

# PLANNING COMMITTEE



**Date: Thursday, 07 September 2017**

**Democratic and Members' Services**

Quentin Baker

LGSS Director: Law and Governance

**10:30hr**

Shire Hall

Castle Hill

Cambridge

CB3 0AP

**Room 128**

**Shire Hall, Castle Hill, Cambridge, CB3 0AP**

## AGENDA

Open to Public and Press

1. **Apologies for Absence**

2. **Declarations of Interest**

*Guidance for Councillors on declaring interests is available at:*

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

3. **Minutes of the Planning Committee meeting held 12th June 2017**      **5 - 18**

### PLANNING APPLICATIONS

4. **F-2001-16-CM – Aggregate Industries UK Ltd, Mepal Quarry, Block**      **19 - 114**  
**Fen CB6 2AY**

5. **H-5013-17-CC – Spring Common Academy, American Lane,**      **115 - 140**  
**Huntingdon PE29 1TQ**

6. **S-0234-17-CC – Bassingbourn Community Primary School, Brook**      **141 - 162**  
**Road, Bassingbourn, SG8 5NP**

## ITEMS FOR INFORMATION

- |           |   |                  |
|-----------|---|------------------|
| <b>7.</b> | <b>Enforcement Update Report</b>                        | <b>163 - 176</b> |
| <b>8.</b> | <b>Summary of decisions made under Delegated Powers</b> | <b>177 - 182</b> |

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*

Clerk Name: Daniel Snowdon

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**PLANNING COMMITTEE: MINUTES**

Date: Monday 12<sup>th</sup> June 2017

Time: 10.03am – 10:35am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors A Bradnam, D Connor, K Cuffley, J Gowing, L Harford, S Kindersley, M Smith and J Whitehead.

**1. APPOINTMENT OF CHAIRMAN/CHAIRWOMAN AND VICE CHAIRMAN/WOMAN**

Councillor Smith proposed, seconded by Councillor Kindersley that Councillor Connor be appointed as Chairman and that Councillor Ian Gardener be appointed as Vice-Chairman of the Planning Committee. On being put to the vote, Councillor Connor and Gardener were unanimously appointed as Chairman and Vice-Chairman of the Planning Committee.

**2. APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies were received from Councillors Hudson, Hunt and Gardener.

There were no declarations of interest.

**3. MINUTES – 20<sup>TH</sup> APRIL 2017**

The minutes of the Planning Committee meeting held on 20<sup>th</sup> April 2017 were agreed as a correct record and signed by the Chairman.

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

**AT: LYONS FARM, WIMBLINGTON FEN, WIMBLINGTON**

**LPA REF: F/2013/16/CM**

**FOR: NICHOLAS FARMS**

The Committee received a Section 73 planning application that sought to extend the duration of the development by 17 months until 8 June 2018. Planning permission had been granted for the development on 26 April 2012 for the construction of two below surface, clay lined agricultural reservoirs, by the extraction and export off site of approximately 685,000 tonnes of unprocessed sand and gravel. Access to the site, the route of Heavy Commercial Vehicles (HCV) to and from the site and the location of the 2 reservoirs were highlighted to Members through photographs and maps. Images were

presented that showed the processing plant that removed the silt from the extracted material together with images of the reservoirs ready to be lined.

Attention was drawn to the route HCVs would take and Members noted that traffic would not pass through the village of Manea. Objections to the application had been received to the application that largely centred around vehicular movements to and from the site and Section 106 funding had been secured as part of the original planning application but had not been in the opinion of the Cambridgeshire County Council Highways Development Management had not been sufficient to cover the extent of the damage caused to the highway. However, the total amount of material that would be extracted from the site was to remain the same and also therefore, the total number of HCV movements to and from the site. Therefore there was no legal basis on which to request additional funding. Members noted that the irrigation of farmland was supported by planning policy.

In response to Member questions officers:

- Explained the number of HCV movements per day were not secured by condition at the time of the original application as the demand for the extracted material fluctuated the number of daily HCV movements fluctuated also. Members noted that not all of the traffic that caused problems to the highway was related to the site and the Highways Authority had learned from the experience.
- Clarified paragraph 4.9 of the officer report in that it referred to developments on a different site.
- Confirmed that the manner in which HCVs were being driven was unable to be secured by planning condition as this was outside of the remit of the planning system. Members noted the comments of Mr John Gough, Planning Director for the applicant who was invited by the Chairman to comment on the matter. Mr Gough emphasised the applicant's public commitment to how vehicles behave on the road, drawing particular attention to the 20mph speed limit imposed on its drivers when travelling through some of the most sensitive towns and villages within Cambridgeshire using the routes of Colne and Somersham as an example. If vehicles were witnessed behaving improperly on the highway it was requested that the vehicles registration and time of day be noted and the applicant contacted in order for the matter to be investigated.
- It was proposed by Councillor Kindersley and seconded by Councillor Harford with the unanimous agreement of the Committee to move the recommendation.

It was resolved unanimously to grant planning permission subject to the conditions attached at Appendix A to these minutes.

## **5. LOCAL VALIDATION LIST REVIEW**

The Committee received the review of the local information requirements for the validation of planning applications. Members were informed that the current list was approved by the Planning Committee on 18 June 2015 and was therefore due to expire. The list and guidance notes set out what information was required, over and above the national requirements, to accompany the submission of planning applications so that they could be found valid and the Council could begin processing them. The list ensured that sufficient

details were submitted prior to the processing of an application so that they formed part of the application from the outset, enabling the relevant information to be considered at the earliest opportunity. Members noted the addition of the Cambridgeshire Flood and Water Supplementary Planning Document and the responses to the 6 week public consultation.

During discussion Members:

- Questioned whether the responses received from the public consultation had been incorporated within the list. Officers explained that the majority had and drew attention to paragraphs 4.5 and 4.6 of the report where comments had not been incorporated.
- Noted the balance between placing requests for additional information and not placing additional burden upon applicants.

It was resolved unanimously to endorse the proposed list and guidance notes.

## **6. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS**

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

Chairman

## **Commencement**

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

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

## **Compliance with Submitted Details**

2. The development hereby permitted shall not proceed except in accordance with the details set out in the in the submitted application form, planning statement, and environmental statement set out in the original application (F/02014/10/CM), received by the mineral planning authority on 30 November 2010, as amended by the conditions stated on this decision notice and the following documents and drawings:

- Drawing titled *Relocated Site Access & Visibility*, produced by David Tucker Associates, Drawing no: LF103, dated Sept 2011 and drawing titled Site Plan produced by David Tucker Associates, Drawing no: LF101, dated Dec 2011.
- Report titled Ecological Assessment (Addendum- survey of the access route from Byall Fen Drove) by Robert Stebbings Consultancy Ltd. dated, 13 January 2011, ref no: 091/10-01725/e/0111.
- Email dated 1 June 2011 (Nicholas to North) identifying location of off-site sand and gravel processing plant.
- Report titled *Potential need for irrigation water to supply Lyons Farm, Wimblington Fen and neighbouring farmland*, by Land Research Associates, dated 10 June 2011, ref no: 644/9a.
- Drawing no. LF6 *Mineral Processing Plant Detail* dated 14/09/2016.
- Figure 2 of L F Acoustics report *Mineral Processing at Lyons Farm, Wimblington* dated November 2016.

***Reason:*** *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, with the minimum harm to the local environment and in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 and policies LP2 and LP16 of the Fenland Local Plan 2014.*



### **Cessation of Development**

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

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

### **Restriction of Afteruse**

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

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

### **Reservoir Engineering Detail**

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

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

### **Ancillary Structures**

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

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

### **Hours of working**

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

(a) No operations other than water pumping and environmental monitoring shall be carried out at the site except between the following times:-  
0700 hours to 1800 hours Monday to Friday; and;

0700 hours to 1300 hours Saturdays.

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

0800 hours to 1700 hours Monday to Friday; and;

0830 hours to 1300 hours Saturdays;

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

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

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

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

#### **Site Access Road**

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

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

#### **Visibility Splays**

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

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

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

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

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

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

### **Lorry Sheeting**

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

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

### **Vehicle Routeing**

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

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

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

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

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

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

### **Monitoring Noise Levels**

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

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

Monitoring of noise levels arising from the site shall be carried out in complete accordance with the scheme approved pursuant to planning permission

F/02014/10/CM by letter from the mineral planning authority dated 14 August 2012 for the duration of operations.

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

### **White Noise Alarms**

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

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

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

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

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

### **Fixed Lighting Restriction**

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

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

### **Dust Suppression Scheme**

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

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

### **Spraying of Haul Road**

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

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

### **Dewatering Pumps**

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

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

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

### **Soil Stripping**

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

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

### **Soil Movement**

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

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

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

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

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

### **Soil Management**

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

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

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

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

### **Seeding and Maintenance of Soil Storage Bunds**

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

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

### **Trafficking Across Soils**

29. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner

as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or mineral, until all available topsoil and subsoil has been stripped from that part. The only exception to the above is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

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

### **Sustainable Use of Site Soils**

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

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

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

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

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

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

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

### **Relief of Soil Compaction**

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

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

**Ecological, Landscape Management and Final Restoration**

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

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

**Clay for containment engineering**

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

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

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

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

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

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

**Drainage and Pollution Control**

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

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



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

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

### **Water Transfer Pumping Operations**

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

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

### **Permitted Development Rights**

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

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

### **Unexpected Cessation of Operations**

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

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



**EXTRACTION OF SAND & GRAVEL, AND CLAY FOR LANDFILL CELL ENGINEERING, AS AN EXTENSION TO AN EXISTING QUARRY; FIELD CONVEYOR; CONTINUED USE OF EXISTING PROCESSING PLANT, STOCKING AREAS, SILT LAGOONS, OFFICE & WELFARE BUILDINGS AND PRIVATE ACCESS ROAD; AND IMPORTATION OF WASTE FOR RESTORATION**

**AT: Mepal Quarry, Block Fen, CB6 2AY**  
**LPA REF: F/2001/16/CM**  
**FOR: Aggregate Industries UK Ltd**

*To:* **Planning Committee**  
*Date:* **7 September 2017**  
*From:* **Head of Growth & Economy**  
*Electoral division(s):* **March South & Rural and Sutton**  
*Purpose:* **To consider the above planning application**

*Recommendation:* **That planning permission be REFUSED for the reasons set out in paragraph 10.1**

<b><i>Officer contact:</i></b>	
Name:	Helen Wass
Post:	Development Management Officer (Strategic & Specialist Applications)
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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 of sand and gravel from a 55 hectare 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. Part of the land has been restored 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 or are currently under consideration (see section 6.0). In 2014 planning permission F/02020/11/CW & E/03012/11CW 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 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 Mepal Quarry site.
- 1.3 In 2011 planning permission (ref. no. F/02017/08/CM & E/03008/08/CM) was granted for a 52 hectare extension to the quarry from which 1 million tonnes of sand and gravel would be extracted over 5 – 6 years at a rate of 167,000 – 200,000 tonnes per year. The 2011 permission area is shown on Agenda plan 2. Mineral extraction was completed in April 2017 and the site is being progressively restored to agriculture by the importation of 466,400 cubic metres (approximately 700,000 tonnes) of inert waste. The 2011 permission was granted subject to a S106 planning obligation which requires:
- Compliance with an HCV routing agreement
  - Waste for restoration to be sourced from a defined catchment area
  - Best endeavours to be used for HCVs to be “backloaded”
  - 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)
  - An ecologist to be engaged to advise on measures to protect wildlife
  - The processing plant and ancillary plant and buildings to be painted “Moorland Green”
- 1.4 Conditions 23 and 24 of the 2011 permission require the submission of detailed restoration and aftercare schemes. Schemes were submitted by Aggregate

Industries in December 2012 and were considered to lack sufficient detail. Concerns were also raised about implementation and their not fully complying with the objectives of the Block Fen / Langwood Fen Master Plan. Following discussions with the mineral planning authority and conservation organisations amended restoration and aftercare schemes were submitted in February 2017 which showed an increased area of wet grassland. However, concerns remain about the means of controlling water for the wet grassland, soil compaction, predator control and future management. The schemes have therefore not been approved and Aggregate Industries is expected to submit a further revision shortly.

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

- 2.1 The proposed quarry extension area is in open countryside approximately 3.5 kilometres to the east of Chatteris; 3.5 kilometres southwest of Manea; 3.5 kilometres north of Mepal; and 2.5 kilometres northwest of Wardy Hill. The closest residential properties are: East Leys Hundreds Farm which is adjacent to phase 7 of the proposed mineral extraction; Middle Farm 150 metres to the southwest of phase 7; Lady's Acre 250 metres west of phase 7; and King's Farm House 200 metres north of phase 7. King's Farm Cottage and King's Farm Barn are 420 metres and 540 metres to the north of phase 7 respectively. The land is best and most versatile agricultural land of which 21 hectares is grade 2 and 41 hectares is grade 1. The proposed extension area is, apart from two small areas within phase 7, within flood zone 3 and an within an area benefitting from flood defences.
- 2.2 There are no scheduled monuments or listed buildings within 2 kilometres of the proposed quarry extension area. The southeastern boundary of the application area abuts 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. No development is proposed within 450 metres of the Ouse Washes. The Sutton and Mepal Pumping Station Drains County Wildlife Site (CWS) runs along the southwest boundary of the proposed extension area, along the proposed conveyor route to the processing plant 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. The location of the site access and processing plant in relation to the application area are shown on Agenda plan 2.
- 2.4 Two other mineral operators, Hanson and Tarmac, also have sites that derive access from Block Fen Drove. The Hanson quarry is not currently operational. The Hanson and Tarmac quarries are shown on Agenda plan 2.

## **3.0 THE PROPOSAL**

- 3.1 It is proposed to extend Mepal Quarry in 8 phases over 62 hectares of intensively farmed agricultural land owned by the Sole family. The land contains 1.9 million tonnes of sand and gravel which would be worked over 6 – 9 years at a rate of between 211,000 and 317,000 tonnes per year. In phases 4, 5 and 6 soil storage

bunds would be created to provide visual and acoustic screening to the residential properties referred to in paragraph 2.1 above. Mineral would be transported to the existing processing plant by a field conveyor. Processed mineral would be despatched by HGV via the private haul road and Block Fen Drove to the A142. The proposed hours of operation are the same as permitted by the 2011 permission: 0700 – 1900 hours Monday to Friday except bank holidays and 0700 – 1300 on Saturdays.

- 3.2 Inert waste would be imported at a rate of 120,000 – 130,000 cubic metres per year to enable most of the site (53 hectares) to be restored in phases to agriculture at original ground levels. This would allow the landowner to resume intensive arable farming. It is proposed that the remainder will be a 3.6 hectare area of open water body and two small water bodies with aquatic marginal vegetation surrounded by wet grassland and bordered on the southeast and southwest by a hedgerow and on the northeast by a spinney. A corridor managed as species rich grassland would link the proposed extension area with land within the 2001 and 2011 permission areas which it is proposed will be restored as meadow grassland and wet grassland with furrows. It is proposed that the site would be restored within 11 years of commencement of development.

#### **4.0 PUBLICITY**

- 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 20 April 2016 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 March 2017 in response to comments made by consultees and planning officers. A notice was placed in the Fenland Citizen on 5 April 2017 and notices erected in the same place as the original ones.

#### **5.0 CONSULTATIONS AND PUBLICITY**

- 5.1 Fenland District Council – (Planning) Object on the basis of insufficient transport details and an unjustified departure from policy in respect of development sites in respect of delivering in line with objective 5, page 10, Block Fen / Langwood Fen SPD, adopted 2011.

(Environmental Health) The applicant needs to provide a robust justification as to why they are proposing noise limits at some of the nearest properties in excess of the guidance. Alternative mitigation measures should be explored, i.e. increase in bund height, temporary barriers etc. If permission were to be granted a noise management scheme should be produced for agreement with the MPA. This should include a schedule of periodic monitoring to demonstrate that the mitigation measures are working and a provision to monitor if complaints are received.

- 5.2 East Cambridgeshire District Council – (Planning) The proposal appears to be a departure from adopted policy in order to restore the majority of the site to agricultural land rather than increasing the wetlands within the local area. Whilst preserving very good quality agricultural land is important the departure from policy should be given careful consideration. Despite limiting landscape changes the developer appears to be seeking to improve biodiversity on the site. Policy ENV7 of the ECLP makes specific reference to the need to protect wetlands but also mentions that where the main aim is to conserve biodiversity the proposal should be supported. However, it is uncertain if the developer is maximising opportunities for the enhancement of the local biodiversity. There are no fundamental objections to the proposal though the impact on local highways needs to be fully assessed and a suitable biodiversity enhancement scheme needs to be secured. A clear routing agreement should be secured to ensure HGVs follow the County Council advised strategic routes.

(Environmental Health) Due to the location of this and the distance to nearest residents in the district no issues are raised. The proposed hours of operation (0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays) should be secured by condition.

- 5.3 Manea Parish Council – Supports this application.
- 5.4 Chatteris Town Council – (takes into account March 2017 information) No objections per se but believe a decision should be delayed and the permission for future development of the site should only be granted once the conditions of previous permissions [to upgrade Block Fen Drove] have been complied with.
- 5.5 Mepal Parish Council – (takes into account March 2017 information) Mepal Parish Council's stance has, since the inception of the Block Fen / Langwood Fen Master Plan been one of strong support for the Plan and particularly for its restoration proposals.

1. The allocation of so large an area for mineral extraction was justified in large part by the long-term end of restoring a large part of the area to nature (480 ha of wet grassland habitat to complement the Ouse Washes and provide additional habitat for wetland birds, to secure their future in the face of changes within the Washes themselves). Mepal Parish Council's particular interest has always been the inclusion within the plan of public access provision which we believe, with some work to dedicate access routes, will improve the economic sustainability of the village which is otherwise in danger of becoming simply a dormitory.

2. The application covers a significant part of the Plan area. In the place of long term restoration of the whole area to wet grassland, it proposes only 6 hectares of wet grassland, with 56 hectares restored to agricultural use. The proposals are thus contrary to the Plan, and also to the adopted Cambridgeshire Minerals and Waste Plan (policies CS1, CS2, CS3, CS25).

3. The Parish Council is advised that they are also entirely contrary to the Plan's aims, in that so small an area of wet grassland would be insufficient to support

wetland birds in the manner contemplated by the Plan. They thus negate the justification which won the Parish Council's support for the Plan.

4. The long-term financial security which the Plan provided for mineral companies was intended to permit investment in high-quality restoration schemes. Other wet grassland developments indicate that creation of such areas does not render the land unproductive. It is differently productive. Moreover, landowner arrangements with the extraction companies were made on the basis of the Plan.

5. Approval of the current application would set a precedent and undermine the achievement of the long-term vision which the Plan has set out as strategy for the whole Block Fen / Langwood Fen extraction area.

On the basis, therefore, of previous decisions, Mepal Parish Council object to the restoration proposals in the application, and recommend its refusal.

5.6 Sutton Parish Council – All HCVs are to be routed to avoid Sutton by a routing agreement which is enforced.

5.7 Environment Agency – Has no objection in principle to the proposed development but recommend conditions and relating to preventing the pollution of controlled waters; monitoring groundwater and surface water; surface water drainage; restoration contours; bunds, flood risk and restoration. Whilst there is no statutory objection, it is considered that the proposal misses opportunities to further local and nationally important wildlife features. Contemporary ecological surveys must be carried out before work commences on each phase of the proposed extraction to ensure that appropriate mitigation is on place for protected species that may be present including water voles. Opportunities should be sought for ecological enhancements on the site. This should include ensuring that ditches are profiled for maximum wildlife benefit and are connected to the wider ditch network. It should be ensured that the ecological mitigation measures and enhancements proposed in the Ecological Impact Assessment are put in place. These should include any additional measures that may become necessary as the work progresses. The measures should:

- prevent any adverse impacts on the Ouse Washes SSSI, SAC, SPA and nearby County Wildlife Sites
- Ensure wildlife present on the site is protected and mitigation measures in place
- Ensure habitat enhancements are made where possible

Attention is drawn to the Cambridgeshire and Peterborough Minerals and Waste Development Plan – the Block Fen/Langwood Fen Master Plan, adopted July 2011 which states that restoration plans should create new lowland wet grassland to buffer the Ouse Washes.

(In response to the March 2017 information) The ecological protection recommendations and proposed enhancement and mitigation measures suggested in the report should be followed. Ecological monitoring and surveying recommendations are made in the report. If some time elapses before works commence it may be necessary to carry out further pre-development ecological surveys to ensure that decisions are made on up to date ecological information.



The protection and mitigation measures are necessary under the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by 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, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The Natural Environment and Rural Communities Act requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

The proposed [inert] landfill will need an environmental permit. The applicant has confirmed that the proposed waterbodies that form part of the restoration scheme would be outside the SNRHW landfill.

- 5.8 Sutton and Mepal Internal Drainage Board (IDB) – No comments received.
- 5.9 Natural England – (In response to the March 2017 information) Natural England welcomes the effort made by the applicant to prepare additional information and revise the proposed restoration to address concerns raised with the original scheme, following their objection letter dated 13 May 2016, Reference 183013. However, the proposed scheme remains largely unaltered and provides little compromise on the original scheme; it therefore fails to address any of the key concerns with the proposed restoration scheme for this application. Consequently, Natural England's position on the application remains unchanged and the objection to the proposed revised restoration scheme is maintained.

The Revised Restoration Masterplan presented in Appendix 2 appears to include a similar area of the target wet grassland habitat as the previous scheme. It also includes additional undesirable habitat such as reedbed, woodland and hedgerow which is likely to harbour predators of the Block Fen / Langwood Fen Masterplan target species: breeding wetland birds. As such, the revised restoration scheme remains non-compliant with adopted Local Plan policies and fails to deliver the key objectives of the Block Fen / Langwood Fen Master Plan.

The letter from Heaton Planning Ltd. (8 March 2017) indicates that the revised restoration strategy will deliver '*64.9 ha of wet grassland/wet furrows provision (5.3ha within application site and 59.6 ha within existing quarry area)*'. Natural England's understanding of this, therefore, is that the current application area proposes to deliver only 5.3ha of the total 61ha area as wet grassland habitat. This appears to be even less than the original scheme. It is not clear why the applicant is referring to proposed wet grassland creation for the *existing* quarry area, as this is subject to the same planning policy / SPD requirement for restoration to wet grassland habitat.

Given the concerns with the proposed restoration scheme the Outline Aftercare Strategy has not been reviewed. However, it is recommended that the applicant

seeks the expert advice of the RSPB to ensure the Strategy is designed to deliver long-term complementary wet grassland habitat to benefit the Ouse Washes European site.

The letter from Heaton Planning recognises that the amended restoration plan, as presented, does not accord with the Block Fen/Langwood Fen Masterplan and its objective for the creation of around 480 hectares of lowland wet grassland. It then argues that the Council's refusal of the application will pose a risk to the sterilisation of adjacent mineral reserves; and risks to the delivery of the Core Strategy, the Block Fen / Langwood Fen Masterplan - and the county's growth agenda. Natural England cannot support these arguments on the basis that the Core Strategy was found to be sound through the detailed Examination process and is now an Adopted Plan. The key objective of relevant Plan policies and the Block Fen / Langwood Fen Masterplan SPD is to ensure the scheme delivers significant environmental benefits after the economic and social rewards of the mineral and waste development have been reaped. The Council undertook significant work with consultees in preparing the SPD and landowners raised no objections during stakeholder meetings.

Natural England is in little doubt that a significant income will be gained through the minerals and waste aspect of this proposal, yet no details of this are provided by Heaton Planning. Natural England considers that restoring this area to maximise environmental benefits, whilst still providing considerable economic and social gains during the operational phase, represents a fair and sustainable approach consistent with national and local planning policy requirements.

If the mineral planning authority is minded to grant consent for the application without regard to the additional information requested by Natural England we advise that relevant conditions to ensure protection of the natural environment, including biodiversity, be appended to any permission. These should include conditions specified in the Environment Agency's response letter, dated 28 April 2016, to ensure impacts to the water environment, including the Ouse Washes European site, are minimised.

Natural England reminds the authority of its duties as a public body, under s40 of the Natural Environment and Rural Communities Act (2006) (NERC), to conserving biodiversity when determining planning applications. Under this legislation conserving biodiversity includes restoring or enhancing a population or habitat.

Natural England endorses the RSPB's comments on the information provided in the applicant's letter of 14 July 2017.

Natural England's initial comments are shown in full in Appendix 1 of this report.

- 5.10 Royal Society for the Protection of Birds (RSPB) – (In response to the March 2017 information) The RSPB sustains its earlier objection for the same reasons. For avoidance of doubt, the RSPB objects to the application due to the restoration scheme presented by the applicant representing a departure from the adopted Minerals Plan and the accompanying Supplementary Planning Document (the Block Fen / Langwood Fen Master Plan). This departure means that the application does not accord with national planning policy and law. The RSPB therefore remains of the

opinion that if the application cannot be amended to achieve conformity with the adopted Minerals Plan and Master Plan, it should be refused.

The RSPB's full comments are in Appendices 2 – 4 of this report. Appendix 4 was in response to the applicant's letter of 14 July 2017.

#### 5.11 County Wildlife Trust

1. The application covers a significant area of the Block Fen / Langwood Fen Masterplan SPD. The agreed long-term restoration proposals for this area were to create a significant area (480 ha) of wet grassland habitats to complement the Ouse Washes and to help provide additional habitats for wetland birds, to help secure the future of key wetland bird species and allow some populations to grow.
2. The current restoration proposals include approximately 6 ha of wet grassland and 56 ha restored to agricultural land. These proposals are clearly contrary to the adopted Cambridgeshire Minerals & Waste Plan (policies CS1, CS2, CS3 and CS25) as well as the adopted Block Fen / Langwood Fen Master Plan SPD.
3. Further, the area of wet grassland proposed would be too small and not ecologically viable for the breeding and wintering birds which the restoration to wet grassland policies aim to support.
4. Part of the original justification for allocating such a large area for mineral extraction in the long-term was the significant contribution it could make towards the restoration of nature. The long-term security of supply for minerals companies was meant to provide the financial certainty to allow investment in high quality, nature friendly restoration schemes including the creation of 480 ha of wet grassland. If the current application were approved it would set a dangerous precedent undermining the achievement of the long-term vision and strategy for the whole of the Block Fen / Langwood Fen area.
5. The Wildlife Trust would also question the economic arguments being put forward by the applicant in support of the changed approach to restoration. These need to be critically challenged. For example, at the Great Fen, where the Wildlife Trust is re-creating extensive pasture and wet grassland on peat soils, we have had no problem letting hay and grazing licences, so there will be the potential for an economic and productive use of the land post restoration to wet grassland. If current owners wish to continue arable farming, the economics of the gravel extraction, should provide them sufficient compensation to secure additional arable land, even with current land prices.
6. The Cambridgeshire Green Infrastructure Strategy and Fens for the Future strategies have both identified the critical importance of the Ouse Washes as a key component of an ecological network across the fenland basin. The government UK biodiversity strategy seeks to create substantial new areas of priority habitats in locations where they can best contribute to the restoration of functional ecological networks. The restoration of mineral workings adjacent to the Ouse Washes to wet grassland and other wetland habitats would help to buffer and expand the habitats within the Ouse Washes and thereby contribute to the enhancement of nature and

the creation of a functional ecological network, in line with both national and local strategies. The current restoration proposals represent a significant missed opportunity to contribute towards the restoration of nature in line with local and national policy.

7. The Wildlife Trust therefore objects to the restoration proposals and requests that these either be substantially revised in favour of the creation of wet grassland suitable for wetland birds, or that the application be refused.

(In response to the March 2017 information) Object to the proposed restoration scheme as it does not deliver the proposed complementary habitat creation for the Ouse Washes as set out in the Block Fen / Langwood Fen Master Plan Supplementary Planning Document and is therefore contrary to adopted planning policy. The Wildlife Trust fully supports the detailed submission and reasoning provided by the RSPB in their objection letter of 20th April 2017.

- 5.12 CCC Highways Development Management and Transport Assessment Team – The traffic assessment is based on the proposed traffic flows and doesn't take into consideration current consents and their associated trip generation. There will also be some HGV movements associated with the continued infilling for progressive restoration associated with the existing Aggregate Industries consent, said to equate to 24 daily HGV movements. All vehicle trips should be taken into consideration for any subsequent pavement design. Another operator is in advanced discussions regarding the improvement of the final section of Block Fen Drove. Parts of these discussions have involved assessment of various pavement design options based on existing traffic volumes. A substandard pavement construction has been demonstrated along the final section of Block Fen Drove by way of pavement core testing.

A full pavement design is required to be submitted for the final section of Block Fen Drove (length between the Tarmac access and the Aggregate Industries access) that takes into consideration proposed and consented traffic volumes. For any scheme that is proposed as part of this application, the pavement design should cater for a 20 or 40 year design life. The anticipated mineral reserves at Block Fen would suggest a 40 year design life to be the most appropriate design option. A 10 year design life has been assessed and demonstrates that within the proposed operational timeframe 1 million standard axle movements are exceeded for this quarry alone.

(In response to information submitted in March 2017 and July 2017) Although July is not a neutral month for undertaking traffic surveys, as the junction count was just outside the school holidays it is accepted on this occasion. Concerns are raised about some of the traffic modelling.

- 5.13 CCC Ecology Officer – (In response to the March 2017 information) Object because:
- The restoration scheme does not accord with local planning policies and supplementary planning guidance for creation of lowland wet grassland; and
  - The ecological assessment is inadequate.

The revised restoration scheme provides no credible contribution to the objectives for Block Fen / Langwood Fen set out within policy CS3 of the Minerals & Waste Core Strategy or “creation of around 480 hectares of lowland wet grassland providing enhancement habitat to complement the Ouse Washes, using inert waste and peat soils to create the wet grassland”. Given the cumulative impact of the current proposal and other approved permissions at Block Fen / Langwood Fen, there will be insufficient suitable land remaining for the County Council to achieve its commitment to creation of 480 hectares. Furthermore, the target bird species require large, continuous area of wet grassland habitat – creation of a more fragmented landscape of smaller areas of wet grassland will not support viable breeding populations. Therefore, it is imperative that all opportunities to expand the wet grassland trial plot into the surrounding land, including the current application site, be secured.

Furthermore, it is considered that the revised restoration scheme will be more detrimental to the establishment of successful wader breeding habitat within the immediate vicinity of the site, through the provision of features, such as hedgerows, that will encourage predation of the eggs / young. This is particularly disappointing given that clear guidance is provided within the Mineral and Waste Plan documents on the requirements of wet grassland habitat creation within Block Fen - policy CS3 clearly states “Block Fen / Langwood Fen area will continue to be an important buffer area for the Ouse Washes, with the maintenance of a landscape which has few trees and hedges which could harbour predators”.

The proposed extended use of silt lagoons, processing area and access track etc has the potential to delay the restoration of this area, for which planning permission has already been granted (and a restoration scheme is currently being developed). In addition, the continuation of processing material and traffic movements, may result in the short-term delay of use of restored wet grassland habitat by target bird species due to disturbance (e.g. noise) which was not considered as part of the Ecological Impact Assessment (EclA).

The aftercare document does not clearly detail how the restoration scheme will be successfully established and maintained in the long-term (see RSPB’s correspondence for further details). In addition, any proposed restoration and aftercare schemes should commit to long-term active management of the habitats, in accordance with policy CS3.

The ecological survey work has solely focused on works associated with the ‘extension’ of the quarry. No consideration has been given to the southern section of the application site. The EclA must consider all ecological impacts of the proposal, including continued use of existing processing plant, stocking areas, silt lagoons, office and welfare buildings and private access road; any required additional measure to conserve nature conservation interest (particularly in relation to protection of watercourses and Water Vole); and delay of restoring this site under the approved scheme. Consideration should also be given to the potential sterilisation of restored lowland wet grassland habitat to breeding birds due to continued disturbance on adjacent land that is / will be restored prior to the completion of the ‘active phase’ of the current proposals. The applicant should at least conduct a Preliminary Ecological Appraisal of this area, and the EclA must consider existing

ecological mitigation measures approved under existing planning permissions (including Water Vole Mitigation Strategy – Condition 7 of planning permission F/02017/08/CM & E/03008/08/CM) and whether additional measures are needed.

There is concern that the EclA fails to truly acknowledge / appreciate the critical impact of the scheme on the strategic objectives of the policy CS35. The EclA should clearly set out how the scheme will, or will not, deliver against planning policy.

The applicant's letter dated 14 July 2017 fails to adequately address previous concerns about ecology. In particular no attempt has been made to carry out the recommended preliminary ecological appraisal in relation to the southern section of the application site or address issues of continued disturbance to breeding birds that may result from continued use of this area. It is considered that the application fails to comply with Policy CS35 Biodiversity and Geodiversity which states that minerals and waste management 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 or geological interest, such as County Wildlife Sites or Regionally Important Geological Sites, or any landscape feature that is of principal importance for wild flora or fauna.

The presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 5.14 CCC Historic Environment Team (HET) – The planning application should include the results of archaeological evaluation, to enable consideration of appropriate methodologies to mitigate the archaeological impact of the development. No such evaluation has taken place. Further information regarding the extent and significance of surviving archaeological remains in the area is necessary to define the scope of mitigation.

The new information [March 2017] relates to a geophysical survey undertaken over December 2016 to January 2017. The geophysical survey results note the presence of magnetic anomalies likely to be indicative of prehistoric settlement in the area. In considering the geophysical survey results, the limitations of the survey technique should be taken into account. Magnetic survey relies upon the generation of a clear magnetic anomaly at the surface, i.e. strong enough to be detected by instrumentation and exhibiting sufficient contrast against background variation to permit diagnostic interpretation. It is probable that the identified features do not represent the full extent of prehistoric settlement and activity. Additional features are likely to be present which do not have sufficient contrast to generate a sufficient signal to enable diagnostic interpretation.

It is clear from the survey that important archaeological remains survive in the area and that these would be destroyed by the proposed development. At present there is insufficient information to determine the character, extent and significance of this archaeological site. Previous advice remains appropriate - that field evaluation by

trial trenching is required to determine the significance of the site and to provide sufficient information to inform appropriate strategies to mitigate the development impact. In the absence of further information the HET object to the proposal and recommend refusal of the planning application.

- 5.15 CCC Flood and Water Team – The applicant proposes to extract sand and gravel over a 6-9 year period. It is understood that during this period that water on site will be managed via Sutton and Mepal Pumping Station. Furthermore, it has been detailed that during flood conditions water will be directed into Old Bedford River and New Bedford Rivers, where water can disperse within the Ouse Washes, if the embankments are overtopped. In principle we have no objections with the proposal provided that any surface water arising from the site area is retained locally to the catchment, as detailed, and does not discharge towards the development on and off site. The Internal Drainage Board (IDB) and Environment Agency must be satisfied with the applicant's proposal. Furthermore, the applicant may require consent from the IDB under the Land Drainage Act 1991, to undertake any proposed construction or alterations to any ditches.
- 5.16 Natural Cambridgeshire (NC) (the Local Nature Partnership for Cambridgeshire & Peterborough, which has a remit to protect and enhance the natural environment of Cambridgeshire for the economic and social benefits it provides. Their vision is to secure a "high quality natural environment" provided "through ambitious programmes of habitat and species recovery, wider land stewardship and the safeguarding of existing wildlife sites, Cambridgeshire will be an exemplar for the landscape scale restoration of the natural environment.")

NC is concerned to see the application for the proposed extension at Mepal Quarry, which has an agreed long-term restoration proposal for the creation of a significant area (480 ha) of wet grassland habitats to complement the Ouse Washes, providing additional habitats for wetland birds and helping to secure the future of key wetland bird species.

However the current restoration proposals are for approximately 6 ha of wet grassland and 56 ha restored to agricultural land. This proposal goes against the adopted Cambridgeshire Minerals & Waste Plan (policies CS1, CS2, CS3 and CS25) as well as the adopted Block Fen/Langwood Fen Master Plan SPD.

NC have concerns that the size of the area of wet grassland proposed would be too small and not ecologically viable for the breeding and wintering birds which the restoration to wet grassland policies aim to support.

Part of the original justification for allocating such a large area for mineral extraction in the long-term was the significant contribution it could make towards the restoration of nature. The long-term security of supply for minerals companies was meant to provide the financial certainty to allow investment in high quality, nature friendly restoration schemes including the creation of 480 ha of wet grassland. If the current application were approved it would set a dangerous precedent undermining the achievement of the long-term vision and strategy for the whole of the Block Fen/Langwood Fen area.

