

CONSTRUCTION OF TWO AGRICULTURAL RESERVOIRS, FACILITATED BY THE EXTRACTION OF SAND AND GRAVEL, PROVISION OF A NEW SITE ACCESS AND HAUL ROAD, TOGETHER WITH A TEMPORARY MINERALS PROCESSING AREA AND ASSOCIATED ACOUSTIC BUNDS

AT: BRIDGE FARM, COLNE
LPA REF: E/03006/11/CM, E/3004/11/CM & F/02008/11/CM
FOR: R A Latta Farms Ltd

To: **Planning Committee**
Date: **26th February 2015**
From: **Head of Growth & Economy**
Electoral division(s): **Sutton, Chatteris, Somersham and Earith**
Purpose: **To consider the above planning application**

Recommendation: **That planning permission be granted subject to the draft conditions shown in Appendix 2 (final wording to be agreed by Head of Growth & Economy), and the applicant first entering into a Section 106 Agreement to secure the matters set out in Appendix 3.**

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1. INTRODUCTION

- 1.1 Three applications have been submitted on behalf of RA Latta (Farms) Ltd::
- E/03006/11/CM - Construction of 2 agricultural reservoirs, export of sand and gravel resulting from the excavations and construction of a haul road and access onto Chatteris Road (B1050).
 - E/03004/11/CM - Establishment of a temporary minerals processing area.
 - F/02008/11/CM - Construction of temporary acoustic bunding.
- 1.2 The applications form a single proposal and are the subject of a joint Environmental Statement (ES). They are therefore considered as one in this report, a single set of conditions is proposed and it is intended to issue a single consent to cover all three applications.
- 1.3 The applications were originally received by the Mineral Planning Authority (MPA) on 26 May 2011. Following public consultation, a request was made under Regulation 19 (now Regulation 22) of the Environmental Impact Assessment Regulations for additional information. A response to this was received on the 22 September 2011, following which further consultations/notifications were undertaken. A third round of consultation was carried out following the submission of additional ecological and hydrological information by the applicant on 22 November 2011.
- 1.4 At that stage, the Environment Agency (EA) raised engineering concerns given the proximity to the Ouse Washes. Consideration was therefore deferred to allow technical discussions between the applicant and the EA. After a significant time lapse, amended proposals were submitted in March 2014 to deal with the EA concerns and other outstanding issues. These amendments were the subject of further consultation. However, the Environment Agency still required some additional consideration, which led to the submission of an Independent Design Review in December 2014, which was passed to the EA for their final observations.

2. THE SITE AND ITS SURROUNDINGS

- 2.1 The site covers an area of 46.59 ha (37 ha for the reservoir site; 6.84 ha for the processing area; 2.75 ha for the bunding). The proposed haul road to serve the site covers a distance of approximately 3.4 km. The site is generally low lying, within an area of open countryside, sitting at about 3m AOD, and is crossed by a series of drains. The village of Earith lies 1.5 km to the south west of the proposed reservoirs. The combined application site and proposed haul road are shown on plan CCC1 attached to this report.
- 2.2 The land forms part of the agricultural holding of Bridge Farm, which covers some 800 ha in total. The main site is in arable use, being classified mostly as grade 3b agricultural land, with a small area of grade 4 land. The access road will run along field boundaries on land classified as grades 2 and 3.

- 2.3 The south-east boundary of the site is formed by a drain, beyond which lies the Ouse Washes Wetland, which is identified as a Site of Special Scientific Interest (SSSI), a RAMSAR site, a Special Protection Area (SPA) and a Special Area of Conservation (SAC). The Cranbrook Drain lies just beyond the western site boundary. Most of the site is within flood zones 2 and 3.
- 2.4 The two proposed reservoirs and minerals processing area are situated within Sutton Parish, which lies within East Cambridgeshire. The access road is located to the north of the reservoirs and is situated within both Sutton and Chatteris (Fenland) Parishes, before providing access onto Chatteris Road (B1050) at a point in Somersham Parish (Huntingdonshire).
- 2.5 The closest neighbouring property to the reservoirs is Ashmire Meadow, which is located approximately 190 metres to the west of the application boundary. Ring Farm and Bridge Farm are within 500 metres of the site boundary, and are under ownership of the applicant. Fenland Fisheries and Earith Business Park are located just over 500 metres to the south- west of the application boundary.
- 2.6 The access road to the reservoirs initially runs northwards from the construction site, parallel with the Cranbrook Drain, before turning north-east and following field boundaries to provide access onto Chatteris Road (B1050). The closest residential properties to the access road are:
- 1 and 2 Holwood Farm Cottages, approximately 300 metres to the south-west of the road at its closest point;
 - Ashwood (formerly Holywood), located approximately 150 metres to the north of the new site entrance on Chatteris Road;
 - Holwood Nurseries approximately 220 metres to the south of the access;
 - The Paddock and Milestone House (formerly Mayfield) at a distance of just over 300m on Chatteris Road.
- It is proposed to construct noise attenuation bunds adjacent to part of the length of the access road to afford some protection to these properties.
- 2.7 Although the main site is located in the Parish of Sutton, in terms of HCV movements the main settlements to be affected will be Earith, Colne, and part of Somersham. The route along the B1050 passes a number of dwellings adjacent to or near the highway, including properties in The Bank, Station Approach and Colne Road (Somersham), Somersham Road and Earith Road (Colne), Colne Road, Chapel Lane and High Street (Earith). This will involve HCV vehicles travelling through the Conservation Area of Earith.
- 2.8 A number of public footpaths are situated in close proximity to the main site. This includes footpaths 7 & 8 (Sutton), which lie just beyond the south-eastern boundary, running parallel to each other within the Ouse Washes, and footpath 22 (Earith), which is located approximately 500 metres to the west (see Plan CCC4 attached). There are no rights of way crossing the site or the proposed haul road.

- 2.9 To the north-west is the former Hanson Quarry (Colne Fen) where excavations are now complete, other than the removal of minerals from the remaining stockpiles. Permission has been granted for the importation of inert waste to that site to complete the restoration, including the improvement of the lakes for fishing and nature conservation.

3. THE PROPOSAL

Reservoir Construction and Mineral Processing

- 3.1 The main operational area, including the reservoir site and mineral processing area, lies within an area of lower grade agricultural land adjacent to the Old Bedford River. The operational site layout including the reservoirs, mineral processing area and stockpiles is shown on plan CCC2.
- 3.2 The two reservoirs will be located abutting each other on the eastern half of the site and will have a total surface area of 10.9 ha and a maximum depth of working of 7 metres. The total water storage volume will be 523,000 m³, both reservoirs will be lined with compacted Ampthill Clay extracted from the base of the excavation and detailed engineering drawings are provided.
- 3.3 The mineral processing area will be located within the north-west corner of the site, the equipment comprising a loading conveyor, washing plant, a stocking conveyor and weighbridge, plus an office, stores and a bunded fuel storage area (see Plan CCC6). The plant will be a maximum of 7.2m in height.
- 3.4 To the south of the processing plant will be silt beds, to accommodate silt from the mineral washing, and to the south of the silt beds a 3 metre high temporary topsoil stockpile. The area between the processing area and the reservoirs will be used as a temporary, as-raised, materials stockpile which would be to a maximum height of 8 metres above the surrounding ground level.
- 3.5 The SSSI area to the south and residential properties to the west would be shielded by temporary acoustic bunds, constructed of sub soil. The bund would be to a height of 4 metres above ground level. To the northeast and north of the reservoirs would be overburden stockpiles up to 4 metres in height. All bunds that remain longer than 6 months will be seeded.
- 3.6 It is estimated that the processing of the minerals will generate approximately 15,000 m³ of silt a year. Silt beds, of dimensions approximately 77.5 metres x 20 metres, will take the washings from the sand and gravel. These will be located close to the western ditch, within the project site. An inert flocculent would be added to the gravel washing process to accelerate the settlement of silt to provide a biscuit-like consistency suitable for inclusion in a stockpiles area or the silt beds.

