

IMPORTATION AND DEPOSIT OF INERT WASTE FOR THE PURPOSE OF RE-GRADING AND RESTORATION TO AGRICULTURAL USE.RETENTION OF A PORTABLE OFFICE AND INSTALLATION OF A TEMPORARY HAUL ROAD.

AT: BRIDGEFOOT FARM QUARRY, NEWMARKET ROAD, HEYDON, NEAR ROYSTON, CAMBRIDGESHIRE, SG8 7PN

FOR: AKHTAR WASTE AND ENERGY LIMITED

LPA REF: S/1783/14/CW

To: **Planning Committee**

Date: **12November 2015**

From: **Acting Head of Growth & Economy**

Electoral division(s): **Melbourn**

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

Recommendation: **It is recommended that planning permission be granted subject to the conditions set out in paragraph 8.2 and the informative set out in paragraph 8.3**

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1.0 SITE AND SURROUNDINGS

- 1.1 The application site has an area of 1.55 hectares and includes a 1.0425 hectare area for the proposed inert waste deposit, situated 15 metres from the western edge of Bridgefoot Farm Quarry. The application site crosses the field from south-west to north-east before turning north-west to the A505. A section of the access road near the entrance with the A505 supports an existing wheel wash and weighbridge, which was installed to serve an existing wood waste operation and the previous inert waste operations within the field known as Bridgefoot Farm Quarry. A portable office is also currently on site adjacent to the access and weighbridge. This portable office does not currently have planning permission, but is included in this application to regularise this use.
- 1.2 The area proposed for inert waste deposit is currently a 1.0425 hectare hole in the field, left following the completion of previous planning permissions to fill areas surrounding it. Prior to this the application area was used as an agricultural field. The volume capacity of the void within the application is estimated at 18,437 cubic metres.
- 1.3 The application area is situated within a 43 hectare field, which was formerly Bridgefoot Farm Quarry, and is located approximately 5 kilometres to the east of Royston, on the southern side of the A505. Much of this field has been restored to agricultural use. Almost all of the agricultural area within Bridgefoot Farm Quarry has been subject to permission for inert waste deposit in the last few years, for the purpose of improving the agricultural land, see planning history section 2.0.
- 1.4 The north-east corner of the former Bridgefoot Farm Quarry, which remains unrestored, has permission for the recycling of wood waste and storage. A fire occurred on the wood waste storage area in November 2014 and the area still contains ash and debris. As a result of the fire and the ongoing testing of the debris and soils, the Environment Agency suspended their permit for the wood waste recycling operation, and it is understood that the wood waste recycling and storage has currently been suspended.
- 1.5 The applicant owns a number of other land parcels in the immediate vicinity of Bridgefoot Farm Quarry and beyond including a golf course and driving range directly adjacent to the south-east.
- 1.6 The surrounding area is predominantly rural. On land not owned by the applicant there are a small number of houses, farm houses and businesses, located adjacent or across the road from the Bridgefoot Farm Quarry, to the north and west. Specifically, there are 6 houses between 150 and 200 metres from the deposit area. The closest settlements are the village of Melbourn, 2.7 km to the north-west and Heydon, 2.8 km to the south east.

- 1.7 The application site is within Flood Zone 1 and Ground Water Protection Zone 3. It is also within a Minerals Safeguarding Area for Sand and Gravel.

2.0 PLANNING HISTORY

- 2.1 The most recent permission at this site relates to inert waste deposit in a 3.2ha area to the east of the current application site, and granted under S/00437/10/CW in July 2010. Waste deposit was permitted in this area to June 2015, completed in November 2014, and is now being used as part of the agricultural field.
- 2.2 Other areas of the field have also been subject to inert waste deposit in the past (S/1470/05/CW, granted October 2005) in order to improve the farmland. This permission covered most of the field of Bridgefoot Farm Quarry and all of this area is now in agricultural use.
- 2.3 In the north eastern area of the former quarry, planning permission was granted for a soil recycling plant, in November 2002 (S/01755/02/CW). This was granted permanent permission in October 2008 (S/2182/07/CW). The Waste Planning Authority (WPA) confirmed in writing on 26 October 2009 that wood waste recycling was permitted under condition 11 of planning permission S/2182/07/CW. It is this area of the site which was subject to a fire in November 2014, and is subject to ongoing testing of the debris and soils.