The Cambridgeshire Green Infrastructure Strategy and Fens for the Future strategies both identify the importance of the Ouse Washes as a key component of an ecological network across the fenland basin. The Government UK biodiversity strategy seeks to create substantial new areas of priority habitats in locations where they can best contribute to the restoration of functional ecological networks. The restoration of mineral workings adjacent to the Ouse Washes to wet grassland and other wetland habitats would help to buffer and expand the habitats within the Ouse Washes and thereby contribute to the enhancement of nature and the creation of a functional ecological network, in line with both national and local strategies. The current restoration proposals represent a significant missed opportunity for nature conservation in line with local and national policy.

NC strongly request that restoration proposals are revised in favour of the creation of wet grassland suitable for wetland birds and a restoration scheme more in keeping with adopted policy and one that will make a significant contribution to the restoration of nature, in line with adopted planning policies and national and local nature conservation priorities

5.17 Individual representations – None received.

## **6.0 PLANNING HISTORY**

- 6.1 F/0480/00CM & 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.
- 6.4 E/3003/05/CW – Proposed new access road and development of a green waste composting facility granted 26 April 2005.
- 6.5 E/3004/05/CM – Extraction of clay beneath permitted sand & gravel reserve (2.7 Hectares) granted 26 April 2005.
- 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.
- 6.8 F/02017/08/CM & E/03008/08/CM – Extension to Mepal Quarry granted 29 June 2011 subject to a S106 planning obligation.



- 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.
- 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.
- 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.
- 6.15 E/03012/12/CW – Extension to soils and minerals processing and stockpile area including bioremediation granted 13 November 2012.
- 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/2000/17/CW – Continuation of landfill of stable non-reactive hazardous waste, soil washing and mineral processing within the existing site until 31 December 2044. Retention of 2 no. weighbridges and 14 metre x 8 metre site office building. Extraction of clay. Extension of stable non-reactive waste landfill area. Erection of ready mixed concrete plant, cement silos, 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 and 3 no. 14 metre x 8 metre buildings to serve as office, site laboratory and welfare unit. Installation of concrete surface and its use for composting green waste; treating liquid waste; bio-remediation of waste; crushing demolition waste; 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. Currently being considered.

## **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 (2012) is also a material planning consideration.
- 7.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (the MWCS)

CS1 - Strategic Vision and Objectives for Sustainable Minerals Development

CS2 - Strategic Vision and Objectives for Sustainable Waste Management Development

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

CS4 - The Scale and Location of Future Sand and Gravel Extraction

CS5 – Block Fen / Langwood Fen, Earith / Mepal

CS14 – The Scale of Waste Management Provision

CS20 – Inert Landfill

CS22 – Climate Change

CS25 – Restoration and Aftercare of Mineral and Waste Management Sites

CS27 – Mineral Consultation Areas

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

CS35 – Biodiversity and Geodiversity

CS36 – Archaeology and the Historic Environment

CS37 – Public Rights of Way

CS38 – Sustainable Use of Soils

CS39 – Water Resources and Water Pollution Prevention

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

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

- 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

LP18 – The Historic 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

ENV14: Sites of archaeological interest

COM 7: Transport impact

**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 is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

8.3 The Government requires mineral planning authorities (MPAs) to "plan for a steady and adequate supply of aggregates" by, amongst other things, "making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites."

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 and is set out in full in Appendix 5.
- 8.9 Cambridgeshire and Peterborough are required as a minimum to maintain a landbank for sand and gravel of at least 7 years supply and meet the annual sub-regional apportionment requirement of 2.82 million tonnes per annum throughout the

period to 2016 and beyond. Paragraph 145 of the NPPF requires the MPAs to assess and plan based on a rolling average of the last 10 years sales data. The annual apportionment figure of 2.82 million tonnes per annum was derived from the Government's review of Minerals Planning Guidance Note 6 (2003) which set regional levels of aggregate provision based on forecast requirements using 2001/02 data. To include flexibility provision is made in the Plan for the supply of 3.0 million tonnes per annum.

8.10 MWCS policy CS4 sets out how the 7 years landbank and annual throughput will be achieved across the Plan area. New allocations are made for an annual average of 1.4 million tonnes from the Earith / Mepal Zone i.e. almost half of the planned annual throughput. Block Fen / Langwood Fen is identified as one of 6 principal broad locations for sand and gravel extraction in the Plan area. MWCS policy CS5 makes a site specific strategic allocation (ref. no. M1) of 743 hectares at Block Fen / Langwood Fen containing a total of 24 million tonnes of sand and gravel of which it was anticipated that 10 million tonnes would be needed in the Plan period i.e. up to 2026. The rationale for this allocation was influenced by the following factors:

- extensive reserves of good quality sand and gravel
- would build on existing quarry and waste management activity
- would maintaining production capacity
- the need to take the strategy forward before existing restoration schemes were implemented
- opportunity to deliver 480 hectares of lowland wet grassland providing enhancement habitat immediately adjacent to the Ouse Washes
- opportunity to create water storage bodies with a capacity of around 10 million cubic metres.

8.11 MWCS policy CS14 sets out the scale of waste management and states that a minimum of 12.09 million cubic metres 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 at Block Fen / Langwood Fen which would provide 14 million cubic metres void space (8.4 up to 2026 and 5.6 post 2026). The landfill allocation includes approximately 390 hectares 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 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

8.12 The proposed extension area is within the land allocated for sand and gravel extraction and inert waste landfill in MWCS policies CS5 and CS20. It would represent approximately 8% of the sand and gravel allocation and approximately 5.5% of the whole allocation for inert landfill. In terms of location alone, the proposed extension area complies with the MWCS and would be a fairly logical northwestern extension to an existing quarry which has processing plant, ancillary facilities and a means of access to the public highway in place.

- 8.13 Paragraph 6.30 of the MWCS acknowledges that allocations of the order made are unusual, particularly where a substantial amount of the provision is being made for the post 2026 period. The justification is the need for a comprehensive and long term strategy in the Block Fen / Langwood Fen area and the unique contribution that mineral extraction and waste management can make to achieving strategic objectives through restoration. Paragraphs 8. 4 to 8.11 set out how the allocation was shaped by the strategic vision and objectives, an important one being the location of the area next to the Ouse Washes. Policy CS5 of the MWCS, which allocates mineral extraction at Block Fen / Langwood Fen clearly states that “This allocation must be worked and restored in a phased manner in accordance with the Block Fen / Langwood Fen Master Plan.” This requirement is reiterated in the MWCS site summaries for sites ref. M1 and W1 which highlight implementation issues starting with the statement that “All proposals will need to be consistent with the Block Fen/ Langwood Fen Master Plan”.

#### Block Fen / Langwood Fen Master Plan

- 8.14 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. It therefore conforms to and builds upon the proposals set out in the MWCS. The Master Plan was developed and adopted at the same time as the MWCS. As noted already in this report, 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. It has also already been noted that 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.
- 8.15 The Ouse Washes area is in an 'unfavourable' condition. The Ouse Washes is designated as a wetland of international importance under the Ramsar convention, and, in 2000, was formally listed on the Montreux Record as a site undergoing ecological change. The main cause of the deterioration of the nature conservation interests is changing patterns of flooding with unseasonal summer flooding and longer deeper winter flooding. 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.
- 8.16 The Master Plan was developed through a number of stakeholder workshops which determined the nature of the proposals which have come forward and provided technical supporting information and advice. A number of supporting studies were undertaken which addressed hydrology, sustainable use of soils, ecology and traffic. Participants included the minerals and waste industry, the Environment Agency,

Natural England, the Middle Level Commissioners, the Sutton and Mepal Internal Drainage Board, the RSPB, The Wildfowl and Wetlands Trust and officers from the district councils. The vision and objectives for Block Fen / Langwood Fen are set out in Appendix 5.

- 8.17 Delivering the proposals of the Master Plan requires the co-operation of a number of parties including landowners, mineral and waste operators and the “responsible bodies” which will take over the long term management of restoration areas such as new lowland wet grassland and the water storage bodies. The Master Plan sets the parameters for the delivery that will be required, and notes that this will be achieved through means such as the development control (now development management) system and associated legal agreements which can cover such matters as long term management arrangements and funding, which cannot be addressed through planning conditions. The vision for the development of the Block Fen / Langwood Fen area over the coming years is shown in four illustrative maps, with ‘snap shots’ of the development shown for 2016, 2026, 2036 and 2050.
- 8.18 What the illustrative maps make very clear is that the eastern part of the allocation, bordered by the Forty Foot / Vermuyden’s Drain in the north and the Old Bedford River in the east, is intended to be restored to lowland wet grassland. This area amounts to 480 hectares and the extent of the grassland, and its location adjacent to the Ouse Washes is critical if it is to perform its intended function of providing complementary habitat for breeding birds. This is explained in more detail by Natural England and the RSPB in Appendices 1 and 2.
- 8.19 The existing quarry (the 2001 and 2011 permission areas) and the proposed extension area are within the land shown in the Master Plan as being restored to lowland wet grassland. It has already been noted (paragraph 3.2 above) that the current application is to restore most of the proposed extension area to agriculture at original levels to enable current agricultural practices to be resumed. It is considered that the current proposal would be contrary to the MWCS and the Master Plan. The applicant acknowledges this and puts forward a number of reasons why their proposal should be supported. These are set out in the following section.

#### Applicant’s case

- 8.20 The applicant considers that if the application in its current form is refused then the deliverability of the Master Plan is called into question for the following reasons:
- The proposed restoration takes into account the need for the site to perform a social and economic role as well as providing environmental enhancement.
  - The restoration proposals are generally based around recreating commercially viable agricultural land and sustaining a viable agricultural business along with the creation of areas of ecological and nature conservation enhancement and the delivery of complementary habitat for the Ouse Washes.
  - The application is one of the first significant applications to come forward following the adoption of the MWCS and the Master Plan.
  - None of the other mineral permissions in the area currently have a restoration scheme that complies with the Master Plan and there is no mechanism for the MPA to alter approved restoration schemes to secure compliance.

- The Master Plan's claims that stakeholders showed a high level of co-operation through its development overlooks the concerns and needs of landowners such as the Sole family and the owners of the adjacent land to the north of the current application site.

8.21 The applicant also points out that if the application is refused there will be wider ramifications than the loss of complementary habitat for the Ouse Washes:

- Extensive reserves of good quality sand and gravel directly to the north of the application area could be sterilised.
- Without the applicant's production capacity annual sales from the Earith / Mepal zone would decrease to less than 0.5 million tonnes per annum, almost 1 million tonnes per annum below the apportionment figure.
- Reserves in the Earith / Mepal zone are not coming on stream because of the Master Plan is undeliverable.
- A significant amount of inert landfill capacity would be lost.
- The Plan area may not be able to provide materials for major infrastructure projects such as the A14 improvement.
- Securing additional sand and gravel reserve will ensure the continued viability of the business, securing existing jobs and providing the potential for job creation.

8.22 The applicant's principal reasons for putting forward a restoration scheme which for the most part does not comply with the Master Plan are the long-term aspirations of the landowner which are summarised below:

- The landowner is a progressive third generation farming business. Any reductions in land area would undermine their progressive attitude to moving the farm business forward in a very difficult market.
- Any reductions in farm size will result in significant under utilisation and subsequent pressure on profitability.
- Removal of all the proposed application area for lowland wet grassland will split the farming areas and leave the main farmstead surrounding by just over 20 hectares. The logistics of field operations such as spraying and irrigation will be disassociated with the main farmstead posing a security risk and increasing travel time with obvious implications on the business.
- The farm business is not structured to lose land without significant disruption to farming operations and profitability. The result would result in the loss of jobs for existing staff and plans for further employment would be cancelled.

#### The restoration case

8.23 It is considered relevant to set out how the restoration proposals for Aggregate Industries' existing quarry and the Hanson and Tarmac sites have evolved.

#### *Aggregate Industries Mepal Quarry*

8.24 As previously noted (paragraph 1.1) it was originally proposed that the 2001 permission area would be restored to agricultural land in a way that would enable the pre-development cropping regime to resume. The 2001 permission area is owned by Mick George Limited (MGL). In 2014 MGL entered into a S106 planning obligation in which the company agreed that their land would be restored to condition



to complement the Ouse Washes suitable for management as wet primarily wet grassland habitat for the benefit of nature conservation.

- 8.25 It has also been previously noted (paragraph 1.4) that a scheme has been submitted under conditions 23 and 24 of the 2011 permission. This scheme includes the MGL land within the 2001 and 2011 permission areas and shows that with the exception of the SNRHW cell it will be restored in 2 phases to create a total of 50 hectares of wet grassland together with reservoirs to provide water to irrigate the wet grassland. The February 2017 version of the restoration plan shows all of the Sole family's land as 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 is important to understand 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.
- 8.26 The restoration scheme proposed as part of the current application was amended in March 2017 and now shows part of the Sole family's land in the 2011 permission area as being restored to wet grassland and another to meadow. The land closest to the Ouse Washes is shown as being restored to agriculture.

*Tarmac Block Fen Quarry*

- 8.27 The approved restoration scheme was carried forward from the original 1989 and 1991 permissions by the Environment Act 1995 periodic review in 2011. The area containing the silt lagoons east of Block Fen Drove and to the south west of the Aggregate Industries quarry will be restored to agriculture, with imported inert waste if necessary, to achieve original ground levels. This would be in accordance with the Master Plan. The remainder of the quarry to the east of Block Fen Drove and the larger area to the west of Block Fen Drove will be restored to agriculture at a low level i.e. at up to - 5 metres AOD. This would not be in accordance with the Master Plan which shows the land to the east of Block Fen Drove as being restored to agriculture at original ground levels and the land to the west as water storage bodies. It should be noted that none of the Tarmac quarry is identified in the Master Plan as being restored to complementary habitat. The principal reason for this is its distance from the Ouse Washes.

*Hanson Block Fen Quarry*

- 8.28 Planning permission was granted in 2002 with restoration to agriculture at a low level. This would be dependent on a new land drainage system being installed and the pumping of surplus water being agreed with the IDB. This would not be in accordance with the Master Plan which shows most of the Hanson quarry being restored to water storage bodies with smaller areas to the east adjacent to the MGL land as grassland at original level and complementary Ouse Washes habitat.
- 8.29 The Master Plan (paragraph 3.7) acknowledges that the approved restoration schemes for the existing permissions would need to be revisited and changed if the objectives of the MWCS and Master Plan are to be achieved. It is agreed that the MPA has no mechanism to require Tarmac or Hanson to bring forward alternative restoration schemes that comply with the Master Plan. In 2011 Tarmac were invited

to do so but it was agreed that permitting landfill beyond that already forming part of the approved scheme to restore the silt lagoon area would be outside the terms of the review of existing permissions under the Environment Act 1995. Maintaining agricultural land at a low level is, as already noted, dependent on pumping which has ongoing cost implications. A small part of the Hanson quarry and the Tarmac quarry to the east of Block Fen Drove is shown in the Master Plan as being restored to grassland at original ground level. This would require the importation of inert waste which would be a source of revenue so may be more attractive to Hanson and /or the owners of the Tarmac site to the east of Block Fen Drove than the approved low level agricultural restoration scheme. For similar reasons Hanson and Tarmac may consider water storage reservoirs a more attractive long term afteruse for their land to the west of Block Fen Drove than low level agriculture which has associated long term pumping costs.

- 8.30 It is important to note the location of the Ouse Washes and understand its significance in influencing the restoration objectives of the MWCS and Master Plan and the allocation of the land for sand and gravel extraction and inert landfill. The largest part of the allocation is between the existing Hanson quarry area and the Aggregate Industries 2001 permission area and the Forty Foot / Vermuyden's Drain in the north and the Old Bedford River which forms part of the Ouse Washes in the east. The Master Plan states (at paragraph 5.6) that "In order for any new enhancement habitat to be successful in attracting the species of birds which would normally nest on the Ouse Washes, it needs to be as close as possible, and ideally be immediately adjacent to the Ouse Washes. This requirement limits the geographical area that could potentially host new lowland wet grassland, and helps to make the Block Fen / Langwood Fen area a prime location."
- 8.31 Another factor influencing the location of enhancement habitat if it is to be delivered through sand and gravel extraction is the distribution of mineral reserves. In the Block Fen / Langwood Fen area economic sand and gravel reserves abut the Ouse Washes making it a perfect location for the creation of new lowland wet grassland. The Master Plan (paragraph 5.10) also notes that the Block Fen / Langwood Fen site is directly opposite Coveney which is a priority area for the Environment Agency's Habitat Creation Project. If both these areas were to be developed, they would complement each other and provide significant added value through the increased area of contiguous wetland.
- 8.32 It is the view of a number of consultees and planning officers that the proposed restoration scheme is contrary to the MWCS and the Master Plan. The application was advertised as being for development which does not accord with the provisions of the development plan for that reason. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see paragraph 7.1 above). The applicant has put forward a number of reasons why the proposal should be supported. These are summarised in paragraphs 8.20 – 8.22 above.
- 8.33 The current application is the first application for new mineral reserves at Block Fen / Langwood Fen to come forward since the MWCS and Master Plan were adopted in July 2011. It is therefore the first time that the policies in those documents have been tested in respect of a quarry extension. The proposal is such that the

landowners will gain financially from the extraction of the sand and gravel and from the landfill of the resultant void. They also want most of the land to be restored to a condition that will enable them to continue their pre-development farming business over future generations. They consider creating wet grassland over all the application area will have unacceptable adverse effects on their farming business. They consider that their proposal represents a better balance between the social, economic and environmental factors that are identified in the NPPF as contributing to sustainable development.

- 8.34 The purpose of allocating land in a development plan is to give some certainty to landowners, developers and the local community as to where the planning authority would expect to see applications for development come forward. If those proposals comply with other development plan policies it is reasonable to expect that they would be supported by the planning authority. The Sole family, and other landowners in the Block Fen / Langwood Fen area have since July 2011 known that their land was allocated for sand and gravel extraction and inert waste disposal. The applicant contends that the Master Plan overlooks the concerns and needs of the Sole family and the landowner to the north of the application site and are questioning the deliverability of the objectives of the MWCS and Master Plan.
- 8.35 Representations were made by the landowners on the Master Plan, where the preparation of the Master Plan was supported in principle, and concerns about restoration to a non-agricultural afteruse were expressed. However, these concerns were not raised as representations in the context of the MWCS which made the strategic allocations and set the vision for the Block Fen / Langwood Fen area. The Inspector at the Examination stage of the MWCS therefore had no reason to doubt the deliverability of the Master Plan, albeit that the Master Plan, the associated consultation statement, and all supporting evidence formed part of the evidence base for the MWCS. If the Inspector had formed doubts about the Master Plan, the MWCS would not have been found sound.
- 8.36 It is now relevant to consider what the consequences would be of refusing the current application.
- 8.37 The Master Plan breaks the Block Fen / Langwood Fen area into 3 areas, each with a production unit (mineral processing plant). These in part reflect the location of the existing quarry operations but also take into account:
- That 3 production units are sufficient to meet the forecast need for sand and gravel from the Earith / Mepal area
  - The need to consider the deliverability of proposals taking into account known land ownership and land options
  - That all access must be taken from the existing Block Fen roundabout on the A142
  - The need to reconsider and change existing restoration proposals in the context of the wider proposals of the MWCS
- 8.38 The applicant states that refusing the current application would sterilise the allocated land between the current application site and the Forty Foot / Vermuyden's Drain. If as the applicant suggests, the landowner's attitude to restoration is the same as the Sole family's then it is likely that mineral extraction in the easternmost of the three Block Fen / Langwood Fen production areas (Area A) came to an end on the

cessation of extraction in the 2011 permission area in April 2017. When the restoration of the 2001 and 2011 permission areas are complete, this would mean the end of inert waste disposal in Area A within a short time.

- 8.39 Aggregate Industries' existing quarry and the proposed extension area are within Production Area A. The applicant argues that without the current site's production capacity annual sales from the Earith / Mepal Zone would fall below 0.5 million tonnes per annum, almost 1 million tonnes per annum below the apportionment figure (1.4 million tonnes per annum). In June 2017 the MPA gave permission to Tarmac to install a second mineral processing plant. The Tarmac quarry is within Production Area C. This would enable Tarmac to increase production from the site to the 500,000 tonnes per annum which was the level that the 2011 application was assessed and approved. This could potentially double the output from the Tarmac site and replace the production from the application site (211,000 – 317,000 tonnes per annum). Tarmac have recently started extracting sand and gravel from their land to the west of Block Fen Drove. Based on the 2011 Environment Act 1995 periodic review application and an assumed annual production of 250,000 tonnes per annum, the Tarmac site contains sand and gravel reserves of between 7.75 and 8 million tonnes. At an assumed production rate of 500,000 tonnes per annum this would give about 16 years' reserves i.e. until 2033. The 2011 permission requires the land to the west of Block Fen Drove to be restored by 31 December 2031 and the land to the east of Block Fen Drove (where the processing plant is located) by 31 December 2036.
- 8.40 The Hanson 2002 planning permission was implemented in 2012 but the site was very soon closed. Therefore almost all the 8.5 million tonnes permitted reserve remains. At the permitted production level of 750,000 tonnes per annum this would give approximately 11 years' reserves i.e. until 2029 if the quarry were to reopen in 2018. The Hanson quarry is within Production Area B.
- 8.41 The Earith / Mepal production zone has since the first permission for the Aggregate Industries quarry was granted in 2001 potentially had 3 productive sand and gravel quarries at Block Fen from which the annual apportionment in the MWCS was derived, one in each of the Production Zones as described above. Hanson did not reopen their old quarry and it has already been noted that they started work in the 2002 area at the end of 2012 for a very short period for the purposes of implementing the permission. The Tarmac site was mothballed between February 2009 and autumn 2011. For most of the period since 2001 there have been only 2 active quarries and for 2 ½ years during the downturn in the construction industry, only one (Aggregate Industries).
- 8.42 It is considered that there is sufficient permitted reserves at Block Fen to supply 1.25 million tonnes of sand and gravel from 2 quarries for the remainder of the MWCS Plan period (to 2026) and beyond. Production at this rate would be significantly higher than in the years quoted by the applicant (Heaton Planning letter dated 8 March 2017) of 0.38 million tonnes in 2012 and 0.79 million tonnes in 2015. The Earith / Mepal production zone includes quarries at Somersham and Sutton Gault. Somersham Quarry closed in 2012. Planning permission was granted in August 2010 for an extension to irrigation and drinking water reservoirs at Sutton Gault which would give rise to 275,000 tonnes of saleable sand and gravel which is being

worked at a very modest rate thereby making a small contribution to production from the Earith / Mepal production zone.

- 8.43 The County Council is required to produce a Local Aggregates Assessment (LAA) which assists in planning for a steady supply of aggregates. The latest LAA (December 2016) confirmed that as at 31 December 2015 Cambridgeshire and Peterborough had a landbank which could supply sand and gravel (on the basis of a ten rolling average of sales, as required by Paragraph 145 of the NPPF) for the next 18.76 years; and for 14.4 years based on the MWCS provision of 3.0 million tonnes per annum.
- 8.44 The MPA is of the opinion that there is insufficient need for the reserves in the application area to justify approving the application in its current form i.e. with a restoration scheme that does not comply with the MWCS and Master Plan. It is now necessary to consider the implications for inert waste disposal of refusing the current application.
- 8.45 The MWCS identifies the Earith / Mepal area as being able to accommodate up to 0.56 million cubic metres of inert waste per year. It goes on to say (paragraph 7.66) that "This inert material will be required to create new habitats, and could also provide engineering materials for the flood management scheme."
- 8.46 The current proposal requires 1.4 million cubic metres of inert waste to achieve restoration to original ground levels. It is proposed that this would be imported at a rate of 120,000 – 130,000 cubic metres per year over 11 years. This would be approximately 22% of the annual capacity anticipated in the MWCS. The land within the allocation to the north is approximately twice the area of the current application area so it is reasonable to assume that inert waste capacity that would be lost if this land did not come forward for mineral extraction would be roughly 2.8 million cubic metres. Together with the current application areas this would result in a total loss of inert waste capacity of 4.2 million cubic metres. This would be 30% of the total inert landfill capacity identified in MWCS policy CS20 for Block Fen / Langwood Fen.
- 8.47 The allocation ref. W1 is described in the Site Profile (pages 166 – 168 of the MWCS) as a large area of search which includes land which has planning permission for mineral extraction. This land has been described in paragraphs 8.27 – 8.29 above where it has been suggested that the mineral operators and/or landowners may find it commercially attractive to propose alternative restoration schemes which would be compliant with the MWCS and the Master Plan. Such schemes would require the importation of inert waste to achieve agricultural restoration at original ground level rather than low level. The Master Plan shows the land to the west of Block Fen Drove as being the location of water storage bodies with the intervening land being restored to grassland at original ground level. To achieve this imported inert waste would be needed. The reservoirs would be developed sequentially and need to be engineered using suitable material i.e. imported inert waste. There is therefore the opportunity for inert waste capacity to be created in the Block Fen / Langwood Fen area. The depth of mineral in the west of the allocation area is around 8 metres compared to around 4 metres in the east therefore the potential capacity / hectare for inert waste landfill is greater in the west.

- 8.48 In terms of restoration, the consequences of refusing the current application would render one of the principal objectives of the Master Plan undeliverable. A large part of the land intended to be restored to complementary Ouse Washes habitat would remain in intensive arable use. This would, as already noted in paragraph 8.38 above, potentially sterilise the adjacent land to the north for mineral extraction thereby leaving an even larger part of the intended complementary Ouse Washes habitat in its current arable use. This would leave only approximately half of area shown in the Master Plan as Ouse Washes complementary habitat being potentially available. This area has already been compromised by the 2011 S106 agreement which allows the Sole family land to be restored to agriculture and by the SNRHW cell which will be restored with a slight dome to meet Environment Agency requirements. The small areas of land to the southwest and south of the SNRHW cell will be separated from the larger area of complementary habitat by the domed land, reducing their value. The land potentially still available for Ouse Washes complementary habitat is for the most part that which is furthest from the Washes so its value is reduced.
- 8.49 Having considered the implications of refusing the current application on the deliverability of the Master Plan it is necessary to assess the consequences of approving it. The applicant is of the opinion that the proposed restoration scheme would as well as sustaining a viable agricultural business create areas of ecological and nature conservation enhancement and deliver complementary habitat for the Ouse Washes so for this reason should be supported.
- 8.50 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. It goes on to say that whilst restoration proposals will be considered on a site by site basis:
- a. restoration schemes must reflect the strategic and local objectives for countryside enhancement and green infrastructure including those set out in Local Development Frameworks and the Green Infrastructure Strategies for Cambridgeshire and Peterborough
  - b. where restoration can contribute to the demonstrated need for flood water storage identified in the Cranbrook / Counter Drain Strategy or elsewhere, and / or water supply objectives, this element must be incorporated within the restoration scheme
  - c. where restoration could assist or achieve the creation of priority habitats and / or Cambridgeshire and Peterborough Biodiversity Action Plan targets the relevant biodiversity afteruse must be incorporated within the restoration scheme
  - d. where restoration could protect geodiversity and improve educational opportunities this element must be incorporated within the restoration scheme, by leaving important geological faces exposed and retaining access to the faces
  - e. where there is high grade agricultural land, restoration back to this use may be appropriate

f. where a site is suitable to provide amenity uses, including formal and informal sport, navigation, and recreation uses, this must be incorporated in the restoration scheme

- 8.51 The proposed restoration scheme (March 2017) would provide 5.3 hectares of wet grassland within the application site and an additional 11 hectares is proposed within the 2011 permission area alongside 8 hectares of meadow grassland. The total area of wet grassland for the whole Mepal Quarry is 59.6 hectares. Most of this is within MGL's ownership and would be secured via the 2014 S106 agreement. Since most of the proposed extension area would return to intensive arable use the benefits of approving the proposed restoration scheme would be insignificant in terms of delivering the objectives of the Master Plan. Whilst policy CS25 (e) states that restoration of high grade agricultural land to this use may be appropriate in the current case it is considered that clause (c) carries more weight given that it is backed up by the provisions of the Master Plan.
- 8.52 As set out in paragraphs 8.36 to 8.51 above, the consequences of approving or refusing the application would be very similar in that in both scenarios the objectives of the Master Plan would be so severely compromised as to render them undeliverable insofar as they relate to the creation of complementary habitat.
- 8.53 As a conclusion to this section, the MPA is of the opinion that the large area of land at Block Fen / Langwood Fen was only allocated for sand and gravel extraction and inert waste landfill because of its proximity to the Ouse Washes, and the opportunity mineral and waste development would give to provide enhancement habitat for the nationally and internationally important breeding and wintering bird populations which would go some way to helping redress the declining condition of the Ouse Washes. To grant planning permission for sand and gravel extraction and inert landfill without a restoration scheme that meets these conservation objectives would be contrary to policies CS1, CS2, CS3, CS5, CS25 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy (July 2011) and the Cambridgeshire and Peterborough Minerals and Waste Development Plan Block Fen / Langwood Fen Master Plan Supplementary Planning Document (July 2011).
- 8.54 As set out earlier in this report, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is the view of MPA that the application in its current form is not in accordance with the development plan for the reasons given above so permission should be refused unless there are any overriding reasons to do otherwise. The next section of this report will assess the other aspects of the proposal which will be relevant if members disagree with the above analysis and are minded to grant planning permission.

#### Traffic and highways

- 8.55 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.*

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.

- 8.56 It was a condition of the 2011 permission that a scheme for the improvement of Block Fen Drove be implemented by 5 August 2012. The scheme that was approved related only to the section of highway between the A142 roundabout and the access to the Tarmac quarry. It was implemented in 2016. The remaining northern section of Block Fen Drove has deteriorated since the AI scheme was approved and the 4 mineral and waste companies are working together to design and implement improvements that would give a design life of 40 years. These improvements need to be secured before any further mineral extraction or waste disposal takes place which could be done by means of a pre-commencement condition should planning permission be granted. The requirement for binding agreements covering lorry backloading, routeing arrangements and HCV signage for mineral and waste management traffic could be secured by means of a S106 agreement.
- 8.57 Provided the highway improvements are secured by planning condition and implemented before any further mineral extraction and associated waste disposal took place, the application would not conflict with MWCS policy CS32, FLP policy LP15 (C) or ECLP policy COM 7.

#### Visual impact

- 8.58 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 not to adversely impact on the landscape character of the local area. 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.

- 8.59 The site is within an area of flat, fenland landscape with extensive views across predominantly arable land. The principle of mineral extraction and restoration by landfill within the area has been established with the allocation in the MWCS and the current permissions. It is necessary to consider how working and restoring the proposed extension area in particular will impact on the landscape and receptors. The proposal would bring mineral extraction and landfill operations much closer to the residential properties described in paragraph 2.1 above. The main visual impacts would be the plant and machinery used to extract the sand and gravel and deposit the inert waste and the creation of a void before the land is restored. It is proposed that 5 metre high soil bunds would be placed on the boundary of the proposed workings near East Leys Hundreds Farm, Ladys Acre and Middle Farm which would provide acoustic screening for the occupants. The bunds themselves would have a visual impact within the flat fen landscape but this would be of limited duration and the soil incorporated into the agricultural restoration. The occupants of the properties have not commented on the proposed development and it is considered that the visual impact would be acceptable for a temporary period of between 4 and 6 years whilst phases 5 – 8 are worked and landfilled.
- 8.60 The mineral would be processed at the existing plant site so the impact of the proposal would be to prolong its presence in the landscape. The sand and gravel would be transported by field conveyor to the processing plant therefore there would be no need for stockpiles within the proposed extension area. The proposed restoration scheme would return most of the site to its pre-development arable use. A small area would be restored to wet grassland around water bodies with hedgerow and spinney. From a landscape impact this could be considered positive but its location is remote from receptors.
- 8.61 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.

#### Historic environment

- 8.62 The proposed development would not have an impact on any designated heritage asset. NPPF (paragraph 135) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. MWCS policy CS36 states that mineral and waste development will not be permitted where there is:
- an adverse effect on any designated heritage asset, historic landscape, or other heritage asset of national importance, and / or its setting unless there are substantial public benefits that outweigh that harm or loss
  - any significant adverse impact on a site of local architectural, archaeological or historic importance

MWCS policy CS36 goes on to say that mineral or waste development may be permitted on a site of local archaeological importance where satisfactory mitigation measures (including preservation in situ of archaeological remains through appropriate, monitored management plans and / or archaeological investigation followed by the publication of the results in accordance with agreed written schemes of investigation) have been defined following consideration of the results of prior evaluation. FLP policies LP16 (a) and LP18 seek to protect heritage assets. ECLP policy ENV 14 seeks to protect sites of known or potential archaeological interest.

- 8.63 Archaeological surveys undertaken by the applicant have shown that important archaeological remains survive in the area. These are a non-designated heritage asset which would be destroyed by the proposed development. In the applicant's opinion, identifiable archaeological findings are likely to be present only at a single location within the evaluation area. The applicant suggests that an investigation of this area would be carried out before development commenced in that phase of the proposed extraction and that this could be secured by condition.
- 8.64 In the opinion of the Council's HET there is insufficient information to determine the character, extent and significance of this archaeological site and to provide sufficient information to inform appropriate strategies to mitigate the impact of the development. There is insufficient information to demonstrate compliance with MWCS policy CS36, FLP policy LP18 and ECLP policy ENV 14 or for the MPA to come to the balanced judgement required by the NPPF.

#### Ecology

- 8.65 The application site abuts the Ouse Washes which are of international importance as set out at paragraph 2.2 above. The proposed development has the potential to affect its interest features and therefore falls within the scope of the Conservation of Habitats and Species Regulations 2010. The applicant's environmental statement included a hydrogeological impact assessment and an ecological impact assessment which conclude that subject to the implementation of mitigation, including a 450 metre stand-off zone, residual risk to the Ouse Washes is very low. Natural England is broadly satisfied with these assessments and raises no objection on the basis of designated sites (see Appendix 1).
- 8.66 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. The Sutton and Mepal Pumping Station Drains CWS is adjacent or close to part of the site as set out in paragraph 2.2. The applicant's ecological survey work has not addressed the impact of the proposed development on the southern part of the application site e.g. the continued use of the processing plant and access road etc. In this respect the proposal has not been demonstrated to comply with MWCS policy CS35, FLP policies LP16 (b) and LP19 and ECLP policy ENV 7.
- 8.67 ODPM Circular 06/2005: *Biodiversity and geological conservation – statutory obligations and their impact within the planning system* reminds us that the presence of a protected species is a material consideration when a planning authority is

considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. It goes on to say that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Water voles are known to be present in the area but the extent to which they may be affected by the development has not been assessed so in this respect it is considered that the application does not comply with Government policy or FLP policy LP19 and ECLP policy ENV 7 which require the presence of protected species to be taken into account.

- 8.68 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 promote 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.
- 8.69 It is acknowledged that under the proposed restoration scheme a small area would be restored to open water with marginal vegetation surrounded by wet grassland. However, a much larger part of the proposed extension area would be restored to agriculture at original ground level (see paragraph 3.2 above). Whilst the restored agricultural land would not harm designated sites, it is considered that the net gain in biodiversity is insufficient to comply with the Government's policy, particularly given the context of the allocation for mineral and waste development which was driven by the objective of providing new lowland wet grassland which would provide complementary habitat for the Ouse Washes, as explained previously in this report.
- 8.70 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 very little contribution to meeting these aims or meet the aims of FLP policy LP19 or ECLP policy ENV 7 set out in paragraphs 8.68 - 8.69.

#### Sustainable use of soils

- 8.71 MWCS policy CS38 states that mineral and waste development which affects the best and most versatile (BMV) agricultural land will only be permitted where it can be shown:

- a. there is a need for the development and an absence of suitable alternative sites using lower grade land has been demonstrated
- b. it incorporates proposals for the sustainable use of soils;
- c. the proposed restoration can be shown to positively contribute to the long term conservation of soils.

The proposed extension area is grade 1 and grade 2 i.e. BMV. The NPPF (paragraph 112) states that planning authorities should take into account the benefits of BMV agricultural land and, like MWCS policy CS38, suggests that preference should be given to developing poorer quality instead. However, the quality of land was known when MWCS allocations were made so the principle of using it for mineral and waste development has been established. The current proposal does, however, need to demonstrate the sustainable use of soils and that the proposed restoration positively contributes to the long term conservation of soils. The sustainable use of soils is an objective of both MWCS policy CS1 and CS3.