Proposed Method of Working

- 3.7 Approximately 752,000 tonnes of processed sand and gravel will be removed from the site. Construction of the reservoirs and processing of the minerals will last approximately 2 years, whilst the export of sand and gravel stockpiles from the site will continue beyond that for a further 1 to 2 years. Allowing time for construction of the haul road at the start of the project and the completion of final restoration at the end, the total project life will be up to 5 years in total.
- 3.8 Initially top soils and sub soils will be lifted by backacters and dump trucks in the manner specified in the MAFF (2000) Good Practice Guide for Handling Soils. Topsoil, subsoil, overburden and mineral will be progressively removed from north to south to develop the reservoir void. The topsoil will be used in site restoration, the subsoil will be used for land improvement on the farm and the mineral will be processed and stockpiled for export off site.
- 3.9 The underlying clay will be used to seal the perimeter of the reservoir void as well as to construct the central dividing bund. The purpose of this bund is to enable the northern reservoir to be filled and used for irrigation purposes as soon as possible, whilst excavation of the southern reservoir continues. The sealing of the reservoirs will ensure that the water stored within them is not in hydraulic continuity within the surrounding water table.

Operational Hours

- 3.10 It was originally proposed that operations would commence at 0700 hours in the morning but, following public consultation the proposed operational hours (including the transport of materials) have been amended to the following:
- 0900 – 1800 hours Monday to Friday inclusive; and
 - 0900 – 1300 hours on Saturday.
 - No work to be carried out on Sundays or Bank/Public Holidays

Highways and Access

- 3.11 A new access road will be constructed generally following field boundaries in a northerly direction to Holwood Farm and onwards to join the B1050 Chatteris Road north of the farm (see plan CCC1). This new road, complete with passing bays, links various existing farm tracks, which will be upgraded. Any new sections will be prepared by lifting the topsoil and storing it in a low bund on adjacent land. The running surface will then be constructed by the placement of hardcore, rejects and as-raised gravel from the development site. It is proposed that the new access road will remain in place after the completion of the development to serve the farm.
- 3.12 Bunding along the access road is proposed at its northern end to provide noise attenuation to Holwood Farm Cottages and the properties on Chatteris Road. The bunds would be 4 metres in height and will be seeded to grass at the earliest opportunity. The location of the bunds is shown on plan CCC3.

- 3.13 A new junction will be constructed from the B1050 Chatteris Road located approximately 150 metres south of the existing access to Hollywood Farm. The access road will be a paved carriageway for the first 30 metres into the site, with a width of 7.3 metres and a 15-metre radius bell mouth. Beyond the paved element the access road to the sand and gravel processing site will be 4 metres wide, with passing bays
- 3.14 It is proposed that the removal of sand and gravel be restricted to 32 loads per day (64 HCV movements), each HCV having a capacity of up to 29 tonnes. Vehicles will be routed through a vehicle wheel wash to prevent deleterious matter being taken out onto the public highway and all loaded HCVs will be sheeted when they leave the site.

Reservoir Establishment and Operation

- 3.15 Once constructed the reservoirs would be filled from the Internal Drainage Board (IDB) drain at the southeastern corner of the site over the winter months. This would take place when there is surplus water between 1st November and 28th February each winter. A top water level of 0.5m below top of bank is expected to be achieved by the end of February. In a normal year, they would be full March to May with water draw down from June to the end of October. The EA has already granted the applicant a water abstraction licence (6/33/52/S/227) of 629,300 m³ per winter from a farm drain to fill the proposed reservoirs. Pumping arrangements would be reserved for subsequent approval by means of planning condition.
- 3.16 Whilst the primary purpose of the reservoirs is for irrigation, the margins will be restored to enhance biodiversity on the site. The scheme provides for two adjoining lakes with fluctuating water levels, two smaller wildlife ponds (expected to become one during the winter), a mixture of dry and wet grassland, a gravel scrape and furrows for nesting birds See Restoration Plan CCC5 attached).

Alternatives Considered

- 3.17 The ES has given consideration to the 'do-nothing' scenario. Adequate irrigation water is essential to produce potatoes, onions and other crops to the required standard. Realising the value of irrigation, most potato contracts now stipulate not only that irrigation should be provided, but also the volume of water to be available. As a result, doing nothing is not considered an option as it does not protect R A Latta (Farms) Ltd business or consequently the jobs it provides.
- 3.18 The applicant has undertaken a review of its existing land holding, in order to identify the most suitable site for the reservoirs. Most of the land at Bridge Farm falls within Agricultural Land Classification (ALC), Grade 3a, categorised as amongst the best and most versatile land. The field proposed for the reservoir construction and associated habitat creation is classified as Grades 3b and 4. These grades are lower than most of Bridge Farm owing to the heavy nature of the topsoil and subsoil and this has therefore been identified as the most suitable area for the construction of reservoirs.

- 3.19 The ES also gives consideration to alternative construction methods namely:
1. Raised embanked reservoirs involving the construction of clay banks around the site within the limitations of the in situ soils.
 2. Below surface reservoirs, as proposed, requiring mineral extraction.
 3. Below surface reservoirs with a greater depth and correspondingly smaller surface area.
- 3.20 The first option was disregarded since the removal of the underlying mineral would still be necessary and it would have a greater impact than the second and third options in terms of:
- Loss of flood storage volume.
 - Impediment of flood flows.
 - Need to import clay soils or to enlarge the site to provide adequate material.
 - Significantly more difficult structural engineering issues including long term maintenance of the embankments.
 - Inability to capture flood waters, meaning its seasonal recharge is entirely reliant on pumped abstraction from watercourses.
 - Visual impact.
 - Limited opportunities for environmental enhancements.
 - No less land area taken to store the required volume of water.
- 3.21 The third option is a variation on option 2 and is considered in the context of Policy CS42 (c) of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, which requires the surface area of reservoir schemes to be minimised. In this regard one of the major objectives of the project is to minimise the amount of material removed from the site and ensure that no material needs to be imported. It is concluded that option 3 is not appropriate for the following reasons:
- Over deepening would produce excess clay that would have to be exported to landfill, as it is unlikely to be used in the construction industry. This would add expense to the project and is not considered a sustainable solution, thus being contrary to policy CS42 (b).
 - A deeper reservoir would create technical pumping problems for abstraction.
 - The slope of the clay lining would need to be less steep for a deeper excavation to comply with geotechnical requirements. Consequently, to achieve the required storage volume more clay would need to be imported or the site area increased.
- 3.22 The ES therefore concludes that the proposed reservoir design is the optimal approach to meet the project objectives and the sustainability criteria set out in Core Strategy Policy CS42. The phasing of the reservoirs is considered to be relevant to CS42(e) i.e. the phasing and duration of the proposed development adequately reflects the importance of the early delivery of water resources. The design allows the first reservoir to be brought on line at the earliest opportunity, expected to be within the first eighteen months.

4. CONSULTATIONS

There have been several rounds of consultation as set out in section 1 of this report. The list below summarises the position in terms of final responses.

- 4.1 **East Cambridgeshire District Council:** No objections on the basis that mitigation measures proposed are able to be secured by condition. As such it is considered that the proposal accords with Policies CS6, EN1, EN6, EN7, and EN8 of the East Cambridgeshire Core Strategy.
- 4.2 **Huntingdonshire District Council Planning Department:** No objection. It is considered that the development will have no impact on any listed buildings, conservation areas or protected trees. Furthermore it is considered that the proposal will not have a significant adverse impact on the character or appearance of the local landscape.
- 4.3 **Fenland District Council:** No comments to make.
- 4.4 **Sutton Parish Council:** No comments to make.
- 4.5 **Earith Parish Council:** Object to the application, the primary concern being the large movement of traffic through the village, and articulated lorries turning right across the traffic flow at George Corner (Junction of B1050 with A1123)..
- 4.6 **Bluntisham Parish Council:** Originally recommended approval, accepting the need for a reservoir on the farm and noting their support for local farmers. However, following subsequent consultation, objects to the application on the grounds that this will undermine the work done to reduce the number of lorries travelling through the village. Concerned that the resurfaced Earith High Street will also be put under extreme pressure and damage will occur due to the additional heavy goods vehicles.
- 4.7 **Somersham Parish Council:** Objects on the following grounds;
 - 1. The proposed route is already a busy B class road and it is unacceptable to expect residents on that route to endure an additional 64 HCV movements a day.
 - 2. The proposed vehicle size and number of movements is too large to be accommodated on a regular basis by the poor road junction at Bridge End between the B1050/B1086 (Chatteris Road / Somersham High Street) which has limited visibility.
 - 3. HCV movements along the B1050 would adversely affect local residential amenity to an unacceptable degree in conflict with CCC policy.