3.0 PROPOSAL

- 3.1 This application proposes the importation and deposit of inert waste (inert soil and stones) for the purpose of re-grading and restoration to agricultural use.
- 3.2 The applicant considers that Bridgefoot Quarry, historically disturbed by mineral working, was restored to an inadequate standard, leaving a depression in the landform with a volume capacity of 18,437 cubic metres. This equates to approximately 33,186 tonnes. This application proposes that an area of 1.0425 hectares be filled, which had not been included within previous applications.
- 3.3 The applicant states that this would equate to approximately 1,844 heavy goods vehicle deliveries over a 13 week construction programme, which would average 30 HGV deliveries (60 vehicle movements) per day. This is the equivalent of 3 deliveries, 6 vehicle movements per hour based upon a proposed 10 hour working day.
- 3.4 Material would enter the site from the A505 via the access in the north east corner; be inspected at the existing weighbridge and retrospectively proposed office; and then travel via a haul road to the

area of deposit. On the return journey from the deposit area, vehicles would exit the site via the existing wheel wash. It is stated that the haul road across the field is established, although it was not in existence when officer's visited the site on 15 January 2015.

- 3.5 The proposed hours of operation are from 0730 - 1730 Mondays to Fridays and 0730 to 1200 on Saturday, with no work taking place on Sundays or bank holidays. These are the same hours of operation as the most recent permission (S/00437/10/CW).

4.0 CONSULTATION

- 4.1 South Cambridgeshire District Council Planning –no planning comments received.
- 4.2 South Cambridgeshire Environmental Health Officer – no comments, provided that the imported material is safe, inert material which will not contaminate the ground or affect crops subsequently grown thereon.
- 4.3 Great and Little Chishill Parish Council– support the proposal, but recommend that the material imported is closely monitored by the Environment Agency and County Council for its suitability.
- 4.4 Melbourn Parish Council – propose approval, with a need for close monitoring by the County Council and the Environment Agency to ensure the cleanliness of the site with regard to the protection of the water table.
- 4.5 Heydon Parish Council–no comments received.
- 4.6 CCC Highways Development Management–no objections. Given the existing use of the access, its design and layout, no significant adverse effect upon the public highway should result from the proposal.
- 4.7 CCC Floods and Water – initially objected to the proposal as a Flood Risk and Drainage Assessment (FRA) had not been carried out. They withdrew their objection following submission of the FRA.
- 4.8 Environment Agency–no objections to the planning application as it is considered that the proposal can be effectively dealt with through an Environmental Permit. Noted that the site is within a Drinking Water Protected Area and within Source Protection Zone 3, and therefore requires that the imported material be free from any contamination and suitable for its use.
- 4.9 Local Member, Cllr van de Ven (Melbourne)–supports the recommendation of Great and Little Chishill Parish Council, and noted the concern about compliance with conditions on previous applications at the site.

- 4.10 Neighbours—three objections have been received from neighbours regarding this proposal. The main concerns focussed on the effect that the wood waste fire had on neighbouring properties and road users, and about noise and disturbance from vehicles early in the morning. Additionally, that the planning conditions on previous permissions have not been adhered to (completion date, height of land, boundary of the permission). It was also stated that it is not essential to fill the void to restore the land to agricultural use.

5.0 PLANNING POLICY

- 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 all applications for planning permission be determined in accordance with the development plan unless other material considerations indicate otherwise. The relevant policies from the development plan are set out below.

5.2 National Planning Policy Framework (NPPF)

Paragraphs 11-14 provide the presumption in favour of sustainable development

Paragraph 109 discusses conserving and enhancing the natural environment.

5.3 National Planning Policy for Waste (NPPW)

Paragraph 7 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” (**emphasis added**.)

5.4 Cambridgeshire and Peterborough Minerals and Waste Core Strategy (adopted July 2011) (MWCS)

CS32 Traffic and Highways

CS33 Protection of Landscape Character

CS34 Protecting Surrounding Uses

CS39 Water Resources and Water Pollution Prevention

CS45 Landraising

5.5 South Cambridgeshire Development Control Policies (adopted July 2007) (DCP)

DP/1 Sustainable Development

DP/3 Development Criteria
NE/4 Landscape Character Areas
NE/8 Groundwater
NE/15 Noise Pollution
NE/16 Emissions
TR/3 Mitigating Travel Impact

5.6 South Cambridgeshire Local Plan to 2031 (2013 submission version) (LP)

South Cambridgeshire District Council are currently undergoing a public examination into their new local plan, therefore it can only hold limited weight in the decision making process, as it is yet to be found “sound” by the inspector, and may be subject to major or minor changes before being finally adopted.

