 metre high steel palisade fencing. The majority of the industrial buildings on the site are of single storey in

height with the exception of the office block which is two storey in height.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The planning application seeks approval to extend the working hours within the confines of two large industrial buildings at the site used separately for 'granulation' and 'separation and compounding' operations.
- 3.2 Whilst operations in the external areas of the site outside these buildings accord with the original hours of working condition the applicant advises that operations within the confines of the 'granulation' and 'separation and compounding' building have been exceeding the permitted working hours for well over 4 years. The applicant states that such activity has been carried out without enforcement action or objection from any party. The company now wishes to address this matter formally by requesting revised working hours for operations within the granulation and separation and compounding buildings.
- 3.3 When first submitted the applicant company requested that Planning Condition 18 be re-worded as follows :

'Granulation' building – Monday to Friday (including bank holidays) 24 hours, Saturdays 0800 to 1300. There shall be no working on Sundays.

'Separation and compounding building – 24 hrs 7 days per week (including bank holidays and Sundays).

External site activities in yard and other buildings to remain in accordance with current planning condition No.18 of F/02005/08/CW – 07.00 to 20.00 hours Mondays to Friday and 0800 to 1300 hours on Saturdays. There shall be no working on bank holidays or on Sundays

- 3.4 The applicant sought to extend the permitted hours of operation for the 'granulation' and 'separation and compounding' buildings to increase capacity to keep up with demand for the recycled products, reduce the amount of material stored on site awaiting processing and to maximise the operation and efficiency of the processing plant. The Separation and Compounding plant line takes 6 hours to shut down and cool off but must be manned at all times making it impracticable to shut it down each night of the week and be ready for the next working day.
- 3.5 The applicant confirms that there would be no operations outside the buildings after 20.00 hours. The office will continue to shut at 1700 hours on weekdays and 1300 hours on Saturdays and then re-open at 0700 hours on weekdays and 0800 hrs on Saturdays.

- 3.6 The applicant further advises that the majority of the site effectively shuts down at 1700 hrs Mondays to Friday and 1300 hours on Saturday when the office closes, with forklifts and lorry loading stopping at 2000 hours at which point the doors on the 'granulation' and 'separation and compounding' buildings are shut for processing within to continue with the extended hours sought. Most vehicular movements in and out of the site also are stated to stop when the main office closes, but definitely no later than the current permitted hours on weekdays (2000 hrs) and Saturdays (1300 hours). Suspension of vehicle movements after the original permitted hours also apply to the operation of forklift trucks within the site.
- 3.7 In support of the planning application and seeking to demonstrate that the site can operate without causing demonstrable harm to nearby residents the applicant commissioned two noise assessment reports both involving the measurement of noise levels emanating from the site during the night.
- 3.8 In response to the initial views of the District Council's Environmental Protection Officer regarding the recorded variability of the background noise level and the imposition of a potential limit on night time noise emissions the applicant has undertaken additional noise monitoring with a view to confirming the representative background noise level and the deliverability of complying with a potential new night time noise limit.
- 3.9 Two periods of additional noise monitoring were undertaken at the site during February 2018 with the first period of one week to establish typical background sound levels in the area. A second evening survey was undertaken later in the month. For both surveys the monitoring location was the residential property lying to the east of the site.
- 3.10 Through monitoring the applicant's acoustic consultant has established the typical representative night time background sound level at the site as 30-32dB LA90,T.
- 3.11 Two noise sources associated with a chiller and compressor by the Separation and Compounding building have also been the subject of noise attenuation works (enclosure and additional insulation). Two existing compressors are to be replaced with a new unit with improved housing. These improvements are intended to reduce noise emissions from the site.
- 3.12 To ensure that noise emissions can stay within the potential night time noise limit the applicant has now amended the application by reworking the shift patterns by removing the night time shift from the granulation building, as it is the noisiest operation at the site. The granulation shift within the building is now proposed to operate between 0700 to 1700 hours Monday to Friday (including Bank Holidays) with the occasional option by 2 hours overtime Mondays to Fridays when demand is high.

The applicant has advised that the overtime option frequency has been estimated at 12 times per year (once a month). There will be no granulation on Saturdays and Sundays.

4.0 RELEVANT PLANNING HISTORY

4.1 Planning permission LPA reference F/2007/06/CW was granted in February 2007 for the change of use of an existing building from a nursey to the storage of recycled plastic materials associated with the company's former premises off Hook Lane, Wimblington. Permission was restricted to internal storage only and the permitted hours of working were restricted to 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays with no working on Sundays and bank or public holidays.

4.2 Subsequently, planning permission LPA reference F/02005/08/CW was granted on 8th December 2008, subject to 20 planning conditions, for the relocation of an existing plastic recycling centre, including the erection of an office building, granulation building with unloading canopy, baling building with integral offices and facilities and associated works including roadways and vehicle parking areas at the former 'Baker Youngs' Nursery site, Manea Road, Wimblington. In addition to the hours of working restriction referred to in paragraph 4.1 the permission included a condition (No.20) which restricted noise emissions from the site as set out below:

The noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property

4.3 In March 2018 the applicant submitted a planning application LPA reference F/02004/17/CW for the partial demolition of the existing maintenance shed and erection of detached finished goods building and extension to the existing granulation building to create storage canopy both for the storage of processed materials. Retrospective approval is also sought for the retention of a roof extension and acoustic barriers around external plant by the separation and compounding building together with extended concrete hard standing, operation of a baling machine, concrete dividing walls for storage areas and increase in water storage pond. Consultations on this application are underway.

5.0 PLANNING POLICY AND GUIDANCE

5.1 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 local development plan policies are set out in paragraphs 5.10 to 5.13 below.

National Planning Policy Framework (March 2012) (NPPF)

- 5.2 The NPPF has at its core, a presumption in favour of sustainable development, including the idea that development that accords with the local development plan should be approved “unless other material considerations indicate otherwise” (para 12).
- 5.3 Within the Core Planning Principles set out in the NPPF planning decisions should support sustainable economic development in rural areas whilst securing a good standard of amenity for all existing and future occupants of land and buildings. Section 123 of the NPPF requires decision makers to mitigate and reduce to a minimum adverse effects on health and quality of life arising from noise, including through the use of conditions whilst recognising that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put upon them.

National Planning Policy for Waste (October 2014) (NPPW)

- 5.4 A key component of the NPPW is the principle of moving waste “up the ‘waste hierarchy’ of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort” (paragraph 008).
- 5.5 Paragraph 007 of the NPPW states that when determining planning applications waste planning authorities should “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

Waste Management Plan for England (December 2013) (WMPE)

- 5.6 The WMPE also highlights the priority for minimising the use of resources and moving waste up the waste hierarchy (page 11), and emphasises that the Environment Agency is the main regulator of waste management in England (page 15).

Noise Policy Statement for England

- 5.7 In 2010 the Government published the Noise Policy Statement for England. Which aims to secure the effective management and control

of environmental noise within the Government Policy on sustainable development by mitigating and minimising adverse impacts on health and quality of life. There is a need to integrate consideration of the economic and social benefit of the activity with proper consideration of the adverse environmental effects.

Planning Practice Guidance (PPG)

- 5.8 The following sections of the PPG are relevant to this application:
- Retrospective planning applications (paragraphs 1 – 14, reference 17b-001 to 17b013).
- 5.9 Practise Guidance on Noise was published in March 2014. If a significant observed adverse effect is observed the planning process should be used to avoid this effect occurring by use of appropriate mitigation whilst taking account of the economic and social benefit of the activity causing the noise.

Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (MWCS)

- 5.10 The following policies are of relevance:

CS29 The Need for Waste Management Development and the Movement of Waste
CS30 Waste Consultation Areas
CS32 Traffic and Highways
CS33 Protection of Landscape Character
CS34 Protecting Surrounding Uses
CS39 Water Resources and Water Pollution Prevention

Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012) (MWSSP)

- 5.11 The site falls within the following designations in the Site Specific Proposals document:

Existing Site designation
W8AG – Manea Road ,Wimblington - Waste Consultation Area

Fenland Local Plan (adopted May 2014) (LP)

- 5.12 The following policies of the Fenland Local Plan are of relevance:

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

Supplementary Planning Guidance

The Location and Design of Waste Management Facilities (2011)

- 5.13 This Supplementary Planning document was adopted in 2011 to guide the design and location of waste management facilities to ensure high quality.

6.0 CONSULTATION RESPONSES (SUMMARISED):-

- 6.1 **Fenland District Council Planning** – no objection but recommend that advice is sought from the FDC Environmental Protection Team as to the potential noise impacts of the development.
- 6.2 **Environment Protection Officer (EPO) FDC** – the District Council have received noise and odour complaints regarding the sites operation and neighbouring residents may be sensitised to the noise from this operation.

The initial noise impact assessment demonstrated that significant changes in background noise levels are experienced and that improvements to noise control from the site has been achieved. However due to the significant changes in monitoring conditions between the initial and verification monitoring they are unable determine if the noise control is sufficient to meet a noise planning condition potentially imposed on the site as typical noise conditions are not apparent.

Recommend that a temporary planning permission be granted during which a programme of sound monitoring is undertaken by the applicant to demonstrate compliance with a noise condition.

The monitoring should be sufficient to demonstrate day time and night time noise limit and determine the typical background noise level for the site.

A noise limit set between 0 to 3 dB above background should be set during the night to take into consideration that noise from the site operation will be audible at the neighbouring resident on a constant basis.

Supplementary views of the Environmental Protection Officer

Following review of the most recent noise monitoring it is confirmed that the noise report has complied with the British Standard (BS4142) that sets out the method to measure background noise. This standard sets out the minimum duration of monitoring required. The noise results have been considered in the light of noise data held by the EPO from other local sites and have comparable results.

The outcome of the report demonstrates that with the proposed revised working hours , restricting granulation to day time hours on weekdays only , then noise emissions from the site can meet the background night time noise limit of 32 dB LA90, 15 minute, rated noise of 35 dB LAeq, 15 minute when measured at the residential property to the east of the site.

Recommend that a Condition is applied to ensure that the site is responsible to monitor compliance with the noise condition in the event justified complaints are received.

It is further suggested that there is a maximum number of occasions that the option of 2 hours overtime when busy until 1900 hours is applied. This would require a specified process to record and monitor the number of occasions this occurs.

6.3 **Wimblington Parish Council** – advise that they have no objections to the application.

6.4 **Environment Agency** – No comment. The site is regulated by the Environment Agency under an existing Environmental Permit.

6.5 **Highways Authority** – advise that there is no unacceptable impact created upon the highway as a result of the existing use. The proposed change in operational hours is unlikely to create a significant impact on highway safety.

6.6 **CCC Local Lead Flood Authority** – the application does not appear to have any surface water drainage implications as the area is already hardstanding. No objection in principle to the proposed development.

7.0 REPRESENTATIONS

7.1 A total of five representations have been received from local residents together with a representation of a former owner of Lily Cottage. One representation received from the occupier of the closest residence to the site offers support for the proposal.

7.2 In summary the other representations primarily refer to problems of disturbance caused by noise emissions that had been experienced in the past, including the representation from a former resident. On one occasion a local resident called the police about disruption and disturbance being caused by noise from the site. On another occasion

concerns were expressed directly to the company resulting in a visit from a manager to review the complaint.

- 7.3 Local residents stated that they had no idea that the site was operating outside of its permitted hours and some have grown accustomed to the noise. A resident considers that noise emissions have reduced during this summer but remains concerned if permission were to be granted then noise levels might increase again creating disturbance and loss of amenity. One resident has expressed concern about the volume of industrial traffic on Manea Road in respect of road safety.
- 7.4 The records held by the Environmental Protection Office at Fenland District Council show that there is a history of noise complaints made about the site.
- 7.5 The change to the application proposal put forward in early March 2018 (see paragraphs 3.8 to 3.11) has been the subject of re-consultation with local residents and the District Council's Environmental Protection Officer.
- 7.6 In response to the re-consultation three additional representations have been received from local residents. These generally welcome the removal of granulation operations during the night and at weekends from the planning application. Two residents are however concerned about the enforceability of incorporating an additional "2 hours overtime" flexibility and consider that the granulation operation should only be permitted to operate between 0700 to 1700 hours Mondays to Fridays and excluding Bank Holidays. Records of use should be kept and made available upon request to the regulatory bodies. Further regular monitoring should be undertaken with internal noise attenuation measures undertaken as necessary to minimise noise pollution to local residents in the future.

8.0 PLANNING CONSIDERATIONS

- 8.1 The previous approvals granted by the Waste Planning Authority establishes the principle of the acceptability of a recycling industrial use at this site. The principle of moving waste up the hierarchy to encourage recycling is supported by both national policy and Policy CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). The site and operations are therefore supported in principle, subject to the consideration of other planning policies and material planning considerations.
- 8.2 Local residents have advised that they have previously suffered disturbance from noise from the site at night. Concerns have been raised that approval of the application could result in more noise emissions which would adversely affect their local amenity. The nearest resident lying to the east of the site has confirmed that their property does have windows which overlook the site and they have

experienced disturbance at night in the past often requiring them to close bedroom windows during the summer months.

- 8.3 The applicant has provided noise assessment information undertaken by noise consultants. The first noise survey was carried out between 23rd– 26th March 2017. Measurements were made both during the day and at night time near the residential properties lying immediately to the west and a short distance to the east of the site. The results of the survey indicate that noise from the site would result in a significant adverse noise impact on the occupiers of a property lying to the east of the site. The survey indicates a noise level (12-14 dB) significantly above the limit (5dB) imposed by condition 20 of the original planning permission. As such these noticeable and intrusive noise emission levels require mitigation. On the basis of these survey results it is clear that the resident has been exposed to elevated levels of noise and that disturbance would result.
- 8.4 Following the results of the noise survey undertaken in March 2017 the applicant has acted and erected enclosures around items of external plant (cooling equipment, fans and compressors) considered to be contributing to the measured noise level exceedances. Metal noise screens approximately 3 metres high have been constructed on the northern and eastern flanks of the 'Separation and Compounding' building to shield the external equipment.
- 8.5 Following construction of the noise screens more night time noise assessment and monitoring was carried out over 10th-11th August 2017 to replicate the earlier survey. The results of this monitoring show that at the time of survey the area experienced a low background noise level and that noise levels from the site had reduced by between 7 - 10dB. This constitutes a significant reduction (a halving of loudness) in relation to the earlier survey results.
- 8.6 The Environmental Protection Officer (EPO) at Fenland District Council has reviewed the detailed noise survey data and agrees that the data demonstrates that improvements to some noise control from the site has been achieved. However due to the significant difference in monitoring conditions between the initial and verification monitoring she was unable to determine if the noise control is sufficient to meet a noise condition that should be imposed on noise emissions from the site.
- 8.7 The initial noise impact assessments carried out by the applicant's noise consultants demonstrate that significant changes in background noise levels are experienced. The amount of monitoring has been taken into account and the Environmental Protection Officer is unable to conclude what is considered as the typical background sound level for this location.