If the planning application is approved conditions are requested to:

- 1. Restrict traffic movements to 0900 - 1700 hours Monday to Friday only.
- 2. Require improvements to the Bridge End junction to improve road safety.

- 4.8 **Chatteris Town Council:** Recommends refusal on the grounds of excessive heavy traffic on unsuitable roads. Neither Chatteris nor Somersham is able to accommodate additional heavy traffic.
- 4.9 **Colne Parish Council:** No objection to reservoirs, but consider the B1050 unsuitable for heavy traffic, which will cause damage to the road, ditches, and footpath, plus damage to old properties. Request funds to upgrade the B1050, with footpath reinstated to full width, if the application is approved.
- 4.10 **County Councillor for Somersham and Earith:** Objects to the application for construction of the two reservoirs and export of mineral and asks that this be refused due to impact of HCVs on residential areas of Somersham, Colne, Earith and Bluntisham. The increase in HCV traffic will cause unacceptable harm to residential amenity, as defined in Minerals & Waste Plan Development Policy CS32, as a result of noise and vibration. Policy is to discourage mineral extraction from the Somersham/Earith area in favour of Block Fen where transport routes are more suited to HCV traffic. Granting this application would reverse that trend and should be refused.

If planning permission is granted, hours of operation should be 0900 to 1700 on weekdays only, partly because residents are at home before 9am and after 5pm weekdays and on Saturday mornings, and partly out of concern for children waiting for the school bus opposite Bank Avenue on the B1050 in Somersham, where they currently spill onto the edge of the road. Also suggests that the applicant should be encouraged to offer some community benefit to local road users, e.g. improvements to the Bridge End Junction in Somersham and additional signage or other safety measures at the George Corner junction in Earith. The Councillor has subsequently welcomed the 09.00 start which addresses his particular concern about school children, but still considers the application unacceptable.

- 4.11 **Earith Ward Councillor at Huntingdonshire District Council:** Objects due to concerns about HCV movements, in particular the associated noise and air pollution. Concern is also raised about the ability of HCVs to turn right at George Corner in Earith onto the A1123, and the need to look at alternatives for providing the reservoirs without extracting the mineral.
- 4.12 **Highway Authority (HA):** Originally raised no objection on the grounds of vehicle movements. The HA did not object to the previous (refused) application, which proposed 50 HCVs per day (100 movements) and this has now been reduced to a maximum of 32 per day (64 movements), giving even less cause for concern.

Following reconsultation this year on an updated Traffic Impact Assessment to take account of the Colne Fen Planning Consent, the HA still maintains no objection. The roads to be utilised are of A and B classification, and indicated within the Cambridgeshire Advisory Freight Map as local routes suitable for HCV use. The extra 64 movements per day or one every 10 minutes is not of such significance that could lead to a recommendation of refusal on the grounds of capacity of any of the roads involved i.e. the B1050 or the A1123.

The junction at George Corner (although not constructed to today's ideal geometric requirements) continues to cater for HCV traffic without any reportable accidents associated with such use. There is only one reported incident in the last 3 years, which did not involve an HCV. The HA is also satisfied with the design and visibility splays for the proposed site access onto the B1050 and has requested appropriate conditions to be imposed if permission is granted. Current road safety signage at George Corner is considered adequate at present and the introduction of further unnecessary signage could be detrimental to road safety.

- 4.13 **East Cambridgeshire District Council Environmental Health Officer:** The EHO is pleased to note changes from the original application in relation to the height of acoustic bunds (increased from 3m to 4m) and the reduction in operational hours. Should planning permission be granted a number of conditions are recommended to protect the environment. The EHO does not accept any justification for refusal in terms of traffic impacts (see paragraphs 46 & 47).
- 4.14 **Huntingdonshire District Council Environmental Health Officer:** The EHO at Huntingdonshire was consulted specifically in relation to the potential traffic impacts from vehicles using the B1050. His comments are referred to in more detail at paragraph 45, but he does not support the arguments made by local objectors and does not object to the application.
- 4.15 **Environment Agency:** In initial consultations the EA had no objection to the three applications, subject to the imposition of appropriate conditions. However, on the second Regulation 19 consultation the EA raised concerns over the stability of the reservoirs, their proximity to the Ouse Washes and whether the calculations used for drawdown of groundwater had been underestimated. In response to this the applicant had protracted discussions with the EA and submitted an amended scheme to address their concerns. This scheme was prepared with advice from the Panel Engineer appointed by the EA to have responsibility for the Ouse Washes. Notwithstanding this, the EA required the scheme to be formally signed off by an approved Panel Engineer, which entailed the preparation of a further report. This was submitted towards the end of last year and the final observations of the EA were received in January. The EA is now satisfied that the development poses no risk to the integrity of the Ouse washes and that the application may be approved subject to the imposition of appropriate conditions.
- 4.16 **Middle Level Commissioners (on behalf of Sutton and Mepal IDB):** Originally requested further supporting evidence concerning the projected volumes of surplus ground water discharging to the Board's system during the lifetime of the development, details of the proposed structures and water control facilities in the Board's system, together with confirmation from the EA concerning bank stability of its main rivers. Further information to address the Board's concerns was supplied in November 2011 and in February this year. No further response has been received but some aspects of the proposal may require IDB consent (see proposed informative at Appendix 2).

- 4.17 **Countryside Access Team (CCC):** Initially welcomed the provision of a new bridleway link included in the original application, albeit with reservations as to whether this could be achieved. It has ultimately been agreed that this is not viable (see paragraphs 8.31 to 8.32).
- 4.18 **Natural England:** Given the EA has withdrawn its objection in relation to engineering issues, NE is satisfied that the scope and detail of the ES supports the conclusion that the development is unlikely to have an adverse impact on protected species and sites, including the Ouse Washes SSSI, SPA, SAC and Ramsar Site, provided proposed mitigation proposals are implemented. Also satisfied that a change to the height of the bunding from 3 metres to 4 metres will not alter this conclusion. Therefore raise no objection.
- 4.19 **Environment Management and Climate Change (CCC):** Welcome the detailed ecological assessment provided as part of the ES and support the 10 year ecological management plan. The biodiversity enhancements proposed as part of the scheme are supported. Recommend the imposition of conditions, which are included at Appendix 2.
- 4.20 **The Wildlife Trust:** No response
- 4.21 **Agricultural and Water Consultant:** (Employed by CCC to advise on the irrigational requirements in agricultural terms). The case for winter storage to provide a more secure and flexible source of water for irrigation on the farm is not questioned. The revised application provides greater detail and considerations of options and impacts of providing this water.
- 4.22 **Noise Consultant:** (Employed by CCC to advise on noise impact of HGV movements). Concludes that impact would be slight, at worst.
- 4.23 **County Ecologist:** No objection, subject to conditions.
- 4.25 **County Archaeologist:** Part of the development area has been subject to archaeological evaluation. Request a condition that the remaining area is subject to a 'strip, map and excavate' exercise.
- 4.26 **St Ives and District Area Road Safety Committee:** Concerned about the movement of an extra 64 HGV movements a day into Earith with access to/from the A1123 at George Corner, which is a permanent agenda item for the Committee due to the lack of visibility at the junction and the lack of space for heavy vehicles to turn safely. Advise that they have had numerous reports of incidents at this location and that there have been several instances of vehicles striking buildings. Road surfaces and kerbs are regularly damaged by HGVs and load spillage is common.

Improving safety at this junction is a high priority action in the Earith Parish Council action plan and additional HGV movements can only increase the risk of injury and damage. CCC has produced a priority HGV route map and installed signage to encourage heavy vehicles to avoid the A1123 where possible. Granting this application would fly directly in the face of that policy.

4.27 East Cambridgeshire HCV Group

The HGV Group objects to the increase in lorry movements through Earith and Bluntisham and has submitted data compiled by a professional consultant relating to noise, vibration, NO₂ and particulates. It is stated that tests in Earith found excessive levels of noise and particulate pollution. The results (which have been provided) suggest that the levels of particulates at Earith exceed the safe levels for PM₁₀ and PM_{2.5} as defined by the World Health Organisation and the European Union.