- 8.72 The application proposes that soils would be stripped from the proposed extension area and stored for re-use following mineral extraction and landfill to return most of the land to its former use. Natural England has raised concerns that the proposed soil handling, restoration and aftercare do not comply with the NPPF and Minerals Planning Practice Guidance on the restoration and aftercare of mineral sites (see Appendix 1). This could be addressed by planning conditions.
- 8.73 In other locations the use of soils to restore the land to its pre-development arable use would in principle be considered a sustainable use of soils which would fulfil the policy requirements outlined in paragraph 8.71. However, the current proposal is in a location and for development to which an adopted SPD (the Master Plan) relates. The Master Plan goes further than just requiring soils to be used in a sustainable way. Paragraph 9.17 states that “in order to keep them in the “carbon store” it is necessary to secure their long term future management. Arable production on peat soils causes the release of carbon dioxide held in the peat as it oxidises after ploughing. Grassland is a use that helps protect the peat resource and reduces the release of carbon dioxide. Restoring the Block Fen / Langwood Fen to wet grassland is a practical action to reduce emissions in line with the County Council’s commitment to addressing the challenge of climate change.” The methodology for the creation of lowland wet grassland set out in the Master Plan would allow the land to revert to an arable agricultural use should this be necessary in the long term.
- 8.74 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 miss an opportunity to minimise greenhouse gas emissions and help address climate change. For this reason the proposal does not comply with MWCS policies CS1, CS3, CS22 and CS38 and the Master Plan.

#### Flood risk, water resources and water pollution prevention

- 8.75 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 environmental statement included a hydrogeological impact assessment which the Environment Agency considers to be very comprehensive (28 April 2016) and recommends the conditions (outlined in paragraph 5.7 above) to prevent the pollution of controlled waters. With these conditions in place it is considered that the proposal would comply with MWCS policy CS39.

- 8.76 The proposed development would be nearly all in flood zone 3 and an area benefitting from flood defences. The mitigation measures proposed in the applicant's flood risk assessment have satisfied the Environment Agency and the LLFA. There are no residual flood risk concerns that cannot be addressed by planning condition. The application is considered to comply with NPPF paragraph 103, FLP policy LP14 (b) and ECLP policy ENV 9 in this respect.

#### Noise

- 8.77 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 relevant noise sensitive properties are identified in paragraph 2.1 above. Mineral Planning Practice Guidance (MPPG) advises that MPAs should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:

- give rise to a significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation (Paragraph: 020 Reference ID: 27-020-20140306).

- 8.78 Paragraph 21 of the MPPG gives advice for normal daytime operations:

*“Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).”*

*“Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (eg Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)”*

*“Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.” (Paragraph: 021 Reference ID: 27-021-20140306).*

- 8.79 The applicant's noise impact assessment measured average daytime background noise at Lady's Acre and East Leys Hundreds Farm to be 33 dB LA90,T and at King's Farm Barn and King's Farm House to be 37 dB LA90,T. It goes on to propose day time noise limits and 47 dB LAeq, 1 hour, free field at King's Farm Barn and King's Farm House which would be consistent with the MPPG. At Lady's Acre and East Leys Hundreds Farm a daytime noise limit of 45 dB LAeq, 1 hour, free field is proposed which exceeds the "background + 10 dBA". The only justification for this is that 45 dB LAeq, 1 hour, free field "should prove tolerable to most people in rural areas and is suggested as a limit without imposing unreasonable burdens on the mineral operator."
- 8.80 Noise levels for routine operations have been calculated and would, without mitigation, exceed the suggested noise limit at 4 of 5 locations (a level of 51 dB LAeq, 1 hour, free field has been calculated by the applicant for Middle Farm and a noise limit of 45 dB LAeq, 1 hour, free field is proposed). Middle Farm is approximately 200 metres south east of Lady's Acre and is likely to have an average background noise similar to that property i.e. 33 dB LA90,T.
- 8.81 The operator proposes mitigation in the form of 3 metre and 5 metre high perimeter bunds between the proposed extraction area and the houses. At 4 of the 5 properties the applicant states that with this mitigation the calculated noise level would be below the suggested noise limits. However, even with a 5 metre high barrier the calculated noise level at East Leys Hundreds Farm would be 48 dB LAeq, 1 hour, free field, which would exceed the applicant's proposed limit of 45 dB LAeq, 1 hour, free field. In order to comply with the suggested noise limit, it is proposed that within phases 6 and 7 mineral extraction and landfill will not take place simultaneously.
- 8.82 The applicant has not provided a convincing reason why the proposed noise limit of 45 dB LAeq, 1 hour, free field is appropriate at Lady's Acre, Middle Farm and East Leys Hundreds Farm. They state that the noise modelling was based on a worst case scenario of operations and that any further mitigation including sterilisation of mineral could be considered unreasonable. However, they have offered to increase the height of the western bund to 5 metres which they consider would have a positive impact on the noise experienced at Lady's Acre and Middle Farm. They have also offered to construct the bund during phase 1 and plant it with shrubs. Whilst this would provide additional height, the acoustic effects of vegetation would be negligible therefore it is not considered that this would offer any benefits to the noise sensitive properties when operations move into phases 6 and 7. The alternative proposal to erect acoustic fencing along the southern boundary of phase 7 may reduce noise at the properties to 43 dB LAeq, 1 hour, free field.
- 8.83 It is considered likely that a combination of increased bund height and the strategic positioning of temporary acoustic barriers would achieve a reduction in noise experienced at Lady's Acre, Middle Farm and East Hundred Leys Farm to 43 dB LAeq, 1 hour, free field. The additional mitigation measures should be modelled to inform a noise management scheme. This could be secured by planning condition if permission is granted. The developer should also undertake periodic noise monitoring to determine whether or not the mitigation measures are working; provide

for a course of action if they are not; and undertake monitoring in the event of complaints. These matters could be secured by planning condition.

- 8.84 Paragraph 22 of the MPPG gives advice on how to consider activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

*“Increased temporary daytime noise limits of up to 70 dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.*

*Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum.”*

- 8.85 The applicant has calculated noise limits for restoration operations of between 2 and 4 dB LAeq, 1 hour, free field higher than for normal operations at the 5 nearest properties. They propose a noise limit at all properties of 70 dB LAeq, 1 hour, free field and consider that the temporary works would be completed within 8 weeks each year. The MPPG states that increased temporary daytime noise limits of up to 70 dB LAeq, 1 hour, free field should be considered. Given the calculated levels would be between 9 and 24 dB LAeq, 1 hour, free field below this it is considered that lower limits should be imposed by condition if permission is granted. The planning condition should also limit the period during which the higher noise limit would apply to 8 weeks in any year and require the developer to monitor operations during these temporary periods.
- 8.86 It is considered that with additional mitigation measures the proposed development would be capable of being carried out within noise limits supported by the MPPG and that the quality of life of the occupants of the nearest properties would not be 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

- 8.87 The proposal would bring mineral and waste operations closer to residential properties i.e. those identified in the section on noise above. The sand and gravel itself generally has a high moisture content so is unlikely to generate significant dust. The greatest potential for generating dust is during soil stripping, overburden removal and the replacement of the soils at the restoration stage. The proposed perimeter bunds would provide a barrier to dust but their creation from stripped soil would for a short time be potentially a source of dust close to the houses. The applicant proposes the use of “best practicable means” and a number of standard “good practice” techniques to ensure that dust and fumes are effectively suppressed. If planning permission is granted this could be secured by condition. 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.

## **9.0 CONCLUSION**

- 9.1 The principle of mineral extraction and restoration of the land to its original level by importing inert waste is established in the MWCS allocation. The highway authority considers that the northern section of Block Fen Drove is of inadequate standard to accommodate the vehicles that would be generated by the proposed development. This would be contrary to policy CS23 of the MWCS, policy LP15 (C) of the FLP and policy COM 7 of the ECLP. Improvement works to Block Fen Drove are at a relatively advanced design stage and it is considered probable that a scheme which is acceptable to the highway authority will be implemented jointly by the 4 mineral and waste companies. It is considered that rather than refuse the application on highway grounds, should permission be granted it be subject to a condition that precludes any development in the proposed extension area until Block Fen Drove has been upgraded to the satisfaction of the highway authority.
- 9.2 The applicant has not provided sufficient information to establish the character, extent and significance of the archaeological resource or to inform appropriate strategies to mitigate the impact of the development. The information is required pre-determination so that a fully informed decision can be made. Whilst this could be overcome, the applicant has been unwilling to do so and it is considered that the proposed development does not comply with MWCS policy CS36, FLP policy LP18 and ECLP policy ENV 14. It is considered that the application should be refused for this reason.
- 9.3 The applicant's ecological survey work does not adequately address the impact of the proposed development on the southern part of the application site or on protected species. The information is required pre-determination so that a fully informed decision can be made. Whilst this could be overcome, the applicant has been unwilling to do so and it is considered that the proposed development does not comply with MWCS policy CS35, FLP policies LP16 (b) and LP19 and ECLP policy ENV 7. It is considered that the application should be refused for this reason.
- 9.4 The proposed extension area forms part of an area that was allocated for mineral extraction and inert waste disposal. As set out in paragraphs 8.4 to 8.11 of this report, the allocation of this land was driven by the proximity of the land to the Ouse Washes and the opportunity that restoration following mineral extraction gave to create lowland wet grassland that would provide complementary habitat for the Ouse Washes. The proposed restoration scheme would provide very little wet grassland. As well as proximity to the Ouse Washes, the amount of the wet grassland is critical and the proposed development would significantly reduce the area that could be created to the extent that the objectives of the Block Fen / Langwood Fen would be undeliverable. This would be contrary to the MWCS and the Master Plan as set out in paragraphs 8.50 and 8.53 above. The applicant has been unwilling to amend the restoration scheme so that it complies with the Master Plan. The landowners' desire for the land to be returned to them in a condition that would enable a fully flexible agricultural cropping regime to continue is not considered sufficient to outweigh the



provisions of the development plan. For this reason it is considered that the application should be refused.

## **10.0 RECOMMENDATION**

10.1 It is recommended that permission be refused for the following reasons:

1. It is a strategic objective of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) that enhancement habitat will be created adjacent to the Ouse Washes through mineral extraction and restoration (policies CS1, CS2 and CS3). The Cambridgeshire and Peterborough Minerals Waste Development Plan Block Fen / Langwood Fen Master Plan Supplementary Planning Document (adopted July 2011) provides a more detailed land use planning framework for mineral and waste development in the Earith / Mepal area and shows the proposed quarry extension area as being restored to complementary Ouse Washes habitat.

The application is for 52.9 hectares (91%) of the proposed extension area to be restored to arable agricultural land and 5.3 hectares (9%) to wet grassland. This is contrary to policies CS1, CS2 and CS3 in that it will not deliver one of the strategic objectives of the Development Plan within the proposed quarry extension area. The size of the proposed quarry extension area and its location at the centre of the land identified for complementary Ouse Washes habitat would significantly reduce the benefits of creating complementary Ouse Washes habitat on adjacent land and would make the Master Plan undeliverable in that respect.

2. Policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) states that where restoration could assist or achieve the creation of priority habitats and / or Cambridgeshire and Peterborough Biodiversity Action Plan targets the relevant biodiversity afteruse must be incorporated within the restoration scheme. The restoration of the proposed quarry extension area could create 58.2 hectares of complementary Ouse Washes habitat but the proposed scheme would deliver only 5.3 hectares. This is contrary to policy CS25 and paragraphs 109 and 118 of the National Planning Policy Framework (March 2012).
3. The applicant has not provided sufficient information to determine the character, extent and significance of the archaeological interest of the proposed extension area and to inform appropriate strategies to mitigate the impact of the development. Without this information it is possible that undesignated heritage assets could be harmed by the proposed development. For these reasons the application does not comply with policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011), policy LP18 of the Fenland Local Plan (adopted May 2014) and policy ENV 14 of the East Cambridgeshire Local Plan (adopted April 2015) and paragraph 135 of the National Planning Policy Framework (March 2012).
4. The applicant has not provided sufficient information to establish the impact of the proposed development on all of the application site particularly the Sutton and Mepal Pumping Station Drains County Wildlife Site and any protected species that may

inhabit it. Without this information it is possible that the features of the Sutton and Mepal Pumping Station Drains County Wildlife Site and / or protected species could be harmed by the proposed development. For these reasons the application does not comply with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011), policies LP16 (b) and LP19 of the Fenland Local Plan (adopted May 2014) and policy ENV 7 of the East Cambridgeshire Local Plan (adopted April 2015) or with ODPM Circular 06/2005: *Biodiversity and geological conservation – statutory obligations and their impact within the planning system*.

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

Date: 13 May 2016  
Our ref: 183013  
Your ref: F/2001/16/CM



Helen Wass  
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Cambridgeshire County Council

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## BY EMAIL ONLY

Dear Helen

**Extraction of sand & gravel, and clay for landfill cell engineering, as an extension to an existing quarry; field conveyor; continued use of existing processing plant, stocking areas, silt lagoons, office & welfare buildings and private access road; and importation of waste for restoration.**

**Mepal Quarry, Block Fen, Chatteris, CB6 2AY**

Thank you for consulting Natural England on the above planning application in your letter of 7 April 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED) CONSERVATION (OF HABITATS & SPECIES) REGULATIONS 2010 (AS AMENDED)**

Natural England has assessed the application and although we have no objection on the basis of designated sites, Natural England objects to the current proposed restoration scheme on the grounds that it does not provide adequate justification for non-compliance with adopted Local Plan policies. We have additional concerns that the current proposed scheme, if permitted, will set a precedent for future minerals applications in the Block Fen / Langwood Fen area to disregard the objectives of the Master Plan SPD. This could potentially result in wholesale failure to deliver the agreed complementary habitat to the Ouse Washes international site. Through the submission documents the applicant's arguments for proposing a radically alternative restoration scheme, in contravention of local planning policy, are inadequately justified. In particular, we would urge your Authority to consider the following points:

- The allocation of this area in the Local Plan, for minerals and waste development, was approved, in part at least, based on the significant environmental, flood management, landscape, access and recreational benefits it would deliver through restoration. The applicant reneging on the agreed restoration scheme, in favour of a scheme to deliver enhanced economic outcomes, is unacceptable;
- Contrary to the applicant's suggestion that the Master Plan is 'undeliverable, not sustainable and outdated', the Plan allocation provides long-term financial security for aggregates

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companies to enable investment in a high-quality restoration scheme as set out in the Block Fen / Langwood Fen Master Plan;

- The current proposal to deliver 6ha of wet grassland habitat falls ten-fold short of the Master Plan policy requirement and offers insufficient scope for attracting target bird species and hence successful delivery of the key strategic objective of the Master Plan. Natural England cannot therefore support this proposal as currently submitted;
- The proposal fails to meet an appropriate balance across the social, economic and environmental objectives of sustainable development in accordance with paragraph 7 of the National Planning Policy Framework (NPPF).

The allocation for restoration at Block Fen to wet grassland, through the adopted Cambridgeshire and Peterborough Minerals and Waste Plan, presents a very significant opportunity for wildlife in Cambridgeshire, given the scale of the potential new habitat and its location adjacent to existing important wildlife sites. The current proposal could make a major contribution to a strong network of wildlife sites in the County and so help to restore populations of some of its wildlife. However, the proposed alternative restoration scheme would substantially reduce those benefits.

### **Internationally and nationally designated sites**

This application lies within approximately 450m of the Ouse Washes European designated site (European site), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The Ouse Washes is a Special Area of Conservation (SAC) and a Special Protection Area (SPA) which are European site(s). The site(s) is listed as the Ouse Washes Ramsar site<sup>1</sup> and also notified at a national level as the Ouse Washes Site of Special Scientific Interest (SSSI).

Natural England is broadly satisfied with the detailed assessment provided within the Environmental Statement (ES), incorporating Hydrogeological Impact Assessment (HIA) and Ecological Impact Assessment (EclA) which concludes that subject to the implementation of mitigation, including a 450m stand-off zone, residual risk to the Ouse Washes international site is very low.

The proposed quarry extension covers an area of 61.9ha and forms part of a strategic area identified in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). As such Natural England is not opposed to this proposal in principle. However, Policy CS3 of the Core Strategy clearly identifies Block Fen / Langwood Fen as an area for significant sand and gravel extraction where restoration, utilising inert landfill, will ensure that a number of strategic objectives relating to sustainable flood management and habitat creation are met. A Supplementary Planning Document (SPD) Block Fen / Langwood Fen Master Plan (2011) has been prepared and adopted to specifically support the implementation and phasing of minerals proposals in this area and, in particular, ensure the delivery of 480ha of lowland wet grassland as complementary enhancement habitat to the Ouse Washes SAC, SPA and Ramsar site and nature reserve, adjacent to the application site. The key objective is to benefit wildlife, particularly breeding waders, such as black-tailed godwit, associated with the Ouse Washes. The SPD objectives also seek to make a significant contribution to local Biodiversity Action Plan / s41 Natural Environment and Rural Communities (NERC) Act (2006) targets and to support the Ouse Washes Habitat Replacement Project<sup>2</sup>. In addition to habitat creation the objectives for this area set out in the SPD include enhanced public access, recreational opportunities and management of flood risk. Block Fen /

<sup>1</sup> Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

<sup>2</sup> Through European legislation, the UK Government has a responsibility to address the deterioration on the Ouse Washes. As a result, it set up the Ouse Washes Steering Group comprising members from Defra, Natural England (then English Nature), the Environment Agency, and the RSPB to consider solutions to address the problems. Such solutions included considerations of water quality, improving drainage of water exiting the Washes and the option of creating replacement habitat off-site. As a result, the Ouse Washes Habitat Replacement Project was born and is led by the Environment Agency.

Langwood Fen, through minerals restoration, is also a significant Target Area in the Cambridgeshire Green Infrastructure Strategy (Cambridgeshire Horizons, 2011) for the delivery of biodiversity and other environmental objectives. The achievement of biodiversity objectives is also consistent with the Council's duties under the NERC Act, to have regard for biodiversity in the exercise of its functions.

Whilst the current proposals include a very limited (6ha) area of restoration to lowland wet grassland habitat / reservoir, the vast majority of the scheme is proposed for restoration to high quality agricultural land (56ha). This represents a significant departure from the restoration vision presented in the Block Fen / Langwood Fen Master Plan SPD. The current proposal is unlikely to deliver the key biodiversity objectives of the Master Plan vision. The proposed restoration scheme is also unlikely to make any significant contribution to the objectives for this Target Area identified in the Cambridgeshire Green Infrastructure Strategy.

In accordance with the SPD, minerals proposals must demonstrate that they can address the requirements of the Block Fen / Langwood Fen Master Plan. The current proposal fails to comply with the requirement for the majority of the application site to be restored to complementary wet grassland habitat to support breeding birds associated with the Ouse Washes. Natural England has significant concerns with this lack of conformity with an adopted Local Plan and the potential failure of the scheme to contribute to a strategic vision for the Block Fen / Langwood Fen Master Plan.

In accordance with your duties to seek to further and enhance the conservation of designated sites and priority species under the NERC Act and Countryside and Rights of Way Act (2000) (as amended) we would urge your authority to require the applicant to significantly amend the proposed restoration scheme. This should be sufficiently revised to fully address relevant Local Plan policies, including the policies and objectives of the Block Fen Langwood Fen Master Plan SPD. The amended restoration scheme should seek to make the required contribution to delivery and long-term maintenance and monitoring of 480ha of wet grassland habitat at Block Fen.

Our more detailed advice is provided in Annex 1 to this letter. We will be pleased to provide further comments following the submission of additional information and an amended restoration scheme by the applicant. We would be happy to meet with the applicant and yourselves to discuss and agree a suitable revised restoration scheme.

If your Authority is minded to grant consent for the application without regard to the additional information requested by Natural England we advise that relevant conditions to ensure protection of the natural environment, including biodiversity, be appended to any permission. These should include conditions specified in the Environment Agency's response letter, dated 28 April 2016, to ensure impacts to the water environment, including the Ouse Washes European site, are minimised.

I hope you will find these comments helpful. For any correspondence or queries relating to this consultation only, please contact Janet Nuttall On 020 802 65894. For all new consultations, please contact [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours sincerely

**Janet Nuttall**  
**Sustainable Land Use Adviser**

### **Internationally and nationally designated sites**

This application lies within approximately 450m of the Ouse Washes SSSI, SAC, SPA and Ramsar site.

We note from the Hydrogeological Impact Assessment & Flood Risk Assessment, prepared by Envireau Water (January 2016), that a 450m standoff exists between the existing quarry workings and this receptor. To date no issues or problems have been identified. The same standoff will be maintained for the extension area and these water bodies will remain outside the zone of influence of dewatering. Dewatering volumes and a zone of influence for individual phases have been calculated and it is estimated that Extraction Phase 4 will require the highest dewatering rates resulting in a zone of influence extending 105m from the dewatered workings of the quarry. Given the estimated zone of influence the HIA considers the 450m stand-off to be more than adequate to negate dewatering impacts to the Counter Drain of the Ouse Washes. The HIA concludes that with mitigation in place the residual risk to the Ouse Washes international site is very low. Natural England is satisfied with this subject to full implementation of the stand-off zone, and other mitigation measures detailed in section 11.8.5 of the HIA, being secured through appropriately worded planning conditions.

As mentioned above, the proposed quarry extension covers an area of 61.9ha and forms part of a strategic area identified in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). Policy CS3 of the Core Strategy clearly identifies Block Fen / Langwood Fen as an area for significant sand and gravel extraction where restoration, utilising inert landfill, will ensure that a number of strategic objectives relating to sustainable flood management and habitat creation are met. This is supported through the adopted Block Fen / Langwood Fen Master Plan SPD (2011). Relevant Core Strategy objectives are as follows:

- **Policy CS3 (The Strategic Vision and Objectives for Block Fen/Langwood Fen, Earith/Mepal)** requires *“the creation of around 480 hectares of lowland wet grassland providing enhancement habitat to complement the Ouse Washes, using inert waste and peat soils to create the wet grassland”*
- **Policy CS5 (Block Fen / Langwood Fen, Earith / Mepal)** stipulates that *“this allocation must be worked and restored in a phased manner in accordance with the Block Fen / Langwood Fen Master Plan”*
- **Policy CS25 (Restoration and Aftercare of Mineral and Waste Management Sites)** states that *“where restoration could assist or achieve the creation of priority habitats and / or Cambridgeshire and Peterborough Biodiversity Action Plan targets the relevant biodiversity afteruse must be incorporated within the restoration scheme”*

Block Fen / Langwood Fen, through minerals restoration, is also a significant Target Area in the Cambridgeshire Green Infrastructure Strategy (Cambridgeshire Horizons, 2011) for the delivery of the following objectives.

- Biodiversity: potential for the creation of complementary wet grassland and water storage bodies adjacent to the Ouse Washes and provision of significant area of wet grassland and open water following mineral extraction over the next 50 years.
- Climate Change: provision of alternative habitat for birds affected in the medium to long term by changing flooding patterns on the adjacent Ouse Washes. The potential to use strategic water storage as an irrigation resource to maintain high productivity of agricultural land.



- Green Infrastructure Gateways: possibility of linking with and developing access along the Ouse Washes and linking with Earith, Sutton and Mepal, and on to Chatteris as well as with the Fens Waterways Link.
- Heritage: restoration of traditional grazing practices.
- Landscape: retention of open landscape and skyline of traditional fenland, juxtaposed with flood defence embankments common to this landscape.
- Publicly Accessible Open Space: opportunity to plan and develop outdoor recreation and nature conservation in close proximity.
- Rights of Way: opportunity to improve cycling and walking links to nearby towns and villages.

Whilst the current proposals include a very limited (6ha) area of restoration to lowland wet grassland habitat / reservoir, the vast majority of the scheme is proposed for restoration to high quality best and most versatile agricultural land (56ha). This represents a significant departure from the restoration vision presented in the Block Fen / Langwood Fen Master Plan SPD which indicates almost the entirety of this area being restored to wet grassland habitat by 2050 as part of the Ouse Washes enhancement scheme; the key objective being to benefit wildlife and particularly breeding waders associated with the Ouse Washes. It will contribute significantly to other regional and local targets, including Biodiversity Action Plan targets. The current proposal is unlikely to deliver the key biodiversity objectives of the Master Plan vision. The proposed restoration scheme also fails to deliver significant objectives for this Target Area in the Cambridgeshire Green Infrastructure Strategy.

The Master Plan clearly sets out the need for coherent landscape-scale wet grassland habitat creation, as close to the Ouse Washes as possible, in order to function as complementary habitat for key bird species. Creation of small, ad-hoc fragments of this habitat, distant from the Washes and separated and surrounded by arable land, is unlikely to attract target species and will therefore compromise delivery of the key strategic objective of the Master Plan. This is a particular concern given that a number of earlier proposals in the Block Fen area have already failed to provide the requisite wet grassland habitat. It is therefore critical that any further proposals are required to deliver this habitat creation in full, in accordance with the requirements and methodology detailed in the Master Plan.

In accordance with the SPD, minerals proposals must demonstrate that they can address the requirements of the Block Fen/Langwood Fen Master Plan. The current proposal fails to comply with the requirement for the majority of the application site to be restored to complementary wet grassland habitat to support breeding birds associated with the Ouse Washes. Natural England has significant concerns with this lack of compliance and the potential failure of the scheme to contribute to a strategic vision for the Block Fen / Langwood Fen

Natural England objects to the current proposed restoration scheme as this includes insufficient information to demonstrate how the requirements of Local Plan policies and the objectives of the Block Fen / Langwood Fen Master Plan will be met. We also have significant concerns that the current proposed scheme, if permitted, will set a precedent for future minerals applications in the Block Fen / Langwood Fen area to disregard the objectives of the Master Plan SPD in seeking to deliver complementary habitat to the Ouse Washes international site.

Section 3.2.6 of the Planning Statement prepared by Heaton Planning (January 2016) states:

*It is probable that when the Block Fen Masterplan was in the course of inception that land values were toward the bottom end of the land price scale. With current values so high, it is considered that the Block Fen Drove Masterplan will be extremely difficult to deliver and there is a school of thought which takes the view that it is undeliverable, not sustainable and outdated.*

Natural England believes insufficient evidence is presented to demonstrate that the Block Fen / Langwood Fen Master Plan restoration scheme is not economically viable / deliverable. The Master

Plan scheme was designed to address the economic, social and environmental needs of sustainable development and as such it fully accords with NPPF objectives and requirements. The submission documents appear to provide subjective opinion that the NPPF is focused on the delivery of economic objectives. In fact the NPPF gives similar weight to the meeting of economic, social and environmental needs, as indicated through paragraph 7. The proposed development, with restoration to wet grassland to complement the Ouse Washes, would meet the key economic, social and environmental objectives of the NPPF.

Section 4.5.2 of the document then goes on to state:

*The objectives of the SPD have been incorporated into the proposed development and the restoration scheme has been designed taking into account the Block Fen/Langwood Fen SPD, for which the protection and enhancement of the Ouse Washes represents the key vision.*

Despite the above statement, it is clear from the documents submitted that the proposed restoration scheme does not seek to contribute to the key vision of the SPD: the area of proposed wetland habitat creation is wholly insufficient to enable any significant contribution to such a vision. This area adjacent to the Washes is important to the creation of suitable flood-free wet grassland habitat to support Ouse Washes priority species such as black-tailed godwit. Objectives and requirements to achieve these are set out in the adopted Minerals and Waste Plan including the Block Fen / Langwood Fen Master Plan SPD. Proposals are expected to comply with these requirements in order to ensure delivery of the important nature conservation, flood management and recreational benefits. It would be difficult to deliver these objectives elsewhere. It is totally unreasonable that the developer can now submit an application for a proposal that will result in a significant loss of opportunity for multi-functional environmental enhancement in favour of restoration to agriculture for greater economic / financial gain.

The Planning Statement argues that the landowners are keen to retain this valuable farmland resource for future generations of their family. Natural England would counter that restoration to biodiversity does not preclude this aspiration given that wet grassland will require long-term management as farmland, through cattle grazing. Further, section 9.14 of the Block Fen / Langwood Fen Master Plan SPD suggests that the methodology used in creating the wet grassland would allow it to revert back to arable use if required. However, the Master Plan vision presents a fantastic opportunity for future generations to inherit part of an amazing biodiversity-rich landscape.

In its assessment of 'alternatives', section 6.5.2 of the ES states:

*There is less of a requirement for Aggregate Industries to look at developing a new Greenfield site whilst an environmentally acceptable extension to Mepal Quarry can be developed.*

Section 6.5.6 concludes:

*The proposed extension is allocated and preferred at this time due to the sustainability benefits accrued from the proximity to the existing infrastructure, the ability to work the area with little environmental impact and to ensure that the whole available resource can be worked.*

This appears to be a case of the developer 'wanting its cake and eating it' – the assurance through allocation in the Local Plan of 'no environmental impact', without having to contribute to the landscape-scale environmental enhancements required through the Local Plan.

Based on the above, the approval of such a scheme would throw into question the entire point of setting local planning policy.



Natural England firmly believes that the Block Fen / Langwood Fen Master Plan is a sustainable restoration scheme for the future. Fenland peat soils are being lost and this is accelerated by arable farming. The Master Plan will help to secure conservation of these soils and the valuable resource they present for the future as well as creating strategic flood water storage bodies that can also provide water storage and supply/irrigation water. Planning applications in this area must be required to deliver its objectives. Applications seeking non-compliance with these requirements should not be granted permission.

In accordance with local authority's duties to further and enhance the conservation of designated sites and priority species under the Natural Environment and Rural Communities (NERC) Act (2006) and Countryside and Rights of Way Act (2000) (as amended) we would urge your Authority to require the applicant to significantly amend the proposed restoration scheme. This should be sufficiently revised to fully address relevant Local Plan policies, including the policies and objectives of the Block Fen / Langwood Fen Master Plan SPD. The amended restoration scheme should seek to make the required contribution to delivery and long-term maintenance of the Block Fen / Langwood Fen including 480ha of wet grassland habitat. The amended restoration plan should be accompanied by an Ecological Management Plan to include details of:

- grassland habitat creation methods, based on the Methodology for Creation of Enhancement Habitat – Appendix 3 of the Master Plan;
- details, including a time-schedule, of long-term management for the site including drainage, irrigation, watering, cutting and grazing, identifying how these will maximise benefits for biodiversity and in particular breeding waders, and thus meet the objectives of the Master Plan;
- measures, in accordance with the Master Plan, to ensure that the organic soils remaining on site are best utilised and maintained. Movement and handling of soils should seek to retain inherent characteristics, especially the permeability of the soils, and to avoid losses through wind and water erosion. The re-use of peat soils should be prioritised for wet grassland restoration in order to maximise the sustainable use of this important resource;
- details of ecological monitoring proposals to measure the effectiveness of these in delivering the biodiversity objectives of the Master Plan.

Ecological mitigation and enhancement measures identified in section 9 of the EclA will need to be secured and implemented through suitably worded planning conditions. This should include detailed measures to minimise operational effects such as noise, lighting, visual disturbance and dust. We would expect an Ecological Mitigation, Management and Enhancement Plan to be prepared and agreed for the entire site.

### **Biodiversity and Protected Species**

We would expect the Minerals Planning Authority (MPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation in order to ensure your Authority has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

## Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

## Biodiversity enhancements

Your authority should consider securing biodiversity enhancement measures identified in section 9 of the EclA, through appropriately worded planning conditions, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

## **Soils, Land Quality and Reclamation**

Notwithstanding our significant concerns that the restoration scheme represents a major departure from the requirements set in Local Plan policies, Natural England's comments on proposals for soils restoration are as follows.

Having examined this proposal in the light of our statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 109 and 112 of the National Planning Policy Framework (March 2012), Natural England has the following comments to make:

1. Based on the information provided in support of the planning application, we note that the proposed development would extend to approximately 52 ha, the majority of which is classified as 'best and most versatile' (BMV) agricultural land; namely Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system.
2. However, although we are generally satisfied that the BMV land should be capable of being reclaimed without loss of quality, the submitted soil handling, restoration and aftercare proposals do not meet the requirements for sustainable minerals development, set out in the National Planning Policy Framework and current [Minerals Planning Practice Guidance](#), particularly section 6 titled "Restoration and aftercare of mineral sites" for the following reasons:
  - We advise that further consideration of the soil volumes for restoration is required; we note that the restoration scheme seeks to return the site back to original ground levels using c1.4 million m<sup>3</sup> of imported inert materials. It therefore needs to be ensured that this material is available to get the required final levels to enable successful restoration to high quality agricultural land.

- We also advise that further consideration of soil handling and storage is required; the Environmental Statement (ES) states that the available soil resources have been identified and their storage, handling and reuse assessed in terms of available good practice guidance. Furthermore, a soil handling strategy is to be prepared and followed to minimise impact upon soil resources. It is stated that the stripping and storage of soils, during which topsoil and subsoil resources are to be handled separately, will be carried out in accordance with the MAFF 'Code of Agricultural Practice for the Protection of Soil'; Natural England advise that this document has been superseded by the Defra guides referred to in sections 6 and 7 to which reference should be made.
  - The ES also states that the soils stripped and removed from the development footprint will be used either in landscaping/screening of the development or restoration within the site. We advise that *all* soils should be used in restoration unless it can otherwise be proven that they are not needed.
  - Natural England advises that the mitigation, as currently proposed, is not comprehensive enough for it to be concluded that the soil resources/BMV land will be adequately safeguarded. This advice is in line with Policy CS38 (Sustainable Use of Soils) of the [Cambridgeshire and Peterborough Minerals and Waste Core Strategy - July 2011](#).
3. Natural England would therefore advise that any grant of planning permission should be made subject to conditions to address these points, safeguard soil resources and promote a satisfactory standard of reclamation appropriate to the proposed afteruses. **Suggested conditions are set out below.**
  4. In accordance with Schedule 5, Part 1, Para 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse, and for the land to be reclaimed in accordance with Para 3 (1) of the Act; namely that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture.
  5. Should the development proceed (and subject to no more accurate information coming to light during the working of the site), Natural England is satisfied that the Soils and Agricultural Land Classification Report (*Mepal Quarry Extension – Soils and Agricultural Use & Quality, Land Research Associates Report 1137/1, dated 27<sup>th</sup> July 2015*) constitutes a record of the pre-working ALC grading and physical characteristics of the land within the application site boundary.
  6. Defra's [Good Practice Guide for Handling Soils](#) provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. We would recommend the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide), to minimise damage to soil structure and achieve high standards of restoration.
  7. More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites](#).

Should your Authority consider that there is a case for granting planning permission without conditions along the lines of those recommended in the attached Appendix; Natural England would wish to be consulted again prior to the determination of the application.

## RECOMMENDED CONDITIONS TO SAFEGUARD SOIL RESOURCES AND ACHIEVE A SATISFACTORY STANDARD OF AGRICULTURAL RECLAMATION

### General Conditions

1. The site shall be worked in accordance with the submitted plans and details except as amended by the following conditions.
2. Throughout the period of working, restoration and Aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
3. Any oil, fuel, lubricant, paint or solvent within the site shall be so stored as to prevent such material from contaminating topsoil, subsoil, soil forming material, or reaching any watercourse.
4. Prior to the commencement of development, and throughout the period of working, restoration and aftercare, it shall be the responsibility of the developer to make enquiries and, in consultation with the MPA, take appropriate steps to prevent the spread of any soil-borne plant or animal diseases.

## Soil Handling

5. Before topsoils and subsoils are stripped on each phase, or part phase, a Scheme of Soil Movement shall be submitted to the MPA for their consideration. Such schemes shall:
  - a) Be submitted at least 3 months prior to the expected commencement of soil stripping.
  - b) Where subsoils are not to be retained, identify those soils and soil substitutes intended to be used in their place.
  - c) Identify clearly the origin, intermediate and final locations of soils for use in the agricultural restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.
6. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soil; see:  
<http://webarchive.nationalarchives.gov.uk/20090306103114/http://www.defra.gov.uk/farm/environment/land-use/soilguid/index.htm> .
7. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the MPA showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.
8. Soil shall only be moved when in a dry and friable condition. For soils containing more than 18% clay the criteria for determining dry and friable may be based on a field assessment of the soils wetness in relation to its lower plastic limit according to the following test:
  - *"An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand.*
  - *If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out.*
  - *If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples on each major soil type".*
9. For all soil types (including sandy loams) no soil handling should proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface.

10. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless otherwise agreed in writing by or on behalf of the MPA.
11. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the MPA, or to the overburden surface and shall not cross areas of topsoil and subsoil.

### **Soil Stripping and Storage**

12. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stacking topsoil on that part), or is built upon, or used for the stacking of subsoil, soil forming material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil (and subsoil) shall be stripped from that part. Soil stripping depths shall accord with the proposals set out in the Environmental Statement and Supporting Technical Reports.
13. Soils identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately re-spread over the replaced overburden. If this re-spreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement.
14. Written notification shall be made giving the MPA five clear working days' notice of the intention to start stripping soils.
15. Bunds for the storage of agricultural soils shall conform to the following criteria:
  - a) Topsoils, subsoils and subsoil substitutes shall be stored separately.
  - b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the MPA.
  - c) Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height.
  - d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
16. All storage bunds intended to remain in situ for more than 6 months or over the winter period are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the MPA. The seed mixture and the application rates are to be agreed with the MPA in writing no less than one month before it is expected to complete the formation of the storage bunds.
17. All topsoil, subsoil, and soil forming material shall be retained on the site.
18. Pockets of suitable soil forming material shall be recovered, wherever practicable and necessary during the stripping or excavation operations, for use during the restoration phase.