- 8.8 The Environmental Protection Officer advised that a programme of further noise monitoring should be carried out by the applicant to establish the typical background noise levels and enable potential night time noise limits to be reviewed and set as necessary.
- 8.9 Further noise monitoring at the site was carried out on two periods in February 2018 and a supplementary noise report submitted in March 2018. The additional monitoring data has also been reviewed by the Environmental Protection Officer who has advised that sufficient information (site monitoring and other local records) is now available which has enabled her to determine the background noise level as a basis for setting a night time noise condition.
- 8.10 The Environmental Protection Officer, noting the decision of the applicant to withdraw night time use of the granulation building, has recommended that if approved the decision should include a noise condition restricting the night time noise limit to 32 dB LAeq, 15 minute, rated noise level of 35dB LAeq, 15 minute. This limit value is equivalent to the representative night time background noise level experienced locally and thus night time and weekend operation of the Separation and Compounding process should not result in detriment to local amenity in accordance with government guidance and Policy CS 34 of the Minerals and Waste Core Strategy Development Plan Document (July 2011).
- 8.11 It is clear from noise monitoring that background noise levels are influenced by the nature of site equipment in use, time of night, weather conditions including wind direction, the presence of other sources such as agricultural activity and road traffic noise on local roads and A141. Consequently there is a range of noise levels that are experienced locally.
- 8.12 It is noted that the applicant has taken earlier ameliorative action in response to the results of initial noise monitoring. This has encompassed the construction of noise barriers for compressors and chillers, rationalising equipment and providing more noise insulation at the Separation and Compounding Building. This improvement process should continue going forward so that the site can operate well within any night time environmental noise limits set. The Environmental Protection Officer (EPO) has recommended that a planning condition be imposed to secure regular monitoring of noise by the site operator to act as a catalyst for site improvements in addition to responding to any justified local complaints. A suitable planning condition has been recommended (Condition 21) as set out in Paragraph 10.1. The Condition has the support of the Environmental Protection Officer of the District Council.
- 8.13 Local residents have expressed concern about the provision of a potential additional 2 hour "overtime" period for the granulation process during periods of peak demand. The Environmental Protection Officer

has suggested that a maximum number of occasions that the option of 2 hours overtime from 1700 to 1900 hours Mondays to Fridays can apply should be stated and a system of recording operational hours be instigated for the granulation building to facilitate monitoring by regulatory bodies.

- 8.14 The original planning permission (F/2005/08/CW) granted permission for the plastics recycling facility to operate weekdays between the hours of 0700 to 2000. The applicant's stated intention to cease granulation operations normally at 1700 hours would provide some benefit in respect of reducing the impact of noise emissions for local residents which is tempered in part by the stated potential to add, on occasion, 2 hours overtime when busy to the granulation process. With overtime the plant would cease work at 1900 hours, although the original permission limited operations to 2000 hours. The applicant has indicated that he expects that the overtime option might be exercised on up to 12 times in any one year.
- 8.15 However on the basis of available noise monitoring data there is considered to be insufficient evidence of potential harm that would justify restricting operation of the granulation building from the original permitted operational restriction of 2000 hours when external yard operations also cease. This view is supported by the Environmental Protection Officer of the District Council.
- 8.16 Whilst a local concern has been expressed about day time HCV traffic movements in relation to road safety the site access has been laid out to the required standards and there is good visibility along Manea Road for emerging traffic in both directions. The Highways Officer has not identified any concerns on highway capacity or road safety grounds.

9.0 CONCLUSION

- 9.1 Given the context of the revisions to the planning application it is important principle that if operations undertaken within a building on the site are to continue to be undertaken overnight then the amenity considerations for local residents are respected and noise levels reduced to an acceptable level in accordance with Policy CS34 Protecting Surrounding Uses of the Cambridgeshire Minerals and Waste Core Strategy Development Plan Document (July 2011).
- 9.2 It is clear that local residents have experienced noise problems in the past and there is a need to bring night time operations under close control given the low background noise levels experienced in this open fenland location. The applicant's proposal to exclude and cease night time working of the granulation plant (the noisiest element of the process) is to be welcomed as lower noise levels will result.
- 9.3 The recent noise monitoring and related mitigation work undertaken by the applicants has yielded positive benefits in respect of reduced noise

emissions results and is welcomed. The process of periodic noise monitoring and mitigation works review carried out by the applicant should be continued going forward as industrial processes change and new or replacement fixed machinery and equipment is brought into use. This approach has the support of the District Council's Environmental Protection Officer.

- 9.4 To ensure that the amenity of local residents is respected it is recommended that the original Condition 20 of the consent be varied to include limitations on night time noise experienced at the nearest residential property as recommended by the District Council's Environmental Protection Officer to a level no higher than the existing representative background noise level.
- 9.5 The highways officer has not objected to the development on highway grounds and all HGV movements will continue to take place within the permitted daytime hours.

10.0 RECOMMENDATIONS

- 10.1 It is recommended that planning permission be granted for the revised planning application, subject to the following conditions:

CONDITIONS AND REASONS

Implementation

1. This permission comes into effect on the date of this consent in accordance with submitted site plan 4960/01/01A showing the location of the Granulation and Separation and Compounding Buildings received on 13th September 2017 and submitted documents.

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

General:

2. This permission shall only relate to the land edged red on the application drawing 4125/PO1 Rev A, dated December 2007, hereinafter referred to as the “site”.

Reason: *To define the site and protect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

3. Unless otherwise agreed in writing by the Waste Planning Authority, the development hereby permitted shall not proceed except in accordance with the following approved plans.

- 4125/P01 Rev A dated 21/05/2008 – Proposed layout
- 4125/PO2 Rev 2 December 2007 – Proposed layout and elevations for office building
- 4125/P03 Rev A dated 21/05/2008 – Proposed layout and elevations for granulation building
- 4125/P04 Rev A dated 21/05/2008 – Proposed layout and elevations for baling building
- JBA 08/82 – 03 dated July 2008 – Landscaping Plan 1
- JBA 08/82 – 04 dated July 2008 – Landscaping Plan 2
- Plan 4960/01/01A received on 13th September 2017 showing the location of the Granulation and Separation and Compounding Buildings

Reason: *To define the site and protect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

Design:

4. **Condition 4 no longer required as the materials for which the office building and other buildings were to be constructed constructed have been approved and implemented.**

Landscaping:

5. No trees, shrubs or hedges existing on the site shall be removed or cut down without the prior written consent of the Waste Planning Authority.

Reason: *To ensure that the development does not adversely affect the character and appearance of the locality in accordance with Policy CS33 of the Cambridgeshire and Peterborough*

6. **Condition 6 no longer required as boundary edge landscaping implemented substantially in accordance with approved details.**
7. **Condition 7 no longer required as the 5 year landscape maintenance period has expired.**

Environmental Protection:

8. The drainage works shall comply with the approved drawings (974-02 Rev D dated 02/10/08, 974-03 Rev D dated 03/10/08 and 974-04 Rev C dated 03/10/08) and associated calculations.

Reason: *To ensure a satisfactory method of surface water drainage in accordance with Saved Policy WLP16 of the Cambridgeshire and Peterborough Waste Local Plan (2003)*

9. The external lighting and security cameras shall comply with Drawing Number 4125/PO1 Rev A dated 21/05/2008, using the design and type identified in the revised Design and Access Statement received by the Waste Planning Authority on 4th August 2008.

Reason: *To define the site and protect the amenity of local residents and the character and appearance of the locality in accordance with Policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

10. The layout of the site and fire access to the pond for fire regulation purposes shall be carried out in accordance with approved Drawing no 4125/PC05A as modified by Plan 4960/01/01A received on 13th September 2017

Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

Contractors Arrangements:

11. **Condition 11 no longer required as the construction phase has been completed.**

12. Condition 12 no longer required as the construction phase has been completed.

Transport Arrangements:

13. The development shall comply with the approved plan (Drawing Number 4125/PO1 Rev A, dated 21/05/2008).

Reason: *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)..*

14. The access to the site shall comply with approved updated Drawings nos 4125/COND1B & 4125/COND02B dated September 2011. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 4.5m x 215m measured from and along respectively the edge of the carriageway.

Reason: *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

15. The permanent space to be reserved on the site for turning / parking / loading and unloading shall be surfaced and marked out in accordance with approved updated Drawing no 4125/COND1B dated September 2011 and the land thereafter used for no other purpose unless agreed otherwise by the Waste Planning Authority.