The Group acknowledges that the findings themselves are not sufficient evidence of a breach of the guidelines, since there needs to be proof that the levels have been exceeded a minimum number of times per year, but it is suggested that this is a strong indicator that levels are already far too high.

5. REPRESENTATIONS

5.1 69 letters of representation were received in relation to the initial consultation, 6 more in response to the Regulation 19 consultation, 7 in response to the consultation in November 2011 and 8 as a result of the further consultation in March 2014. It should not be assumed that the reduction in numbers assumes a lessening of concern because objectors have been advised that their original comments would be taken into account unless they indicated otherwise. There will be some double counting in the above figures but in total objections have been received from just under 60 households plus an objection from LaFarge Aggregates.

5.2 Copies of representations (including those from the St Ives Road Safety Committee and the East Cambs HCV Group referred to above) will be available in the Members' Lounge for a week prior to Committee. However, the majority relate to vehicle movements and associated impacts in terms of noise, dust, vibration, air quality, visual impact of traffic, road safety, speed of vehicles and the effect on property values. Other reasons for objection include the following:

- The site is not allocated in The Cambridgeshire Aggregates (Minerals) Local Plan (1991) or in the replacement LDF Core Strategy.
- The application is contrary to Policies CS5 (Block Fen/Langwood Fen, Earith/Mepal) and CS32 (Traffic and Highways) of the Core Strategy.
- The construction of the reservoirs appears commercially reliant on revenue from the sand and gravel and is not therefore incidental to the main objective of creating the reservoirs as required by Policy CS42.
- The application is seen as an excuse for mineral extraction and the need for irrigation is not accepted.
- Holme Fen Drove at Colne, albeit a single track road, is suggested to be a better route out of the site.
- The proposal is premature until Earith is bypassed.
- Concern that agreed lorry routes will not be enforced.

- Development considered unnecessary as water bodies are available on the old Hanson site to the west and in surrounding dykes.
- All excavated material should be kept on site to construct the reservoirs, which should be above the surface.
- Adverse impact on the landscape and the character of the area.
- Concern about adverse impact on the Ouse Washes.
- Concern that retention of the internal haul route after the reservoirs have been finished may encourage industrial development on the site and also increase traffic movements if used for all farm traffic.
- The impact on local residents should weigh more highly than the profits of a private company.

5.3 One resident originally expressed concerns in some detail about the engineering aspects of the proposal. He has not indicated his qualification to comment on such matters, though he is clearly knowledgeable in this field. He has been kept advised on this aspect of the development and was sent a copy of the Independent Design review as a matter of courtesy. His final response, dated 25th January 2015 states ... *“the majority of my queries have been addressed. The current scheme is significantly different to that originally proposed and now looks stable with safe batters and positioned further away from the Old Bedford River.”*

5.4 He goes on to express some continuing concern about traffic movements and suggests the use of a permanent sheet piled cofferdam system to contain the reservoir. This construction method is typically used for engineering projects in rivers or the sea and effectively creates a dry area within which a development can take place. Without considering whether it would be appropriate for this type of development at this location, the proposed scheme has been signed off by an independent Panel Engineer and is acceptable to the Environment Agency. There would therefore be no planning justification for suggesting an alternative design approach.

6. PLANNING HISTORY

6.1 An application for, in principle, the same development was considered and refused by the Mineral Planning Authority (MPA) in June 2010. A copy of the refusal notice is shown in Appendix 1. The current application is to be considered on its merits, but the relevance of the previous refusal is referred to in the conclusions to this report.

6.2 The site is adjacent to the former Hanson quarry, which lies to the north-west of the proposed site and utilised a vehicular access onto B1050 east of Somersham from the early 1990s. The approximate yearly tonnage of mineral removed from the site was between 250,000 and 340,000 tonnes per year, before extraction was completed in 2009. Planning permission was granted on the northern area of the former Hanson Site in June 2013 to allow the removal of remaining stockpiles of sand and gravel and to import inert waste for restoration purposes. The permission runs until 2019 and allows a maximum of 120 HCV movements per day.

7. PLANNING POLICIES

7.1 National Guidance

Government planning policy is set out in the National Planning Policy Framework (NPPF). Paragraph 11 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst paragraph 14 sets out a presumption in favour of sustainable development. Other paragraphs of particular relevance to this application include:

P28 Supporting a prosperous rural economy
P112 Development of agricultural land
P118 Conservation and enhancement of biodiversity
P120 Pollution and land instability
P123 Protection health and quality of life
P144 Determining applications for mineral extraction
P187 Decision taking in relation to sustainable development
P203 Use of conditions and planning obligations

7.2 East Cambridgeshire Core Strategy (2009)

CS1 Spatial Strategy
CS6 Environment
CS8 Access
S6 Transport Impact
EN1 Landscape and Settlement Character
EN6 Biodiversity and Geology
EN7 Flood Risk
EN8 Pollution

7.3 Huntingdonshire District Core Strategy (2009)

CS1: Sustainable Development in Huntingdonshire

7.4 Huntingdonshire Local Plan (1995) as amended (2002) – Saved Policies

T18: Access Requirements for new development
En17: Development in the Countryside

7.5 Fenland Local Plan (2014)

LP1 Presumption in favour of sustainable development
LP3 Spatial strategy
LP14 Responding to climate change and managing flood risk
LP19 Natural Environment

7.6 Cambridgeshire Local Transport Plan 2011- 2026

7.7 Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

The Core Strategy was adopted CCC in July 2011. It supersedes saved policies in the Cambridgeshire Aggregates (Minerals) Local Plan 1991.

CS1: Strategic Vision and Objectives for Sustainable Minerals Development
CS4: The Scale and Location of Future Sand and Gravel Extraction
CS5: Block Fen/ Langwood Fen/ Mepal
CS13: Mineral Extraction outside Allocated Areas
CS22: Climate Change
CS23: Sustainable Transport of Minerals and Waste
CS25: Restoration and Aftercare of Mineral & Waste Management Sites
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
CS42: Agricultural Reservoirs and Incidental Mineral Extraction

8. LANDUSE PLANNING CONSIDERATIONS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the development plan unless other material considerations indicate otherwise. The relevant policies from the plan are set out in section 7 above.
- 8.2 Paragraph 14 of the NPPF contains a presumption in favour of sustainable development which should be approved without delay where proposals accord with the development plan.
- 8.3 Consultation on the original application raised significant land use planning considerations on a number of issues and the applicant has spent some time seeking to address these. There is still significant local objection to the proposal, relating primarily, though not exclusively, to the transportation of minerals on local roads. The important questions to ask are whether this is sustainable development, whether it accords with the Development Plan and, if so, are there any overriding reasons that would justify its refusal?

The Need for the Development

- 8.4 Policy CS3 of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) sets out the Strategic Vision and Objectives for the development of Block Fen/Langwood Fen at Earith Mepal. Policy CS5 makes a strategic allocation for sand and gravel extraction at this location, to be worked and restored in manner consistent with the Block Fen/Langwood Fen Master Plan (adopted in 2011). This is the only strategic mineral

allocation made through the Core Strategy. It will provide sand and gravel throughout the Plan period and beyond, and its restoration will deliver sustainable flood management for the Cranbrook and Counter Drain catchment, as well as a very large area of lowland wet grassland to enhance the internationally important Ouse Washes area.