### **Soil Replacement**

19. Restored soil depths shall accord with the proposals set out in the Environmental Statement and Supporting Technical Reports.
20. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.



21. The applicant shall notify the MPA at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

### **Differential Settlement**

22. In any part of the site where differential settlement occurs during the restoration and Aftercare period, the applicant, where required by the MPA, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the MPA.

### **Aftercare**

23. An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the MPA not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place.

24. The submitted Scheme shall:

- a) Provide an outline strategy for the five year Aftercare period in accordance with Paragraph: 057; Reference ID: 27-057-20140306 of the Minerals Planning Practice Guidance (March 2014). This shall specify steps to be taken and the period during which they are to be taken. This Scheme shall specify steps to be taken and the period during which they are to be taken; including provision for:
  - An annual meeting between the applicants and the MPA and other interested parties,
  - A remedial field drainage system, and
  - A pre-release report to demonstrate that the land has been reclaimed to the required standard.
- b) Provide for a detailed annual programme, in accordance with Paragraph: 058 (Reference ID: 27-058-20140306) of Minerals Planning Practice Guidance (March 2014), to be submitted to the MPA not later than two months prior to each annual Aftercare meeting.

25. Unless the MPA, after consultation with other interested parties, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Helen Wass  
Growth & Economy  
Economy, Transport & Environment  
Cambridgeshire County Council  
Box No SH1315  
Shire Hall  
Cambridge  
CB3 0AP

06 May 2016

Dear Ms Wass,

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

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

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

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

Our detailed comments are provided below.

## 1. Background

- 1.1 The RSPB's principle concern with the Application arises as the restoration scheme presented is not in line with the restoration plan for this area of the Block Fen / Langwood Fen strategic minerals and waste allocation ('the allocation') that is set by the Master Plan. The Master Plan (and accompanying maps, e.g. map 2.4) clearly identifies the need for this area to be wholly restored to complementary habitat for the adjacent Ouse Washes internationally designated site<sup>1</sup>. This complementary habitat

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

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

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

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

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

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

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

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

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Interest (SSSI) under the Wildlife and Countryside Act 1981 and as a Ramsar site under the Ramsar Convention on wetlands of international importance 1971.



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

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

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

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

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

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

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

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

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

1.8 Under national and international legislation and policy<sup>2</sup> the Minerals and Waste Planning Authority (M&WPA) must ensure that adverse impacts on designated nature conservation sites and protected species are avoided. It must also seek to fulfil duties<sup>3</sup> to conserve and enhance designated nature conservation sites such as the Ouse Washes SSSI in exercising its functions. The Master Plan describes how these duties will be met through delivering complementary habitat for the Ouse Washes:

- *“The Block Fen / Langwood Fen area will continue to be an important buffer area for the Ouse Washes, with the maintenance of a landscape which has few trees and hedges which could harbour predators”* (section 2.2, 3.20). This consideration was also taken into account through the Appropriate Assessment of the Minerals Plan under The Conservation of Habitats and Species Regulations 2010;
- *“To ensure there is no adverse impact to the Ouse Washes through the extraction, landfill and restoration of the Block Fen / Langwood Fen area, through well planned, designed and controlled working and restoration”* (section 2.2, emphasis added). Restoration to complementary habitat will ensure the extended period of minerals and waste activity adjacent to the Ouse Washes and its effect on this buffer area can be rebalanced, and the protective function of this buffer protected into the future;
- Providing complementary habitat will assist in achieving duties under the Natural Environment and Rural Communities (NERC) Act 2006, with respect to priority species<sup>3</sup>. Black-tailed godwit is a priority species under the NERC Act (section 41). The complementary habitat has the potential to benefit this breeding species, for which Cambridgeshire is the most important county in the UK;
- Delivering the complementary habitat is the primary means through which the M&WPA will meet its duties under the CRoW Act 2000 through the Minerals Plan (as described in 1.1, above);
- Delivering the complementary habitat is in direct accordance with NPPF principles concerning biodiversity. For example, the NPPF guides planning authorities to seek a net gain in biodiversity (para. 109), and to: plan for biodiversity at a landscape-scale, promote the restoration of priority habitats, ecological networks and the recovery of populations of priority species, and take account of potential components of ecological networks in plan making and decision taking (para.s 117, 165). The NPPF also requires protection of biodiversity interests to be commensurate with their status and for appropriate weight to be given to their importance and their contribution to wider ecological networks (para. 113). Given the Ouse Washes is recognised as a core component of the existing ecological network<sup>4</sup>, extending and buffering the Ouse Washes through provision of the complementary habitat is the most appropriate means to enhance the existing network<sup>5</sup>. In contrast, the Applicant’s proposal to create ecological connectivity via a narrow grassland corridor (section 6.1.23) is not capable of achieving such enhancement, and is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Policy CS35 – Biodiversity

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

### Policies CS1, CS3 and CS38 – Sustainable Use of Soils

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

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

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

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

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

2.5 There is a strong body of scientific research and evidence that confirms that arable farming - with intensive drainage and cultivation - can result in comparatively rapid peat wastage (and associated loss of soil carbon<sup>6</sup>). The value of conserving agricultural peatlands for enhancing future food security (for example by using more extensive farming systems such as grazing, so that they could be returned to agricultural production should the need arise in the future) has also been identified through research<sup>7</sup>.

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

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

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

#### Policy CS22 – Climate Change

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

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

- 2.7 Through promoting restoration to arable agricultural after use, the application fails to comply with the above policy. As noted above, this after use in the Fenland context will actually increase greenhouse gas emissions in comparison to restoration in accordance with the Master Plan. Arable cultivation of peat soils releases soil carbon at significantly greater rates than alternative agricultural or other land uses, such as extensively managed grassland systems<sup>6</sup>.
- 2.8 In summary, the RSPB strongly recommends the application is amended to bring it in line with the Master Plan, in order to achieve conformity with adopted planning policy in these areas and help to realise the significant intended benefits of the Plan.

### **3. Inadequate assessment of alternatives to the presented restoration scheme**

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

### **4. Flawed interpretation of the National Planning Policy Framework**

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4.6 The assertions begin by correctly stating that land prices have increased significantly over the last decade as is supported by industry literature<sup>8</sup> though a ten-fold increase is not supported by any data seen by the RSPB. Savills gives an average 10 year increase of 247% in the East of England while the East’s prime arable land fell by -11.5% in price in the last year<sup>9</sup>. The application goes on to incorrectly state that land price increases have been driven by food prices, land availability has been constricting and that land prices were at the bottom of the range they present when the strategy was created. We would contend that:

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

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

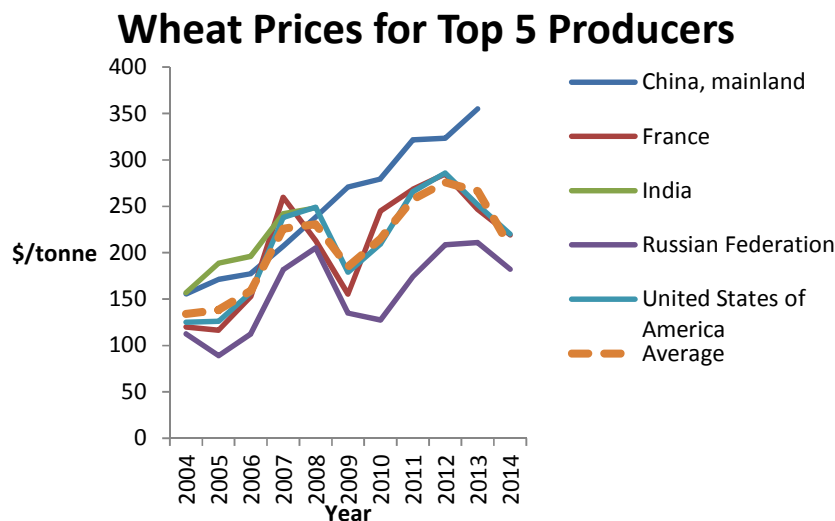
<sup>8</sup> <http://www.rics.org/us/knowledge/market-analysis/ricsrau-rural-land-market-survey-h2-2013/http://pdf.euro.savills.co.uk/uk/rural---other/uk-agricultural-land-2016.pdf>

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



### Demand for food is not inflating food prices nor land prices

- 4.6.1 In response to land prices increases over the last ten years FAO data shows that average wheat prices (for example) for the top 5 producers only increased by 50% between 2004 and 2014 and has been falling in recent years<sup>10</sup>. Figure 3.3.1-1 shows the prices for the 5 largest wheat producers over the last decade.



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

- 4.6.2 Furthermore there is good reason to believe that even this increase in commodity prices is driven not by demand but by global cost increases. In 2004 UK average milling wheat prices were £80/tonne<sup>11</sup>, in 2015 they were quoted at £152/tonne<sup>12</sup>; but the gross margin per tonne was £600 in 2004<sup>11</sup> and rose to only £626/tonne in 2015<sup>12</sup>. Sugar Beet prices have fallen from £33 per clean tonne in 2004 to £29.51 in 2015 with gross margins dropping from £1195/ha to £801/ha<sup>11,12</sup>. Maincrop potato income has risen from £1225/ha to £2334/ha between 2004 and 2015 due to price and average yield increases<sup>11,12</sup>. However, rather than escalating since the inception of the Masterplan the gross margin on maincrop potatoes has fallen from £3461/ha in 2011<sup>13</sup> a fall of over £1,000/ha in a very short time. Yields have remained stable but prices fell from £150 to £130/tonne and input costs rose<sup>12,13</sup>.
- 4.6.3 Commodity price signals are not commensurate with land price changes. As such demand can not be considered to be creating an overwhelming demand for productive farmland in the UK. Long term price signals responding to underlying cost increases globally which are likely driven in many cases by oil prices. For instance fertiliser costs for wheat per hectare of farmland were around £82.50 in 2004<sup>11</sup> rising to £207 in 2015<sup>12</sup>. Given that modern fertilisers are derived from oil and that oil prices rose from \$38 to \$86 per barrel<sup>14</sup> it is likely that this is the real short term driver of global food commodity prices rather than demand for production.
- 4.6.4 In 2015 Farmers represented 43% of all agricultural land buyers, which was the lowest proportion of the market since 2003. Conversely farmers were the highest proportion of sellers in seven

<sup>10</sup> <http://faostat3.fao.org/home/E>

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

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

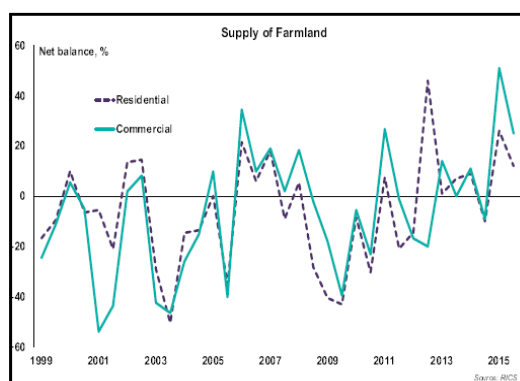
<sup>13</sup> J. Nix (2011) "Farm Management Pocketbook" (41st ed.) Agro Business Consultants Ltd., Melton Mowbray

<sup>14</sup> [http://inflationdata.com/Inflation/Inflation\\_Rate/Historical\\_Oil\\_Prices\\_Table.asp](http://inflationdata.com/Inflation/Inflation_Rate/Historical_Oil_Prices_Table.asp)

years<sup>15</sup>. There are a range of ideas regarding what might be driving UK land prices. Amongst these are asset price investment and the shadow price of development but demand for maintenance of productive land is not a primary and likely not even a secondary driver of recent significant rises. This would undermine the assertion that there is a pressing need to keep every hectare of farmed land in the UK in production.

#### Land Availability is in nature erratic but the trend is increasing

4.6.5 Figure 3.4.2 -1 is taken from RICS<sup>16</sup> and shows the trend for the last decade has been, rather than a contraction, an increase in supply of land. It is also worth noting how variable land availability is. A shortage of available land in one year does not indicate that land sales will be low in a year and certainly not in 10 years time. In 2015 there was a 24% increase in purchases over 2014 with the largest increase in the East of England<sup>15</sup>. The landowner would be in a strong position to wait until suitable land became available and there is no reason to believe that it would not according to land agent literature. It is worth noting the opinions of land agents in the East of England who suggest it is currently a buyers market<sup>15</sup>.



**Figure 3.4.2 -1:** Supply of farmland (source RICS<sup>9</sup>)

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

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

4.6.7 The poorer outlook for farm investment is born out in the increases in debt driven sales. Despite historically low interest rates in the UK debt drove nearly 20% of all sales the highest in well over a decade<sup>11</sup> and in addition prices are dropping. It is hard to be certain what is driving recent land price signals. Prices and sales may indicate that the market is reacting to the poorer returns to capital in recent years.

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

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

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

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

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

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

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

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

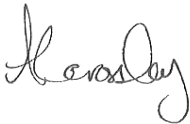
4.8 To summarise, all arguments made by the Applicant that seek to suggest that resumption of arable use must be permitted in order to be consistent with national planning policy (despite not being in accordance with the adopted Minerals Plan), cannot be considered material to the determination of the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

## 5. Conclusions

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

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

Yours sincerely,

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

Amy Crossley  
**Conservation Officer**  
**RSPB Eastern England Regional Office**

Helen Wass  
Growth & Economy  
Economy, Transport & Environment  
Cambridgeshire County Council  
Box No SH1315  
Shire Hall  
Cambridge  
CB3 0AP

20 April 2017

Dear Ms Wass,

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

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Thank you for the opportunity to comment on the above.

Having reviewed the further information the RSPB finds no cause to revisit our previous objection to the application, a copy of which is appended to this letter for ease of reference. We therefore **sustain our earlier objection** on the same grounds and do not rehearse the detail of our reasoning here. However, the following sections of this letter set out comments specifically in relation to the further information submitted. We respectfully request that the Council takes these comments into account, alongside our original objection, in determining the application.

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

This departure means that the application does not accord with national planning policy and law. The RSPB therefore remains of the opinion that if the application cannot be amended to achieve conformity with the adopted Minerals Plan and Master Plan, it should be **refused**.

Our comments on the further information are provided below.

## **1. Appendix 2 – Revised Restoration scheme**

- 1.1 Appendix 2 of the further information presents a plan of a revised restoration scheme described as a Masterplan. This updates the previous restoration scheme that proposed around 7ha of the c.61ha application area would become nature conservation habitat, with the remainder restored back to arable. The proposal now includes features such as tree and hedge planting and an additional small water body within the 7ha area. Further, an additional c.6ha area outside of the application boundary has been proposed for wet and dry grassland, again with the remainder of the application land restored back to arable. The revised scheme describes this mix of features as complementary habitat for the Ouse Washes. However, as set out in our previous objection, in order for the habitat created after minerals and waste activity at Block Fen/Langwood Fen to be classed as complementary habitat to the Ouse Washes, it must be capable of supporting key species that the Ouse Washes supports (namely breeding waders that require large, continuous areas of specifically managed wet grassland habitat). There are a number of critical ecological principles that must be accorded with in order to deliver the complementary habitat. These principles and the reasons for them are set out in the Master Plan itself (which all new applications should adhere to), and have also been described in some depth by the RSPB and other organisations with relevant expertise (e.g. as recorded in Appendix 1 of the further information). These include: scale, quality, absence of features such as tree and hedge planting that will interrupt the open nature of the habitat, and appropriate management. These principles are described in more detail in section 1 of our previous objection.
- 1.2 Additionally, the updated restoration strategy described is not likely to be effective in achieving its stated aims. For example, it is suggested that the presence of the 3.6ha area of waterbodies as well as ditch management and a small amount of reedbed creation will provide additional strategic water storage and will also improve quality of water entering the Ouse Washes. This volume of stored water and the proposed scale of ditch management will have a *de minimus* impact on water quality in the Ouse Washes. A greater improvement in water quality would come from a reduction of chemical inputs that would be achieved by restoring to a coherent area of extensive wet grassland rather than back to predominately arable. Further, as stated in the Master Plan, reedbed creation is not advised at Block Fen/Langwood Fen given the risk of attracting potential avian predators of ground nesting wading birds that are interest features of the Ouse Washes designated site. (It is acknowledged however that a very small area of reed associated with ditches for example is unlikely to give rise to such effects.)
- 1.3 The revised restoration scheme for the area outside of the current application's red line boundary is described as 'dry agricultural grassland'. This is inconsistent with the more recent restoration scheme specifically for this area (see appendix II of this letter) that indicates that this will be restored to flower rich meadow grassland.
- 1.4 In summary, it is welcome that efforts have been made to revise the restoration scheme. However, the fact that the revised scheme does not meet the core principles necessary for creating complementary habitat for the Ouse Washes, as per the Master Plan, means it is not possible for the RSPB to withdraw its objection.

## **2. Appendix 3 – Outline Aftercare Scheme**

- 2.1 Our concerns with respect to Appendix 2 described above also apply to the written Outline Aftercare Scheme ('the Scheme') provided at Appendix 3. Chiefly, that a mix of small areas of different habitats (dry grassland, wet grassland, water bodies and small areas sown with seed mixes suitable for farmland birds), will not be capable of supporting viable populations of breeding waders of wet grassland habitat, and so will not deliver complementary habitat for the Ouse Washes as per the Master Plan. Notwithstanding this, the Scheme appears lacking in a number of respects and would benefit from improvement to provide certainty that good quality habitat can be restored and

managed. Concentrating on the methodologies outlined for the proposed wet grassland areas, the Scheme lacks detail on critical considerations necessary for delivering quality wet grassland habitat. We have recently provided detailed comments on the proposed restoration scheme for neighbouring land within the existing quarry at Block Fen (see Appendix II of this letter). Many of the recommendations we made in these comments also apply to the wet grassland creation and management methodology in the Scheme for the current application. For example, it will be vital to identify an adequate water supply and delivery system for new wet grassland habitat, ensure appropriate depths of peaty topsoils are restored, use a carefully selected seed mix and plan targeted ongoing management. Given the importance of such considerations for ensuring the habitat creation will be successful, we would recommend any future wet grassland restoration scheme is improved in such respects and is presented as a full plan (as far as possible), rather than outline only.

### **3. Appendix 4 – Report to Assess the Impact of Losing Agricultural Land**

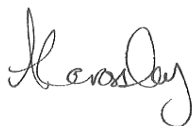
- 3.1 The economic argument presented by the Applicant continues to provide only a partial analysis of relevant economic information to seek to argue that the bulk of the land must be returned to arable farmland, in order to avoid significant detriment to the current farm business. Costs (to the current farm business) of a scenario whereby the land is restored as per the Master Plan are estimated, but there is no consideration of benefits included in the subsequent analysis, most notably of the significant income that would be gained as a result of the minerals and waste development. It is argued that the minerals and waste income and the agricultural operation are separate. There is no rational basis for this argument.
- 3.2 A sound economic case that could arguably form a material planning consideration would need to consider at least a scenario that sees restoration as per the Master Plan vision, but presents the income from the minerals and waste development (even reinvestment options with this income), as well as income from management of grassland. This would allow comparison with a business as usual scenario (i.e. no minerals and waste benefits but continuation of intensive arable agriculture). This would in turn allow a truer test of whether the Master Plan vision is financially unviable to the point of being undeliverable, or whether in truth the overall financial position for individuals is highly likely to be more favourable with development and restoration in accordance with the Master Plan than business as usual.
- 3.3 We also maintain that some appraisal of the wider social environmental impacts/benefits under either scenario would be required to enable a comprehensive and fair consideration of the real costs and benefits.
- 3.4 In the absence of an updated economic analysis that is improved in such respects, we maintain that the economic argument presented to date cannot be considered material to the determination of the planning application and should be disregarded.

### **4. Revised Ecological Impact Assessment**

- 4.1 The RSPB confirms that no information or interpretation of conformity of the presented restoration scheme with relevant Minerals and Waste Core Strategy policies or the Master Plan presented in the revised Ecological Impact Assessment alters our position as set out in our previous objection (see Appendix I of this letter), and reiterated in this letter.

We trust that these comments are of use. The RSPB would be grateful to be kept informed of the progress of the application and to continue to contribute to discussions concerning matters raised in our objection.

Yours sincerely,



Amy Crossley  
**Conservation Officer**  
**RSPB Eastern England Regional Office**



## Appendix I – RSPB objection letter of 6 May 2016

Helen Wass  
Growth & Economy  
Economy, Transport & Environment  
Cambridgeshire County Council  
Box No SH1315  
Shire Hall  
Cambridge  
CB3 0AP

6 May 2016

Dear Ms Wass,

<b>Application No:</b>	<b>F/2001/16/CM</b>
<b>Proposal:</b>	<b>Extraction of sand &amp; 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 &amp; welfare buildings and private access road; and importation of waste for restoration</b>
<b>Location:</b>	<b>Mepal Quarry, Block Fen, Chatteris, CB6 2AY</b>

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

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

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

Our detailed comments are provided below.

### 1. Background

- 1.1 The RSPB's principle concern with the Application arises as the restoration scheme presented is not in line with the restoration plan for this area of the Block Fen / Langwood Fen strategic minerals and waste allocation ('the allocation') that is set by the Master Plan. The Master Plan (and accompanying maps, e.g. map 2.4) clearly identifies the need for this area to be wholly restored to complementary habitat for the adjacent Ouse Washes internationally designated site<sup>1</sup>. This complementary habitat would take the form of a large-scale, contiguous area of traditional cattle-grazed fenland meadowland or 'wet grassland' managed to support species that are interest features of the Ouse

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<sup>1</sup> The Ouse Washes is designated as: a Special Protection Area (SPA) under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, as a Special Area of Conservation under the Habitats Directive (Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna), a Site of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981 and as a Ramsar site under the Ramsar Convention on wetlands of international importance 1971.

Washes designated site, principally breeding waders and waterfowl. Creation of such habitat is a core strategic objective for the Master Plan. However, the presented restoration scheme proposes to restore just 7ha of the 61ha application area to nature conservation habitat, with the remainder going back to its current use as intensive arable agriculture.

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

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

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

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

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

*the creation of around 480 hectares of lowland wet grassland providing enhancement habitat to complement the Ouse Washes, using inert waste and peat soils to create the wet grassland to provide for the long term management of the enhancement habitat adjacent to the Ouse Washes*

*the creation of water storage / supply bodies with capacity of 10 million m3  
to provide for new and enhanced recreational opportunities, including a local visitor centre  
to secure the sustainable use of soils as a resource for the future...”*

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

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

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

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

1.8 Under national and international legislation and policy<sup>2</sup> the Minerals and Waste Planning Authority (M&WPA) must ensure that adverse impacts on designated nature conservation sites and protected species are avoided. It must also seek to fulfil duties<sup>3</sup> to conserve and enhance designated nature conservation sites such as the Ouse Washes SSSI in exercising its functions. The Master Plan describes how these duties will be met through delivering complementary habitat for the Ouse Washes:

- *“The Block Fen / Langwood Fen area will continue to be an important buffer area for the Ouse Washes, with the maintenance of a landscape which has few trees and hedges which could harbour predators”* (section 2.2, 3.20). This consideration was also taken into account through the Appropriate Assessment of the Minerals Plan under The Conservation of Habitats and Species Regulations 2010;
- *“To ensure there is no adverse impact to the Ouse Washes through the extraction, landfill and restoration of the Block Fen / Langwood Fen area, through well planned, designed and controlled working and restoration”* (section 2.2, emphasis added). Restoration to complementary habitat will ensure the extended period of minerals and waste activity adjacent to the Ouse Washes and its effect on this buffer area can be rebalanced, and the protective function of this buffer protected into the future;
- Providing complementary habitat will assist in achieving duties under the Natural Environment and Rural Communities (NERC) Act 2006, with respect to priority species<sup>3</sup>. Black-tailed godwit is a priority species under the NERC Act (section 41). The complementary habitat has the potential to benefit this breeding species, for which Cambridgeshire is the most important county in the UK;
- Delivering the complementary habitat is the primary means through which the M&WPA will meet its duties under the CRoW Act 2000 through the Minerals Plan (as described in 1.1, above);
- Delivering the complementary habitat is in direct accordance with NPPF principles concerning biodiversity. For example, the NPPF guides planning authorities to seek a net gain in biodiversity (para. 109), and to: plan for biodiversity at a landscape-scale, promote the restoration of priority habitats, ecological networks and the recovery of populations of priority species, and take account of potential components of ecological networks in plan making and decision taking (para.s 117, 165). The NPPF also requires protection of biodiversity interests to be commensurate with their status and for appropriate weight to be given to their importance and their contribution to wider ecological networks (para. 113). Given the Ouse Washes is recognised as a core component of the existing ecological network<sup>4</sup>, extending and buffering the Ouse Washes through provision of the complementary habitat is the most appropriate means to enhance the existing network<sup>5</sup>. In contrast, the Applicant’s proposal to create ecological connectivity via a narrow grassland corridor (section 6.1.23) is not capable of achieving such enhancement, and is certainly not commensurate with the status of the neighbouring Ouse Washes internationally designated site.

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

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

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

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

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

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

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

*They will be most appropriately associated with the water storage bodies (for water sports and angling), whereas more informal recreation will be appropriate for the complementary habitat areas, to avoid undue disturbance to its wildlife interests;*

- *The location of the water bodies have been designed to avoid having a large expanse of water too close to the Ouse Washes (which would attract predatory birds such as gulls, which will predate the eggs and chicks of the ground nesting birds that breed on the Ouse Washes)."*

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

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

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

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

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

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

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

### Policy CS35 – Biodiversity

2.3 The Planning Statement emphasises that due to the inclusion of some 7ha of nature conservation habitat in the current restoration scheme, the application can be considered to be in accordance with

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

#### Policies CS1, CS3 and CS38 – Sustainable Use of Soils

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

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

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

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

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

- 2.5 There is a strong body of scientific research and evidence that confirms that arable farming - with intensive drainage and cultivation - can result in comparatively rapid peat wastage (and associated loss of soil carbon<sup>6</sup>). The value of conserving agricultural peatlands for enhancing future food security (for example by using more extensive farming systems such as grazing, so that they could be returned to agricultural production should the need arise in the future) has also been identified through research<sup>7</sup>.

While the Application presents a strategy to minimise impact on soil resources (section 11.3 of the ES), it is clear that the restoration to predominately arable after use would not achieve sustainable use of soils or long term soil conservation, due to this after use actively destroying peat soils. Conversely, the alternative agricultural after use of creating complementary habitat will achieve both of these things,

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

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

(alongside additional benefits). This is therefore a further area of Minerals Plan policy that the Application fails to accord with due to proposing a restoration scheme that departs from the Master Plan.

#### Policy CS22 – Climate Change

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

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

- 2.7 Through promoting restoration to arable agricultural after use, the application fails to comply with the above policy. As noted above, this after use in the Fenland context will actually increase greenhouse gas emissions in comparison to restoration in accordance with the Master Plan. Arable cultivation of peat soils releases soil carbon at significantly greater rates than alternative agricultural or other land uses, such as extensively managed grassland systems<sup>6</sup>.
- 2.8 In summary, the RSPB strongly recommends the application is amended to bring it in line with the Master Plan, in order to achieve conformity with adopted planning policy in these areas and help to realise the significant intended benefits of the Plan.

### **3. Inadequate assessment of alternatives to the presented restoration scheme**

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

### **4. Flawed interpretation of the National Planning Policy Framework**

- 4.1 Sections 4 and 6 of the Planning Statement and Appendix 2 of the Environmental Statement set out the Applicant’s interpretation of how the application and its proposed restoration scheme accords with the National Planning Policy Framework (NPPF). The RSPB believes that the interpretation presented is flawed.
- 4.2 It is argued that the application and restoration scheme achieve sustainable development as defined by the NPPF: *“NPPF paragraph 14 promotes a presumption in favour of proposals for sustainable*



*development and this includes satisfying an economic role, a social role and an environmental role. The proposed development meets all of these roles in a positive way:-*

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

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

- 4.3 However, as described in section 1 of this response, the restoration proposals do not achieve a commensurate contribution to the strategic objectives of the Master Plan, namely through creation of complementary habitat and provision of associated informal recreation opportunities. The Application is therefore flawed in its above claim, as it cannot be considered to achieve an appropriate balance across the economic, environmental and social dimensions of sustainable development as defined by paragraph 7 of the NPPF.
- 4.4 Furthermore, the Application appears to present an interpretation of the NPPF that would suggest that economic considerations of any kind can be considered to be paramount in the NPPF. It appears to use this to argue that the departure from the adopted Master Plan restoration vision is justifiable because restoration to arable is more economically advantageous to the direct beneficiaries of the Application (the Applicant and landowners). For example, the planning statement (sections 4.2.6, 5.4.6, 3.2.1 and others) describes:

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

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

The apparent suggestion is that as the NPPF definition of sustainable development includes an economic dimension, and elsewhere in the Framework emphasis is placed on increasing the speed of planning decisions to help facilitate economic growth, the proposed restoration to arable after use conforms with the NPPF as this is the (assumed) most economically valuable after use for the direct beneficiaries. This would also suggest that restoration according to the Master Plan would not be in accordance with the NPPF as it would not be the most economically advantageous future use of the land for these parties. Such an interpretation is erroneous and provides insufficient justification for presenting a restoration scheme that does not accord with the relevant Minerals Planning policies and Master Plan. As described above, the definition in the NPPF includes three dimensions, incorporating social and environmental dimensions alongside economic. If economic considerations

at all stages of the development process and at all levels were allowed to override the other dimensions, this would achieve development that was sustainable in only one sense, and actually go against the definition set out by the NPPF.

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

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

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

- 4.6 The assertions begin by correctly stating that land prices have increased significantly over the last decade as is supported by industry literature<sup>8</sup> though a ten-fold increase is not supported by any data seen by the RSPB. Savills gives an average 10 year increase of 247% in the East of England while the East’s prime arable land fell by -11.5% in price in the last year<sup>9</sup>. The application goes on to incorrectly state that land price increases have been driven by food prices, land availability has been constricting and that land prices were at the bottom of the range they present when the strategy was created. We would contend that:

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

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

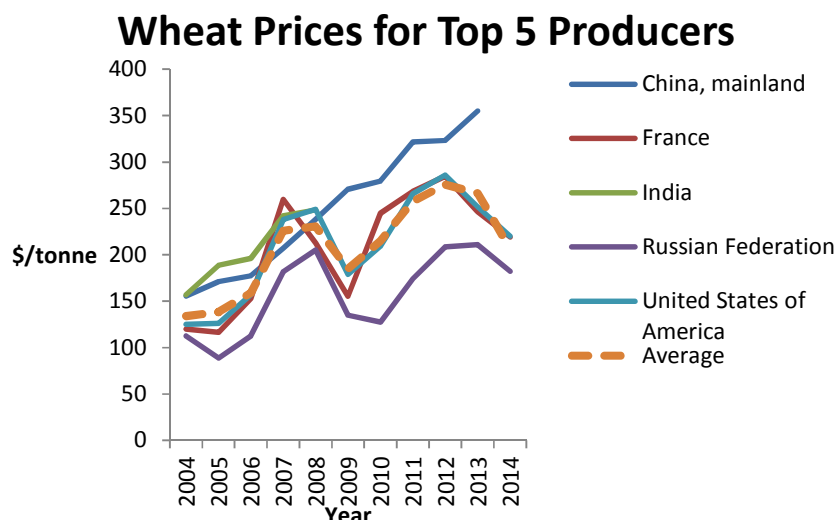
#### Demand for food is not inflating food prices nor land prices

- 4.6.1 In response to land prices increases over the last ten years FAO data shows that average wheat prices (for example) for the top 5 producers only increased by 50% between 2004 and 2014 and

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

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

has been falling in recent years<sup>10</sup>. Figure 3.3.1-1 shows the prices for the 5 largest wheat producers over the last decade.



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

- 4.6.2 Furthermore there is good reason to believe that even this increase in commodity prices is driven not by demand but by global cost increases. In 2004 UK average milling wheat prices were £80/tonne<sup>11</sup>, in 2015 they were quoted at £152/tonne<sup>12</sup>; but the gross margin per tonne was £600 in 2004<sup>11</sup> and rose to only £626/tonne in 2015<sup>12</sup>. Sugar Beet prices have fallen from £33 per clean tonne in 2004 to £29.51 in 2015 with gross margins dropping from £1195/ha to £801/ha<sup>11,12</sup>. Maincrop potato income has risen from £1225/ha to £2334/ha between 2004 and 2015 due to price and average yield increases<sup>11,12</sup>. However, rather than escalating since the inception of the Masterplan the gross margin on maincrop potatoes has fallen from £3461/ha in 2011<sup>13</sup> a fall of over £1,000/ha in a very short time. Yields have remained stable but prices fell from £150 to £130/tonne and input costs rose<sup>12,13</sup>.
- 4.6.3 Commodity price signals are not commensurate with land price changes. As such demand can not be considered to be creating an overwhelming demand for productive farmland in the UK. Long term price signals responding to underlying cost increases globally which are likely driven in many cases by oil prices. For instance fertiliser costs for wheat per hectare of farmland were around £82.50 in 2004<sup>11</sup> rising to £207 in 2015<sup>12</sup>. Given that modern fertilisers are derived from oil and that oil prices rose from \$38 to \$86 per barrel<sup>14</sup> it is likely that this is the real short term driver of global food commodity prices rather than demand for production.
- 4.6.4 In 2015 Farmers represented 43% of all agricultural land buyers, which was the lowest proportion of the market since 2003. Conversely farmers were the highest proportion of sellers in seven years<sup>15</sup>. There are a range of ideas regarding what might be driving UK land prices. Amongst these are asset price investment and the shadow price of development but demand for maintenance of productive land is not a primary and likely not even a secondary driver of recent significant rises.

<sup>10</sup> <http://faostat3.fao.org/home/E>

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

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

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

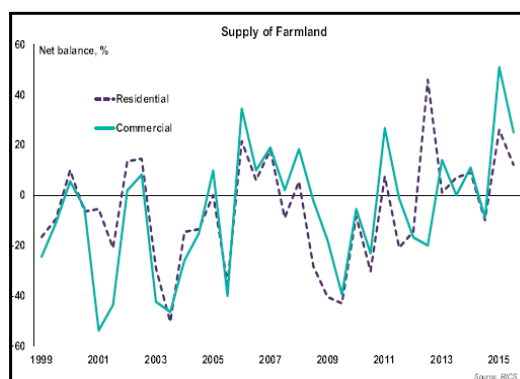
<sup>14</sup> [http://inflationdata.com/Inflation/Inflation\\_Rate/Historical\\_Oil\\_Prices\\_Table.asp](http://inflationdata.com/Inflation/Inflation_Rate/Historical_Oil_Prices_Table.asp)

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

This would undermine the assertion that there is a pressing need to keep every hectare of farmed land in the UK in production.

#### Land Availability is in nature erratic but the trend is increasing

4.6.5 Figure 3.4.2 -1 is taken from RICS<sup>16</sup> and shows the trend for the last decade has been, rather than a contraction, an increase in supply of land. It is also worth noting how variable land availability is. A shortage of available land in one year does not indicate that land sales will be low in a year and certainly not in 10 years time. In 2015 there was a 24% increase in purchases over 2014 with the largest increase in the East of England<sup>15</sup>. The landowner would be in a strong position to wait until suitable land became available and there is no reason to believe that it would not according to land agent literature. It is worth noting the opinions of land agents in the East of England who suggest it is currently a buyers market<sup>15</sup>.



**Figure 3.4.2 -1: Supply of farmland (source RICS<sup>9</sup>)**

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

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

4.6.7 The poorer outlook for farm investment is born out in the increases in debt driven sales. Despite historically low interest rates in the UK debt drove nearly 20% of all sales the highest in well over a decade<sup>11</sup> and in addition prices are dropping. It is hard to be certain what is driving recent land price signals. Prices and sales may indicate that the market is reacting to the poorer returns to capital in recent years.

4.6.8 The debate here is over uncertain and complex short term changes in market conditions which can change rapidly. We would argue that nothing has changed to support a shift towards more intensive farming in the area and in fact price signals are in the opposite direction. Note the drop in income from maincrop potatoes. Even if the assertions in the application regarding recent market conditions were salient overturning carefully developed strategies due to short term prices signals

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

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

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

would be unsustainable. Sustainable land use strategy requires a long term vision for 50, 100 or 500 years and not 5 years. A short term market led approach would lead to expensive mistakes and constant policy changes.