Reason: *To ensure that the scheme satisfactory addresses potential traffic, access and parking impacts in accordance with Policy CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

Waste Activities and Operational Waste Hours:

16. No external storage of waste or recycled plastics shall occur outside of the buildings on the site. Nothing shall be stored within the storage area shown on plan 4125/PO1 Rev A dated 21/05/2008 other than

empty cages which shall not be stored above the height of the boundary tree screening;
No overnight storage of materials in trailers at the site shall occur.

Reason: *To define the site and protect the character and appearance of the locality in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

17. All forklift trucks shall be fitted with White Noise reversing beepers, if reversing beepers are required.

Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)*

18. Except where stated below the hours of use of the site outlined in red on Plan ref 4960/01/01A are limited to 07.00 to 20.00 hrs each day Mondays to Fridays and 08:00 to 13:00 hrs on Saturdays other than in accordance with one or more of the following exceptions :

Processing within the confines of the 'Granulation' building shall only be carried out between the hours of 0700 to 2000 hours each day Mondays to Fridays including on bank holidays.

Processing within the confines of the 'Separation and Compounding' building is permitted to be carried out 24 hrs 7 days per week including bank holidays.

No working in the external yard and other buildings shall be undertaken on Sundays or bank holidays.

Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014)*

19. No development or storage shall take place on the land marked 'Area to remain as existing for possible future development of site' on Plan 4125 / PO1 Rev A dated 21/05/2008.

Reason: *To define the site and protect the character and appearance of the locality in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of Fenland Local Plan (May 2014).*

20. Between the hours of 0700 to 2000 noise emissions from the site, including any corrections for acoustic characteristics, shall be no more than 5db above the prevailing background noise level at the nearest residential property lying to the east of the site. Between the hours of 2000 and 0700 noise levels from the site, including any corrections for acoustic characteristics, shall not exceed 32dB LAeq, 15 minute, rated noise level of 35dB LAeq, 15 minutes at the nearest residential property lying to the east of the site.

Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

Noise Monitoring and Management Scheme

21. A noise monitoring scheme shall be submitted to the Waste Planning Authority within three months of the date of this decision notice. The submitted scheme should constitute a periodic programme of sound monitoring to be carried out by a competent person to demonstrate compliance with the provisions of Condition 20 of this decision notice and designed to encompass any seasonal variation to the local environment and nearby noise sources, daytime and night time monitoring and any seasonal variations in workloads that the business operation experiences. The frequency of monitoring should be sufficient to demonstrate compliance with the day time and night time noise emission levels from the site. The scheme shall provide for a record to be kept on site of the operational hours of use of the Granulation building together with a register of any noise complaints received together with a record of all operational and mitigation measures taken to prevent an breach of the noise condition. The scheme shall be approved in writing by the Waste Planning Authority and implemented in accordance with the approved details. The results of the noise monitoring and mitigation actions taken shall be provided to the Waste Planning Authority on a periodic basis in accordance with the approved scheme.

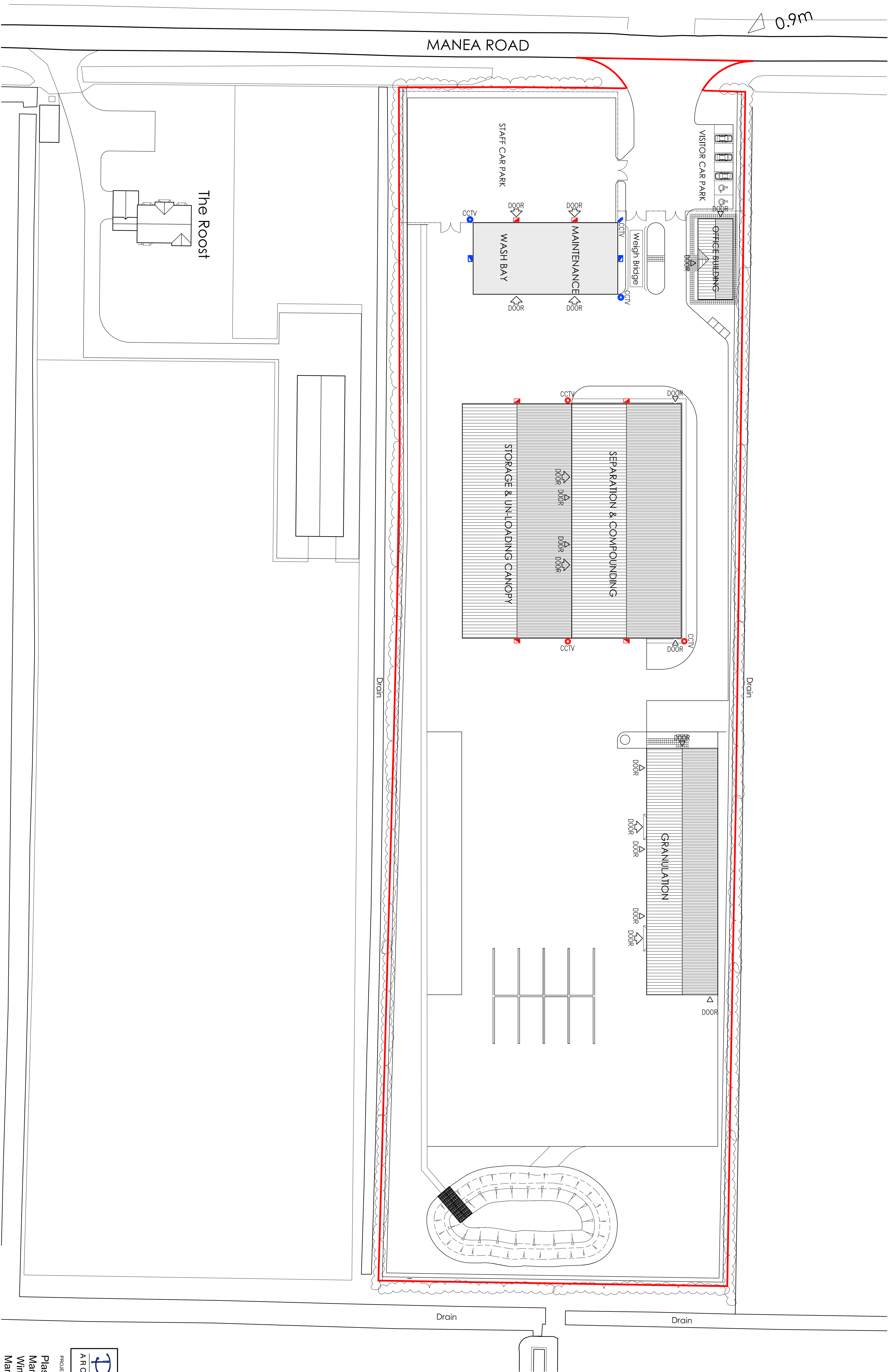
Reason: *To protect the amenity of surrounding and local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and Policy LP16 of the Fenland Local Plan (May 2014).*

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The Waste Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in

planning terms. All land use planning matters have been given full consideration relating to the environmental impact of increased working hours in the 'granulation' and 'separation and compounding buildings. Consultation took place with statutory consultees and other consultees, including local residents, which have been taken into account in the decision making process

Source Documents	Location
<p>Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011</p> <p>Cambridgeshire and Peterborough Site Specific Proposals Development Plan Document 2012</p> <p>Fenland Local Plan</p> <p>Noise Policy Statement for England Defra 2010</p>	



PROPOSED SITE PLAN 1:500

PROJECT
Plasgran Ltd.
Manea Road
Winblington
March
PE15 0PE

CLIENT
Plasgran Ltd.