- 8.5 Recognising the need for a wider distribution of sand and gravel pits in the County, Policy CS4 identifies broad areas for potential future sand and gravel workings, which includes an area referred to as the Earith Mepal Zone, which is more extensive than the Block Fen/Langwood Fen allocation, and within which the application site lies. However, given the scale of mineral provision already made in this area a justification for the application cannot be made in terms of an identified need for the extraction of sand & gravel. Also, given the need to ensure that the strategic objectives at Block Fen/Langwood Fen are not prejudiced any alternative justification must be robust. Policy CS13 advises that, additional mineral extraction, lying beyond the scope of the minerals spatial strategy in the Plan will not be permitted unless it can be demonstrated that there are overriding benefits which justify an exception to this policy. The justification made within this particular application relates not to the need for the mineral, but the need for an agricultural reservoir.
- 8.6 Policy CS42 relates specifically to the construction of agricultural reservoirs, potable water reservoirs and incidental mineral extraction. This states that such proposals will only be permitted where it can be demonstrated that:
- a. there is a proven need for the proposal;
 - b. that any mineral extracted will be used in a sustainable manner;
 - c. where the proposal relates to a reservoir, the design minimises its surface area by maximising its depth;
 - d. the minimum amount of mineral is to be extracted consistent with the purpose of the development;
 - e. the phasing and duration of development proposed adequately reflects the importance of the early delivery of water resources or other approved development.
- 8.7 In relation to Policies CS13 and CS42, demonstration of need is the initial consideration and the application includes a statement to justify the agricultural need for irrigation. The applicant currently has three summer licences in use from the EA but, in the future, these will be restricted by means of cessation clauses. It is demonstrated that the quantities of water on the three licences (equating to approximately 55,000 m³ of water) are insufficient to maintain the quality of produce required by the supermarket trade. The cropping regime includes the cultivation of potatoes, onions and sugar beet, all requiring irrigation in order to provide a viable yield of good quality products. The report argues that the project is both essential to the future development of the farm holding and financially viable.
- 8.8 Since this is a specialist area, the County Council employed a consultant to advise on this matter. As summarised in paragraph 4.21 of this report the consultant is satisfied that there is an irrigational need for the water, which will provide spray irrigation of crops within the applicant's holding. The

consultant is satisfied that a water requirement of 523,000m³ is appropriate and fully justified in irrigation terms. It is noted that the EA has already issued a licence for a higher volume than this (see paragraph 3.15).

- 8.9 It is therefore accepted that there is a genuine need for the reservoirs and that the proposals represent a sustainable use of water for the purposes of satisfying the irrigational requirements of the agricultural holding. Paragraph 28 of the NPPF requires planning policy to promote economic growth in rural areas, including promotion of 'the development and diversification of agricultural and other land-based rural businesses'. In principle, therefore, the need for the reservoirs is accepted and is sufficient to override the normal presumption against sand & gravel extraction in this area.

Design of the Reservoirs

- 8.10 The reservoirs will cover a surface area of 10.9ha, with a capacity of 523,000m³. The Council's Consultant indicates that this is, if anything, a conservative estimate of the irrigational needs of the farm. The depth of the reservoirs will be 7m, displacing 4 to 5m of sand and gravel and 2 to 3m of clay. The design strikes a balance between the provision of the desired volume and the sustainable use of materials. Excavated clay will be used to engineer and line the reservoirs, whilst sand and gravel will be exported for use in the aggregate market, with no surplus waste arising from the project.
- 8.11 The proposed method of operation provides for the northern reservoir to be available within approximately 18 months, with both reservoirs being delivered within two years of commencement. Removal of the sand and gravel stock piles will be spread over a further 3 years after the reservoirs are brought into use, the overall operations and final restoration of the site thus being achieved within a 5-year period. Storing the mineral in temporary stockpiles on site means that the reservoirs can be completed at the earliest opportunity, whilst transfer of the mineral to an existing holding area at St Ives means that market forces will not delay the ultimate site restoration.

Alternative Solutions

- 8.12 A number of alternatives to the proposed scheme are considered within the ES (see paragraphs 3.17 to 22) and can be summarised as follows:
- a) **Do nothing.** This would fail to satisfy the irrigation need that has been identified.
 - b) **Use of alternative water supply.** There are no 'community reservoirs' available within the area. Consideration has been given to obtaining water from the adjacent Colne Fen Quarry, where a number of lakes have been created. A view on this option was originally sought from the EA, which advised that, since the lakes on this site are not clay lined, and thus not proven to be hydraulically separate to the surrounding water table, there is concern that abstraction would impact adversely on the groundwater flow. In any event, the site has since been sold by Hanson and is now in the ownership of another local farmer and not available to the applicants.

- c) **Make the reservoirs deeper.** It would be possible to reduce the area of the reservoirs, by making them deeper, but this would produce a surplus of clay, which would need to be removed from the site, most likely for disposal to landfill. There would therefore be no benefits in terms of the export of material and it would be a less sustainable solution.
- d) **Retain all materials on site.** This would result in a very large, permanent spoil heap on site, which would be visually intrusive, would sterilise agricultural land and does not represent a sustainable use of the excavated sand and gravel as required by Policy CS42(b).
- e) **Construct the reservoirs with earth banks above ground.** This would result in a slightly smaller water area and would reduce the amount of material to be removed off site. However, engineering clay for the base and side seals would instead need to be imported to construct the bunds. This would also impact on the floodplain, the appearance of the above ground reservoirs would be more artificial and engineering issues would be more complex.

8.13 Consideration has been given to alternative transport routes out of the site. However, there are no suitable alternatives in highway terms and access direct onto the B1050 is considered to be the best option available at present. Consideration has also been given to transporting material northwards on the B1050 to use the new link road to be constructed around the southern edge of Chatteris to join the A142. This is part of an application for 1,000 new homes granted outline permission on 3 Sept 2013. However the timescale for delivery of the new road is still very uncertain and would significantly delay provision of the reservoirs. That said, flexibility is recommended in the proposed routeing agreement, to allow for the possibility of this project coming on stream during the life of the mineral operation.

Proposed Solution

8.14 In conclusion, it has to be accepted that the proposed solution of creating the reservoirs in the shortest possible timeframe, processing and stockpiling the mineral on site, with removal to a transfer station in St Ives over a specified timescale, appears to be the most viable and sustainable solution available, and therefore satisfies the requirements of policies CS13 and CS 42.

The sub clauses of Policy CS42 are satisfied as follows:

- a. The need for the reservoir has been demonstrated in agricultural terms.
- b. The sand and gravel extracted is to be used in a sustainable manner.
- c. The design strikes a reasonable balance between surface area and the sustainable use of materials.
- d. The volume of sand and gravel extracted is considered to be both necessary and incidental to the main purpose of the development.
- e. The phasing of the development will allow the early delivery of the reservoirs, whilst allowing the mineral to be exported over a longer period.

- 8.15 Whilst the proposed development is therefore considered to accord with policies CS13 and CS42, consideration still needs to be given to the potential environmental impacts of the development.

Landscape and Visual Impact

- 8.16 The proposed development is situated within an area of open countryside. During the 2-year construction phase the noise bunding, stockpiles and processing plant will be visible in the wider landscape, whilst stockpiles and bunds will remain for up to 3 more years beyond that. Stock piles and bunds will be 4m high with processing plant up to 7.2m. The ES considers the visual impacts of the scheme to be of negligible to medium significance.
- 8.17 Neither East Cambridgeshire, nor the two adjacent Districts raise objection and there is no reason to disagree with the conclusions of the landscape assessment, particularly having regard to the relatively short-term nature of the construction phase. In the longer term, the two new water bodies (more likely viewed as one from a distance) are not likely to have a significant impact, particularly since they have been designed as below-ground features without engineered banks. As such the application does not conflict with Minerals and Waste Core Strategy Policy CS33 in relation to Landscape Protection.

Biodiversity, Wildlife and Protected Species

- 8.18 The site is situated within a sensitive area being immediately adjacent to the Ouse Washes SSSI (see Plan CCC4), which is an extensive area of land (2,447ha) lying primarily between the Old and New Bedford Rivers in Cambridgeshire and Norfolk. It is designated for its importance in supporting both breeding and wintering water birds, the large areas of unimproved neutral grassland and the richness of the quality of fauna and flora within the watercourses. The area is also designated as an SPA (Special Protection Area under the EC Birds Directive), an SAC (Special Area of Conservation) owing to the presence of spined loach (a small fish with restricted microhabitat) within the watercourses, and a RAMSAR (a wetland of international importance under the Ramsar Convention).
- 8.19 The site is separated from the SSSI by a drainage ditch. The closest operation to the SSSI will be the construction of a temporary 4 metre high acoustic bund along this boundary, which is designed to minimise noise disturbance to wildlife and will be set back 5m from the boundary. Beyond the drainage ditch is the 'Old Bedford Low Bank' which would afford further protection to the main area of the washes lying beyond that between the old and new Bedford Rivers. The edge of excavations will be set back 80m from the site boundary and 150 metres from the Counter Drain of the Old Bedford River, whilst temporary storage stockpiles will be set back 25m
- 8.20 The main concerns here have been the potential effect of operations on the stability of adjacent banks and ditches, the potential for drawdown of water within the wetland area, and the prevention of contamination to ditches, which are addressed within the following section. Birds are generally resilient

to noise and, given the vast extent of the wetlands are likely to move slightly further away from the site if disturbed during operations. Consideration needs to be given to the disturbance of breeding birds and a condition is proposed to cover this. Dust emissions can also be controlled by condition.