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

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

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

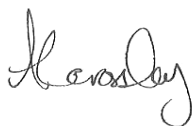
- 4.8 To summarise, all arguments made by the Applicant that seek to suggest that resumption of arable use must be permitted in order to be consistent with national planning policy (despite not being in accordance with the adopted Minerals Plan), cannot be considered material to the determination of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

## 5. Conclusions

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

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

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Amy Crossley'.

Amy Crossley  
**Conservation Officer**  
**RSPB Eastern England Regional Office**

## Appendix II – RSPB comments on revised restoration scheme for Mepal Quarry

Helen Wass  
Economy, Transport & Environment  
Cambridgeshire County Council  
Box No SH1315  
Shire Hall  
Cambridge  
CB3 0AP

24 March 2017

Dear Ms Wass,

**Application No:** F/0217/08/CM and E/03008/08/CM  
**Proposal:** Application for approval of details reserved by condition. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990. Detailed Restoration and Outline Aftercare Scheme, SLR Ref: 403-0275-00148  
February 2017  
**Location:** Mepal Quarry, Block Fen, Chatteris, CB6 2AY

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Thank you for consulting the RSPB on the above. I am pleased to provide comments, as follows.

### 1. Background

We understand that the revised Detailed Restoration and Outline Aftercare Scheme has been submitted in order to fulfil conditions 23 and 24 of the above permissions, and also requirements of Schedule 4 of a related Section 106 agreement between Mr P.E. Sole, Mr A. I. Sole, Cambridgeshire Aggregates Ltd, Mick George Ltd, Aggregates Industries Ltd, Barclays Bank PLC and Cambridgeshire County Council. These require submission of a detailed restoration and aftercare scheme and implementation of this scheme in full by 31 December 2019.

The RSPB provided recommendations on an earlier version of the scheme, to ensure it can benefit from our expertise in restoring traditional cattle grazed wet grassland capable of benefiting the target species of the adopted [Block Fen/Langwood Fen Master Plan SPD](#). This took the form of a meeting and also written recommendations in 2015.

### 2. The RSPB's comments on the revised scheme

As the first of numerous restoration schemes that will be coming forward in the Master Plan area, the current scheme should arguably set the standard. As such, we have been happy to dedicate time to provide detailed input into the finalising of the scheme and provided guidance as to areas that should be worked up in more depth, and sources of information to assist in this. This would provide the clearest possible guidance on which to base information for the purpose of e.g. appointing contractors for the physical works. Unfortunately, there appears to have been some confusion as it is apparent that rather than being acted upon and so worked up in detail within a revised scheme, many of our recommendations have simply been inserted into the latest version, verbatim. While it is welcome that some of our recommendations have been acted on (for example, increasing water storage capacity via two reservoirs), it is concerning that the scheme remains largely in outline only, with uncertainty as to whether some important aspects will be

possible to achieve. We therefore strongly recommend that the below outstanding areas are addressed, before the scheme can be considered final.

The RSPB would be happy to offer our further assistance to finalise the scheme, in order to ensure a sound amount of detail is incorporated concerning key considerations for delivering habitat capable of supporting viable breeding populations of the Master Plan target species, and producing a scheme that can set standards for future such restoration schemes to create coherent complementary habitat to the internationally important Ouse Washes.

### Outstanding detail

#### *Water control*

The question of how water can be carefully controlled for the wet grassland has not yet been sufficiently addressed in the scheme. Particularly, how water will reach the grassland from the reservoir via the feeder ditches indicated and specifically how excess water could be removed from site. Avoiding inundation is a critical consideration as this could cause loss or reduction of soil invertebrate populations (that are the food source of the target species for the habitat). The scheme also now indicates below ground level reservoirs. Therefore a pump will be required to lift water from the reservoir when the feeder ditches need to be charged, but it is not yet clear whether this will be provided.

#### *Soils*

It is of significant concern that the scheme now reports a loss of a substantial amount of peat topsoils compared to previous predictions. It is not clear how it has been ascertained but it appears only 40cm depth will be available across the whole area rather than up to 60cm. A 40cm depth of soil was the minimum we advised for providing good conditions for breeding waders in our 2015 recommendations. This was in part in the interests of making the site as optimal as it can be, to try and overcome limiting factors such as its relatively small scale and presence of a stable non-reactive hazardous waste (SNRHW) domed landform. (These are factors that will reduce the site's attractiveness to the target species, whereas good depths of peaty soils will substantially improve its function for them.)

This shallower depth of peaty soils also affects the c.36ha of land to the east that will be returned to arable in the immediate term (but with potential for wet grassland creation). Under intensive arable use this topsoil could waste away at a rate of c.1cm p/year. Hence, this minimum will be eroding immediately from the point the land is returned to intensive arable agriculture, as will the value of this land for the master plan target species. Adding further land to the currently proposed 51ha of wet grassland habitat area is also important to further ensure its success in supporting viable populations of the target species. (Larger, continuous, areas are preferentially selected by the target species and enable larger, more predator-vigilant populations to be supported.) We therefore strongly recommend that actions to help address such constraints on the attractiveness and function of the proposed wet grassland area for the target species are identified, described in the scheme, and implemented by the relevant parties.

Following experience from the trial/pilot area<sup>19</sup>, where soil compaction occurred, and as restoration has already commenced at the site, it will be important to assess whether any remedial action is needed to address issues (such as compaction) for the whole restoration site. Criteria for establishing suitability of soils for the specific purpose of creating habitat for the Master Plan target species are set out in a report<sup>20</sup>, which was previously provided to the

<sup>19</sup> Situated in the north eastern corner of the restoration area, as shown in Figure 3/'Wet Grassland Phasing Plan', appended to the revised scheme (described as 'Pilot Project').

<sup>20</sup> Ausden, M., Hirons, G. *et al* (2010) A Review of the performance of the Ouse Washes Pilot Project at Manea, Cambridgeshire. Unpublished report.



scheme's authors. The final scheme should therefore set out a) how soils will be assessed against these criteria and b) necessary remedial action if the soils are found not to meet the criteria. Such assessment and action should be carried out as part of site restoration.

Given the apparent situation regarding the inadequate depth of peat/peaty topsoils available, there should be a commitment to avoiding the use of peat topsoils for the restoration of the stable non-reactive hazardous waste (SNRHW) area. This would enable the more valuable topsoils to be used where they are most needed (i.e. to increase depth of peat topsoils across the wet grassland areas). Options for alternative sources of topsoil for the SNRHW dome and an updated restoration methodology specifically for this area would be appropriate to include in the scheme.

#### *Protecting against predators*

It remains unclear whether the operator would be willing to provide a predator fence. This would be the most effective means to ensure populations of the target species are not reduced or lost altogether due to predation, particularly with a relatively small site such as this. We recommend that the outline scheme specifies the predator fence and that it is provided as part of the restoration, in advance of conservation management commencing. We would be happy to help by providing details of a suitable specification for a predator fence.

#### *Aftercare and future management*

Our previous recommendations highlighted the need for the restoration aftercare scheme to provide as much detail on management as possible. Aftercare and ongoing future management will be critical to ensuring the restored site functions for the target species. This recommendation has not been taken up however. Therefore in addition to the pilot project report already provided<sup>2</sup>, we would be happy to provide an example management plan to potentially use as a template for this section of the scheme.

#### *Additional details*

We remain of the view that our recommendation concerning the small parcel of land to the west of SNRHW dome would benefit from the addition of shallow 'scrapes' (i.e. landforming to create shallow pools around 30cm in depth). This would ensure this land could have some value for the target species (as a feeding area as the pools will provide habitat for aquatic invertebrates). This is given that its value as nesting habitat has been nullified by its small scale and the presence of the SNRHW dome.

Section 2.1 of the revised scheme describes that the objective for the SNRHW domed area would be to restore to flowering meadow grassland. However, elsewhere in the plan this is still described as 'to be managed as dry agricultural grassland'. Such instances should be amended to ensure consistent reference throughout. Details for restoration to flowering meadow should also be included.

We respectfully suggest a site visit with the Applicant and/or authors of the latest version of the scheme, with our senior ecologist/s in attendance, would be the best means to enable us to provide more detailed advice on how to address the above areas.

I trust these comments are of use. Please do not hesitate to contact me directly should any further information or clarification be required.

Yours sincerely,



Amy Crossley  
**Conservation Officer**  
**RSPB Eastern England Regional Office**

## Wass Helen

---

**From:** Crossley, Amy <Amy.Crossley@rspb.org.uk>  
**Sent:** 04 August 2017 16:38  
**To:** Wass Helen; 'Nuttall, Janet (NE)'; 'Martin Baker'  
**Subject:** RE: Proposed extension of Mepal Quarry - Aggregate Industries

Hello Helen,

We have the following comments on the letter from AI in relation to recent consultation responses for the application F/2001/16/CM. Thank you for providing the opportunity to comment on this.

The letter suggests that the revised restoration scheme was submitted in response to comments at a meeting on 18<sup>th</sup> January and describes that at this meeting: *"It was made very clear during this meeting by the RSPB that there was no compromise regarding the restoration concept and that the success of the SPD required the application area to be restored to wet grassland anything less than proposed in the policy document would see the aims of the SPD fail"*. However, rather than stating a lack of preparedness to compromise over the restoration concept, the RSPB provided a detailed explanation of the points set out in relevant objections to the application as to why the revised restoration scheme could not create wet grassland habitat capable of supporting Ouse Washes species (i.e. complementary habitat), as required by the Master Plan SPD. The aim of providing this verbal explanation in addition to that set out in our objection letter was to try to remove any misunderstanding over the ecological principles involved in creating complementary habitat to the Ouse Washes, and explain why fragmenting, downscaling or shifting intended locations for the complementary habitat would severely limit its potential for supporting Ouse Washes species, and hence cause a failure to achieve this positive aim of the SPD. Natural England added to this explanation for the benefit of the applicant.

The letter explains the origin of some aspects of the revised restoration proposal, namely the Campaign for the Farmed Environment booklet "Conservation Management on an Arable Farm". This is intended to provide advice to farmers and landowners/managers to make best use of Defra funded Countryside Stewardship schemes (which could not be used to fund any measures provided at the land post restoration due to funding restrictions under the current scheme), or carry out such measures voluntarily. Notwithstanding the fact that the revised restoration scheme is not in line with the Master Plan SPD or relevant core strategy policies, the revised restoration scheme is a very modest scheme compared to those typically brought forward after significant minerals and waste activity, where social and environmental benefits are expected by local and national policy. It also does not follow the principles of the Conservation Management on an Arable Farm guidance and would not achieve notable benefits for populations of farmland wildlife of conservation concern as this guidance intends.

With respect to the statement that adjacent mineral working in the Block Fen is to agriculture, it is relevant to note that the consents which relate to the existing quarries were issued before the Master Plan was formally adopted. The Master Plan has now been adopted and should be accorded with in order to gain permission to profit from sand, gravel and waste development and ensure long term benefits for community recreation, the environment and wildlife. It is also relevant that livestock management on damp grassland is a commercially viable form of agriculture and as the plan concludes a more appropriate afteruse in terms of delivering public benefit following extraction, fill and restoration in this location. The RSPB extended an offer to the applicant and landowner to discuss these considerations further but this was unfortunately refused.

The letter describes that the landowner stated his concerns over the wet grassland restoration scheme during the plan preparation period. However, no documented registering of concern that would have led to the Plan being found to be undeliverable and therefore unsound by the Inspector who examined the Core Strategy and Master Plan SPD have been provided. Similarly no further economic or technical information has been presented to clarify why economic and political changes since the adoption of the Core Strategy and Master Plan in 2011 are such that a restoration scheme contrary to the adopted Core Strategy and Master Plan are now justified. Our comments on these areas as set out in our objection letter therefore still stand.

It is welcome that the Applicant has sympathy for the status of the Ouse Washes Special Protection Area, SSSI and Ramsar site. The RSPB would recommend that the Applicant should also be mindful of the existence of duties under relevant legislation, as detailed in our objection letter, that require the Council to have regard to the need to further and enhance the features of designated nature conservation sites such as the Ouse Washes. There are limited ways in which to achieve this in the entire plan area. Indeed, for certain species that are features of the Ouse Washes, such as black-tailed godwit, this is the only opportunity for a minerals and waste authority to benefit this priority species in the UK. This nationally significant context is set out in the Master Plan. The opportunity is therefore unique. Should permission be granted to the application and its associated revised restoration scheme as presented, the precedent set risks seeing the substitution of the carefully planned Master Plan vision, which seeks to deliver a wide spectrum of public benefits, with a series of at best modest restoration schemes that should arguably be common place in arable farmland that is managed sympathetically for wildlife and the environment. Far from complementing the existing local landscape and the unique biodiversity opportunity afforded by its location adjacent to the Ouse Washes, this could be viewed as 'short changing' Cambridgeshire and even communities further afield, both immediately and even for generations to come as valuable peat soils are wasted under intensive arable cultivation.

We continue to disagree that the application accords with policy CS5 (which requires Block Fen to be worked in accordance with the Block Fen / Langwood Fen Master Plan). Policy CS35 is the general policy for the Minerals and Waste Plan area on biodiversity and geodiversity. The application is being brought forward within the Block Fen allocation that has its own policies and SPD, which are clearly of greater relevance. CS38 is the general policy on Sustainable Use of Soils. For the reasons set out in our objection letter, we continue to disagree that the application, with its revised restoration proposal, accords with this policy. CS38 requires minerals and waste development that "...incorporates proposals for the sustainable use of soils" and "the proposed restoration can be shown to positively contribute to the long term conservation of soils". As the revised restoration will actively destroy peat soils, rather than slow the loss or protect and enhance them, it directly contravenes this policy.

The view that the long term profitability of the land should be considered to have no relationship to the profits to be gained from minerals and waste development from that same land is subjective and does not address any of the points made in our objection letter on this area. These therefore remain. Given that economic argument is central to the justification presented in the application documents for departing from the adopted policies, Master Plan SPD and as outlined in our objection arguably also national planning policy, it is concerning this issue remains unaddressed.

In response to the uncertainty expressed in the letter over whether there is work being undertaken in the Ouse Washes to improve its favourability, we would point out that the status of the Ouse Washes SPA and measures to recover its unfavourable status are detailed in the Master Plan (e.g. section 5). Likewise the question of how the restoration and future management of wet grassland will be managed as part of the planning process (e.g. section 2).

I hope these comments are of use.

We would be grateful to be kept informed of the progression of this application.

Best wishes

Amy

**Amy Crossley**  
Conservation Officer

**Eastern England Regional Office**  
Stalham House, 65 Thorpe Road, Norwich, Norfolk, NR1 1UD  
**Tel:** 01603 697512 / 07702960894

[rspb.org.uk](http://rspb.org.uk)

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

The vision for Block Fen / Langwood Fen is:

- to undertake development in a planned and sustainable way, ensuring there is no adverse impact on the integrity of the Ouse Washes. This will take into account the need to address climate change by incorporating into the proposals for this area such measures as recycling of waste to encourage the use secondary materials, water storage and transfer to address nature conservation, sustainable flood risk management, and water supply issues across the wider area. It will also include the creation of new habitat which will enhance the Ouse Washes and will assist in conserving for the long term high quality peat soils; as well as active traffic management designed to influence lorry and other traffic movements to use appropriate routes
- a continuation in the role of the area as a major producer of sand and gravel, to 2026 and beyond, the sand and gravel, being used largely to supply the construction industry in the delivery of planned growth i.e. houses, employment, schools, roads, and other supporting infrastructure in the Cambridge, and wider Cambridgeshire area. The focus for this development would be the Block Fen / Langwood Fen area, with operations at Earith and Somersham closing when reserves under current consents are worked.
- the development of Block Fen and Langwood Fen as a strategic resource for the recycling of construction waste and for the disposal of inert waste that cannot be recycled, the latter largely comprising soils and sub soils arising from the planned developments in Cambridgeshire
- an area with its close links to the neighbouring internationally important Ouse Washes being positively strengthened over the Plan period and beyond. Due to inappropriate water levels and water quality issues the Ouse Washes is currently in 'unfavourable' condition. The restoration of mineral void to high quality wet grassland adjacent to the Washes will provide enhancement habitat for the nationally and internationally important breeding and wintering bird populations currently using the Washes. Potentially this will be of particular value for breeding waders whose habitat might be flooded in the spring, and for some species of wintering duck who find water levels too deep and flooding too extensive, for feeding purposes. This will be achieved by the disposal of inert waste in containment engineered cells with soils replaced to bring land back to original levels and the sustainable use of peat soils to create lowland wet grassland. The new habitat will require active management in the long term, and this will be secured through planning obligations with the land being placed under the control of a suitably experienced and responsible conservation body. The Block Fen / Langwood Fen area will continue to be an important buffer area for the Ouse Washes, with the maintenance of a landscape which has few trees and hedges which could harbour predators

- an area which will make a growing contribution to the management of water in the Fenland area and which has a key role to play in the delivery of the Environment Agency's Cranbrook / Counter Drain Strategy, which seeks to secure sustainable flood risk management in this area. This will be achieved through the creation of a number of water storage bodies following mineral extraction. These water storage bodies will be used to store flood water which would normally be pumped into the Ouse Washes. The water will be stored and used to supply the Middle Level and Sutton and Mepal Internal Drainage Board area with irrigation water, providing a significant water resource to farmers in a catchment area where there is a shortfall of water for summer irrigation of crops
- an area which will become an important recreational resource for this and a wider area, with the new water bodies contributing to formal recreation provision, with informal recreation opportunities associated with the new lowland wet grassland habitat, and supported by a local visitor centre. Coupled with the following objective, this will increase access to the countryside, tourism and supplement the local economy
- an area with improved local navigation, specifically in relation to the Forty Foot where the provision of a clay wall will result in reduced water seepage out of the drain. Potential for restoration of enhanced navigation in this area will contribute to wider objectives such as those in the Fenland Waterways Link strategy

The objectives for Block Fen / Langwood Fen are:

- to enable the supply of 1.4 million tonnes of sand and gravel per annum from Block Fen / Langwood Fen from 2010 onwards to 2026 and beyond.
- to establish at least 3 long term construction waste recycling facilities, capable of recycling up to 50%, increasing up to 70%, of construction waste by 2026.
- to enable inert waste disposal of around 0.5 million cubic metres of inert waste from 2011 onwards to 2026 and beyond.
- to ensure there is no adverse impact to the Ouse Washes through the extraction, landfill and restoration of the Block Fen / Langwood Fen area, through well planned, designed and controlled working and restoration.
- the creation of around 480 hectares of lowland wet grassland providing enhancement habitat to complement the Ouse Washes, using inert waste and peat soils to create the wet grassland.
- to provide for the long term management of the enhancement habitat adjacent to the Ouse Washes.
- the creation of water storage / supply bodies with capacity of 10 million m<sup>3</sup>.

- to provide for the long term management of the water resource created.
- to provide for new and enhanced recreational opportunities including a local visitorcentre
- to secure, through the creation of lowland wet grassland and the disposal of inertwaste, the 'sealing' with clay of the southern boundary of the Forty Foot, enablingthe restoration of navigation
- to secure the sustainable use of soils as a resource for the future
- to address traffic management in the area i.e. movements associated with the useof land for mineral extraction and waste management, and long term uses suchas recreation

### **Block Fen / Langwood Fen Master Plan Supplementary Planning Document (July 2011)**

The vision for Block Fen / Langwood Fen area is:

- to undertake development in a planned and sustainable way, ensuring there is no adverse impact on the integrity of the Ouse Washes, taking into accountthe need to address climate change by incorporating into the proposals for this area such measures as recycling of waste to encourage the usesecondary materials, water storage and transfer to address nature conservation, sustainable flood risk management, and water supply issues across the wider area, including the creation of new habitat which willenhance the Ouse Washes and will assist in conserving for the long term high quality peat soils, and active traffic management designed to influence lorry and other traffic movements to use appropriate routes
- a continuation in the role of the area as a major producer of sand and gravel, to 2026 and beyond. The sand and gravel being used largely to supply the construction industry in the delivery of planned growth i.e. houses, employment, schools, roads, and other supporting infrastructure in the Cambridge, and wider Cambridgeshire area. The focus for this development would be the Block Fen / Langwood Fen area, with operations at Earith and Somersham closing when current consents are worked
- the development of Block Fen and Langwood Fen as a strategic resource for the recycling of construction waste and for the disposal of inert waste that cannot be recycled. The latter largely comprising soils and sub soils arising from the planned development in Cambridgeshire
- an area with its close links to the neighbouring internationally important Ouse Washes being positively strengthened over the Plan period and beyond. Due to inappropriate water levels and water quality issues the Ouse Washes is currently in 'unfavourable' condition. The restoration of mineral void to high quality wet grassland adjacent to the Washes will provide enhancement

habitat for the nationally and internationally important breeding and wintering bird populations currently using the Washes. Potentially this will be of particular value for breeding waders whose habitat might be flooded in the spring, and for some species of wintering duck who find water levels too deep, and flooding too extensive, for feeding purposes. This will be achieved by the disposal of inert waste in containment engineering with soils replaced to bring land back to original levels, and the sustainable use of peat soils to create lowland wet grassland. The new habitat will require active management in the long term, and this will be secured through planning obligations with the land being placed under the control of a suitably experienced and responsible conservation body. The Block Fen / Langwood Fen area will continue to be an important buffer area for the Ouse Washes, with the maintenance of a landscape which has few trees and hedges which could harbour predators

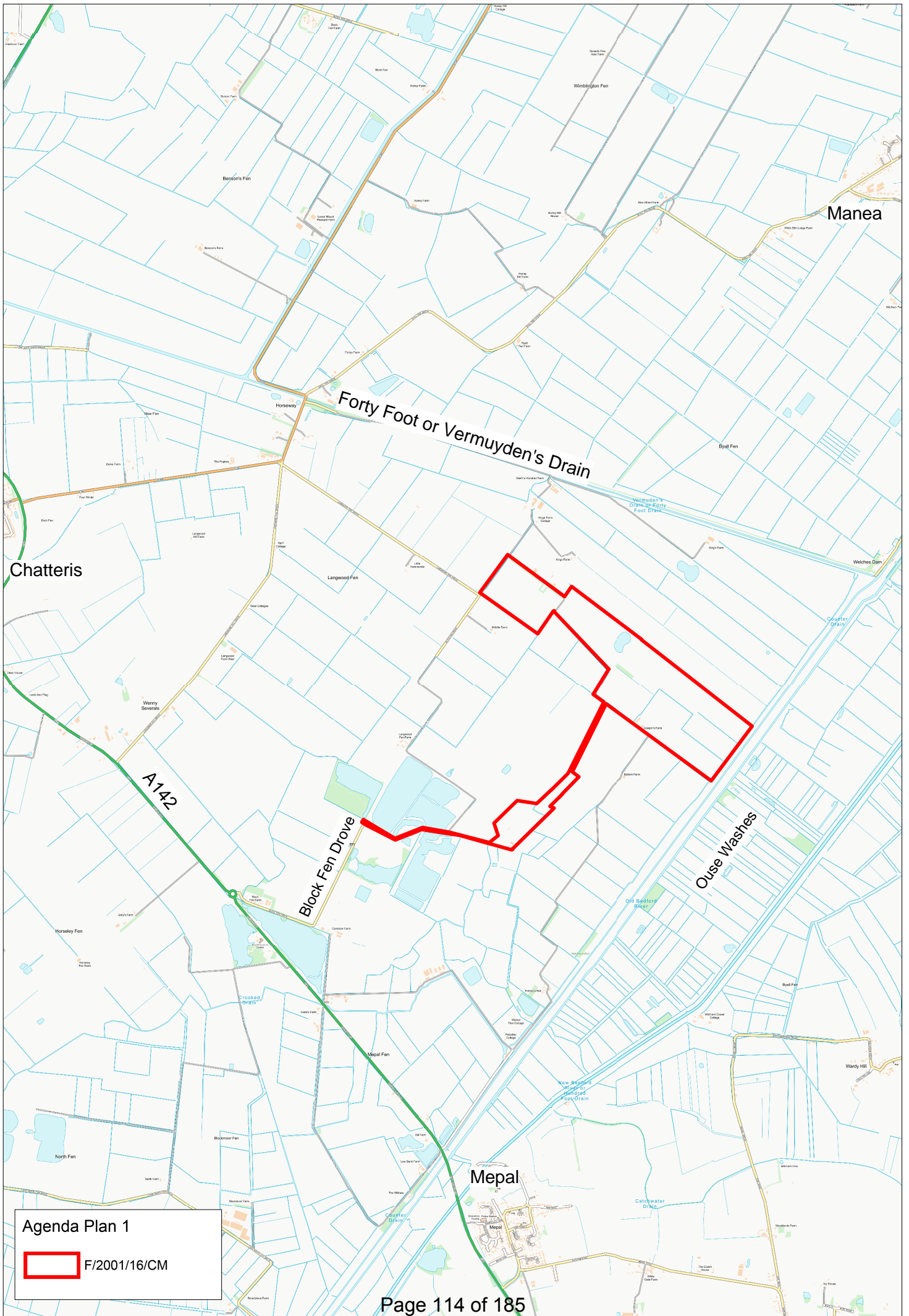
- an area which will make a growing contribution to the management of water in the Fenland area and which has a key role to play in the delivery of the Environment Agency's Cranbrook / Counter Drain Strategy, which seeks to secure sustainable flood risk management in this area. This will be achieved through the creation of a number of water storage bodies following mineral extraction. These water storage bodies will be used to store flood water, which would normally be pumped into the Ouse Washes. The water will be stored and used to supply the Middle Level and Sutton and Mepal Internal Drainage Board area with irrigation water, providing a significant water resource to farmers in a catchment area where there is a shortfall of water for summer irrigation of crops
- an area which will become an important recreational resource for this and a wider area, with the new water bodies contributing to formal recreation provision, with informal recreation opportunities associated with the new lowland wet grassland habitat, supported by a local visitor centre. Coupled with the following objective, this will increase access to the countryside, tourism and supplement the local economy
- an area with improved local navigation, specifically in relation to the Forty Foot here the provision of a clay wall will result in reduced water seepage out of the drain. Potential for restoration of enhanced navigation in this area will contribute to wider objectives such as those in the Fenland Waterways Link strategy

The objectives for Block Fen / Langwood Fen area are:

- to enable the supply of at least 1.4 million tonnes of sand and gravel per annum from Block Fen / Langwood Fen from 2010 onwards to 2026 and beyond
- to establish at least 3 long term construction waste recycling facilities, capable of recycling up to 50%, increasing up to 70%, of construction waste by 2026
- to enable inert waste disposal of around 0.5 million cubic metres of inert waste from 2011 onwards to 2026 and beyond



- to ensure there is no adverse impact to the Ouse Washes through the extraction, landfill and restoration of the Block Fen / Langwood Fen area, through well planned, designed and controlled working and restoration
- the creation of around 480 hectares of lowland wet grassland providing enhancement habitat to complement the Ouse Washes, using inert waste and peat soils to create the wet grassland
- to provide for the long term management of the enhancement habitat adjacent to the Ouse Washes
- the creation of water storage / supply bodies with capacity of 10 million m<sup>3</sup>
- to set out a mechanism for the long term management of the water resource created
- to provide for new and enhanced recreational opportunities, including a local visitor centre
- to secure, through the creation of lowland wet grassland and the disposal of inert waste, the 'sealing' with clay of the southern boundary of the Forty Foot, enabling the restoration of navigation
- to secure the sustainable use of soils as a resource for the future
- to address traffic management in the area i.e. movements associated with the use of land for mineral extraction and waste management, and long term uses such as recreation

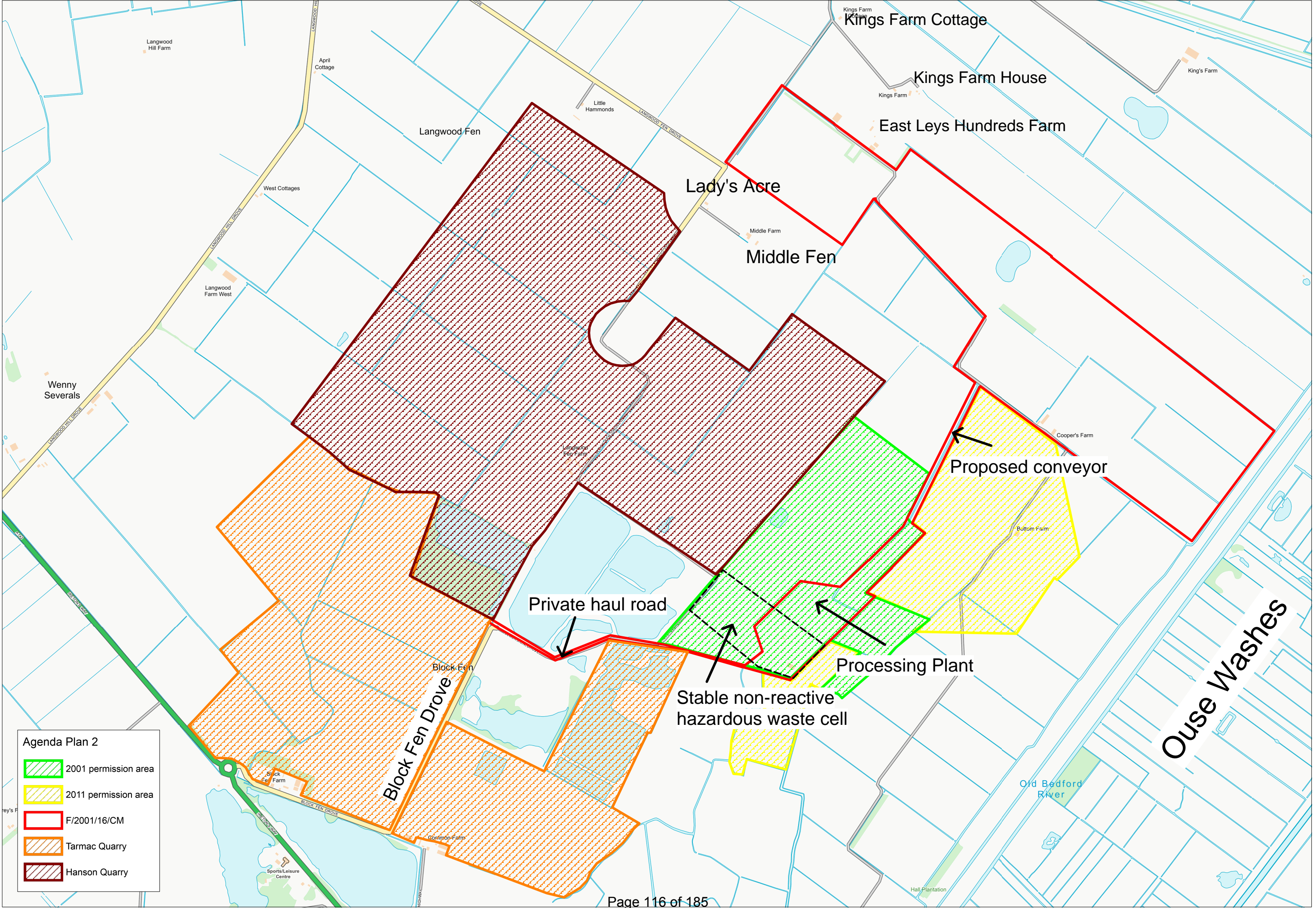


Agenda Plan 1



F/2001/16/CM







**ERECTION OF TWO TEMPORARY MOBILE CLASSROOMS FOR A TEMPORARY PERIOD OF FIVE YEARS UNTIL 31 AUGUST 2022 AND ASSOCIATED WORKS INCLUDING RELOCATION OF EXISTING SHED**

**AT: Spring Common Academy American Lane Huntingdon PE29 1TQ**

**LPA REF: H/5013/17/CC**

**FOR: Cambridgeshire County Council**

*To:* **Planning Committee**

*Date:* **7 September 2017**

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

*Electoral division(s):* **Huntingdon West**

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

*Recommendation:* **That planning permission be granted subject to conditions recommended in paragraph 9.1 below**

<b><i>Officer contact:</i></b>	
Name:	Jane Stanley
Post:	Principal Planning Officer
Email:	<a href="mailto:Jane.Stanley@cambridgeshire.gov.uk">Jane.Stanley@cambridgeshire.gov.uk</a>
Tel:	01223 743812



## **1.0 SITE AND SURROUNDINGS**

- 1.1 Spring Common Special Educational Needs Academy is located within an area that is predominantly residential, known as the Oxmoor estate, on the outskirts of Huntingdon approximately 1 kilometre to the northeast of the town centre. American Lane runs along the south eastern boundary of the academy site and Californian Road runs alongside the north eastern boundary of the academy site, with the residential properties of sections of Aspen Green, Bevan Close and Coxons Close bordering on the north western and south western boundaries of the academy site respectively. Pedestrian and vehicular access to the academy is gained from American Lane which is a residential through road between Butts Grove Way/California Road and the B1514 Nursery Road (Huntingdon Ring Road).
- 1.2 The application site includes a strip of land which stretches from California Road, where it adjoins the north eastern boundary of the academy site and California Road towards the south west of the academy site. It extends as far as to the rear of an adjacent residential property, number 25 Bevan Close, with the rear gardens of numbers 25 to 29 Bevan Close also backing onto the site. Some of these properties are separated by a pedestrian private rear access, which serves the residential properties. The application site includes an area of playing field, existing hard play areas and equipment, the edge of a wooded area that is used for nature studies, outdoor gym equipment, an existing horticultural growing polytunnel and a small existing shed. It runs along the rear (and to the northwest) of the existing academy buildings. It includes land to enable construction of vehicle access from California Road and the siting of the proposed two mobile classrooms. The first (to provide Key Stage 4 places i.e. ages 14 to 16) is proposed to be located to the south west of California Road and the second towards the south western end of the application site (to provide Key Stage 1 places i.e. ages 5 to 7) to the south and south east of Bevan Close.

The size of the application site is 0.4 hectares and is situated in Flood Zone 1. The overall academy site is approximately 2.4 hectares in size. Additionally, to the north east of the academy site is the Butts Grove Centre on Butts Grove Way, which provides community support services and has an unrestricted carpark, which is to the southeast of the Trinity Free Church. The Butts Grove Centre carpark is approximately 5 minutes' walk from Spring Common Academy and its car park is owned by Huntingdonshire District Council.

## **2.0 THE PROPOSAL**

- 2.1 It is proposed to provide two 7 bay mobile classroom units for a temporary period until 31 August 2022, at Spring Common Academy, which is a special educational needs school. The two mobile classroom units are proposed to provide a total of 20 additional pupil places in

relation to Key Stages 1 and 4, which would extend existing capacity of the academy from 175 pupil places to 195 pupil places. Both mobile classroom units are approximately 21 metres by 8.4 metres, which would provide an increase of total gross new internal floor space of 365 square metres. It is proposed that numbers of staff would increase in total from 106 to 112 with three of those being full time and three part time. The application also includes the relocation of a small existing shed, new internal footpath links, surfacing and the relocation of existing outdoor gym equipment and the removal of a limited existing area of concrete and proposed minor landscaping works. It is also proposed to relocate an existing poly tunnel and erect gates and fencing, which do not form part of this application and rely upon permitted development rights that are available to the County Council.

### **3.0 PLANNING HISTORY**

- 3.1 The Academy has an extensive planning history including the following most recent permissions:

15/00491/FUL	Erection of new Key Stage 3 Classroom and Entrance Lobby. Granted planning permission by Huntingdonshire District Council 19 May 2015.
13/00193/FUL	Additional classroom and facilities. Granted planning permission by Huntingdonshire District Council 17 April 2013.
1200523ADV	Erection of 6m high flagpole for display of flags Granted Advertisement Consent by Huntingdonshire District Council 10 May 2012
09/01007/FUL	Erection of single storey storage building adjacent to sports hall. Granted planning permission by Huntingdonshire District Council 24 September 2009.
09/00917/FUL	Extension and alterations to academy pool building to provide new reception area, changing facilities, toilets, office and medical room. Granted planning permission by Huntingdonshire District Council 9 September 2009.
H/5019/08/CC	Extension to teaching block granted planning permission (under regulation 3) 18 November 2008.
H/1454/01/CC	Temporary siting of mobile classrooms with two storage containers granted planning permission (under regulation 3) 17 September 2001. Two of the mobile classroom units expired 31 December 2001 and three expired 31 August 2002.