DRAWING TITLE
SITE PLAN

DATE: AUG 2017 SCALE: AS SHOWN JOB No. 4960/01/01A



Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

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30 OLD MARKET WISBECH CAMBS PE33 1NB
Company No. 04447094
Architectural Technologists

ENFORCEMENT UPDATE REPORT 2018

To: **Planning Committee**

Date: **17 May 2018**

From: **Assistant Director of Environment & Commercial Services**

Electoral division(s): **N/A**

Purpose: **To consider the following report**

Recommendation: **The Planning Committee is requested to note the content of this report.**

<i>Officer contact:</i>
Name: Deborah Jeakins
Post: Principal Enforcement and Monitoring Officer, County Planning, Minerals and Waste
Email: Deborah.Jeakins@cambridgeshire.gov.uk
Tel: 01223 715544

1 INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Environment and Commercial service.
- 1.2 The Enforcement update report is usually prepared and presented to members quarterly. However, no Planning Committees were held in March or April 2018 which meant that the Committee has not been presented with an update report since December 2017. Therefore, this report covers the work of the team in the period 1 December 2017 to 30 April 2018 which is a five month reporting period.
- 1.3 The Enforcement and Monitoring team consists of the Principal Enforcement and Monitoring Officer, a Monitoring and Control Officer and a Senior Compliance Officer whose time is shared with the Flood and Water team.
- 1.4 Paragraphs 2 to 5 of the report summarise the following information:
- Complaints received and their current status;
 - Number of ongoing investigations;
 - Appeals;
 - Ombudsman complaints received.
- 1.5 Paragraph 6 of this report details site monitoring visits undertaken between 1 December 2017 and 30 April 2018 along with the chargeable income received from chargeable visits during the last financial year (1 April 2017 to 31 March 2018).
- 1.6 Paragraphs 7 to 18 of the report provide updates on a number of key ongoing Enforcement investigations.

2 COMPLAINTS RECEIVED

- 2.1 21 new complaints were received between 1 December 2017 and 30 April 2018. Table 1 summarises the status of these complaints at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
Under investigation	4
Breach established and resolved	3
Breach established. Investigation on-going	4
No breach established, case closed	8
Not a county matter	2
Total	21

- 2.2 At the time of writing, of the 21 complaints received between December 2017 and April 2018:
- 13 cases have been investigated and closed;

- 8 cases remain open and under investigation;
- 10 pre-existing complaints (received before 1 December 2017) also remain under investigation.

3 NOTICES SERVED

- 3.1 One new Enforcement Notice (EN) has been served in this period, the details can be found in paragraph 4.6 below.
- 3.2 No new Breach of Condition Notices (BCNs) have been served in this period.
- 3.3 One new Planning Contravention Notice (PCN) was served on 25 April 2018, the details of the investigation can be found in paragraph 17 below.

4 APPEALS

4.1 Appeal site: Mill Road, Fen Drayton

On 5 October 2017 the appeal to the Planning Inspectorate against the refusal to grant a Certificate of Lawful Development for use of the above land for the processing of inert waste was withdrawn. The agent acting for the landowner has recently submitted a request for pre application advice relating to a waste use on the land and officers have provided an initial response referring to the reasons that the two previous Certificate applications were refused. Noting the Council's refusal to grant the two previous Certificates, officers have begun discussions with legal services regarding the unauthorised waste uses that continue to take place on the land.

4.2 Appeal site: East Anglian Resources Limited (EARL), Whittlesey

On 7 November 2017, officers served the following formal notices on EARL at Unit 1, Benwick Road Industrial Estate, Whittlesey for breaches of planning conditions that restrict hours of operation at the site:

- Enforcement Notice for breach of condition 6 of F/2008/16/CW
- Enforcement Notice for breach of condition 5 of F/2009/16/CW (for the same breach but within the extension to the site area)
- Breach of Condition Notice for breach of condition 6 of F/2008/16/CW
- Breach of Condition Notice for breach of condition 5 of F/2009/16/CW (for the same breach but within the extension to the site area).

4.3 All of the notices relate to the same breaches of planning control, Heavy Goods Vehicles entering and leaving the site outside of the hours of 7am to 7pm which is contrary to planning conditions imposed on the site and detrimental to the amenity of local residents.

4.4 The operator has lodged an appeal against the service of the Enforcement Notices with the Planning Inspectorate on the grounds that:

- (b) the breach of control alleged in the enforcement notice has not occurred as a matter of fact;
- (c) there has not been a breach of planning control;

- (d) at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice;
- (e) the notice was not properly served on everyone with an interest in the land; and
- (f) the steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections.

- 4.5 The appeal was initially to be determined through the written representations procedure however following submission of the appeal statements the Planning Inspectorate noted that the appellant and the Council do not agree on matters of fact and decided that the appeal is best determined by way of a Public Inquiry where the evidence, including witness statements, can be properly examined.
- 4.6 The appointed Inspector has also advised that he has noted an issue relating to the validity of one of the Enforcement Notices that was raised in the appeal documentation. Therefore, following legal advice from Counsel, on 4 May 2018 an additional and alternate Enforcement Notice relating to the same breach of planning control at the site was served. In the event an appeal is made against the service of this new notice, legal advice is that it could sensibly be incorporated into the present Inquiry, which would be proportionate to the issues raised, and save time and expense. The Council will seek to rely on this new enforcement notice only if and insofar as any issue as to the validity / nullity of the earlier enforcement notice is made out.
- 4.7 The Inspectorate has provisionally allocated one day for the inquiry and it is currently scheduled to take place on 10 July 2018. The location of the Inquiry has not yet been agreed but officers will update members as and when more information becomes available.
- 4.8 EARL have not challenged the validity of the BCNs, and the propriety of the local planning authority's decision to serve them by an application to the High Court for judicial review and therefore they remain extant.

5 OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman (LGO) complaints were received during the period 1 December 2017 to 30 April 2018.

6 SITE MONITORING VISITS 1 DECEMBER 2017 – 30 APRIL 2018

- 6.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites. The Authority levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

The national fees for conducting the visits increased in January 2018 to:

- Actives sites £397
- Inactive or dormant sites £132

- 6.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits.
- 6.3 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission. However, the cost of these visits is borne by the Authority.
- 6.4 A summary of the number and type of chargeable monitoring visits, non-chargeable monitoring visits and complaint site visits carried out during the monitoring period is set out in Table 2 below.

Table 2 – Chargeable Site visits by type 1 December 2017 to 30 April 2018

Site Type	Visits
Landfill	12
Quarries	19
Non chargeable sites	9
Complaint site visits	18
Total	58

- 6.5 Chargeable site visits have priority as they generate a small but significant income stream for the Council.
- 6.6 The enforcement and monitoring team were able to complete all the agreed monitoring visits for the last financial year (excluding one of the four for Barrington which was due to operator availability). The team also visited one additional monitoring site (Harlocks farm) and increased their monitoring visits to Little Paxton and Grunty Fen as they became active again in within the last financial year.
- 6.7 The total income for the chargeable monitoring visits for the 2017 to 2018 financial year was £22,724.00.

7 ENFORCEMENT CASES

- 7.1 There are currently 4 active enforcement cases where formal enforcement action has been taken and investigation and monitoring is on-going. A summary of each case is set out in Appendix 1. However, Appendix 1 does not include notices served within this period that are referred to in paragraphs 4.2 to 4.8 above because the Enforcement Notices are subject to the appeal process and so are not yet in force.
- 7.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking formal enforcement action.
- 7.3 Appendix 2 contains a list of enforcement investigations where formal action has been taken and the notices remain extant. Unless there are other issues or reports of development on these sites then no further investigation or action will be required.