- 8.21 The application site is currently in intensive agricultural use, with little nature conservation value. The proposed restoration scheme referred to at paragraph 3.16 would significantly improve habitats within the site, complementing the biodiversity value of the wider area. A draft Management Plan has been provided, which would be updated pursuant to the conditions, to ensure the satisfactory establishment of the ecological interest.
- 8.22 Natural England, as the body with statutory responsibility for the SSSI, does not object to the application, subject to the imposition of appropriate conditions. It is therefore considered that the application complies with Minerals and Waste Core Strategy Policy CS35 and that there would be no justification for a refusal on ecological grounds.

Flood Risk and Hydrology

- 8.23 The EA and the Middle Level Commissioners raised concerns in relation to flood risk, water drainage from the site and potential effects upon adjacent ditches and the Ouse Washes (see paragraphs 4.15 to 4.16). These issues were addressed in considerable detail in the additional supporting information provided in March last year. This was supplemented by a further Independent Design Review, submitted in December last year and produced by an All Reservoirs Panel Engineer, who is qualified in accordance with the requirements of the Reservoirs Act 1975.

The Independent Design Review concludes that the principles that support the design have been established on a sound basis, and that the new reservoir can be delivered without detriment to the existing infrastructure that is close to the site. In particular, a reservoir at this location, constructed in accordance with the recommendation and modifications contained in the report, will have no impact on the nearby Ouse Washes embankments or on the Counter Drain. A number of issues are identified requiring further attention as part of the post-planning design work, but the Report emphasises that none of these activities will affect the overall design concept, but will simply add further levels of detail as the design and construction are developed. However, the current design is considered to be sufficiently complete for planning purposes

- 8.24 Having regard to the Independent Design Review, the EA has withdrawn its objection to the application, subject to the imposition of appropriate conditions based upon the recommendations of the qualified Panel Engineer. The wording of the conditions (numbered 21 to 26 at Appendix 2) has been agreed with the EA. There is also a requirement from the EA to monitor ground water levels in the vicinity of the site and to provide any necessary mitigation to protect third party interests. This is something that is not enforceable by means of planning condition and will therefore need to be embodied into the proposed Section 106 Agreement.

- 8.25 On that basis, it is considered that the requirements of Policy CS39 with regard to water resources and water pollution prevention have been satisfied. One local objector has entered into extensive correspondence on the engineering aspects of the scheme and suggests an alternative engineering approach (see paragraphs 5.3 and 5.4). However, in this instance the Council should rightly depend upon the advice of the EA and the Panel Engineer as to the acceptability of the proposed scheme.

Soils and Agriculture

- 8.26 The development will result in the loss of 25.8ha of grade 3b agricultural land, and the disturbance of a further 7.2 ha which would subsequently be restored to agriculture. The ES shows this loss to be of negligible significance which accords with the principles in Minerals and Waste Core Strategy Policy CS38 which looks at Grades 1, 2 and 3a as the most important when considering the sustainable use of soils. All soils arising from the project will be retained on site, either being stored in stockpiles or incorporated into the temporary acoustic bunds. In either case, the soils will be used sustainably, either for the restoration of the site or for agricultural purposes within the holding.
- 8.27 The loss of this agricultural land, which is of moderate quality, will be far outweighed by the benefits of providing irrigation to the rest of the farm. This conclusion is endorsed by the Consultant employed by the County Council to advise on the irrigational requirements.

Residential Receptors

- 8.28 To protect the amenities of nearby residents, the applicant has proposed 4-metre-high bunding at critical locations, and has reduced the operational hours of the development to provide for a start time of 0900 hours. The noise assessment predicts that the impact of operations on the closest residential properties will be of negligible significance, and the District EHO has not raised objection. Conditions are proposed to minimise any impacts on local amenity and to require periodic monitoring in accordance with Minerals and Waste Core Strategy Policy CS34.
- 8.29 It should be noted that the access and haul road would be retained post excavation for use in connection with the farming operations, which will have benefits in terms of reduced agricultural vehicle movements on local roads. However, when the reservoirs have been created, traffic on the haul road will be significantly reduced and it is not therefore considered necessary to retain the bunds as a permanent feature.

Public Rights of Way

- 8.30 There are no rights of way within the site and, therefore, no direct impacts on the network or users. Rights of way within the Ouse Washes would be shielded by the acoustic bund to be constructed along the site boundary.

- 8.31 As a result of comments received at a public meeting, the applicant offered to fund a new bridleway link to connect the existing dead-end bridleway No 5 Earith to the public highway at Meadlands Farm. Whilst the County Council's Rights of Way and Access Team have welcomed the proposed bridleway link, the applicant does not own any of the land required and there is no indication at all that this is a viable proposition.
- 8.32 Moreover, whilst such a link would improve the rights of way network in the surrounding area, the need does not arise directly from the proposed development and is not necessary to make it acceptable. As such it does not satisfy the tests for inclusion in a planning obligation and is not a material consideration for the determination of this application. Including the requirement within the legal agreement would serve no purpose given the unlikelihood of the necessary 3rd party landowner consents being obtained.

Highway Considerations

- 8.33 Draft condition 10 in Appendix 2 would limit vehicle numbers to 32 loads (64 movements) per day, at which rate it would take about 3.5 years to remove all of the sand and gravel. However, allowing for lower movements or temporary stoppages, particularly during bad weather, this could continue for a longer period at a lower rate, not extending beyond the five years required for construction and restoration of the reservoirs.
- 8.34 Policy CS32 of the Minerals and Waste Core Strategy states that minerals development will only be permitted where (*in summary*):
- a. alternative methods of transport have been evaluated;
 - b. the proposed access and the highway network are suitable;
 - c. any increase in traffic would not cause unacceptable harm to the environment, road safety or residential amenity; and
 - d. agreements covering lorry backloading, routeing arrangements and HCV signage are put in place where appropriate.
- 8.35 With regard to alternatives, it is acknowledged that there is no viable alternative means of transporting the mineral from the site. Some use of articulated lorries, rather than smaller tipping lorries, is proposed where practicable in order to minimise vehicle movements, but this is not critical to the completion of the project within the specified vehicle and time limits. The use of articulated vehicles would potentially result in some reduction in total traffic numbers but, given the size of these vehicles, the comments below on traffic management are particularly important.
- 8.36 The Highway Authority (HA) is satisfied with the design of the proposed access onto the B1050 and has advised that the existing highway network is physically capable of safely accommodating the proposed movement of up to 64 vehicles a day (including articulated lorries), given that the roads to be used are 'A' and 'B' classification in the County Council hierarchy, and are therefore considered suitable to cater for all types of vehicles.

- 8.37 In terms of road safety it is acknowledged that there are difficult junctions for HCV vehicles to negotiate, notably the junction of the B1050 and A1123 in Earith and the junction of the B1050 with Somersham High Street. However, whilst accidents have occurred, these junctions do not exhibit a significant personal injury accident record, involving HCVs. There are also a number of sections of the B1050 which do not have a continuous footpath but, whilst safety is understandably a local concern, the HA does not consider that road safety objections can be sustained.
- 8.38 Councillor Criswell raised a specific concern in relation to children waiting for a school bus at Somersham in the mornings and spilling over into the road at a time when HGVs would be passing. In response to this, as well as general concerns about morning rush hour traffic, the applicants have agreed that the site will not open until 0900 hours.
- 8.39 The adopted Cambridgeshire Local Transport Plan 2011-2026 (LTP) seeks to encourage road freight to use the primary road system and to restrict access to unsuitable routes where possible. Such a restriction is the weight limit on Somersham High Street, which means that vehicles will have to continue down the B1050 to reach the A1123.
- 8.40 The adopted LTP establishes a road hierarchy for the County and the B1050 between Earith and Chatteris is identified as a 'Secondary Distributor Road' which is of a lower priority road than the trunk roads, primary roads and main distributor roads indicated on the road hierarchy plan. The advisory freight map, adopted in 2010 shows both the B1050 and the A1123 as "local" routes, not forming part of the strategic network.
- 8.41 However, the main object of the hierarchy is to discourage through (HCV) traffic on lower priority roads, thereby restricting usage to those vehicles for which no alternative route is available. As such, this proposal is not in conflict with the adopted hierarchy and the HA has no objections in terms of capacity or road safety. Nevertheless, consideration also needs to be given to the environmental and amenity impacts of the proposed traffic.