S/3 Presumption in Favour of Sustainable Development
CC/7 Water Quality
HQ/1 Design Principles
NH/2 Protecting and Enhancing Landscape Character
SC/11 Noise Pollution

6.0 PLANNING CONSIDERATIONS

- 6.1 The NPPF has at its core a presumption in favour of sustainable development (paragraph 14) and contains the government’s national planning policy. It is a material consideration in planning decisions and indicates that development which is in accordance with the development plan should be approved unless other material considerations indicate otherwise (paragraphs 11, 14). A presumption in favour of sustainable development is also included in South Cambridgeshire’s Development Control Policies documents (DP/1 Sustainable Development) and their emerging Local Plan (S/3 Presumption in Favour of Sustainable Development).

Principle of Development and Impact on the Landscape

- 6.2 This application has come forward as a result of previous applications to deposit inert waste in order to improve drainage and restore the land for agricultural use. This area of land was not included within previous application areas, is currently a void in the field, and is submitted as a separate application.
- 6.3 The area for proposed waste deposit remains as a void on site, and in its current state represents unusable agricultural land which is visually inconsistent with the remaining landscape. It has been suggested in 3rd party comments that restoring this land to agricultural use through inert waste deposit is not essential for the land to be used in a viable way. Policy CS45 (MWCS) states that landraising will only be allowed in exceptional circumstances where it forms an essential part of site

restoration. On balance it is considered that the applicant has demonstrated that the proposal is in accordance with policy CS45 (MWCS) and that raising the land is essential to enable the site to be fully restored to agricultural use. Filling the void will also reinstate the landform to be visually consistent in the surrounding landscape.

- 6.4 Concerns have been expressed by the parish council and local member that the applicant has not conducted previous development in accordance with conditions on past permissions. Development Management Officers and Enforcement & Monitoring Officers for the Waste Planning Authority have conducted a number of visits to the application site and adjacent areas of deposit when operations were carried out under S/00437/10/CW. Crucially, the condition for the timeframe for completion for that application, June 2015, was complied with. Other conditions requiring the maintenance of the access road, use of the wheel wash and road sweeper were also complied with.
- 6.5 Whilst the process of restoring the land to agricultural use will have an impact on the landscape for the duration of the development it will be temporary, with a planned project time of 13 weeks. Fully returning the field to agricultural use will improve the appearance in the landscape and result in a lasting benefit. Protection of landscape character features set out in MWCS (CS33) and the DCP (policy NE/4) and LP (NH/2) require development to respect, retain or enhance Landscape Character Areas of the district. On balance the proposal is therefore in accordance with CS33 (MWCS); NE/4 (DCP) and NH/2 (LP).

Location and Residential Amenity

- 6.6 The application site is to the western side of the larger site and therefore closer to the nearby residential properties and businesses than the most recent application for inert waste deposit (S/00437/10/CW). The closest individual neighbouring residences are Heydon Lodge, around 150 metres to the north of the application site, and 2 School Cottages located 170 metres to the west, and there are 4 other homes within a comparable distance.
- 6.7 Neighbours have expressed concerns about the effect that the wood waste fire has had on neighbouring properties. Although the fire occurred within Bridgefoot Farm Quarry, it is not considered to be a material planning consideration in the determination of this application. This application is for a separate proposal on a different part of the site, which is unrelated to the wood waste recycling operation.
- 6.8 While the development would involve new vehicle movements on site there would be no more machinery or plant than on site at present, and the proposed number of vehicle movements is the same as for application S/00437/10/CW, that being approximately 30 per day. The wheel wash and weighbridge are at the other side of the site nearest the access road, and any noise or disturbance from that activity is some distance from the nearest houses. They are already installed on

site and have been operating as part of the previous permission without complaint.