8 WILBRAHAM LANDFILL

- 8.1 The Great Wilbraham active chalk quarry has planning permission to be restored by landfilling the void with inert waste. The Waste Planning Authority (WPA) issued an Enforcement Notice in May 2012 to address the restoration levels of the land which exceeded what had been agreed and approved.
- 8.2 In May 2016 the site operators were convicted of failing to comply with the notice and ordered to pay a fine and the Council's legal costs, totalling £23,969.00. The costs were paid in full within the 12 month period set by the Court.
- 8.3 Officers undertake regular chargeable monitoring visits to the site and have confirmed that the height of the waste pile is now almost level with the adjoining land. The operator is continuing to work towards achieving the agreed restoration contours for the site and officers will ask for a topographical survey of the land to be undertaken once the operator considers that the restoration levels are complete.

9 PLASGRAN, MANEA ROAD, WIMBLINGTON

- 9.1 In November 2016 the County Waste Planning Authority provided pre application advice in relation to a number of planning matters at Plasgran plastic Waste recycling facility at Manea Road, Wimblington. The advice covered both retrospective and prospective development at the site.
- 9.2 Members have been asked to consider an officer report relating to the development at the site at today's Planning Committee and there is a further planning application which is out to consultation. If both applications are able to be approved in due course then this should resolve all the outstanding unauthorised development at the site.

10 LAND ADJACENT TO ROYSTON RECYCLING CENTRE

- 10.1 In February 2015 approximately 20,000 bales of refuse derived fuel (RDF) waste was deposited on the above land. A multi-agency approach produced an emergency plan taking into account of the sites proximity to the Cambridgeshire and Hertfordshire county border, the fire risk associated with the stored waste and the possible implications that the amount and type of waste had on the presence of an aquifer.
- 10.2 A topographic survey showed that approximately 13,952 tonnes of waste material had been deposited, raising the level of the land across roughly two thirds of the site. A condition survey, drilling of boreholes and modelling work were undertaken to inform the standard of clean up required by the Environment Agency (EA) to minimise the risk to groundwater. The operator provided the EA with a remediation proposal which did not target all of the waste deposits buried across the site.
- 10.3 On 25 May 2017 the EA served a Section 161A Works Notice under the Water Resources Act 1991 (the Notice) requiring the operator to remediate the land in 16 stages, with full compliance to be achieved by 11 April 2018.

- 10.4 The EA has inspected the site regularly and determined that insufficient progress has been made in remediating the land and the EA is currently considering what action to take in respect of the failure to comply with the Notice.
- 10.5 In addition, the EA is seeking to prosecute the land owner, Winters Haulage Limited, and one of its Directors for the alleged deposition and storage of controlled waste in or on land. The court date for the initial hearing is set for 14 June 2018.

11 FIELD 6184 / BLACK BANK, LITTLE DOWNHAM

- 11.1 In July 2015 the County Council confirmed that clay extraction was taking place on a parcel of land at Little Downham, that the clay was being spread to raise the land levels and that imported waste materials were being used to infill the excavations. There were EA exemptions in place for the importation of waste onto the land in question.
- 11.2 In December 2016 a topographical survey of the land levels was undertaken. Following the survey, officers continued to receive allegations about further importation of waste material onto part of the land and gathered evidence confirming this was taking place. The land owner advised he considered that he is using his permitted development (PD) rights to import waste to create hardstanding on the agricultural unit. The conditions and prior notification requirement for these PD rights had not been met and so this was considered to be a breach of planning control that was within the jurisdiction of East Cambridgeshire District Council (ECDC), as the relevant district planning authority.
- 11.3 On 5 April 2017 County officers wrote to the owners of the land and the tenant farmer to set out the PD rights for waste that apply to the agricultural unit and to advise that if the importation of waste continued or resumed on the agricultural unit, which comprises of field 6184 and a piece of land at First Drove (which is the subject of an extant enforcement notice and in the same ownership), then the County Council now had clear evidence of the land levels should enforcement action become necessary.
- 11.4 On 16 October 2017 officers received a legal view from Counsel that the County Council should seek a prohibitory injunction from the High Court with a penal notice attached which, if granted, would make it a criminal offence to import any further waste material onto any part of the agricultural unit.
- 11.5 An application for an injunction was prepared and submitted to the High Court in London and a case conference meeting is scheduled to take place with all parties on 12 June. The conference will outline the skeleton arguments so that the court can decide how much time will need to be allocated to hear the case.
- 11.6 If the Court agrees to grant the prohibitory injunction, and then there is clear evidence that it has not been complied with, the County Council will need to carefully consider whether the evidential and public interest tests for initiating prosecution proceedings are met.

12 BLOCK FEN

- 12.1 Aggregate Industries (AI) completed work to upgrade the first half of Block Fen Drove up to the Tarmac quarry access in accordance with their approved scheme.
- 12.2 In February 2016 Mick George Ltd (MGL) proposed a scheme for the second half of the Drove upgrade, on the understanding that all the operators with active development sites on Block Fen contributed to its cost.
- 12.3 A formal Section 278 (S278) agreement from the Highway Authority was required for the works and the application for the agreement needed to be accompanied by 50% of the application fee. In September 2016 the sharing of the costs for the scheme was agreed and all the operators sent in their share of the formal S278 agreement application fee.
- 12.4 Discussions are still taking place between MGL as the lead operator and the Highway Authority on the final design. Once the design is agreed, an agreement to deliver the works on the second half of Block Fen Drove can be completed. The council has a planning application before it from MGL for continued and new waste management uses. The developer has been advised that should permission be granted it would be dependent on the road improvements being secured through a Section 278 agreement with highways colleagues.
- 12.5 Members have been provided with an update on this issue within the officer report on the earlier agenda item relating to Witcham Meadlands, planning application reference F/2000/17/CW.

13 LAND AT WARBOYS AIRFIELD INDUSTRIAL ESTATE

- 13.1 The land at Warboys Airfield Industrial Estate had planning permission for the storage and processing of waste electrical and electronic equipment, subject to conditions, one of which restricted the location and amount of waste stored outside the buildings.
- 13.2 In January 2015 the waste operator was put into administration, leaving several thousand tonnes of cathode ray tube (CRT) waste on the land. The landowner began removing the waste but the rate of removal was unacceptably slow and so a BCN was served in October 2015. The compliance period on the notice was not sufficient to allow for the removal of the CRT waste to permitted specialist waste sites and so officers monitored the site throughout 2016 and 2017 to check the removal of the specialist waste from the site.
- 13.3 Officers have confirmed the removal of all the remaining waste has been completed and there is no further breach of planning control on the site to pursue.

14 BARRINGTON QUARRY

- 14.1 Officers are continuing to investigate the alleged breach of a condition attached to the planning permission allowing the importation of waste by rail into the former Cemex Quarry site at Barrington. The condition in question relates to the noise from

rail movements at Foxton Sidings between 11pm and 7am and disturbance to local residents caused by engines idling on the track.

- 14.2 A PCN was served on Cemex on 11 May 2017 to gather further evidence relating to the breach and legal advice has been obtained in relation to the noise limit set in the condition. The breach is intermittent and no further action has been taken whilst the rail operations are under investigation.
- 14.3 In addition, the Rail Management Scheme approved as part of the S106 legal agreement for the site specifies that the maximum idling time for rail engines is 15 minutes and the operator has confirmed that there have been a number of occasions when this has been exceeded. As with the breach of condition detailed above, officers continue to monitor the situation and may need to address these non compliances formally if they cannot be resolved by Cemex and the rail operator.

