Agenda Item No. 4

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**

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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 (EcIA).

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 EcIA 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 EcIA 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 EcIA fails to truly acknowledge / appreciate the critical impact of the scheme on the strategic objectives of the policy CS35. The EcIA 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 buidings 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

LP19 – The Natural Environment

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

ENV 1: Landscape and settlement character
ENV 7: Biodiversity and geology
ENV 8: Flood risk
ENV 9: Pollution
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, Earth / 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.

<u>The restoration case</u>

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 Blcok 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 Earth / 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:

a. 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
b. 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.

<u>Ecology</u>

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.

<u>Sustainable use of soils</u>

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.

<u>Flood risk, water resources and water pollution prevention</u>

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