### **4.0 Planning Policy and Guidance.**

- 4.1 The National Planning Policy Framework (NPPF), sets out the Government's planning policies and how local planning authorities are expected to apply them. The NPPF is a material consideration in determining planning applications. It promotes the central government



objective of sustainable development. The advice in paragraph 12 is that development that accords with the local plan should be approved “unless other material considerations indicate otherwise” in line with the statutory requirements of the Town and Country Planning Act 1990 (as amended). The following paragraphs within the NPPF are also considered to be relevant to this application:

- **Paragraph 14** urges a presumption in favour of sustainable development where an adopted local plan is in place.
- **Section 4** including paragraphs 29 and 30 and Paragraph 38 promotes sustainable modes of transport and states that key facilities such as primary schools and local shops should be located within easy walking distance of residential properties.
- **Paragraphs 57 and 58** recognise the importance of planning positively and that local and neighbourhood plan policies seek high quality and inclusive designs to ensure that all development will function well, create places which are comfortable to live, work and visit, are safe and accessible and also visually attractive.
- **Paragraph 72** urges local authorities to take a proactive, positive and collaborative approach to ensure that there is sufficient choice of school places to meet the needs of existing and new communities. They should give great weight to the need to create, expand or alter schools.
- **Paragraph 74** seeks the protection of existing open space, sports and land, including playing fields.
- **Paragraph 103** sets out how to reduce flood risk.

The National Planning Policy Guidance is also a material consideration.

#### 4.2 Saved policies from the Huntingdonshire Local Plan (1995)

T18 Access Requirements  
En18 Trees and Landscape (Protection of Trees)  
En20 Trees and Landscape (Condition landscaping proposals)  
En22 Biodiversity  
En24 Access Provision for the Disabled  
En25 General Design Criteria  
CS1 Education facilities  
CS8 Drainage  
H30 Existing Residential Areas

#### 4.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)

CS1 Sustainable development in Huntingdonshire  
CS3 Settlement Hierarchy

#### 4.4 Huntingdonshire's Local Plan to 2036: Consultation Draft 2017

Huntingdonshire District Council is currently in the process of preparing a Local Plan for the period up to 2036. The draft plan was subject to a public consultation period of 3 July - 25 August 2017. There is a further stage of public consultation to be carried out on the next version of the plan before it can be submitted to the Secretary of State for examination. The emerging plan is a material consideration but has little weight until the next stage (proposed submission). Whilst the Plan does not yet form part of the adopted development plan the following emerging policies are of some relevance to this application:-

- LP 1 Strategy for Development
- LP5 Spatial Planning Areas
- LP9 Flood Risk
- LP13 Amenity
- LP11 Design Implementation
- LP14 Surface Water
- LP15 Sustainable Travel
- LP16 Parking Provision
- LP21 Local Services and Community Facilities.
- LP30 Biodiversity and Geodiversity
- LP31 Trees Woodland Hedges and Hedgerows
- LP32 Protection of open space

## 5.0 CONSULTATION RESPONSES

- 5.1 **Huntingdonshire District Council Planning**:- No objection to the principle, and comments that one of the proposed mobiles is to be located on what appears to be playing field land. This will require Sport England to be consulted and trust their comments will be fully considered in the assessment of the planning application in accordance with PPF and the NPPF.
- 5.2 **Huntingdonshire District Council Environmental Health Officer (EHO)**:- No objection. The application will not have any significant impact on any surrounding sensitive receptors.
- 5.3 **Huntingdon Town Council**:-No comments received.
- 5.4 **CCC Ecology**:-No comments received.
- 5.5 **CCC Road Safety Officer**:- The academy have just started to update their Travel Plan. All mode of travel surveys and a framework travel plan being sought from them at the least by 21 July 2017. A copy of a 2017 Travel Plan was provided by the Road Safety Officer.
- 5.6 **CCC Highways Development Management**:- No objections and comments summarised as follows:-
  - The existing car park is currently at capacity.

- The proposed increase of staff and pupils would be 20 extra children and 6 extra staff.
- The indicated increase in vehicle movement would be 6 staff cars, four mini buses, and one extra parental drop off.
- There is no proposed change in the access arrangements to the existing school with the one way system still being in operation. As with all school proposals the issue is one of on street parking during dropping of and picking up times, and the amount of on street parking available.
- Assumptions have to be made that parking by parent dropping off and picking up will park carefully and considerately and that the increase will not lead to issues such as double parking etc. but more likely to spread parking further afield.
- The area around the school is currently subject to a 30mph speed limit and has school frontage protected with keep clear school markings.
- There is no parking increase indicated as part of this proposal, although not required for the pupils, the parking provision should at least be able to cover those who work at the establishment. It is noted that during a site visit that there were a lot of possible staff parking outside the apparent school boundary could further parking within the school therefore not be provided? Would it not be helpful to the planning department to have a parking survey for those cars associated with the staff and permanent day visitors etc. to help in deliberation of this and similar applications?
- A travel plan is in place and will be updated as part of this application working towards to the reduction of dependency of the motor vehicle.
- Given the minimal level of extra movements indicated for the pupils, the existence of an active school travel plan and the relatively short lived issues being restricted to the start and finish of the school day no objections are raised.
- During the construction phase there will be an element of additional movements and recommends a construction management plan be provided indicating the types of vehicles needed for any construction work, how they will access the site and the control of such vehicles.
- Access to construction site should be segregated from the existing everyday workings of the school.
- All storage and manoeuvres associated with the construction will need to be restricted to the site and shall not take place within the highway.

5.7 **CCC Transport Assessment Team**:-Initial comments no objections dated 6 July 2017 and comments as follows (summarised):-

- The application is not expected to have any significant impact on the local highway network or safety.

- The proposed development is in accordance with the relevant national and local policies.
- There are 54 car parking spaces on site; inclusive of 3 allocated parent spaces and 2 disabled spaces. The grass verge owned by the academy adjacent to the site provides parking when there is an overflow, with a maximum capacity of 30 vehicles. A further 67 off-road parking spaces are also noted to be available in the Buttsgrove Centre, 0.3 km from the school.
- The latest 60 months CCC accident data has been provided and is acceptable for use. A review of the accident data revealed there is no cluster of accidents and the cause of accidents were not attributable to the layout of the existing highway network.
- The proposed development is recognised to increase pupil and staff intake by a maximum 20 pupils and 6 staff members. The majority of pupils travel to the site by minibus/taxi.
- The proposed development when fully operational, will generate an additional 11 vehicle trips in the AM and PM peak periods; 4 taxi/minibuses, 6 staff vehicles, and 1 parent drop-off.
- No additional car parking spaces will be provided with the proposed development. This is considered reasonable for the additional parents/pupils as additional spaces are available at the Buttsgrove Centre, a maximum 5 minute walk from the site, which provides further free off-road parking. It is also considered reasonable for the additional staff as these are maximum standards. It will be for the Travel Plan to manage demand of these spaces.
- It is recognised that the drop-off point will continue to operate within capacity with the projected additional vehicle trips associated with the proposal.
- The existing travel plan is being updated. This would need to take into account the additional staff and pupils associated with the development. The Travel Plan should look to address the above and aim to discourage the use of private car for short journeys and in turn encourage more sustainable modes of transport and encourage more sustainable modes, such as walking and cycling with the identification of realistic targets and measures in relation to the monitoring and review process.

Further summarised comments dated 17 July 2017 in response to the two representations (referred to in paragraph 7.1 below), which were forwarded to the Transport Assessment Team:-

- The Buttsgrove Centre is not within the ownership or control of the school then these spaces cannot be included within the parking assessment for staff. The proposed provision of no additional car parking spaces is acceptable for parents/pupils as additional spaces are available at the Buttsgrove Centre (a maximum of 5 minutes' walk) but is not acceptable for staff. Adequate provision should be made within the site to accommodate staff. The application does not include sufficient

information concerning parking provision to properly determine the highway impact of the proposal

- The Transport Plan should confirm the existing quantity of cycle spaces provided at the school. It is acknowledged that the majority of pupils are unlikely to cycle to the site. However the provision of cycle spaces could aid the encouragement of staff to travel to the site using sustainable modes to help reduce car parking capacity. Further information required.
- It is noted that the existing Travel Plan is currently being updated. CCC are content for the Travel Plan to be an informative measure. However it should look to address the above with the aim to discourage use of the private car for short journeys and encourage more sustainable modes of transport such as walking and cycling with the identification of realistic targets and measures and an additional appropriate monitoring and review process.
- Requested that the application was not determined prior to the submission and review of the further information requested.

Further information was submitted in relation to the use of six parking spaces at the Buttsgrove Centre; and the 2017 Travel Plan was received.

- In relation to the 2017 Travel Plan for the above development prepared by CCC in conjunction with Modeshift Stars, the Travel Plan does not apply measurable targets. The targets implemented should be measurable goals so that the progress of the Travel Plan can be assessed which in turn will prove essential towards monitoring the success of the Travel Plan.
- Following liaison with the Transport Assessment Team it is understood that the provision of six car parking spaces at the Buttsgrove Centre has ensured that their concerns have been addressed.

#### 5.8 **Sport England**:-No objection.

- The proposed KS1 building will be sited on amenity grassland lying between an educational unit to the south and the site boundary to the north. This part of the site is too narrow to accommodate any additional sports pitches or other sports facilities.
- The proposed KS4 building will be sited on amenity grassland to the north-east of the main educational block. This land is separated from the main playing field by a fence and currently contains gym equipment and other general amenity facilities.
- The playing field to the north is not affected by this proposal.
- Sport England is satisfied that the proposed development meets its policy exception: *E3 – that the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use*

*of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

## **6.0 PUBLICITY**

- 6.1 Two site notices were posted, the first by the main entrance on American Lane and the second in the vicinity of the proposed construction access on California Road. Notification letters were sent to residents whose properties share boundaries with the academy site and also the properties which face the academy site from the opposite sides of American Lane and California Road.

## **7.0 REPRESENTATIONS**

- 7.1 Representations have been received from two households. Both raise highways concerns relating to parking problems and are summarised as follows:-
- No objections to the project understanding the need for this type of school. Unless you can alleviate the parking problem first instead of exacerbating it, I cannot in all honesty agree to it.
  - Our only comment is about the extra parking that will be required in this densely populated area.
  - Meetings have taken place with school officials, local and district councillors who have contacted CCC Highways.
  - Parking problems that exist at this academy during the day are an ongoing bugbear with the vast majority of residents, if not all.
  - This problem is now extending to adjacent streets causing more problems.
  - This was a main bus route into town, now discontinued because of the parking problem.
  - More classrooms would bring more children, more carers, more parked vehicles and ultimately more chaos.
  - Police are now looking into the matter.
  - Spend your money more wisely and cure the parking problem first.
  - This section of American Lane has become a section of road waiting for an accident to happen caused by parking by teachers and other employees at the school on a multi curved piece of road making it impossible to pass on the remaining width of road.
  - The school has a large sports field and sufficient space could be found within this area for some parking please.

## **8.0 PLANNING CONSIDERATIONS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Need

- 8.2 The two mobile classroom units and associated development are proposed to provide 20 additional Special Needs Education places for children and young people up to the age of 19 years across the school site on a temporary basis up until 31 August 2022 to meet the short term needs of the academy. The accommodation is urgently required to enable additional places to be provided in September 2017. In the recently submitted Travel Plan, it states that there are expected to be 185 pupils attending the academy in 2017. At the academy there is existing provision for 175 places (10 less than those required to meet this September's needs). The proposal would increase capacity at the school to 195 places. The Academy takes children and young people from a wide catchment area with the closest equivalent school being located in St Neots approximately 16 kilometres away. Recent large housing developments locally also mean that the number of children and young people requiring places is increasing.
- 8.3 There is also a lead-in set up time needed to set up the equipment within the accommodation prior to occupation. Paragraph 72 of the NPPF provides that great weight needs to be afforded to the provision of adequate school places and, in this respect, the NPPF supports the proposed development.

Traffic, Parking and Highway Safety

- 8.4 On-street parking and highway safety, including a suggestion that more parking should be provided on site, are the only issues of concern raised within the representations received from local residents. It is evident that there have been issues with on-street parking by staff arising from the existing use of the academy site. In total, the proposed mobile classrooms would provide 20 additional places. Staffing levels are proposed to increase from 106 to 112, which would be an increase of three full-time and 3 part-time members of staff. The current full-time equivalent staffing level is 89, and the proposed full-time equivalent staffing level is 93. There are currently 49 standard parking spaces with an additional three parent spaces and two disability spaces (providing a total of 54 existing spaces) and a drop-off area at the front of the academy site, which has separated in and out access and exits, which are gated. There is also a grass verge, which had been reinforced adjacent to the site, which is owned by the academy. The Transport Statement states in paragraph 3.4 that this verge has the capacity to provide safe overflow parking for an additional 30 vehicles.
- 8.5 The Travel Plan states that the academy has worked hard to maintain good relations with neighbours and have responded to their request to

refrain from using the pavement area outside of the school for parking. The academy recognises that the existing traffic at the beginning and end of the day can impact upon residents as the road and the parking area can become congested. It states that matting was put down to provide an all-weather surface to the grassed area outside of the school and that this has significantly reduced parking on the road outside of the school. However, it is accepted that this area becomes waterlogged in periods of high rainfall and that there are times during the year when it cannot be used, which the school has recognised exacerbates roadside parking outside of the school. There are currently zig zag lines by the entrance and exit gates and the potential for introducing double yellow lines is stated to have been raised with councillors and the highway authority. A lane system for taxis and buses has been introduced, which the academy considers has contributed to reducing congestion greatly. This is monitored by the school caretaker. Also a new route to provide parents of the most challenging and disabled pupils a safe route into and out of school has been established, which is being monitored by academy staff, officers from the academy transport department and a parents' working party.

- 8.6 The Buttsgrove Centre is 0.3 kilometres from the academy and is owned by Huntingdonshire District Council. It has an unrestricted carpark, which provides 67 spaces on a first come first served basis, and an additional informal area, which the submitted Transport Statement advises is able to accommodate the equivalent of an additional 20 car parking spaces. Approximately 90% of pupils were observed to arrive by minibus/taxi drop-off and that staff arrive by car prior to the submission of the Transport Statement. There are 12 existing cycle spaces on site and this is not proposed to change. Between 2014 and 2016 there have been three recorded accidents in the vicinity, which are considered within the Transport Statement to be slight. Two of these relate to Buttsgrove Way and one at California Road.
- 8.7 The applicant has requested the use of six spaces at the Buttsgrove Centre and Huntingdonshire District Council has confirmed that a licence for six spaces can be provided annually in relation to the relevant five year period. It is considered that it is reasonable to expect that six parking spaces will be secured at the Buttsgrove Centre for use by staff of the academy by means of a separate licence arrangement between the two Council's. Given this the proposed spaces would adequately address the proposed increase in staff that could be expected to result from this application. The Council's Transport Assessment Team is content with this arrangement subject to an informative being recommended to draw attention to the separate commitment to provide six additional off-site car parking spaces. Policy LP16 of Huntingdonshire's Local Plan to 2036: Consultation Draft 2017 seeks disability parking spaces in line with national guidance. There is no confirmation that any of the proposed parking spaces would provide for disability parking. However given their distance from the academy



site and the existing provision on the site itself in relation to accommodating people with disabilities, close to the accommodation – the absence of confirmed disability spaces at the Butts Grove Centre, which is normally a 5 minute walk away is considered appropriate and acceptable in these circumstances.

- 8.8 Additionally, work on updating the Travel Plan has been carried out. The management of staff parking and encouragement to use more sustainable modes of transport could be managed through the Travel Plan to address the concerns about on-street parking within the vicinity of the academy. The Transport Assessment Team considers that the updated Travel Plan does not currently contain measurable targets. It is recommended that a condition be required to secure the further updating and implementation of the Travel Plan. The academy is located within an existing settlement of Huntingdon and therefore in a location which is considered to be sustainable in general terms in relation to planning policy.
- 8.9 Temporary construction access would be gained from California Road onto the school playing field. The application site area and layout has been designed to ensure segregation of construction workers and the school during the construction phase. An informative is also recommended in paragraph 9.1 below to advise that the Highways Development Management Team have advised that all material storage and vehicle manoeuvres should be confined to the site and a condition is recommended in relation to avoiding pick up and drop of times to seek to address the Highways Development Management Team's recommendation in the absence of a construction management plan having been submitted as part of the application taking into account that the duration of the construction period is expected to be short.
- 8.10 The proposed increase in trip generation for a temporary period until 31 August 2022 is not considered to be significant in the context of the overall trips generated by the school. The proposed parking provision would adequately address the increase in capacity in relation to staff parking needs and the parking and congestion issue can continue to be managed through the Travel Plan with encouragement being given to more sustainable forms of transport. As such, it is considered that with conditions 3 and 4 and the recommended informatives in paragraph 9.1 below that the proposal would be compliant with policies EN25 General Design Criteria of the Huntingdonshire Local Plan (1995) and draft Policy LP16 Parking.

#### Trees and Landscaping

- 8.11 There are some existing trees which form part of an existing wildlife area in close proximity to the proposed location of the proposed mobile classroom closest to the south western boundary of the academy site, and also in the vicinity of the proposed mobile classroom nearest California Road. An aboricultural impact assessment has been

submitted with the application. The trees are not protected by tree preservation orders nor are they within any conservation area. Most of the trees will not be affected by the proposals. Two trees are expected to require mitigation works and a cherry tree is proposed to be felled owing to poor health rather than the impact of the development. A replacement tree is proposed. It is recommended that the implementation of the replacement tree and landscaping be required by condition and works would be required to be carried out in accordance with the submitted plans including those relating to tree protection and external general arrangement plans as recommended in paragraph 9.1 below. It is considered that with these conditions that the proposal is acceptable in this respect and would be compliant with Policies En18, En20, and En22 of the Huntingdonshire Local Plan (1995).

#### Design, Siting and Residential Amenity

- 8.12 The proposed mobile classrooms are functional and modular in design and it is considered that they would not have an adverse impact within the context of this locality during the period that they are required to provide temporary accommodation on the site. The western most proposed mobile classroom unit would be situated on an existing play area. It is proposed that the play equipment, which is reaching the end of its life would be removed and that new equipment is intended to be provided in an alternative location and an existing shed would be relocated. This mobile classroom unit would be located between the rear of the school buildings and the rear garden areas and rear access to properties, which front Bevan Close. There is existing fencing, which affords existing screening for the rear gardens of those properties from the school site. No objections have been received from residents other than in relation to parking and traffic congestion.
- 8.13 The mobile classroom unit, which would be sited in the north eastern part of the site toward California Road, would necessitate the relocation of an existing polytunnel used for horticulture and outdoor gym equipment. The relocation of the polytunnel would be reliant upon permitted development rights available to the Council and does not form part of this application. The mobile classroom would be sited end on to California Road and would be set back from the boundary and partially screened or softened by existing trees and vegetation. It is also proposed to plant a new standard tree nearby. Some soft landscaping is also proposed near each of the proposed mobile classrooms, which would further soften and assist to assimilate them in their proposed locations, which is considered likely to result in an overall net biodiversity benefit. The accommodation is designed to be accessible and accommodate persons with disabilities. It is considered that for these reasons that the proposal would not significantly adversely impact upon residential amenity of any of the properties within the locality of the school site as a result of their proposed siting and design, and landscaping proposals are acceptable and in compliance with policies En18 and En20 Trees and Landscape, En22 Biodiversity, En24 Access Provision for the Disabled, En25 General

Design Criteria, CS1 Education facilities and H30 Existing Residential Areas of the Huntingdonshire Local Plan (1995) when balanced with the need to provide urgent school places at this academy.

#### Flood Risk and Surface and Foul Water Drainage

- 8.14 The application site is located in Flood Zone 1 and the existing and proposed use is considered to be more vulnerable. In accordance with the Environment Agency's standing advice the proposed development is considered acceptable within Flood Zone 1. The proposed drainage is to foul sewer, which is not encouraged by guidance. Draft policy LP14 Huntingdonshire's Local Plan to 2036: Consultation Draft 2017 provides that a proposal will only be supported where surface water has been considered from the outset as an integral part of the design process and that a sustainable drainage system should be incorporated unless it has been demonstrated to be inappropriate. There is no evidence that a sustainable drainage scheme has been considered in the context on this temporary development and the existing site, although it is recognised that the proposal is for a temporary period and the proposal will be drained together with the existing school. Given the limited scale of this proposal and its temporary nature, it is not considered reasonable to require consideration of a sustainable drainage scheme in relation to this draft policy and the proposal is considered to be acceptable in these circumstances in the absence of any drainage objections having been received.

#### Conclusion

- 8.15 For the above reasons, the proposal is considered acceptable in the context of national and local policies and relevant planning guidance and should be supported to ensure that the urgently needed school places are provided.

### **9.0 RECOMMENDATION**

- 9.1 That planning permission be granted subject to the following conditions:-

#### **1. Time Limit for Two 7 Bay Mobile Classroom Buildings**

The two 7 Bay mobile classroom buildings hereby permitted shall be granted permission for a limited period and shall expire and the mobile classrooms and all associated access ramps and steps be removed from the site by 31<sup>st</sup> August 2022, or upon the provision of permanent accommodation, whichever is the sooner. Within 1 month of the removal of the mobile classrooms, the land shall be restored to its former condition i.e. amenity grassland.

*Reason: To limit the development to that applied for and to avoid any unnecessary long-term impact by requiring removal of the development when it is no longer necessary and the satisfactory restoration of the*

site in accordance with policy En25 of the Huntingdonshire Local Plan (1995).

## 2. **Approved Plans and Documents**

The retention of the mobile classrooms hereby permitted shall be carried out in accordance with the planning application dated 15 June 2017 and the following drawings documents and as amended by the documents listed below (received 26 May 2017 unless otherwise stated) and the following conditions:

<b>Name/Number</b>	<b>Description/Date</b>
5156243-ATK-Z1-00-DR-A-4010 Rev PL2	Location Plan dated 14.06.17 received 15.06.17
5156243-ATK-EXT-ZZ-DR-L-0001 Rev P1	External General Arrangement Plan KS1 Temporary Classroom Layout dated 24.05.17
5156243-ATK-EXT-ZZ-DR-L-0001 Rev P1	External General Arrangement Plan KS4 Temporary Classroom Layout dated 24.05.17
5156243-ATK-EXT-ZZ-DR-L-0003 Rev P1	General Arrangement Plan KS1 Temporary Classroom Layout dated 24.05.17
5156243-ATK-EXT-ZZ-DR-L-0004 Rev P1	External General Arrangement Plan Overall site layout dated 24.05.17
5156243-ATK-Z1-GF-DR-A-4100 Rev PL1	Key Stage 1 Modular Building Proposed Ground Floor Plan dated 23/05/17
5156243-ATK-Z1-GF-DR-A-4101 Rev PL1	Key Stage 4 Modular Building Proposed Ground Floor Plan dated 23/05/17
5156243-ATK-Z1-GF-DR-A-4150 Rev PL1	Key Stage 1 Modular Building Proposed Elevations dated 23/05/17
5156243-ATK-Z1-GF-DR-A-4151 Rev PL1	Key Stage 4 Modular Building Proposed Elevations dated 23/05/17
5156243-ATK-BHM-ARB001	Tree Protection Plan Sheet 1 of 2 dated

	22/05/17
5156243-ATK-BHM-ARB002	Tree Protection Plan Sheet 2 of 2 dated 22/05/17
2017 Spring Common Academy School Travel Plan	Received 22.08.17

*Reason: To define the site and protect the character and appearance of the locality in accordance with policies En20, En22, En24 and En25 of the Huntingdonshire Local Plan (1995)*

### 3 **Travel Plan**

Within 3 months of the date of this decision an updated Travel Plan which shall take into account the use of parking spaces at the Butts Grove Centre and include measurable actions and/or targets and a specified implementation timetable shall be submitted to and approved in writing by the County Planning Authority. Upon approval of the revised Travel Plan, it shall be implemented in its entirety in accordance with the approved timetable, throughout the life of this planning permission.

*Reason: In the interests of residential amenity, and the safe and efficient operation of the highway in accordance with Policy H30 of the Huntingdonshire Local Plan (1995).*

### 4 **School Term Time construction Delivery Construction Hours**

No construction related dispatches from or construction deliveries to the site shall take place other than between the hours of 09:30 and 15:30 on Monday to Friday and 09:30 and 13:30 on Saturdays. No construction works or construction collection / construction deliveries shall take place on Sundays, Bank or Public Holidays.

*Reason: To protect the amenities of nearby residential properties and ensure the environmental impact of construction of the development is adequately mitigated in accordance with Policy H30 of the Huntingdonshire Local Plan (1995).*

#### **Hours of use of mobile classrooms**

5. The mobile classrooms hereby permitted shall only be used between the hours of 0800 and 1800 each day on Mondays to Fridays inclusive. They shall not be used outside of these times or on Saturdays, Sundays, Public or Bank Holidays.

*Reason: To protect the amenities of nearby residential properties in accordance with Policy H30 of the Huntingdonshire Local Plan (1995).*

6. **Landscaping Implementation**

The approved landscaping scheme shown on drawings numbered 5156243-ATK-EXT-ZZ-DR-L-0001 Rev P1 and titled External General Arrangement Plan KS1 Temporary Classroom Layout and External General Arrangement Plan KS4 Temporary Classroom Layout; and on drawing number 5156243-ATK-EXT-ZZ-DR-L-0003 Rev P1 and titled General Arrangement Plan KS1 Temporary Classroom Layout shall be implemented in its entirety during the first planting season (October to March) following the substantial completion of the development.

*Reason: For the avoidance of doubt and in the interests of visual amenity biodiversity in accordance with Policies En20 and En22 of the Huntingdonshire Local Plan (1995).*

7 **Replacement of Trees and shrubs**

If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place during the first available planting season following the removal, unless the local planning authority gives its written consent to any variation.

*Reason: For the avoidance of doubt and in the interests Visual amenity and biodiversity in accordance with Policies En20 and En22 of the Huntingdonshire Local Plan (1995).*

**Informatives**

**The Provision of six parking spaces at the Butts Grove centre**

In considering this planning application it has been taken into consideration that the County Council has made a separate application to Huntingdonshire District Council for a licence which will secure six parking spaces at the Butts Grove Centre and that these spaces are to be made available for the five year life of this planning permission for the use of the staff at the academy to enable the six additional staff that are expected to result from this planning permission to be provided for taking into account the on-street parking concerns.

## **Highways Development Management Informative**

The County Council's Development Management Team has advised that all storage and manoeuvres associated with the construction of this project will need to be restricted to the site and should not take place within the highway.

### **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 agent, and consultees to ensure that the proposed development is acceptable in planning terms. This has resulted in a separate commitment being made by the County Council to secure six off-site parking spaces at the Buttsgrove Centre to ensure that this proposal is not likely to result in any increase in on-street parking within the vicinity of the school.

#### **Source Documents**

Link to the National Planning Policy Framework:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The Huntingdonshire Local Plan (1995) and Saved Local Plan Policies:-

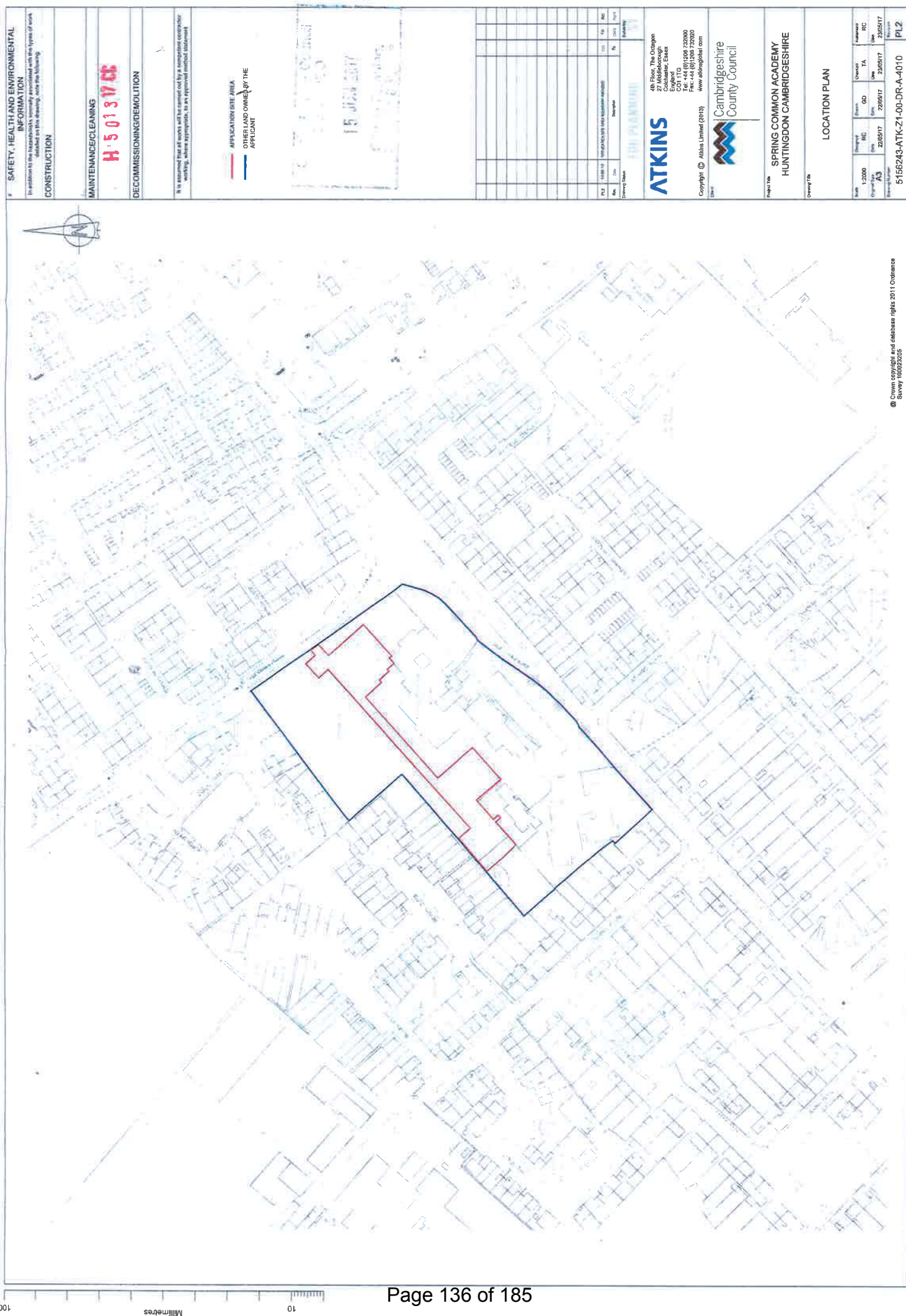
<http://www.huntingdonshire.gov.uk/planning/adopted-development-plans/current-local-plan/>

Huntingdonshire Local Development Framework Core Strategy (2009)

<http://www.huntingdonshire.gov.uk/planning/adopted-development-plans/>

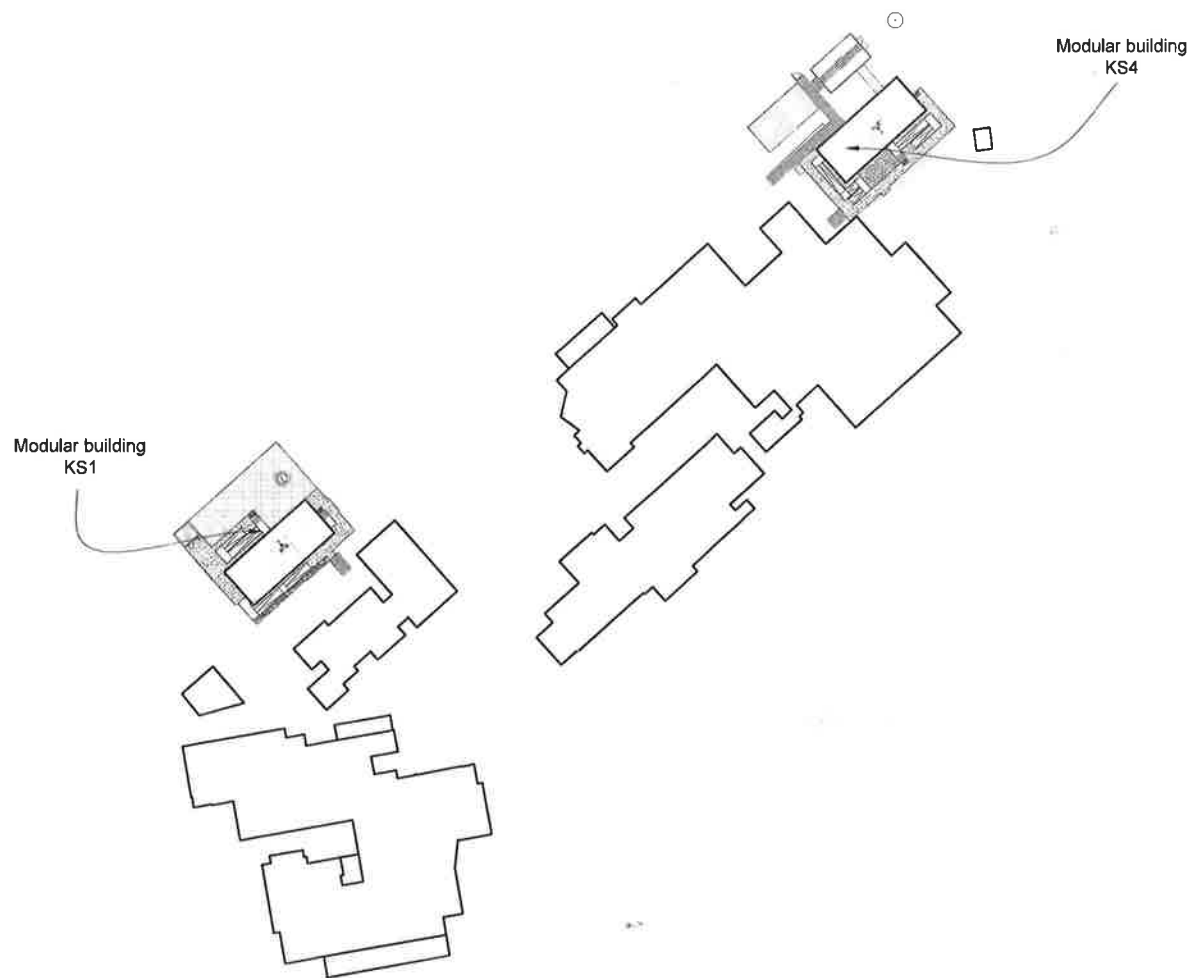
Huntingdonshire's Local Plan to 2036: Consultation Draft 2017 :-

<http://consult.huntingdonshire.gov.uk/portal/pp/hlp2036/cd2017/cd2017?pointId=3935594#document-3935594>









Cambridge School  
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26 MAY 2017

County Planning,  
Minerals & Waste

**SAFETY, HEALTH AND ENVIRONMENTAL  
INFORMATION**

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following:

## CONSTRUCTION

NAME \_\_\_\_\_

## MAINTENANCE/CLEANING

NONE

## DECOMMISSIONING/DEMOLITION

NONE

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement

## NOTES:

UNITS IN METERS UNLESS INDICATED OTHERWISE  
DO NOT SCALE FROM THIS DRAWING  
ALL DIMENSIONS TO BE CONFIRMED ON SITE

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Design/Build	PLANNING	Stability
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**ATKINS**

4th Floor, The Octagon  
27 Middleborough  
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CO1 1TG

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Spring Common Academy  
Huntingdon Cambridgeshire

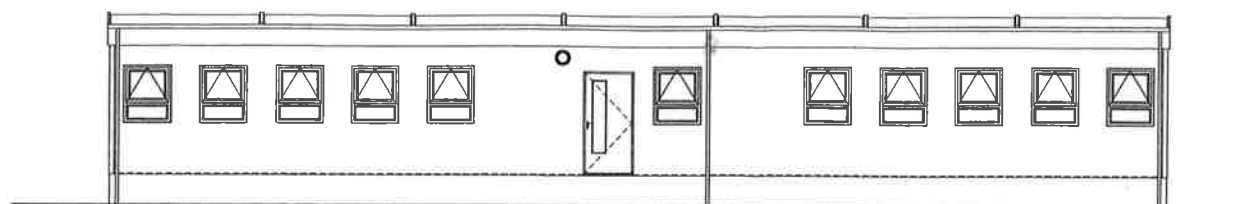
EXTERNAL GENERAL ARRANGEMENT PLAN  
OVERALL SITE LAYOUT

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Original Size A1	Date 24-05-17	Date 24-05-17	Date 24-05-17	Date 24-05-17