Impact of HCV Traffic

- 8.42 It is acknowledged that residents living along the B1050 have for many years experienced HCV traffic flows associated with both quarrying and landfill operations. The major quarrying operations by Hanson at Colne Fen and the LaFarge workings to the north of the B1050 have both ceased since mid 2009. As allowed by the permission in 2013, some material is still being removed from mineral stockpiles at the Colne Fen site but the importation of inert waste to complete the restoration has not yet commenced owing to a delay in obtaining the necessary permit from the EA. Consequently, whilst there have been changes in the pattern of traffic movements, this route still carries some minerals and waste vehicles.
- 8.43 It is the expectation and objective of the Council (as well as local residents) that minerals and waste traffic on the B1050 should continue to decline over time to the benefit of the local environment. However, as noted, this

application has to be considered under Minerals and Waste Core Strategy Policies CS13 & CS42 as an exception to the normal policy for mineral extraction, the justification being made in terms of the need for irrigation. Furthermore, paragraph 28 of the NPPF aims to promote a strong rural economy, including the development and diversification of agriculture. The benefits of the proposal therefore have to be weighed against the amenity impact resulting from HCV movements.

- 8.44 When the application was first received, the County Council employed an independent consultant to carry out an assessment of the likely increase in traffic noise in local villages on the B1050 as a result of HCV movements. The assessment concluded that the maximum potential increase in traffic noise would be 1.7dB, which would be regarded as having a slight impact, noting that the increase would be less than this for the majority of the time.
- 8.45 The perception of traffic impacts is a subjective issue and it can be difficult to decide what level of weight to attach to this concern. Many of the respondents refer to this issue, which is also taken up by the East Cambridgeshire HCV Group. The latter employed a consultant to carry out both noise and particulate monitoring in local villages which, it is argued, demonstrates that this proposal will *'exacerbate the already serious problems of noise and dust pollution.'* It is claimed that, in Earith in particular, noise and particulate levels are already excessive.
- 8.46 The representation and accompanying technical reports were passed to the EHO at Huntingdonshire District Council, within whose area Earith lies. He has expressed serious reservations about the methodology used for the assessment and challenges the conclusions. He advises that the air sampling results *'are not representative of annual exposure and that he knows of 'no evidence that PM10 levels in Earith are exceeding any objectives.'* Indeed he states: *'I would expect them to comply comfortably.'*
- 8.47 The objection, and his advice, was passed for information to the EHO at East Cambridgeshire (within whose area the actual application site lies) and her advice is that. *'With noise, a doubling of the noise source gives a 3dB increase in noise level, so in this case for the noise levels to increase by 3dB you would be looking at a doubling of traffic. I therefore consider the impact of this development would be less than that and any noise increase of less than 3dB is generally deemed as unlikely to be significant. As the vehicles are also restricted to daytime hours I do not consider I have sufficient evidence to advise refusal of this application on the grounds of noise from additional vehicles on the highway.'*
- 8.48 With regard to particulates the advice from East Cambridgeshire is that, whilst associated traffic may result in a slight worsening of local air quality, *'it would seem unlikely that any air quality objectives are likely to be breached.'* Neither EHO objects to the application and, given the very clear advice from both in relation to environmental traffic impacts, it is considered that there would be no reason for refusal on these grounds.

9. PLANNING OBLIGATIONS AND POTENTIAL BENEFITS

- 9.1 A planning condition will preclude operations before 0900 hours so as to avoid any inconvenience on local roads during the morning rush hour. In addition to that, a draft Planning Agreement has been prepared (see Appendix 3), which includes provision for:
- The routing of all HGVs, unless otherwise agreed, to St Ives via the B1050 and A1123 (allowing flexibility as noted in paragraph 8.13).
 - The backloading of vehicles, to the fullest extent practicable, in conjunction with the neighbouring Colne Fen site, to produce some reduction in projected vehicle movements.
 - The erection of signs on site to alert drivers to the routeing requirements.
 - The issuing of written instructions to all drivers regarding the need to observe the agreed lorry route, drive considerately and observe speed limits.
 - The periodic monitoring of both routes and speeds of vehicles.
- 9.2 With regard to the backloading agreement it should be noted that, at best, this is likely to apply to about a third of the loads leaving the site. Moreover, whilst this has been offered in good faith by the applicant, and will be tied up as securely as possible within the legal agreement, it cannot ultimately be guaranteed. Therefore, whilst it is desirable to seek to achieve this, if permission is granted, it is not a material consideration for the determination of the planning application, and Members should not attach any weight to it in reaching a decision. The highway assessment and the recommendation in this report is based on an assumed movement of 64 HCVs a day, which makes no allowance for backloading.
- 9.3 The application proposes a new haul road across the fields, which it is intended to retain afterwards for agricultural purposes. The applicants were asked to explain the rationale behind this, which they have done in a covering letter. At present there is no direct agricultural access between the northern part of the holding, which is accessed from the B1050 and Bridge Farm to the south. Currently, farm traffic between these points must travel along the B1050, Chatteris Road, via Somersham, Colne and Holme Fen Drove. This includes farm machinery and vehicles transporting produce to the processing plant at Bridge Farm and it has been estimated that this accounts for over 4,000 movements per year, being most significant at harvest time.
- 9.4 Again, this should not be afforded any significant weight in reaching a decision, since it is not the purpose of the application, but it helps to explain the logic behind the proposed access route and also indicates a potential long term benefit to local residents living along the route the farm traffic uses, particularly at Holme Fen Drove.
- 9.5 The applicants have volunteered a Highway Safety Contribution of £15,000 to be used by the County Council for signage or other appropriate works at any location on the proposed HCV route between the site and St Ives. At

present, the Highway Authority advises that there are no relevant proposals for which this can be used. However, it is proposed to include this in the legal agreement with a requirement for the money to be used, or returned, within a period of 5 years (the duration of the proposed scheme).

- 9.6 The Legal Agreement also includes provision for the aftercare agreement required by condition 20 to be implemented for a period of 10 years; and arrangements for the mitigation of any potential or actual detriment to 3rd parties affected as a result of dewatering as covered by the dewatering scheme at condition 22.
- 9.7 A draft Section 106 Agreement has been prepared and agreed between the parties, which would be completed before planning permission is granted. The planning obligations in the draft are included in full at Appendix 3.

10. CONCLUSIONS

- 10.1 The proposed site is situated outside of defined areas for mineral extraction identified in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Site Specific Proposals Plan (2012). The lack of evidence to show that there were special considerations justifying the development as an exception to normal policy was the major reason for refusal of the previous application, together with concerns about the potential effect on the Ouse Washes SSSI arising from the method of operation, and the failure to consider alternative solutions.
- 10.2 However, the current application demonstrates a strong case to show the need for the reservoirs, which has been accepted by an independent consultant employed by the County Council. Moreover, the application seeks to ensure the early delivery of the reservoirs by decoupling this from the sale of the mineral.
- 10.3 The design of the reservoirs has been amended to satisfy the concerns of the EA, in relation to potential impacts on the Ouse Washes in terms of bank stability and effects on hydrology. The applicants have also explored alternative options for obtaining irrigation water more closely, before opting for what appears to be the most sustainable solution available.
- 10.4 It is therefore accepted that the previous reasons for refusal have been addressed and that the information submitted with the application is sufficient to demonstrate the need for the proposed irrigation reservoirs in accordance with the requirements of Minerals and Waste Core Strategy Policy CS42, which makes a potential exception to normal sand and gravel locational policy for agricultural reservoirs and the tests within that policy have been fully addressed by the current application.
- 10.5 Whilst the existing landbank of sand and gravel within Cambridgeshire and Peterborough exceeds the minimum seven year period, it is considered that this application (when assessed cumulatively with a recent permission granted in Wimblington) will not undermine the mineral spatial strategy of the

Core Strategy. Together, these two reservoir sites will provide a total of 1,445,000 tonnes of sand and gravel, equivalent to approximately one year's permitted production at Block Fen/Langwood Fen, which would not therefore undermine the delivery of the strategic allocation. In fact, Block Fen has been operating well below the permitted capacity, which will reduce the significance of any means conflict still further if that trend continues.