15 SAXON PIT, PETERBOROUGH ROAD, WHITTLESEY

- 15.1 In January 2018 the Environment Agency (EA) received a number of odour complaints associated with inadequate waste acceptance procedures taking place at Saxon Pit as part of filling the excavation void which is covered by a County Council waste planning permission.
- 15.2 Investigations undertaken by the EA have revealed a large scale problem regarding the acceptance and depositing of nonconforming material containing shredder residue and trommel fines mixed with clay and lime covering a large area down to an approximate depth of 2 metres.
- 15.3 The EA is continuing to gather evidence and work with the operator to remediate the site accordingly. The operator has submitted a voluntary action plan for consideration but before any further depositing or re-depositing of material takes a place, the operator will have to undertake testing (including leachate testing) to demonstrate the materials' suitability both from a geotechnical and environmental perspective.
- 15.4 The planning permission for the site prevents the operator from accepting non-conforming waste (namely scrap metal) but the EA are leading on this investigation because there are multiple breaches of the operator's environmental permit including the mixing and blending of waste.
- 15.5 The agent has recently advised that all work on site has stopped whilst the operator voluntarily comes up with a remediation strategy to be agreed by EA. The net result of the unauthorised activity is that the stabilisation project will not be completed by November 2018 as originally intended. Therefore, it is likely that a S73 application will be submitted to extend permission for the development by one year and the operator is still preparing a planning application to buttress the southern face of the old quarry.

16 FORMER QUARRY AT LONG DROVE, SOMERSHAM

- 16.1 In June 2005 planning approval, reference H/05040/03/CM, was given for 'Variation of Planning Condition 3 of Planning Permission H/0641/89 to extend the duration of the permission period from 2005 to 2013 for the completion of extraction and restoration at Somersham quarry, Long Drove, Somersham. Condition 3 of the amended permission required that the land be reinstated to a condition suitable for informal recreation and agricultural use by 31 December 2013. The details of the restoration of the land to provide farm land and a Pocket Park were set out in approved plans and the terms of a S106 agreement (and subsequent variation).
- 16.2 The Pocket Park has not yet been completed and made accessible for the public owing to issues with flooding on the land and the need to finalise some of the specifics of the Pocket Park and associated footpaths and bridleways. Officers hope to be able to update members on the opening date for the Pocket Park later this year.

17 RECYPLAS, WIMBLINGTON

- 17.1 On 16 February 2017 Planning Committee approved a Section 73 application to vary the planning conditions associated with Recyplas at Unit 1, Eastwood End Industrial Estate, Eastwood End, Wimblington, reference F/2010/16/CW. The application was implemented.
- 17.2 In July 2017 officers received an allegation that work was taking place at the site on a Sunday, outside of hours of operation restricted by condition 7 of the permission. The operator confirmed that work to clean machinery did sometimes take place on a Sunday and so officers advised, in writing, that if machinery was turned on to undertake this task then they considered that this was a breach of condition 7 of F/2010/16/CW.
- 17.3 In August and September 2017 the complainant submitted further allegations regarding a breach of condition 7 of F/2010/16/CW at Recyplas, this time relating to work taking place after 7pm. On 11 October 2017 officers undertook unannounced out of hours monitoring of the site and on arrival at 7.59pm found no work taking place on site. The complainant was advised accordingly
- 17.4 The complainant continued to allege that work was regularly taking place in the evenings and overnight at the site. Officers advised the complainant that sound testing had been taking place in connection with the production of a noise report to support a planning application to vary the condition restricting working hours. The complaints continued to be submitted.
- 17.5 On 22 March 2018 officers undertook further unannounced out of hours monitoring of the site and on arrival at 8.04pm they confirmed that machinery was being operated outside of the permitted working hours and that a breach of condition was taking place.
- 17.6 On 25 April 2018 officers served a Planning Contravention Notice (PCN) on Recyplas to gather further evidence in relation to land ownership and the breaches of planning control. The response to the PCN is a formal legal document which can

be used in evidence if the breaches of condition continue and it becomes necessary to initiate formal enforcement action.

18 COLNE FEN, EARITH

- 18.1 In February 2016 a Freedom of Information (FOI) request was submitted to the Council regarding the Heavy Goods Vehicle (HGV) movements associated with Bridge Farm, Colne and Colne Fen quarries.
- 18.2 In order to respond to the FOI request Mick George Limited (MGL) were asked to confirm that the number of HGV movements associated with the site were within the limits set out in the respective planning conditions for the site.
- 18.3 The figures provided by MGL confirmed that regular breaches of the conditions restricting the number of HGV movements from the Colne Fen site had regularly been breached throughout July and August 2017. The HGV movements from Bridge Farm were within the limits set out in the condition imposed on the planning permission for that site.
- 18.4 MGL were asked to provide further records of HGV movements associated with Colne Fen to provide a six month period and these figures confirmed that the number of HGV movements had reduced and were back within the limits set out in the planning conditions.
- 18.5 MGL have been advised that the records of HGV movements associated with Colne Fen will now be requested on at least a quarterly basis and that further confirmed breaches of these conditions could result in formal enforcement action being initiated.

APPENDIX 1 - ENFORCEMENT CASES WHERE ACTION HAS BEEN TAKEN AND MONITORING IS ONGOING

KEY: RED = HIGH PRIORITY AMBER = MEDIUM PRIORITY GREEN = LOW PRIORITY

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. AMBER Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><u>Condition 6</u> No development shall commence until a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 has been submitted to and approved in writing by the MWPA in consultation with the local highway authority. The submitted scheme shall include a programme of implementation and shall be fully completed by 5 August 2012.</p>	Mepal Quarry Block Fen Drove Mepal	BCN 06/01/14	<p>Planning permission F/02017/08/CM and E/03008/08/CM permit an extension to Mepal Quarry.</p> <p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>At the July 2014 meeting Planning Committee authorised officers to employ Counsel to explore the courses of action available to the Authority to secure compliance with the planning conditions.</p> <p>Officers are working with the operators to move the implementation of the scheme forward.</p> <p>See section 12 on Block Fen in the main body of the report for a further update.</p>
<p>2. AMBER Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p><u>Condition 9</u> Within 3 months of the date of this permission a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 shall be submitted to the Waste Planning Authority for approval. The submitted scheme shall include a programme of implementation and shall be fully completed within 2 years of the date of this permission.</p>	Witcham Meadlands Quarry Block Fen Drove Mepal	BCN 16/12/13	<p>Planning permission F/02013/07/CW permits the use of part of the land at Witcham Meadlands Quarry as a waste transfer station with skip storage area and associated traffic. A BCN was served 16 December 2013 requiring the submission of a scheme for the phased improvement of Block Fen Drove, from its junction with the A142 to its junction with the private haul road, within 30 days.</p> <p>In April 2014 the operator submitted an incomplete scheme which was refused. A revised scheme, submitted in November 2014, was accepted in part but did not relate to all of the relevant parts of Block Fen Drove. A scheme that addressed the remaining part of the Drove was therefore requested. See section 12 of this report for a further update.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
3. AMBER Failure to comply with condition 7 of planning permission S/01556/10/CW regarding surfacing of the site.	Long Acre Farm Fen Road Chesterton Cambridge	BCN 08/10/13	A joint visit with the EA on 26 May 2015 confirmed that the majority of the waste had been removed from the site, the hardcore and soils that remained on site did not represent a pollution risk. Recent visits to the site indicted that the site was no longer a waste transfer station and that the site was being cleared. On 10 August 2017 the land owner advised that all remaining waste had been cleared from the site in advance of a South Cambs (SCDC) planning application being granted. However, on 19 October 2017 SCDC refused planning application reference S/0831/17/FL for the change of use of the land to a site for mobile homes. Officers will continue to monitor activity at the site and check whether the waste use has resumed in the near future.
4. GREEN Breach of Condition 12 of planning permission S/00060/10/CW Condition 12 Within 1 month of the date of this permission a scheme for the improvement of vehicle wheel cleaning facilities shall be submitted to and approved in writing by the WPA	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	In June 2011 the WPA served a BCN in respect of the failure to install the wheel wash in accordance with the planning condition. The landowner remains in breach of this condition. However, the steps for compliance with the EN issued on 1 May 2012 include a requirement to keep Mill Road free of mud and debris. During recent visits to the site, officers have not seen any mud or debris on the road.

APPENDIX 2 – EXTANT NOTICES

This appendix contains information on formal notices which have been served and remain in force.