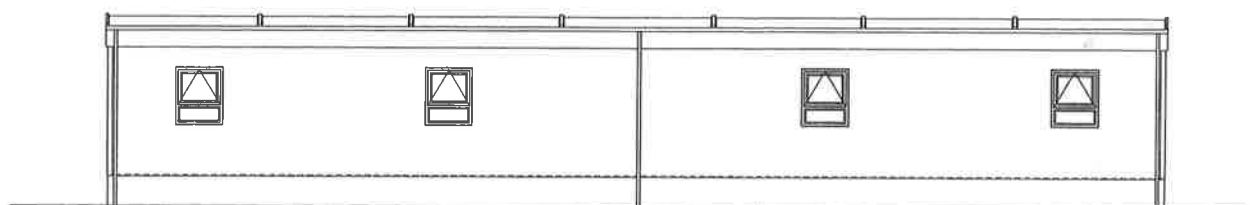
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P 1

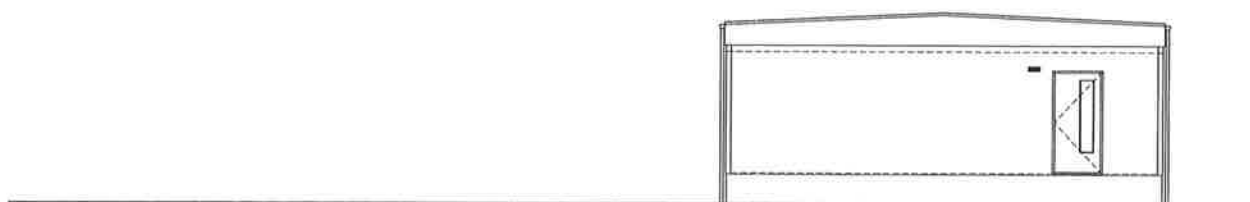




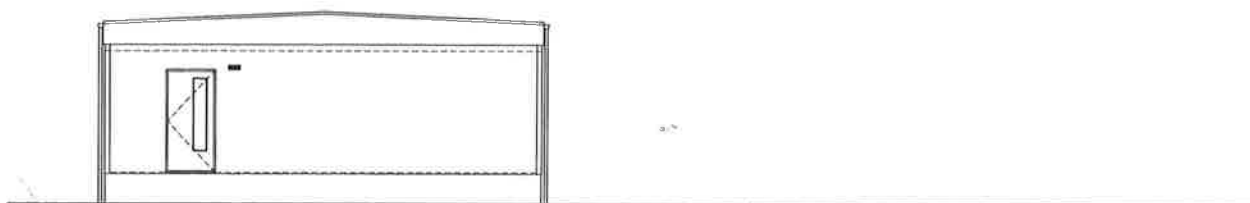
ENTRANCE ELEVATION



REAR ELEVATION



RH END ELEVATION



LH END ELEVATION

### SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following:

CONSTRUCTION

## MAINTENANCE/CLEANING

## DECOMMISSIONING/DEMOLITION

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26 MAY 2017

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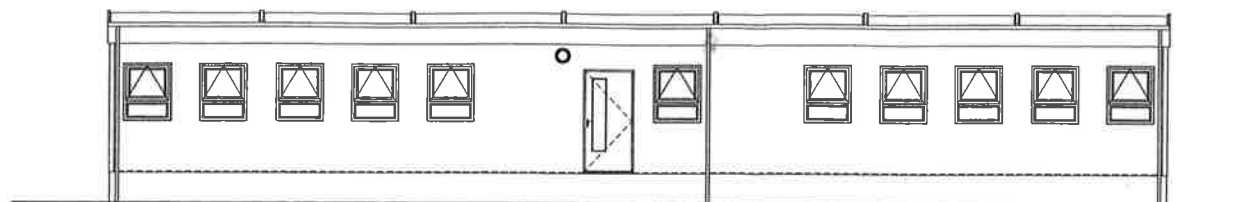
Cambridgeshire  
County Council

Project Title	SPRING COMMON ACADEMY MODULAR BUILDING
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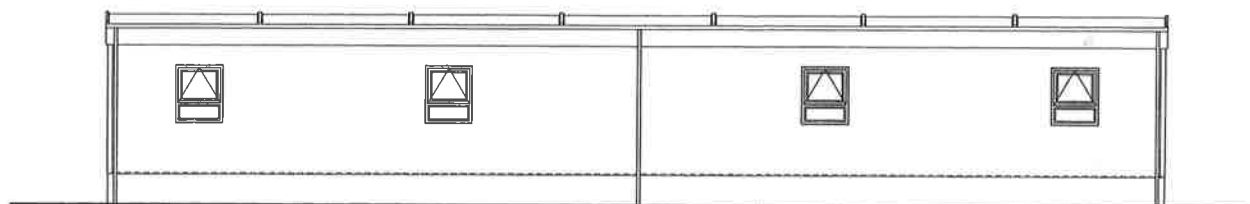
KEY STAGE 1 MODULAR BUILDING  
PROPOSED ELEVATIONS

Scale 1:100	Designed RC	Drawn GD	Checked TA	Approved RC
Original Size A3	Date 22/05/17	Date 22/05/17	Date 23/05/17	Date 23/05/17
Drawing Number: 5158243-ATK-Z1-GF-DR-A-4150				PL1

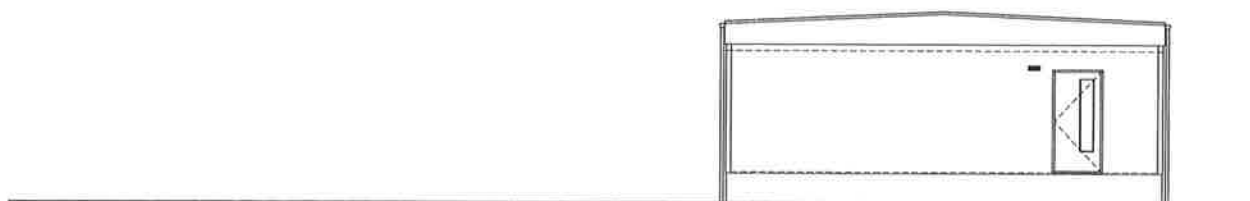




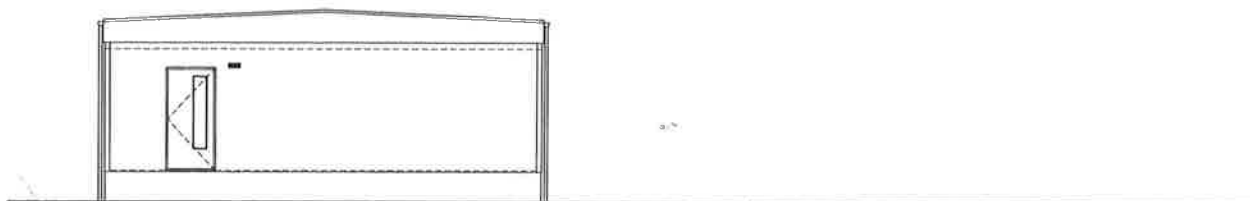
ENTRANCE ELEVATION



REAR ELEVATION



RH END ELEVATION



LH END ELEVATION

**SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION**

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following:

CONSTRUCTION

## MAINTENANCE/CLEANING

## DECOMMISSIONING/DEMOLITION

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement.

7801317 CC

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26 MAY 2017

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Landfills & Waste[illegible]**ATKINS**

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Cambridgeshire  
County Council

Project Year

**SPRING COMMON ACADEMY  
MODULAR BUILDING**

Drawing Table

**KEY STAGE 1 MODULAR BUILDING  
PROPOSED ELEVATIONS**

Scale	Designed	Drawn	Checked	Approved
1:100	RC	GD	TA	RC
Original Size	Date	Date	Date	Date
A3	22/05/17	22/05/17	23/05/17	23/06/17
Drawing Number:				Revision
5158243-ATK-Z1-GF-DR-A-4150				PL1



**ERECTION OF 7-BAY MOBILE CLASSROOM BUILDING WITH ACCESS RAMP FOR  
A TEMPORARY PERIOD UNTIL 31<sup>st</sup> AUGUST 2022**

**AT: BASSINGBOURN COMMUNITY PRIMARY SCHOOL, BROOK ROAD,  
BASSINGBOURN, SG8 5NP**

**LPA REF: S/0234/17/CC**

**FOR: Cambridgeshire County Council**

*To:* **Planning Committee**

*Date:* **7 September 2017**

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

*Electoral division(s):* **Melbourn and Bassingbourn**

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

*Recommendation:* **That planning permission be granted subject to conditions  
recommended in paragraph 9.1 below.**

<b><i>Officer contact:</i></b>	
Name:	Jane Stanley
Post:	Principal Planning Officer
Email:	<a href="mailto:Jane.Stanley@cambridgeshire.gov.uk">Jane.Stanley@cambridgeshire.gov.uk</a>
Tel:	01223 743812



## **1.0 The Application Site and Surroundings**

- 1.1 Bassingbourn Primary School is located within the village of Bassingbourn cum Kneesworth, which is approximately 3.7km from the town of Royston. The school site is within South Cambridgeshire District Council's area. It is located on the western edge of the village and to the west of Bassingbourn Village College and Bassingbourn Sports Centre and Bassingbourn United Reformed Church. Residential properties forming a cul-de-sac off Brook Road are to the western side of the application site with two of these properties, numbers 45 and 47a bordering the school site to the north of the proposed siting of the mobile classroom. Bassingbourn Brook runs alongside the western boundary of these properties and the school site. The school site includes playing fields, which are stated in the Planning Statement to be shared with Bassingbourn Village College, although there is chain link fencing which separates the Primary School playing fields from those serving the Village College. The proposed siting for the mobile classroom is on an existing grassed area to the west of a hard play area. The proposed siting for the mobile classroom is approximately 110 metres south of Brook Road.
- 1.2 The application site is located within Flood Zone 1. The nearest listed building to the proposed siting of the mobile is the New United Reform Church (grade II), which is situated on South End, approximately 300 metres to the east. The buildings of Bassingbourn Village College separate the application site from this listed building. Saxon remains have been identified on the Bassingbourn Village College site. Also parallel ditches and Graubens Pit Ditch, also of archaeological interest, are to the south of the application site. The application site is not within Bassingbourn Conservation Area. The conservation area boundaries are to the north and east of the application site. The mobile classroom unit is located at least 110 metres from the boundaries of the conservation area. The application area includes access to Brook Road, which is adjacent to the conservation area. The site of an unlisted windmill is approximately 70 metres to the south west of the application site. There are existing trees to the west alongside Bassingbourn Brook. The application site is not within or adjacent to the Green Belt. It is outside of the Development Framework (settlement boundary) of Bassingbourn. The size of the application site is 0.25 hectares.

## **2.0 The Proposed Development**

- 2.1 This Regulation 3 application, for which the County Council is the applicant, seeks temporary planning permission for a 21m x 8.4m 7 bay double mobile classroom building until 31 August 2022. It is proposed to be erected on a grassed area (adjacent to an existing hard play area). Access to the mobile classroom is proposed to be gained from the existing hard play area. The unit would include two classrooms, associated lobby, toilet, and storage facilities. The proposed development includes associated walkways and ramps. It is ash grey in colour

with a white frame and has a proposed gross new internal floorspace of 176 square metres.

### 3.0 Relevant Planning History

- 3.1 The most recent planning history for Bassingbourn County Primary School at Brook Road is:-

S/0140/06/CC	Single storey extension to provide replacement changing rooms, granted 16 March 2016.
S/1761/00	New technology Classroom and Enlarged Administration/Secure Entrance granted 9 January 2001.
S/753/95	Relocation of mobile unit resolution to issue decision to grant permission expiring on 31 August 1998

### 4.0 Planning Policy and Guidance

#### National Planning Policy Framework (NPPF)

- 4.1 The National Planning Policy Framework (NPPF), sets out the Government's planning policies and how local planning authorities are expected to apply them. The NPPF is a material consideration in determining planning applications. It promotes the central government objective of sustainable development. The advice in paragraph 12 is that development that accords with the local plan should be approved "*unless other material considerations indicate otherwise*" in line with the statutory requirements of the Town and Country Planning Act 1990 (as amended). The following paragraphs within the NPPF are also considered to be relevant to this application:
- **Paragraph 14** urges decision-takers to seek a presumption in favour of sustainable development where an adopted local plan is in place.
  - **Section 4 including paragraphs 29 and 30** and **Paragraph 38** promotes sustainable modes of transport and states that key facilities such as primary schools and local shops should be located within easy walking distance of residential properties.
  - **Paragraphs 57 and 58** recognise the importance of planning positively and that local and neighbourhood plan policies seek high quality and inclusive designs to ensure that all development will function well, create places which are comfortable to live, work and visit, are safe and accessible and also visually attractive.
  - **Paragraph 72** urges local authorities to take a proactive, positive and collaborative approach to ensure that there is sufficient choice of school places to meet the needs of existing and new communities. They should give great weight to the need to create, expand or alter schools.

- **Paragraph 74** seeks the protection of existing open space, sports and land, including playing fields;
- **Paragraph 103** sets out how to reduce flood risk.

The National Planning Policy Guidance is also a material consideration.  
South Cambridgeshire District Council Core Strategy (Development Plan Document) adopted January 2007 (CS)

- 4.2 The following policy of the South Cambridgeshire District Council Core Strategy is of particular relevance to this planning application:

Policy ST/6 Group Villages includes Bassingbourn

South Cambridgeshire District Council Development Control Policies (Development Plan Document) adopted July 2007 (DCP)

- 4.3 The following policies of the South Cambridgeshire District Council Development Control Policies (Development Plan Document) are of relevance to this planning application:

Policy DP/1 Sustainable Development  
 Policy DP/2 Design of New Development  
 Policy DP/3 Development Criteria  
 Policy DP7 Development Frameworks  
 Policy CH/2 Archaeological Sites  
 Policy CH/5 Conservation Areas  
 Policy NE/6 Biodiversity  
 Policy NE/11 Flood Risk  
 Policy SF/11/Open Space Standards  
 Policy TR/1 Planning for More Sustainable Travel  
 Policy TR/2 Car and Cycle Parking Standards  
 Policy TR/3 Mitigating Travel Impact  
 Appendix 1: Standards for car parking provision  
 Appendix 2: Standards for cycle parking provision

#### Emerging Planning Policies

- 4.4 A planning inspector is currently carrying out the examinations into a proposed South Cambridgeshire Local Plan covering the period up to 2031. The hearings have closed and the process is in its final stages. Although the draft plan does not yet form part of the adopted development plan, it is a material consideration, which needs to be taken into account. The following emerging South Cambridgeshire Local Plan policies are of relevance to this planning application (as affected by proposed modifications):

The South Cambridgeshire Local Plan 2013 (submission version):-

S/3 Presumption in Favour of Sustainable Development  
 S/9 Minor Rural Centres – It is proposed to change Bassingbourn to a Minor Rural Centre  
 HQ/1 Design Principles  
 NH/4 Biodiversity  
 NH/14 Heritage assets  
 TI/2 Planning for Sustainable Travel  
 TI/3 Parking Provision  
 TI/9 Education Facilities

Village Inset Map 9 Bassingbourn is also relevant.

## 5.0 Consultations

5.1 **South Cambridgeshire District Council Planning**:- No response received.

5.2 **South Cambridgeshire District Council Environmental Health Officer (EHO)**:- No objections

5.3 **Bassingbourn cum Kneesworth Parish Council**:- No response received.

5.4 **CCC Archaeology**:- No response received.

5.5 **CCC Highways Development Management**:- No objections. In terms of the physical works required for the implementation of this proposal, no significant adverse effect upon the Public Highway should result from this proposal,

5.6 **CCC Road Safety Officer**:- Comments received (abbreviated)-  
 The Primary School have a nationally accredited travel plan. In it they refer to the possibility of park and stride (distance parking) to help alleviate the possible impact of increased numbers driving to school, but I would hesitate to promote car sharing as there are a number of safety considerations to be taken into account. The travel plan is up to date and is accredited for another year. I have agreed to ensure that pupils at the school take part in the Road Safety Education Team's pedestrian training scheme. The school will also be taking part in the distance parking scheme run by the Road Safety Education team as part of their Modeshift STARS travel plan commitments. I will continue to work with the school to help them deal with any school journey issues that arise.

5.7 **CCC Transport Assessments Team** (summarised):- Initial comments dated 30 May 2017 holding objection as:-

- Further information was requested to fully understand the impacts of the development including to confirm what the impact of the anticipated 32 additional cars dropping off and picking up children will be on residential streets, in particular Brook Road.

- The applicant was requested to update the travel plan and to look further into measures to reduce private car trips from the Barracks including Park and Stride initiatives or consideration of a dedicated minibus for trips between the sites.
- The proposed increase in pupils resulting from this development has potential to further add to the accompanying disturbance and potential detriment to residential amenity and associated dropping off of children.
- There are concerns regarding pedestrians and cyclists travelling from Bassingbourn vicinity. This should be addressed through distribution of highway safety leaflets in addition to walking and cycle routes in the vicinity and through the promotion and education of road safety and education of road safety and cycle awareness in the school. The school would also benefit from the appointment of a crossing patrol officer at the problem crossing.

#### 5.8 Revised comments 17 July 2017:-

- No additional car and cycle parking will be added. This is considered reasonable for staff parking as spare capacity is available for extra staff. Based on the proposed addition of 60 children and the future travel plan mode share target of a combined 12% for cycles and scooters, there would be demand for 50 spaces; 17 for cycles and 33 for scooters. The aims of the Travel Plan are to reduce car use by staff and pupils travelling to the site and although the County Council recognises that this is a temporary use, where possible, further cycle and scooter spaces should be provided to encourage cycle and scooter use amongst pupils to support the Travel Plan aims and targets. Additional information was requested on this.
- The proposed development when fully operational would generate an additional 35 vehicle trips in the AM and PM peak periods; 3 additional staff trips and 32 additional pupil trips. With 5 additional vehicle trips every 5 minutes within the half hour drop off period, the increase in vehicle trips will not have a substantial impact on the existing operation of the local network. The measures identified in the school travel plan to achieve the aim of reducing car travel to and from the school for pupils by 10% over 5 years would be effective in helping reduce this additional quantity of vehicle trips to the school.
- The travel plan recognises that the majority of additional pupils will originate from Bassingbourn Barracks, which is located 2 miles from the school. The proposal in the Travel plan should be continually monitored and reviewed in the Travel Plan particularly concerning vehicle movements from the Barracks.
- The application is not expected to have any substantial impact upon the local public highway network or highway safety. However the impending increase in pupils has potential to further add to the accompanying disturbance and potential detriment to residential amenity associated with collection and drop off within the locality. Further information, and provision of 10 two wheeled parking spaces requested.

#### 5.9 Additional comments 11 August 2017:-

A holding objection was retained solely on the basis that 10 additional cycle and/scooter places should be provided on site. The applicant submitted a commitment that details of 10 two wheeled parking spaces shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented within 12 months of the date of the decision. The holding objections can be removed subject to a condition to require the provision of 10 two wheeled spaces (as committed by the applicant).

- 5.10 **Sport England (summarised):**- Initially submitted a holding objection requesting that further information be provided in respect of the existing and proposed sports pitch layouts for both summer and winter including safety run-offs. Following discussions between the applicant/agent and Sport England including an exchange of correspondence and the submission of a revised proposed playing pitch layout, Sport England confirmed it has no objections as follows:-

Given the situation with regard to the erection of the fence across the playing field, it is accepted that it is no longer possible to site an under 11/12 size football pitch on this playing field. It is accepted however that it is still possible to site two smaller mini-soccer pitches, one meeting SE guidelines for under 7/8 age group, and one slightly smaller than the recommended size for the under 9/10 age group. It is also noted that the school take part in competitive matches only on very rare occasions. It is therefore considered given the circumstances of the existing school boundary that the proposed classroom will not significantly affect sports pitch provision on this site, and that therefore the proposal is considered to meet exception E3 of our playing fields policy.

## **6.0 Publicity**

- 6.1 A site notice has been posted and neighbours immediately adjoining the site have been notified.

## **7.0 Representations**

- 7.1 Representations have been received from one household, which are summarised as follows:-
- Initial negative reaction for two reasons. Infrastructure namely Brook Road and High Street, which is already completely jammed up with traffic especially in mornings and secondly noise levels already child noise is high with seeming little control by staff (children are allowed to throw balls out of the playground. They often land on our garage roof).
  - Put your mobile in a more accessible and remote situation.
  - Seemingly it is not known if Basingbourn Barracks will reopen or be sold off.
  - Sir Michael thinks the sites will become areas of military expertise whatever that means- apparently the MOD have a poor record of selling land for homes.
  - Hegson's Travel Plan states the possibility of 90 extra children. Current capacity 350, and in October 2016 there were 287 pupils in residence. If 90 extra children

descend on the school that will mean a shortfall of only 27. I also hear more houses are to be built in Bassingbourn.

- Cutting to the chase the problem here is infrastructure. We do not have capacity for the extra traffic at peak times. There is only one road in and one road out. This is what the Council must do something about. My issue now is purely infrastructure.
- My immediate neighbours do not have a problem with the works even though the construction may devalue a property on the market.
- The road is insufficient for extra traffic.
- People are driving on pavements during the mornings.
- There is a lollipop man who further obstructs the free flow of traffic by allowing individuals to cross the road, rather than being sensible and amassing a group.
- The High Street and Brook Road are an absolute disaster as it is and you want to make it worse.
- Very obviously the issue of balls landing on garages and our part of the road is entirely unrelated to the proposed development. You managed a marvellous feat by informing the school about balls on top of residents garages. Perhaps you left a message with a workman or caretaker because the rest of the staff are not in during the summer holiday.

## **8.0 Planning Considerations**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### Need

- 8.2 The existing school has permanent capacity for 350 pupils with twelve permanent classrooms and provides for children aged 4 to 11. The proposed mobile classroom would provide an additional 60 spaces which would result in a total proposed maximum capacity of 410 pupil spaces up until 31 August 2022. In October 2016, there were 287 pupils on the roll forming 10 classes. It is stated in paragraph 1.2 of the Transport Statement that there are around 250 married quarters on the base which result in a potential to generate demand for 90 additional primary school pupil spaces. If this figure were to be added to the existing roll it would result in a total of 377 pupils. This would be less than the proposed maximum capacity of 410 spaces but this does not include any other increase in pupil numbers, which could occur within the local community this year or within the period up until 31 August 2022 during which the mobile classroom unit is proposed to be in place. The proposed mobile classroom unit is a double classroom unit and is currently located in Burwell where it has become surplus to current requirements.

- 8.3 With its current capacity for up to 350 pupils the school could not currently accommodate the maximum number of potential pupils that are anticipated following the reopening of the barracks. It was announced in November 2016 that the Barracks will reopen. Additionally, it is stated in the Planning Statement that there are currently no plans within the CFA Capital Programme for further expansions to the school and that the school will therefore require the temporary accommodation to meet the needs that would be generated by the potential reopening of the Barracks. Paragraph 72 of the NPPF requires local authorities to take a proactive, positive and collaborative approach to ensure that there is sufficient choice of school places to meet the needs of existing and new communities and provides that great weight should be given to the need to expand schools. It is considered for the above reasons that this proposal is supported by the requirements of the NPPF. Additionally Bassingbourn is designated in the 2007 Core Strategy (CS) as a Group Village and is proposed to be upgraded to a Minor Centre in the emerging Development Plan and this proposal would be in compliance with providing the necessary school places to support Policy ST/6 Group Villages of the 2007 CS and Policy S/9 of The South Cambridgeshire Local Plan 2013 (submission version).

#### Sustainable Development Location and Design

- 8.4 Bassingbourn Primary School is located outside of and adjacent to the Development Framework envelope for Bassingbourn Policy DP7 Development Frameworks of South Cambridgeshire District Council's DCP (2007) which provides that "Outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted". The existing school site is outside of the settlement boundary and the additional proposed accommodation needs to be functionally located on the existing school site. It would be well located in relation to existing buildings and hard standing area. There are existing residential properties to the north and also trees along the boundary of the Brook providing some separation between the school site and the open countryside beyond. It is considered therefore that it would not result in an unacceptable intrusion into open countryside and that it would be compliant with the above mentioned policy DP7 for the above reasons.
- 8.5 The development is adjacent to the settlement boundary on the fringe of the village and would use the same access as the existing primary school. The proposal also involves the reuse of a building that is currently located elsewhere. The temporary building is functional in its design and is considered appropriate within which to provide potentially urgently required additional temporary pupil places in the proposed location. Given this it is considered that the proposal is acceptable in relation to these considerations and compliant with Policy DP/2 Design of New Development; Policy DP/3 Development Criteria; and Policy DP/7 Development Frameworks.

#### Traffic and Highway Safety



- 8.6 Concern has been received from a resident in relation to traffic concerns including that the road is insufficient to take extra traffic. There are no objections from the County Council's Highways Development Management team as the highway authority nor any remaining objection from the Council's Transport Assessment Team.
- 8.7 During the processing of the application both the Transport Statement and Travel Plans have been amended to include 10 proposed additional two wheeled (cycle or scooter) parking spaces. The Travel Plan submitted as part of the application has also been revised to take account of the latest School Travel Plan, which the Road Safety Officer has confirmed is up to date and is accredited for another year.
- 8.8 The proposed development would provide an additional 60 pupil spaces until 31 August 2022, in addition to the current maximum capacity of 350. The school currently employs 9 full time staff and 42 part-time members of staff. The staff are not all expected to be on site at the same time. The mobile classroom unit would result in a proposed increase from 25.5 full time equivalent staffing levels to a full time equivalent staffing level of 28.3 which is the full time equivalent employment increase of 2.8 expected to result from the proposal.
- 8.9 Bassingbourn Primary School currently has a high percentage of children who travel to school by car (53%) given the rural nature of the surrounding villages serving the school and that some pupils travel from Hertfordshire and Bedfordshire. The local road network is used by commuter traffic and the roads are already busy in the mornings and late afternoon. Brook Road, which connects the school to the village is served by narrow pavements on both sides and is lit. The A1198 from Royston is approximately 1 mile away from the school. There are no minor/residential roads in the immediate vicinity of the school. No parking spaces above the existing 20 bays, one of which is dedicated for use by disabled drivers, are proposed. The parking spaces are used for staff and visitor use. Parents currently use a carpark which is shared with the Village College. South Cambridgeshire District Council's DCP (2007) Appendix 1 car parking standards are maximum car parking standards of 1 space per 2 staff and 1.2 waiting spaces per classroom. The proposed development would generate a maximum cap of 29 spaces and the existing 20 spaces would not exceed this and also include a disability provision of 5%, which is existing. Many of the staff are part-time and it is unlikely that they would be all attending the school at the same time.
- 8.10 To meet South Cambridgeshire District Council's DCP (2007) Appendix 2, minimum cycle parking standards to secure cycle parking would be required at a rate of 30% for children over 5 and less than 12 years of age, which would generate a need of 123 cycle spaces in total if all children were over 5 years old, accepting that the school admits 4 year olds. There are currently 40 cycle parking spaces available for pupil use and an additional 10 spaces in total for

cycle and/or scooter use have been proposed following discussion with the County Council's Transport Assessment Team notwithstanding that this application seeks permission for a temporary period until 31 August 2022 given the mode share target proposed increase in the Travel Plan to 12% by 2012/2022. With the proposed increase in capacity and the Travel Plan Targets seeking to increase cycle use by 1% during the academic years of 2017/18, 2018/19 and subsequently by 0.5% per academic year or less, it is not projected that more than the existing 40 spaces would be needed until the beginning of the 2018/19 academic year. Nevertheless the agent has advised that the applicant intends the additional spaces would be installed as soon as possible after the beginning of the 2017/18 academic year. Although the cycle provision would not meet the minimum standards set within the policy for cycle parking, the proposals would, as amended, meet the predicated actual need in this location to be encouraged by the travel plan proposals, which is considered reasonable in these circumstances.

- 8.11 When fully operational the mobile classroom is expected to generate an additional 35 Vehicle trips in the AM and PM peak periods, 3 additional staff trips and 32 additional pupil trips. This is expected to generate 5 additional vehicle trips every 5 minutes (in the worst case scenario) and the Transport Assessment Team has advised that the proposed increase in trips that would be generated would not have a substantial impact on the street operation of the local road network. The school have an up to date Travel Plan and the Travel Plan submitted with the application has been revised to take this into account. The Travel Plan proposes that the School would liaise with the Ministry of Defence and the Local Education Authority in September 2017 with a view to ensuring partnership provision for pupils to get to school in a safe and sustainable way. Walking and park and stride are also being encouraged as sustainable modes of transport.
- 8.12 It is accepted that the Barracks is 2 miles from the school and that the conditions of the local road network include some stretches with a speed limit of 50 mph and a 30mph speed limit outside of the school. Careful consideration has been given to the application by the relevant highways consultees and it should be noted that there are no remaining objections from the County Council's Transport Assessment Team or Highways Development Management Team, subject to conditions being imposed to require the provision of 10 additional two wheeled parking spaces within 12 months of the date of the decision and in relation to the implementation of the travel plan. It is considered by officers that the proposal is not expected to result in an unacceptable significant increase in vehicle movements within the vicinity of the school or other highway safety issues that would be sufficient to outweigh the need to provide adequate school places. It is therefore considered that in this respect the proposal would be in accordance with aims of policies Policy TR/1 Planning for More Sustainable Travel; Policy TR/2 Car and Cycle Parking Standards; Policy TR/3 Mitigating Travel Impact and Policy TR/4 Non-motorised Modes South Cambridgeshire District Council's DCP

(2007); and the related policies of The South Cambridgeshire Local Plan 2013 (submission version) TI/2 Planning for Sustainable Travel and TI/3 Parking Provision, which also seek to ensure sustainable and safe transport.

#### School Sports Provision

- 8.13 The existing school playing fields are separated from the Village College by an existing fence along the southern boundary of the Primary School site. Sport England has given consideration to this and has confirmed that it does not object to the proposed double mobile classroom unit, which would be located adjacent to an existing hard play area on the edge of the playing field. Sport England has accepted that without the proposed mobile classroom unit, it is no longer possible to site an under 11/12 size football pitch on the playing field. But it is still possible to site two mini soccer pitches one meeting the guidelines for the under 7/8 age group and one slightly below the guidelines recommended size for the under 9/10 age group. Also competitive matches are only played on rare occasions at the school. Upon this basis it is considered that the proposed mobile classroom would not have any significant adverse impact upon sports provision at the school and would meet Sport England's exception policy E3. Accordingly is considered that the proposal is compliant with Policy SF/11 Open Space Standards of South Cambridgeshire District Council's DCP (2007).

#### Heritage Assets

- 8.14 The proposed mobile classroom unit would be situated well set back within and to the south western part of the school site and is separated both to the north and east by intervening buildings. Given this and the distance that would separate the proposed mobile classroom unit from the boundaries of the Bassingbourn Conservation Area, it is considered that the proposal would not affect the setting of the conservation area nor any listed building.
- 8.15 Archaeological interest and finds are located in close proximity to the application site as outlined in paragraph 1.2 above. The mobile classroom unit is proposed to be installed using a portable foundation stability system using jack pads, which sit on top of the ground, which together with the necessary services will result in minimal intrusion and disturbance including to the edge of the playing field. There are no objections from the Council's Historic Environment Team. It is considered for the above reasons that the proposal would not result in demonstrable harm to any heritage assets and that the proposal would therefore be compliant with Policy CH/2 Archaeological Sites and Policy CH/5 Conservation Areas of South Cambridgeshire District Council's DCP (2007).

#### Residential Amenity

- 8.16 The proposed mobile classroom unit would be sited more than 20 metres away from the nearest boundary to the garden of any residential property, on an existing school site, and situated with an end elevation facing towards the nearest residential properties. There is a fire exit door in the proposed end elevations only with the main entrance being to the front, east facing elevation,

which will face onto the hard play area. Concern has been expressed in relation to noise by one household of one of the properties to the north of the proposed location of the mobile classroom. South Cambridgeshire District Council's Environmental Health Officer has raised no objections to the proposal and no representations have been received from either of the two households which would be closest to the proposed development. The hours of opening stated on the application form are 08.40 to 15.15. It is considered that the proposed increase in pupils above the current maximum capacity that the school can currently accommodate or the proposed siting and use of the mobile class would be unlikely to result in any significant loss of exiting residential amenity currently enjoyed by the occupants of nearby properties including those to the north of the proposed siting. For these reasons it is considered that the proposal is compliant with policy DP3 of South Cambridgeshire District Council's DCP (2007).

8.17 Flood Risk and Drainage

The application site is within Flood Zone 1, with Flood Zone 2 located north to south adjacent to and outside of the western boundary of the school site in the vicinity of Bassingbourn Brook. Surface water is proposed to be discharged to soakaway. There is no proposal to dispose trade effluents or waste. The proposed use as a classroom is a more vulnerable use, which the Environment agency's standing advice states is an acceptable type of development within Flood Zone 1 having taken into account that the proposed floor space of the double mobile classroom unit is less than 250 Square metres. Therefore it is considered that the proposal would be compliant with Policy NE/11 Flood Risk of South Cambridgeshire District Council's DCP (2007).

8.18 Biodiversity

The playing field is not considered likely to contain any significant biodiversity interest that would be adversely affected by the proposal. Therefore it is considered that the proposal would be compliant with Policy NE/6 Biodiversity of South Cambridgeshire District Council's DCP (2007).

8.19 Conclusion

For the above reasons it is considered that with the recommended conditions, that the proposal is compliant with national and local planning policy and guidance and should be supported for the above reasons.

**9.0 Recommendation**

9.1 That planning permission be granted subject to the following conditions:-

1. **Time Limit for 7-Bay Mobile Classroom Building**

The 7-bay mobile classroom hereby permitted shall be for a limited period and shall expire and the mobile classroom and all associated access ramps and steps be removed from the site by 31<sup>st</sup> August 2022, or upon the provision of

permanent accommodation, whichever is the sooner. Within 1 month of the removal of the mobile classroom, the land shall be restored to its former condition i.e. grass.

*Reason: To limit the development to that applied for and to avoid any unnecessary long-term impact by requiring removal of the development when it is no longer necessary and the satisfactory restoration of the site in accordance with policy DP/3 of the South Cambridgeshire District Council Development Control Policies Development Plan Document (July 2007).*

## 2. **Approved Plans and Documents**

The retention of the 7-bay mobile classroom hereby permitted shall be carried out in accordance with the planning application dated 28 April 2017 and the following drawings documents and as amended by the documents listed below (received 28 April 2017 unless otherwise stated) and the following conditions:

Name/Number	Description
Mc77-LP-001-EX	Mobile Classroom Location Plan Existing dated Mar 17, received 5 May 17
Mc77-SP-00-PR	Mobile Classroom Site Plan Proposed dated Mar 17, received 5 May 17
Mb651p-01-000	7 bay Modular Classroom Building Number 651 Plan (Floor Plan) dated Mar 17
Mb651p-01-000	7 bay Modular Classroom Building Number 651 Plan (Elevations) dated Mar 17
<b>Revised Documents:-</b>	
Bassingbourn Primary School Transport Statement August 2017 Rev B	Received 11 Aug 17
Bassingbourn Primary School, Travel Plan August 2017 Rev C	Received 18 Aug 17

*Reason: To define the site and protect the character and appearance of the locality in accordance with policies DP/1, DP/2 and DP/3 of the South Cambridgeshire District Council Development Control Policies Development Plan Document (July 2007).*

3. **Travel plan implementation**

The mobile classroom hereby permitted shall not be used other than in accordance with the full implementation of the School Travel Plan August 2017 received 18 August 2017 and any subsequent amendments resulting from the monitoring and review process which shall have been previously submitted to and agreed in writing by the County Planning Authority.

Reason: *In the interests of highway safety, residential amenity and sustainability in accordance with Policies TR/1, TR/2 and TR/3 of the South Cambridgeshire District Council Development Control Policies Development Plan Document (July 2007).*

4. **Additional Cycle/Scooter Parking Provision**

Within 9 months of the date of this decision full details of the position and design of no less than 10 covered two wheeled parking spaces for cycle and /or scooters shall be submitted in writing to the County Planning Authority for its written approval. The approved two wheeled cycle and or scooter parking provision shall be implemented in its entirety in accordance with the approved details within 3 months of their approval in writing by the County Planning Authority and thereafter retained together with the 40 existing cycle parking spaces throughout the duration of this permission.

Reason: *In the interests of highway safety, residential amenity and sustainability in accordance with Policy TR/3 of the South Cambridgeshire District Council Development Control Policies Development Plan Document (July 2007).*

**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, consultees and a representor to ensure that the proposed development is acceptable in planning terms. This has resulted in 10 additional two wheeled parking spaces being proposed and the withdrawal of a holding objection by the Transport Assessment Team, which has enabled the conditional grant of permission to be recommended.