- 6.9 The applicant has stated that any dust caused from vehicle movements across the site and the depositing of the material will be managed on site by the use of water sprays on the haul road in dry conditions, operating a phased approach so that a small area is worked at any one time and ensuring that vehicles carrying material are sheeted. No complaints have been received about dust in the past. It is recognised that no specific phasing scheme has been submitted. However, given that the entire project is expected to only last 13 weeks the absence of a phasing arrangement is considered acceptable.
- 6.10 The proposed hours of operation for the application site, are consistent with the permitted hours of operation on previous permissions for Bridgefoot Farm Quarry, see paragraph 3.5. These will be secured by condition.
- 6.11 It is therefore considered unlikely that the proposal would have significant impact on residential amenity while operations for waste deposit are being carried out, and is therefore considered to be in accordance with CS34 (MWCS); DP/3, NE15 and NE/16 (DCP); and HQ/1 and SC/11 (LP) in terms of protecting residential amenity and the surrounding uses.

Highways Impact

- 6.12 It is currently understood that there is no activity occurring at the site. This proposal will involve an increase in vehicle movements to the site, as there are no operations currently taking place. However, movements relating to the waste deposit are not expected to be more than those generated during the previous permission for the deposit of waste planning reference S/00437/10/CW, that being approximately 30 per day. The applicant has based this on 1,844 HCV movements to deliver the required amount of material over a 13 week development programme.
- 6.13 The exception to this will be if issues are resolved in relation to the wood waste recycling operation within the unrestored part of the former Bridgefoot Farm Quarry. In which case further vehicles may also be expected to visit the site. At present the Environment Agency have withdrawn the permit for this area of the site and therefore no regular vehicle movements are currently occurring. Planning permission for waste recycling has been in existence since 2002, with confirmation that the processing of wood waste was acceptable since October 2009. Therefore planning permission S/00437/10/CW for the filling of a larger area was granted at a time when additional vehicular movements could have taken place.
- 6.14 The A505 is a busy road between the M11 and Royston and is already subject to HCV vehicles traffic using the highway. The County Council

as highway authority has raised no objections. Highways Officers have noted that the access remains the same and the number of vehicles entering the site is therefore unlikely to adversely impact highway safety. Planning permission reference S/00437/10/CW was granted in July 2010 which proposed similar daily movements. There have been no significant material changes in circumstances identified which would be likely to justify a recommendation for refusal in relation to proposed traffic movements.

- 6.15 The site has a wheel wash in place and a road sweeper available. The retention and use of these facilities will be required by conditions, to ensure that excess debris is not deposited on the highway, and prevent it causing a nuisance or a highway safety issue. Previous planning permissions at the site have required the access road to be hard-surfaced, which was secured by condition and completed in 2013. This included tarmacking potholes in the access area and creating a concrete ramp up to the wheel wash. These features remain in place at the site and further prevent mud and debris being carried onto the highway.
- 6.16 Temporary reinstatement of the haul road across the field can also be controlled by condition.
- 6.17 It is therefore considered that the short-term impact of the proposal on the highway should not adversely impact upon highway safety or traffic numbers and is therefore in accordance with CS32 (MWCS), and TR/3 (DCP).

Water Drainage and Pollution

- 6.18 The applicant has stated that the proposal is required in order to improve the drainage of the site and improve the land form for agricultural use. It has been noted by the Lead Local Flood Authority and the Environment Agency (EA) that the land is in a Drinking Water Protected Area and within Source Protection Zone 3, and that it is essential that only clean, inert material is imported into the land in order to prevent polluting the underlying aquifer. The importation of only clean, inert waste material will be required by condition, and would ensure that the proposal is in accordance with CS39 (MWCS), NE/8 (DCP), and CC/8 (LP) and would therefore not pose an unacceptable risk to the underlying groundwater.
- 6.19 The EA have also identified that the area to which this application relates lies outside the area previously granted an Environmental Permit. Inert waste deposit at the site will be subject to the EA granting a permit, for which they will expect an Environmental Risk Assessment. For this reason, despite the project plan estimating a time limit of 13 weeks, it is considered appropriate to permit a timeframe of two years. This should give the applicant ample time to gain the appropriate permit and complete the development.

- 6.20 In accordance with paragraph 7 of the NPPW it is unnecessary for the Waste Planning Authority to further condition against anything controlled by the pollution control authorities, the EA in this case. Combined with the condition for only clean inert material to be deposited, in recognition of the comments from the EA, Environmental Health Officer and the parish councils, it is considered that the proposal, with the restrictions and conditions included as part of the Environmental Permit, will be in accordance with local policies. Specifically, NE/8 (DCP) and CC/7 (LP) to prevent unacceptable risk to underlying groundwater, and NE/16 to minimise emissions and risks arising from the development. It is also therefore in accordance with paragraph 109 of the NPPF as the conditions and Environmental Permit will prevent the “development from contributing to... unacceptable levels of soil, air, water or noise pollution.”