Description of Breach	Location	Notice Issued	Current position
Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.	First Drove Little Downham Ely (This is <u>NOT</u> the site referred to in section 11 above, although it is part of the same agricultural unit)	EN 17/01/12	<p>An EN for unauthorised change of use was served on 17 January 2012. The EN was upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field and to return the land to its former condition. Topographical surveys of the land confirmed that the level of the land had not been reduced and the EN had not been complied with. However, Counsel has advised that the case did not meet the public interest test for a prosecution.</p> <p>The enforcement case remains subject to review and, as detailed in section 11 above, a case conference meeting will be held at the High Court on 12 June in relation to the application for a prohibitory injunction to prevent any further importation of waste onto the land.</p>
Without planning permission, the importation and deposit of waste materials.	Block Fen Drove Chatteris	EN 21/01/03	An EN was served on the landowner on 21 March 2003 requiring that waste ceased to be deposited on the land. No further tipping appears to have taken place since May 2010.

Summary of Decisions Made Under Delegated Powers

To: **Planning Committee**

Date: **17th May 2018**

From: **Head of Growth and Economy**

Electoral division(s): **All**

Purpose: **To consider the above**

Recommendation: **The committee is invited to note the report**

<i>Officer contact:</i>	
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1.0 INTRODUCTION

- 1.1 At the committee meeting on 31 January 2005 it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning under delegated powers would be provided.
- 1.2 The Scheme of Delegation set out in Part 3D of the Council's Constitution describes the extent and nature of the authority delegated to the Executive Director: Economy, Transport and Environment to undertake functions on behalf of Cambridgeshire County Council. The delegations are made either by the Full Council or one of its committees. The Executive Director, has considered it necessary and expedient, to authorise the Head of Strategic Planning (now Head of Growth and Economy) to undertake functions on his behalf. These authorisations are included within a written schedule of authorisation published on the Council's website which is available at the following link:
<https://www.cambridgeshire.gov.uk/council/council-structure/council-s-constitution/>.

2.0 SUMMARY OF DECISIONS

- 2.1 Thirteen applications have been granted planning permission under delegated powers during the period between 01/12/2017 and 30/4/18 as set out below:

1. **H/5009/17/CW** – Extension of existing waste recycling centre and erection of a concrete batching plant (retrospective)

Recycling Centre, Woodhatch Farm, Thrapston Road, Ellington, Huntingdon, PE28 4NJ

Decision granted 6/12/2017

For further information please contact Helen Wass on 01223 715522

2. **F/2014/17/CW** – Section 73A planning application to continue the importation of controlled inert wastes for the buttressing, stabilisation and restoration of a former mineral excavation face together with an associated waste reception area without compliance with Condition 1 (time limit for the importation and deposit of waste fill material) and Condition 2 (time limit for cessation of site preparation work, buttressing, stabilisation and restoration) of planning permission F/2012/12/CW to extend these time limits until 29 November 2018.

Land at Saxon Pit, Peterborough Road, Whittlesey, PE7 1PD

Decision granted 7/12/2017

For further information please contact David Atkinson on 01223 706774

3. **S/0243/17/CC** – Expansion of the existing 360 place junior school, to include a two storey extension, two single storey extensions, 3 canopies to the reception area classrooms, additional car parking, cycle and scooter parking, and the creation of an artificial sports pitch to enable it to expand to a 630 place primary school.

Histon Junior School, The Green, Histon, CAMBRIDGE, CB24 9JA

Decision granted 13/12/2017

For further information please contact Kirsty Carmichael on 01223 703216

4. **F/2009/17/CC** – Development to extend school to increase capacity from a 3 to a 4 form entry school including five extensions to provide in total four classrooms together with group rooms, toilets, corridors, kitchen and entrance lobbies with office and associated facilities including additional parking provision and covered cycle provision and new vehicle and pedestrian access point to facilitate in out access.

Westwood Junior School, Maple Grove, MARCH, PE15 8JT

Decision granted 14/12/2017

For further information please contact Kirsty Carmichael on 01223 703216

5. **F/2015/17/CW** – Section 192 Application for a certificate of lawfulness for a proposed development

Chatteris Nightlayer Fen Water Recycling Centre, Short Nightlayers Drove, Chatteris, PE16

Decision granted 15/12/2017

For further information please contact Will Laing on 01223 706731

6. **S/3370/17/CC** – Erection of one 7 bay 21m x9.6m double mobile classroom for a temporary period until 30th September 2018

Bar Hill Community Primary School, Bar Hill Community Primary School, Gladeside, BAR HILL, CB23 8DY

Decision granted 19/1/2018

For further information please contact Jane Stanley on 01223 743812

7. **S/3371/17/CC** – Erection of a single storey extension to the north elevation of the existing school building to provide approximately 27 square metres of new floor space to include new WC facilities and storage space; the creation of an external door to the new internal boiler room; and the demolition of the existing external boiler house building.

Harston & Newton Primary School, High Street, Harston, CAMBRIDGE, CB22 7PX

Decision granted 2/2/2018

For further information please contact Kirsty Carmichael on 01223 703216

8. **F/2016/17/CW** – Installation of ground mounted solar PV array underground cabling and switchgear housing

Whittlesey Water Recycling Centre, Aliwal Road, Whittlesey, Cambridgeshire, PE7 2LA

Decision granted 6/2/2018

For further information please contact Will Laing on 01223 706731

9. **S/0249/17/CC** – Demolition of part of the school building (143 square metres) to facilitate the erection of extensions (639 square metres) and a new canopy shelter to the existing school; new footpath/cycle path entrance and revised internal pedestrian routes; new internal access to hard play area; internal refurbishment; and associated landscaping, including new cycle and scooter shelters and remarking of existing car park; to enable the Village College to change from a middle school for up to 240 pupils (aged 9 to 13) to a primary school for up to 420 pupils (aged 4 to 11).

Gamlingay Village College, Station Road, Gamlingay, SANDY, SG19 3HD

Decision granted 12/2/2018

For further information please contact Will Laing on 01223 706731

10. **F/2011/17/CW** – Proposal for 2 no. silage clamps including extended apron slab immediately northwest of the existing Anaerobic Digestion Plant; a new Dirty Water Lagoon to the south of the existing silage clamps, adjacent to the existing lagoon; and a new landscaping bund to the south of Byall Fen Drove adjacent to the proposed 2 no. silage clamps.

Holly House Farmhouse, Byall Fen Drove, CHATTERIS, PE16 6XQ

Decision granted 2/3/2018

For further information please contact David Atkinson on 01223 706774

11. **S/0201/16/CM** – Section 73 application for development (Extraction and processing of sand and gravel with construction of an agricultural reservoir) without compliance with conditions 3 and 32 of planning permission S/00468/13/CM to extend the time for completion of the reservoir to 31 March 2018 and to amend the reservoir and landscaping plan

Land at Dernford Farm, Cambridge Road, Sawston, CAMBRIDGE

Decision granted 27/3/2018

For further information please contact Helen Wass on 01223 715522

12. **H/5018/17/CW** – Section 73 planning application to develop land without complying with condition 2 of planning permission H/1428/96 (Use of land for reclamation of waste soils, demolition waste and green waste by screening methods and processing using shredding machine) as varied by planning permissions H/5020/03/CW and H/05041/09/CW to extend the duration of the permission until 31 December 2026

Station Farm, Brampton Road, Buckden, St Neots, PE19 5UH

Decision granted 6/4/2018

For further information please contact Helen Wass on 01223 715522

13. **F/2013/17/CW** – Extension to haulage yard, aggregate sales and inert waste recycling

Furlong Farm, First Furlong Drove, CHATTERIS, PE16 6TA

Decision granted 30/4/2018

For further information please contact Will Laing on 01223 706731

Source Documents	Location
Applications files	SH1315, Shire Hall, Cambridge, CB3 0AP