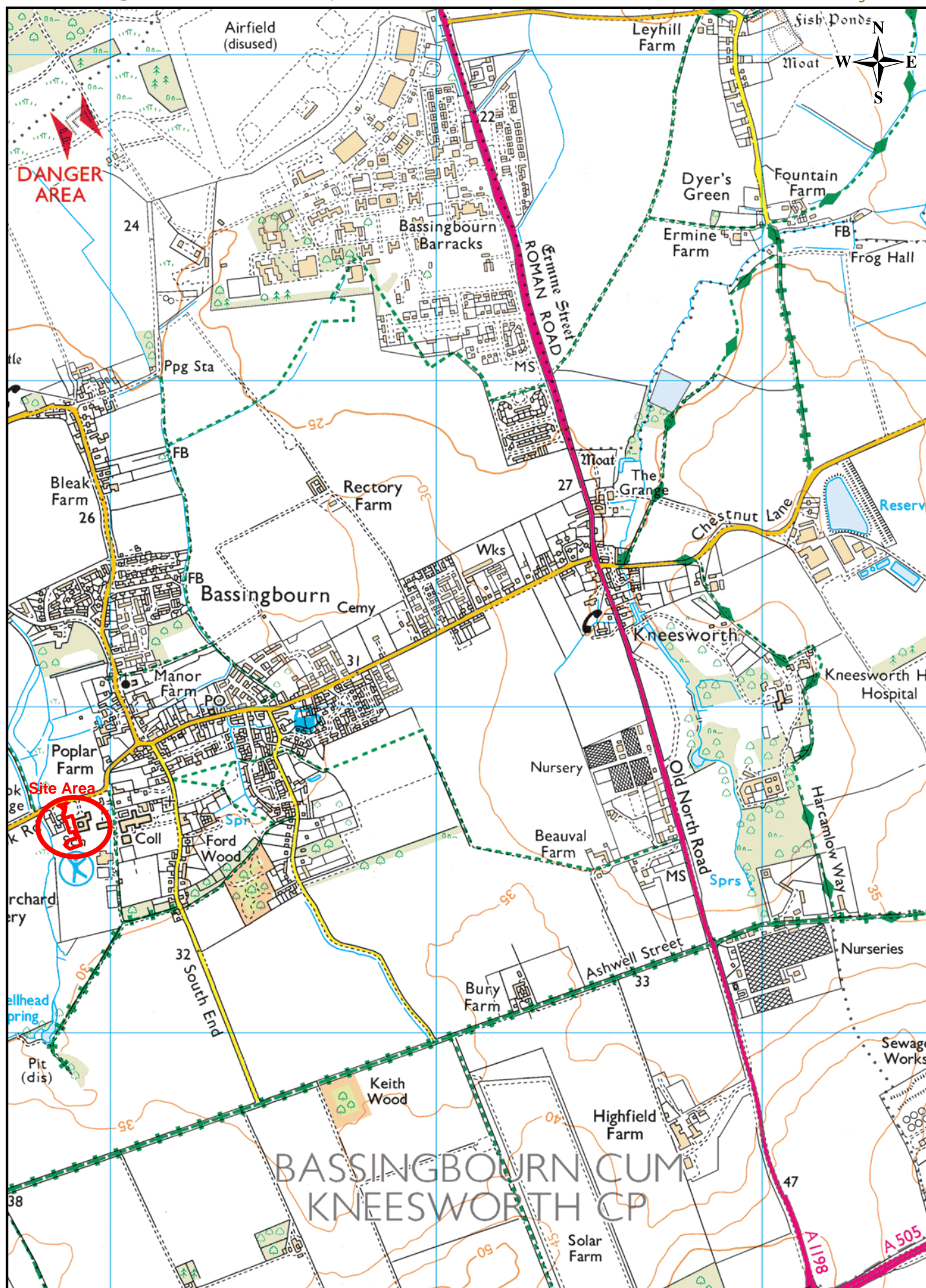
Source Documents
<p>Link to the National Planning Policy Framework: <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>South Cambridgeshire District Council Local Plan and Neighbourhood Planning:- <a href="https://www.scambs.gov.uk/content/planning-policy">https://www.scambs.gov.uk/content/planning-policy</a></p>

South Cambridgeshire District Council – Adopted development Plan:-  
<https://www.scambs.gov.uk/content/adopted-development-plan-overview-0>

South Cambridgeshire District Council – Emerging Local Plan  
<https://www.scambs.gov.uk/services/emerging-local-plan>

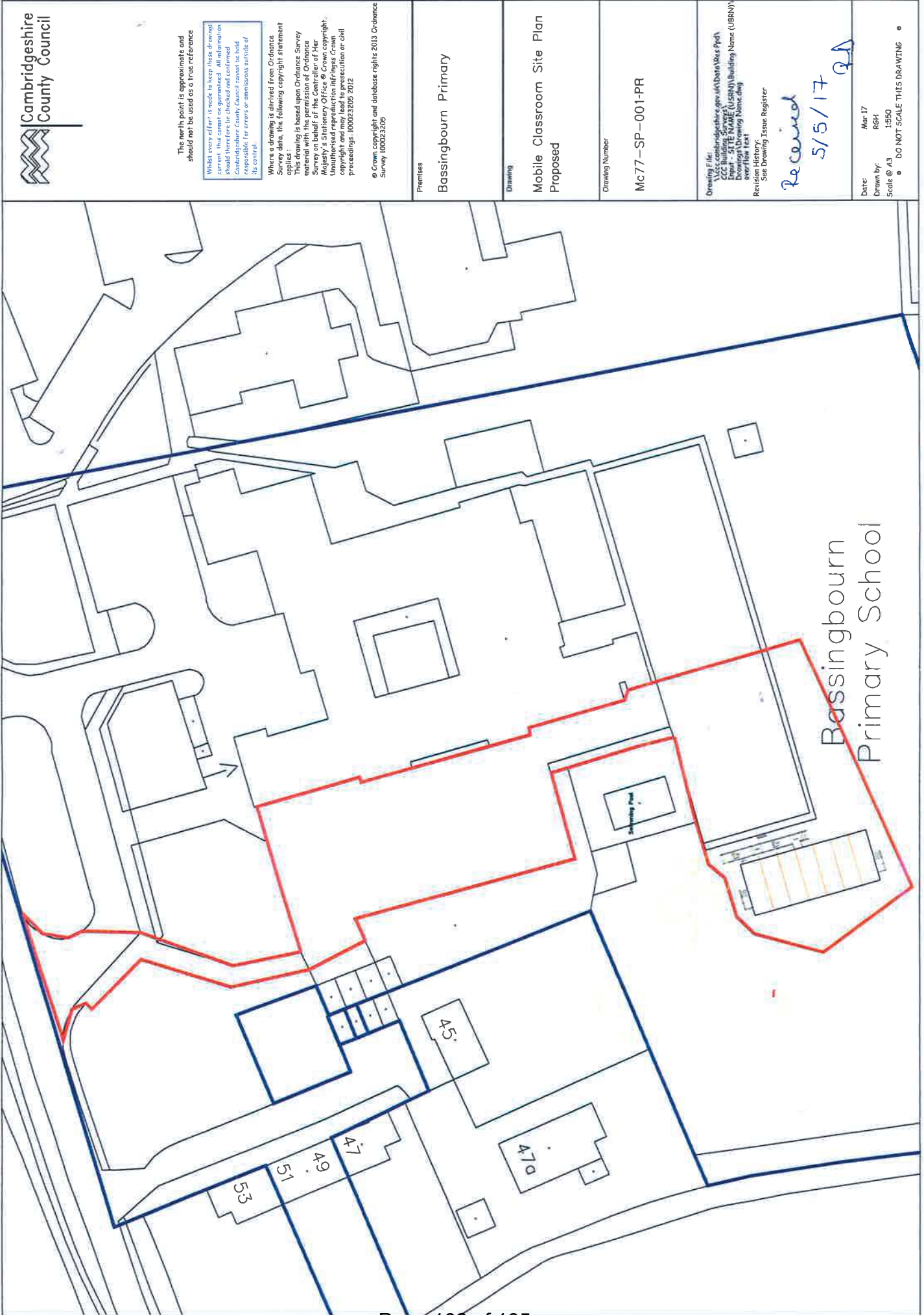


# Bassingbourn Primary School













Cambridgeshire  
County Council

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The north point is approximate and  
should not be used as a true reference  
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Premises

Bassingbourn Primary

Drawing

7 Bay Modular Classroom  
Building Number 651  
Plan

Drawing Number

Mb651p-01-000

Drawing File:  
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CCC Building Surveys\  
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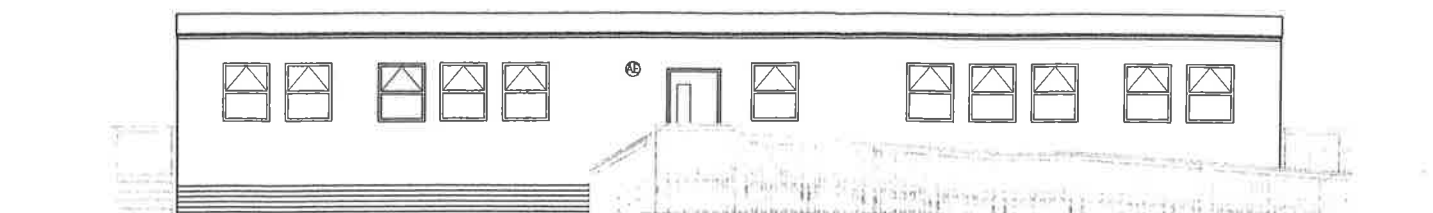
Revision History:  
See Drawing Issue Register

Date: Mar 17

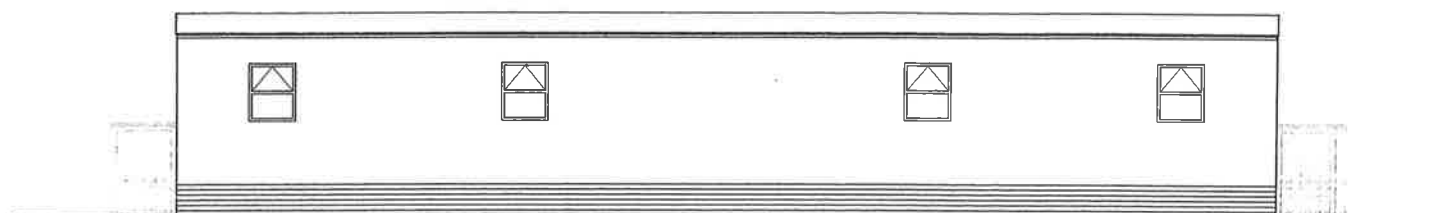
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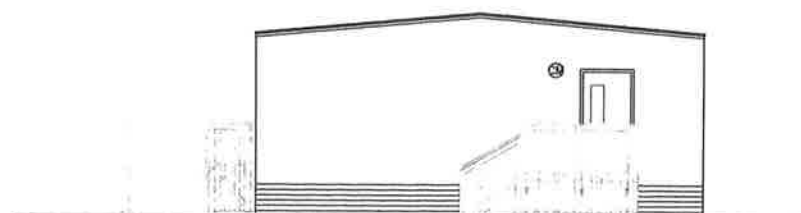
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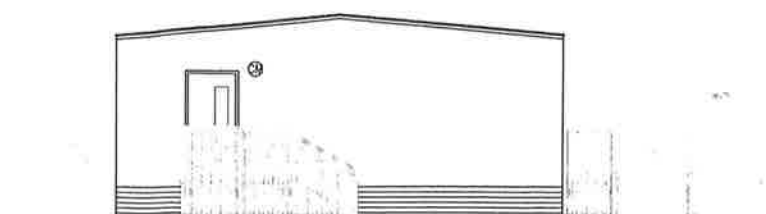
Front Elevation



Rear Elevation



RH End Elevation



LH End Elevation



Scale 1:100





**ENFORCEMENT UPDATE REPORT  
1 January 2017 – 31 March 2017**

*To:* **Planning Committee**

*Date:* **7 September 2017**

*From:* **Head of Growth and Economy**

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

*Purpose:* **To consider the following report**

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

<b><i>Officer contact:</i></b>	
Name:	Deborah Jeakins
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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 Growth and Economy service.
- 1.2 The Enforcement update report is usually prepared and presented to members quarterly. The preparation of this report was postponed from the June Committee with the agreement of the Chair. This report covers the work of the team in the period 1 April to 31 July 2017.
- 1.3 Paragraphs 2 to 5 of the report summarise the following information:
- Complaints received and their current status;
  - Number of ongoing investigations;
  - New enforcement cases;
  - Certificate of Lawfulness applications and appeals;
  - Ombudsman complaints received.
- 1.4 Paragraph 6 of this report details site monitoring visits undertaken in the period 1 April 2017 to 31 July 2017.
- 1.5 Paragraphs 7 to 16 of this report provide updates on a number of key ongoing Enforcement investigations.

## 2 COMPLAINTS RECEIVED

- 2.1 16 new complaints were received between 1 April 2017 and 31 July 2017. Table 1 summarises the status of these complaints at the time of writing.

**Table 1 - Complaint Status**

Complaint Type	Number
Breach established and resolved	3
Breach established. Investigation on-going	5
No breach established, case closed	4
Not a county matter	4
<b>Total</b>	<b>16</b>

- 2.2 At the time of writing, of the 16 complaints received between April and July 2017:
- 12 cases have been investigated and closed;
  - 4 cases remain open and under investigation;
  - 25 pre-existing complaints (received before 1 April 2017) also remain under investigation.

### **3 NOTICES SERVED**

- 3.1 No new Enforcement Notices (EN), Breach of Condition Notices (BCN) or Temporary Stop Notices (TSN) were served between April and July 2017.
- 3.2 Three Planning Contravention Notices (PCN) have been served in the period 1 April 2017 to 31 July 2017 relating to breaches of planning control at three different sites. See paragraphs 14, 15 and 16 below for further details on the enforcement investigations relating to the PCNs served in this period.

### **4 CERTIFICATE OF LAWFULNESS APPLICATIONS AND APPEALS**

4.1 **Application site: Long Drove, Waterbeach**

The enforcement and monitoring team assessed the evidence submitted in support of an application for a Certificate of Lawfulness for use of land at Long Drove, Waterbeach as a waste transfer station and determined that, on the balance of probabilities, the site had been used as a waste transfer station for a continuous ten year period. The Certificate of Lawfulness was issued on 26 May 2017.

4.2 **Appeal site: Mill Road, Fen Drayton**

An appeal has been lodged with the Planning Inspectorate, against the refusal to grant a Certificate of Lawful Development for use of land at Mill Road, Fen Drayton for the processing of inert waste. The Council refused to grant the certificate in April 2016. The appeal is set to be determined by a 1 day Public Inquiry which is due to be held at the Shire Hall offices in Cambridge on 7 November 2017.

- 4.3 Officers from the enforcement and monitoring team are assisting with the collation and submission of formal documentation to the Planning Inspectorate and will notify Planning Committee of the results of the Certificate of Lawfulness application and appeal in due course.

### **5 OMBUDSMAN COMPLAINTS**

- 5.1 No Local Government Ombudsman (LGO) complaints were received during the period 1 April 2017 to 31 July 2017.

### **6 SITE MONITORING VISITS 1 APRIL 2017 – 31 JULY 2017**

- 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, in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. The fees for conducting the visits are:

- Actives sites £331
- Inactive or dormant sites £110



- 6.2 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited to assess compliance with the conditions set out in the grant of planning permission. However, the cost is borne by the Authority. 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 April 2017 to 31 July 2017**

Site Type	Visits
Landfill	8
Quarries	19
Non chargeable sites	12
<b>Total</b>	<b>39</b>

- 6.3 Chargeable site visits have priority as they generate a small but significant income stream for the Council. The estimated income from chargeable visits for the period 1 April 2017 to 31 July 2017 is £7722.00.
- 6.4 The visits to non-chargeable sites in the table above includes visits to investigate complaints received regarding breaches of planning control at sites that do not have County waste planning permission but may be undertaking development that requires it.
- 6.5 The Enforcement and Monitoring team consists of the Principal Enforcement and Monitoring Officer, a Monitoring and Control Officer and a Senior Compliance Officer whose duties are shared with the Floods and Water team.

## **7 ENFORCEMENT CASES**

- 7.1 There are currently 5 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.
- 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, within 12 months. The operator has advised that the Council's costs were paid to the Magistrates Court in May 2017.
- 8.3 Officers continue to undertake proactive, chargeable monitoring visits to the landfill site three times a year to monitor progress towards full compliance with the notice. The most recent site monitoring visit took place on 5 May 2017 and officers noted that the reduction in the height of the remaining waste had nearly reached the level of the adjoining land. The next monitoring visit will be scheduled in the near future.

## **9 PLASGRAN, MANEA ROAD**

- 9.1 In November 2017 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 and one of the key issues of concern was the ongoing failure to comply with a planning condition relating to operating hours at the site.
- 9.2 Although Plasgran submitted a planning application to regularise some of the non-compliances on site, the issue of the operating hours has not yet been resolved and the current application does not cover this aspect of the development. The developer has advised officers that the reason for the delay in submitting an application in respect of the operating hours is to allow noise mitigation measures for the site to be designed and trialled.
- 9.3 The developer advised that the testing of the mitigation measures took place on 10 August 2017 and that a planning application to address the remaining breaches will be submitted in the near future.
- 9.4 Officers have advised the developer that if no applications to remedy all of the remaining breaches of planning control on site are forthcoming then, subject to legal advice, formal enforcement action is likely to be initiated without any further delay.

## **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 In 2015 the Environment Agency (EA) issued Environmental Protection notices requiring the operators of the site to remove all the RDF waste and the required action was completed by 16 October 2015.

- 10.3 A topographic survey showed that approximately 13,952 tonnes of waste material had been deposited, raising the level of the land across approximately 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 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.
- 10.4 On 25 May 2017 the EA served a Section 161A Works Notice under the Water Resources Act 1991 requiring the operator to remediate the land in 16 stages, with full compliance to be achieved by 11 April 2018.
- 10.5 In June 2017, an illegal encampment was set up on the land and at the same time a series of tipper-lorries entered and deposited mixed household, commercial & industrial waste. These deposits were, coincidentally, above the points which required the first remediation. Although the unauthorised occupiers were subsequently removed, the waste that had been deposited remained in situ.
- 10.6 On 12 July 2017 the EA visited the land and confirmed that Step 1 of the notice had not been complied with. The EA wrote to the operators and their solicitor in respect of this non-compliance.
- 10.7 On 9 August 2017 the EA visited the land again to determine whether the next substantive step of the notice had been completed. The EA recorded that no works had been carried out on the land and therefore intended to seek legal advice on what further action can be taken in respect of the failure to comply with the first steps of the notice.
- 10.8 Officers will continue to liaise with the EA and provide further updates to members as they become available.

## **11 LAND KNOWN AS 'ASGARD'/ FIELD 6184, LITTLE DOWNHAM**

- 11.1 In July 2015 the County Council confirmed that clay was being extracted from this parcel of land and spread to raise the land levels and also that waste materials were being imported onto the land to infill the excavations. There are EA exemptions in place for the importation of waste onto the land in question.
- 11.2 In April 2016 officers served a Planning Contravention Notice to gather further information on the quantity, source, location and composition of the waste imported onto the land.
- 11.3 A topographical survey of the land at Black Bank took place on 19 December 2016. Officers' initial assessment of the results of the survey indicated that the amount of waste imported onto the land was not significant enough to constitute a material change of use that would require County waste planning permission.
- 11.4 On 15 March 2017 officers received allegations about further importation of waste material onto part of the land and visited the site to gather evidence. Officers spoke at length to the landowner and met with East Cambridgeshire District Council (ECDC) to discuss the information provided that the land owner was using his permitted development rights to create hardstanding on that part of the

agricultural unit. ECDC agreed that the new material, which was intended for hardstanding would benefit from permitted development rights, provided that the requirement for prior approval had been met. In this case there had been no prior approval and so this is a district breach of planning control for ECDC to pursue.

- 11.5 On 5 April 2017 officers wrote to the owners of the land and the tenant farmer to set out that the recent waste importation was a matter for ECDC. The letter also clearly set out the permitted development rights for waste that apply to the agricultural unit in question and the Council's assessment of the size of the agricultural unit. The letter went on to advise that if the importation of waste continued or resumed on the agricultural unit, which comprises of field 6184 and First Drove, then the County Council now had clear evidence of the land levels.
- 11.6 On 26 April 2017 officers met with LGSS Law to discuss whether, based on the evidence on file, the level of waste brought onto field 6184 has materially changed the planning use of the agricultural unit to a use for the importation of waste.
- 11.7 Following the meeting, LGSS Law prepared instruction to Counsel to seek a legal view on whether there is a breach of County planning control on the land, taking into account the evidence of waste brought onto Asgard / field 6184, the permitted development rights for agriculture, the previous importation of waste onto land at First Drove and at what point the cumulative importation of waste onto different areas of the agricultural unit would constitute a change of use that would require County Waste Planning permission.
- 11.8 Officers have set up a meeting with Counsel on 1 September 2017 to discuss the evidence and particular complexities of this case and hope to receive the Counsel advice in advance of a meeting which has been arranged with Senior Management on 20 September 2017. Officers will provide this committee and the landowner with a summary of the Counsel advice and how it affects and informs this investigation at the next planning committee in October.

## **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. At present this is likely to be in the form of a Section 106 agreement with the Council,

on the basis that the Council will act as the main connecting party. However, until the S278 agreement is agreed with highways colleagues, planning officers cannot secure the S106 agreement to deliver the road improvements to the second half of the Drove.

### **13 LAND AT WARBOYS AIRFIELD INDUSTRIAL ESTATE**

- 13.1 The land at Warboys Airfield Industrial Estate has planning permission for the storage and processing of waste electrical and electronic equipment, subject to conditions, one of which restricts 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 to be removed from the land. Although the landowner took over responsibility for the removal of the waste, the rate of removal was unacceptably slow. A BCN was served in October 2015 requiring removal of all of the remaining waste within 28 days. The compliance period given on the notice was not sufficient to allow for the removal of the CRT waste to permitted specialist waste sites. Therefore, the deadline for initiating legal proceedings in relation to the failure to comply with the BCN passed without the removal work being completed. However, officers noted that a prosecution for failure to comply with the notice would not have resolved the breach of planning control and would probably have caused further delays and complications for the landowner who continues to work to resolve the breach of planning control.
- 13.3 Officers have visited the site regularly throughout 2016 and 2017 to monitor progress towards completion of the removal of the specialist waste. The most recent site visit took place on 10 August 2017 during which officers confirmed that the removal process is near completion but progress is gradual owing to the need to separate out specialist waste items and arrange for their separate removal.
- 13.4 Although the site is being cleared of waste, some of the items stored outside are classed as machinery and equipment which means that they are not covered by the terms of the County planning permission. The Planning Enforcement Officer of Huntingdonshire District Council has been kept updated on the issue with outside storage at the site and also the change of use of the industrial units from waste storage to district planning uses.
- 13.5 Officers are confident that the remaining waste will be removed from the site as doing so enables the land owner to let out the industrial units to other businesses. However, a PCN was served on the landowner in March 2017 in order to obtain a formal record of his intentions and timescales. Officers continue to monitor the site, and subject to legal advice, will consider recommending further formal action if the removal is not completed.

### **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.
- 14.3 On 10 August 2017 Cemex advised that they have changed the rail operator used to bring waste into the site in order to address these issues. Officers will continue to monitor the situation, follow up any further non compliances and update members on any action taken.

## **15 EARL WOODWASTE, BENWICK ROAD, WHITTLESEY**

- 15.1 In January 2017 officers received a complaint that wood waste processing had taken place at the East Anglian Resources Ltd (EARL) site on a Bank Holiday, contrary to condition 6 of planning permission F/2008/16/CW.
- 15.2 In the course of the investigation by the WPA, officers also received additional allegations regarding regular HCV movements in and out of the site throughout the night, also contrary to condition 6 of F/2008/16/CW.
- 15.3 EARL were made aware of the allegations and on 7 February 2017 submitted a new application to vary the operating hours at the site. However, the application was invalid because it did not provide sufficient justification of the need for HCVs to enter and leave the site throughout the night, in the light of the detrimental effect that this has on the complainant's residential amenity.
- 15.4 On 13 April 2017 officers served a PCN on EARL to gather further information about the alleged breaches of planning control and confirm all those with an interest in the land.
- 15.5 Following the return of the completed PCN, the complainant continued to allege that HGVs were entering and leaving the wood waste yard throughout the night and raised concerns about the stockpile heights and dust suppression measures on site.
- 15.6 On 13 July 2017 officers undertook a joint site visit to the site with the EA. At the time of the visit, the planning conditions on stockpile heights and dust suppression measures were being complied with. However, the EA served an enforcement notice on EARL in respect of the failure to reduce the amount of processed wood waste on site and the lack of fire breaks between stockpiles.
- 15.7 During the visit EARL confirmed that they were allowing HCVs to enter and leave the site outside of the hours restricted by condition, that a new application to amend the planning condition on operating hours was being prepared for submission, and that they considered that the noise survey that would accompany the application would demonstrate that they were not responsible for causing any noticeable noise and disturbance. Officers repeated advice that they had given EARL previously that the Council was taking the breach very seriously and officers

were waiting for legal advice on the most appropriate notice(s) to serve but that formal action was likely to be initiated once the advice was received.

- 15.8 On 24 July 2017 EARL advised that the results of the noise survey had shown that the vehicle movements were responsible for noise from the site and therefore they would comply with the condition restricting operating hours.
- 15.9 On 27 July 2017 the EA served a suspension notice on EARL preventing any further importation of wood waste onto the site until the non-compliances with the EA permit were resolved. Wood waste which is already on site can still be processed and removed.
- 15.10 On 7 August 2017 the complainant advised that HCVs were still entering and exiting the EARL site throughout the night.
- 15.11 On 8 August 2017 officers received legal advice on the most appropriate, effective and proportionate course of planning enforcement action to pursue taking into account the evidence of the breaches, the fact that a new application is expected to be submitted to seek to regularise the breaches and, the effect that an appeal against a notice might have on the timescale for permanently resolving the issues on site.
- 15.12 On 9 August the EA lifted the suspension of EARL's permit so that wood waste can be received and processed. Officers will continue to liaise with the EA about the dust from the site and have undertaken their own monitoring of vehicle movements to and from the site to gain evidence to support the service of a formal notice to address the failure to comply with the planning conditions on site.

## **16 WILBRAHAM QUARRY / CHALK PIT**

- 16.1 On 18 June 2013 planning permission reference S/02267/12/CM was approved for the First periodic review of mineral permissions S/01377/97/CM and S/01538/06/CM at Wilbraham Chalk pit, Mill Road, Great Wilbraham. The permission was implemented on the date of issue and officers from the County Planning, Minerals and Waste team began monitoring the planning conditions attached to the site from March 2014 onwards.
- 16.2 The monitoring reports produced by officers have repeatedly requested the submission of the surface water scheme required by condition 15 of the permission and the restoration plan required by condition 22.
- 16.3 On 12 July 2017 a Planning Contravention Notice was served on the operator of the chalk pit to gather further information and evidence regarding the breaches of planning control. The operator's response to the notice confirmed that he intended to submit the required surface water and restoration schemes by the end of August and the end of October respectively. The operator also provided further information on the facilities for the storage of fuel on site which officers need to review in consultation with the EA.

## 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><b>1. AMBER</b> Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><b><u>Condition 6</u></b> 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 Paragraph 12 in the main body of the report for a further update.</p>
<p><b>2. AMBER</b> Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p><b><u>Condition 9</u></b> 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 Paragraph 12 of this report for a further update.</p>



Description of Alleged Breach	Location	Notice Issued	Comments
<b>3. AMBER</b> 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, 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 removed from the site and that he expected to be in receipt of a district planning permission for use of the site for mobile homes in the near future. Officers will visit the site and monitor the situation to confirm this information.
<b>4. GREEN</b> Breach of Condition 5 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning)  <b><u>Condition 5</u></b> Temporary stockpiles shall not exceed 2 metres in height.	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	In September 2011 the WPA served a BCN in relation to the heights of the stockpiles of waste exceeding the maximum permitted height of 2 metres.  The court action detailed in paragraph 8 above superseded this breach and the update given regarding the reduction in the height of the waste pile(s) confirms that this breach has now been resolved.
<b>5. GREEN</b> Breach of Condition 12 of planning permission S/00060/10/CW  <b><u>Condition 12</u></b> 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 paragraph 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 paragraph 11 above, officers are waiting for further Counsel advice on whether the cumulative activities across the wider agricultural unit could be considered to constitute a breach of planning control.</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:* **7<sup>th</sup> September 2017**

*From:* **Head of Growth and Economy**

*Electoral division(s):* **All**

*Purpose:* **To consider the above**

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

<b><i>Officer contact:</i></b>	
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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 powers of delegation given to the Head of Strategic Planning (now Head of Growth and Economy) are as set out in the Scheme of Delegation approved by full Council on 17 May 2005 (revised May 2010).

## 2.0 SUMMARY OF DECISIONS

- 2.1 Twenty two applications have been granted planning permission under delegated powers during the period between 03/06/17 and 31/08/17 as set out below:

1. **S/0232/17/CC** - The internal relocation of an existing 15.6m x 9.6m 5 bay mobile classroom, for a temporary period until 31st December 2018

Melbourn Primary School, Mortlock Street, Melbourn, SG8 6DB

Decision granted 5/6/2017

For further information please contact Jane Stanley on 01223 743812

2. **S/0230/17/CC** - Erection of 2 x 7 bay mobile classrooms for a temporary period until 31st August 2019 and the permanent relocation of the existing cycle shelter and racks.

Fulbourn Primary School, School Lane, Fulbourn, Cambridge, CB21 5BH

Decision granted 20/6/2017

For further information please contact Kirsty Carmichael on 01223 703216

3. **S/0235/17/CC** - Section 73 to develop land without compliance with condition 1 of permission S/00689/12/CC for the retention of a 7-Bay mobile classroom until 31 August 2022.

Over Community Primary School, Long Furlong, Over, CAMBRIDGE, CB24 5PG

Decision granted 27/6/2017

For further information please contact Jane Stanley on 01223 743812

4. **S/0202/16/CW** - Construction and operation of a Waste Water Treatment Plant, and ancillary works, with a capacity of 75,000 tonnes per annum.

Waterbeach Waste Management Park, Ely Road, Waterbeach, Cambridge, CB25 9PG

Decision granted 29/6/2017

For further information please contact Emma Fitch on 01223 715531

5. **S/0231/17/CC** - An extension of the 1.5FE Fulbourn Primary School by 0.5FE to create a two form primary school with associated hard standing, car and cycle parking.

Fulbourn Primary School, School Lane, Fulbourn, Cambridge, CB21 5BH

Decision granted 5/7/2017

For further information please contact Kirsty Carmichael on 01223 703216

6. **H/5016/16/CC** - Installation of solar PV canopies and associated infrastructure including 1 energy storage house and 3 electrical housing units.

St Ives Park and Ride Site, The Meadow, Meadow Lane, ST. IVES, PE27 4LG

Decision granted 6/7/2017

For further information please contact Kirsty Carmichael on 01223 703216

7. **H/5002/17/CC** - Section 73 application to develop land without complying with condition 1 (to allow retention of the mobile classroom until 31 August 2022) of planning permission H/05007/12/CC.

Barnabas Oley C Of E Primary School, Little Lane, Great Gransden, SANDY, SG19 3AE

Decision granted 7/7/2017

For further information please contact Elizabeth Verdegem on 01223 715518

8. **H/5008/17/CC** - Section 73 application to develop land without complying with condition 1 (to allow retention of the mobile classroom until 31 August 2018) of planning permission H/05004/12/CC.

St. Anne's C Of E Primary School, London Road, Godmanchester, HUNTINGDON, PE29 2WW

Decision granted 12/7/2017

For further information please contact Elizabeth Verdegem on 01223 715518

9. **E/3004/17/CC** - Section 73 to develop land without compliance with condition 1 of E/03014/12/CC to retain 3-Bay mobile for a temporary period until 31 August 2022.

Swaffham Prior C Of E Community Primary School, Station Road, Swaffham Prior, CAMBRIDGE, CB25 0LG

Decision granted 12/7/2017

For further information please contact Jane Stanley on 01223 743812

10. **E/3003/17/CC** - Section 73 application to develop land without complying with condition 6 (to allow retention of the mobile classroom until 31 August 2020) of planning permission E/03009/12/CC.

Ely St John's Community Primary School, St John's Road, Ely, CB6 3BW

Decision granted 17/7/2017

For further information please contact Elizabeth Verdegem on 01223 715518

11. **S/0237/17/CC** – Section 72 application to develop land without complying with Condition 1 (to allow retention of the mobile classroom until 31 August 2022) of planning permission S/00808/12/CC.

Harston and Newton Primary School, High Street, Harston, Cambridge CB22 7PX

Decision granted 17/7/2017

For further information please contact Elizabeth Verdegem on 01223 715518

12. **S/0233/17/CC** - Erection of 7-bay mobile classroom building with access ramp, and internal relocation of one existing 7-bay mobile classroom building with access ramp, both for a temporary period until 31 August 2020.

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

Decision granted 18/7/2017

For further information please contact Elizabeth Verdegem on 01223 715518

13. **F/2003/17/CW** - Change of use from a waste transfer station to a waste transfer station and a facility for processing commercial and industrial non-hazardous wastes within the existing waste transfer building for the production of refuse derived fuel; storage of empty bi

Biffa Waste Services Ltd, Aaron Road, Whittlesey, PETERBOROUGH, PE7 2EX

Decision granted 20/7/2017

For further information please contact Helen Wass on 01223 715522

14. **H/5001/17/CW** - Importation of clean, uncontaminated waste soils to finalise the restoration and address differential settlement for a period of four years

Godmanchester Landfill Site, Cow Lane, Godmanchester, PE29 2EJ

Decision granted 24/7/2017

For further information please contact Helen Wass on 01223 715522

15. **E/3001/17/CC** - Erection of 5-Bay mobile classroom building with play deck, canopy and access ramp for a temporary period until 31 August 2022, and new formalised and resurfaced fire service access and barrier from Ely Road

Stretham Primary School, Wood Lane, Stretham, ELY, CB6 3JN

Decision granted 27/7/2017

For further information please contact Jane Stanley on 01223 743812

16. **S/0238/17/CC** - Section 73A application to continue the use of the Park and Ride Site with associated bus passenger facilities without compliance with conditions 14 (hours of operation) and 15 (use restriction) of planning permission S/00664/95/CC

Park & Ride, Newmarket Road, Teversham, CAMBRIDGE, CB5 8AA

Decision granted 1/8/2017

For further information please contact David Atkinson on 01223 715518

17. **S/0245/17/CM** – Application for a lawful development certificate under Section 191 for an existing use of land as a rail depot for aggregates

Chesterton Sidings, Cowley Road, Cambridge CB4 0DL

Decision granted 14/8/2017

For further information please contact David Atkinson on 01223 715518

18. **H/5011/17/CC** - Section 73 Planning application for retention of 8-bay and 2 bay mobile for a temporary period until 31 August 2022 without compliance with condition 1 of planning permission H/05000/12/CC

Great Gidding C of E Primary School, Main Street, Great Gidding, HUNTINGDON, PE28 5NX

Decision granted 24/8/2017

For further information please contact Will Laing on 01223 715518

19. **H/5012/17/CC** - Section 73 Planning application for retention of the timber canopy and covered play area for a temporary period until 31 August 2022 without compliance with condition 1 of planning permission H/05001/12/CC

Great Gidding C of E Primary School, Main Street, Great Gidding, HUNTINGDON, PE28 5NX

Decision granted 24/8/2017



For further information please contact Will Laing on 01223 715518

20. **E/3002/17/CC** - Erection of 6 bay mobile classroom building with access ramp, LPG storage container and a paved pathway, for temporary period until 31st August 2022.

Witchford Village College, Manor Road, Witchford, ELY, CB6 2JA

Decision granted 29/8/2017

For further information please contact Kirsty Carmichael on 01223 703216

21. **C/5001/17/CC** - Section 73 planning application to retain 7 bay mobile classroom without compliance with condition 1 of planning permission C/05006/12/CC until 31st August 2022

Queen Edith Cp School, Godwin Way, CAMBRIDGE, CB1 8QP

Decision granted 30/8/2017

For further information please contact David Atkinson on 01223 715518

22. **F/2005/17/CC** - The erection of a 7 bay mobile classroom building, access ramp, play deck with canopy and paved path for a temporary period until 31 August 2022 to enable the existing preschool to be relocated into the temporary accommodation.

New Road Primary School, New Road, Whittlesey, PETERBOROUGH, PE7 1SZ

Decision granted 31/8/2017

For further information please contact David Atkinson on 01223 715518

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