7.0 CONCLUSION

- 7.1 The applicant has demonstrated that the principle of the proposed development is justified in order to bring the site area back into agricultural use. There is unlikely to be a significant adverse impact on residential amenity or highway safety as a result of site operations and following development, the appearance of the field is likely to be improved.

8.0 RECOMMENDATION

- 8.1 It is therefore recommended that permission is granted subject to the following conditions in paragraph 8.2 and inclusion of the informative in paragraph 8.3.

8.2 1. Site Application Area

This permission shall be limited to the area outlined in red on the “Red Line Application Area Plan 0541/003 rev C dated 16 MAR 15”. This area is hereafter referred to as “the site”.

Reason: To define the site, protect the character and appearance of the locality in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following documents and drawings:

- Agricultural Improvement Scheme (Planning Statement) Revision 02 dated 05/02/2015
- Site Working Plan Draft-02 dated 05/02/2015

- Red Line Application Area Plan 0541/003 rev C dated 16 MAR 15
- Proposed Ground Contour Plan 0541/001-B dated 19 JAN 2015

Reason: To define the site, protect the character and appearance of the locality in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

3. Timeframe

The development hereby permitted shall be for a maximum period of 2 years from the date of this permission by which time the site shall have been restored to the contours shown on "Proposed Ground Contour Plan 0541/001-B rev C dated 19 JAN 2015".

Reason: To ensure that the land is restored to agricultural use in the interests of visual amenity in accordance with policies CS34 and CS45 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 and NE/4 of South Cambridgeshire Development Control Policies (July 2007).

4. Topographical Survey

Within 1 month of completion of the contouring a topographical survey shall be undertaken and a copy submitted to the Waste Planning Authority.

Reason: To ensure that the land is restored to agricultural use in the interests of visual amenity in accordance with policies CS34 and CS45 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 and NE/4 of South Cambridgeshire Development Control Policies (July 2007).

5. Imported Material

Nothing other than uncontaminated, clean, dry, inert material shall be deposited at the site.

Reason: To prevent pollution of the underlying aquifer in accordance with policy CS39 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and NE/8 of South Cambridgeshire Development Control Policies (July 2007)

6. Site Operational Hours

No operations shall be carried out and no vehicles shall enter or leave the site other than between 0730 hours and 1730 hours Monday to Friday, 0730 hours and 1200 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To minimise the disturbance of surrounding residents in accordance with policy CS34 of Cambridgeshire and Peterborough

Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

7. Site Access

Access to and exit from the application site shall only take place via the point marked "Entrance from A505" and via the internal haul road shown on "Red Line Application Area Plan 0541/003 rev C dated 16 MAR 15".

Reason: In the interests of highway safety and local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007)

8. Temporary Haul Road

Prior to the acceptance of any inert waste onto the site, a scheme for the temporary haul road, including details of the materials used, depth and width, shall be submitted to and approved in writing by the Waste Planning Authority. The approved haul road shall be completed in accordance with the approved scheme and prior to the acceptance of any inert waste onto the site and thereafter removed within 1 month of completion of the development.

Reason: In the interests of local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007)

9. Wheel wash and road sweeper

No HCV shall enter the public highway unless it has passed over the wheel wash facility. A mechanical road cleaner and dust suppression bowser shall be used in dry conditions.

Reason: To ensure that mud and dust is not carried onto the public highway in the interests of highway safety and local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007)

10. Plant and Machinery

All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification and shall be fitted with effective silencers which shall be used at all times.

Reason: To minimise the disturbance from operations in the interests of local amenity in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and DP/3 of South Cambridgeshire Development Control Policies (July 2007).

11. Movement of Waste

No vehicles carrying inert material shall enter or cross the site unsheeted.

Reason: To ensure material is deposited in the defined area and to prevent dust in accordance with policy CS34 of Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) and NE/16 of South Cambridgeshire Development Control Policies (July 2007)

8.3 Environment Agency Informative

The applicant is required to submit a variation to their Environmental Permit. The applicant should note that the granting of planning permission does not imply that an environmental permit will be granted or varied for this activity and they are invited to contact the local Environment Agency area office for pre-application discussions at their earliest convenience.

Source Documents	Location
Application File S/1783/14/CW	Shire Hall