- 10.6 The proposed scale and duration of operations would result in an increase in HCV movements along the B1050. The effects of traffic have been considered in some detail above and it is understandable that local residents wish to see a continuing reduction in HCV movements on this road. Whilst amenity impact of HCVs was cited as a reason for refusal on the previous application, this was not proposed in isolation but in the context of an application where the fundamental need argument had not been satisfactorily demonstrated. If members accept the need for the reservoirs as recommended above, the potential traffic impacts must be balanced against the need for the development.
- 10.7 The maximum number of daily HCV movements has been reduced by about a third compared with the previous application and mitigation measures to reduce impacts are discussed in section 9 above. The significance of amenity impacts can be difficult to assess, but in this case there has been some technical debate on this as a result of the noise and particulate surveys submitted by the East Cambs HCV Group. The advice from the EHOs is very clear and would make it very difficult for the County Council to sustain a reason for refusal solely on the grounds of the amenity impact of traffic. The professional advice from the Highway Authority, two District EHOs and an independent noise Consultant lends no weight at all to using this as a reason for refusal.

11. RECOMMENDATION

- 11.1 It is recommended that Planning Permission be granted subject to the planning conditions set out in Appendix 2 following the prior completion of a planning obligation under Section 106 to secure the matters set out in Appendix 3 of this report.

Source Documents	Location
1. Application Files for E/03006/11/CM, E/03004/11/CM and F/02008/11/CM 2. Planning Policies set out in section 7 of this report.	Strategic Planning Floor 2A, Castle Court.

APPENDIX 1: Previous Refusal Notice

Ref. No: E/03009/09/CM



Town and Country Planning Act 1990

Notification of the Refusal of Planning Permission

To:- A B Dennis
Andrew B Dennis
28 Cambridge Road
Oakington
Cambridge
CB4 5BG

Cambridgeshire County Council, in pursuance of powers under the above act;
Hereby **REFUSE** planning permission for the 5 reason(s) set out below:

For Proposed extraction and processing of sand and grave and construction of access onto Chatteris Road (B1050), in connection with the construction of agricultural reservoirs

At Land at, Bridge Farm, Holme Fen Drove, Colne, Huntingdon, Cambridgeshire PE28 3RE

As detailed in your application dated 06/08/2009, and the plans, drawings and documents, which form part of the application and the accompanying Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 and supplementary information submitted on 11/02/2010.

Reasons for Refusal:

- 1 The proposed method of operations, with the extraction of the minerals taking precedent above the irrigational need of the water are not considered to be acceptable given the application has been submitted solely on the basis of the irrigational need for the water. Furthermore this method does not achieve the primary objective in a way that minimises the risk of impact on the Ouse Washes, which is identified as a Site of Special Scientific Interest, RAMSAR site, Special Protection Area and Special Area of Conservation. The site is situated outside a preferred area for future workings as identified in policy CALP3 of the Cambridgeshire Aggregates (Minerals) Local Plan 1991 and the method of operations are considered to be unacceptable to justify a departure from policy CALP4 of the Cambridgeshire Aggregates (Minerals) Local Plan 1991.

- 2 Given the existing landbank of sand and gravel within Cambridgeshire it is Considered that there is not an unsatisfied economic need arising from the construction industry which would constitute special circumstances to override Policy CALP4 of the Cambridgeshire Aggregates (Minerals) Local Plan 1991 and that sufficient attention has been paid in relation to 'alternative options' considered to meet the identified need for irrigation water. In particular the applicant has not demonstrated why the nearby existing unused irrigation reservoir cannot be used to meet a substantial part of the identified need for farm irrigation which is considered to be in conflict with sustainability objectives in the East of England Plan Policy SS1 (1).
- 3 The site is situated outside a preferred area for future workings as identified in policy CALP3 of the Cambridgeshire Aggregates (Minerals) Local Plan 1991. Furthermore sufficient mineral resources with the benefit of planning Permission are available to satisfy policy CALP2 of the adopted Cambridgeshire Aggregates (Minerals) Local Plan (1991) to meet the needs of the construction industry. The applicant has failed to demonstrate that very special circumstances exist which would support the scale of the submitted proposals given the proximity of the applicants land to an existing unused agricultural irrigation reservoir that would satisfy 72.4% of the identified water for the project.
- 4 The proposed scale and duration of operations would result in an increase in HCV movements along the B1050, which would adversely affect local residential amenity, particularly the Colne Fields (The Bank) area, Somersham, and Colne Road and Chapel Lane area in Earith, and London Road, Chatteris, to an unacceptable degree in conflict with Policy CALP 5 (B) (viii).
- 5 It has not been demonstrated that the scale of the proposed excavations to Create the reservoirs is justified, given the existence of existing unused irrigation infrastructure nearby, and that the consequential scale of the proposed visual impact is unjustified and in conflict with CALP Policy 5 (B) (iii) of the Cambridgeshire Aggregates (Minerals) Local Plan 1991.

Dated: 04/06/2010

Signed: 

County Development, Minerals and
Waste Planning Manager
Environment Services

APPENDIX 2

PROPOSED PLANNING CONDITIONS

General

1. The development hereby permitted shall be begun before the expiry of 18 months from the date of this permission and written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall not proceed except in accordance with the details set out in the application form, planning statement and ES dated May 2011, as amended by the additional supporting information and amendments submitted on 21st September 2011, 29th November 2011, 20th March 2014 and 16th December 2014, as amended by the following conditions. The site shall be worked, engineered and restored in accordance with the following approved drawings:

IR/811/D Application Plan
9.05A Rev D Restoration (Winter)
9.05B Rev D Restoration (Summer)
IR/812/D Site Plan
IR/815/C Reservoir 2
IR/816/B Reservoir 1
IR/817/E Reservoir Lining
IR/818/B Haul Route
IR/819/A Junction Access
IR/846/A Bunding on Haul Route
IR/917/A Phasing Plan
3 no. Terex Finlay Drawings of Plant

Reason: For the avoidance of doubt and to minimise harm to the local environment in accordance with Policies CS34, CS39 and CS42 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policy CS6 of the East Cambridgeshire Core Strategy (2009) and Policy LP19 of the Fenland Local Plan (2014).

3. Permission is granted subject to the following requirements:
 - a) Minerals shall only be extracted from the proposed reservoir area as shown on the approved drawings;
 - b) No clay shall be exported from the site;
 - c) No minerals shall be imported to the site;
 - d) No clay shall be stored on site except in mounds, the location and dimensions of which have first been approved in writing by the Mineral planning Authority;
 - e) Acoustic bunds shall be constructed in accordance with the approved details, grass seeded within 6 months, maintained in a tidy condition and removed at the end of operations.

Reason: For the avoidance of doubt, in the interests of local amenity and to ensure the satisfactory restoration of the site to an agricultural reservoir, in accordance with Policies CS25, CS33, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN1 and EN6 of the East Cambridgeshire Core Strategy (2009) and Policy LP19 of the Fenland Local Plan (2014).

4. The development hereby permitted shall be for a limited period only, expiring five years from the date of commencement referred to in condition 1, by which time all works, including the removal of all equipment and stockpiles, and the final restoration and landscaping of the reservoirs, shall have been completed.

Reason: To ensure the proposed workings and the restoration of the site to its proposed use as an agricultural irrigation reservoir takes place within an acceptable timescale in accordance with Policy CS42 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

5. No buildings, structures or plant shall be erected on site and no surfaced parking or manoeuvring areas shall be constructed except in accordance with details that have first been approved in writing by the Mineral Planning Authority and all such buildings and works shall be removed before the expiry of this permission.

Reason: For the avoidance of doubt, and in the interests of local amenity, in accordance with Policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policy EN1 of the East Cambridgeshire Core Strategy (2009).

Highways and Access

6. No other operations shall be carried out until the proposed site haul road and junction with the B1050 have been constructed in accordance with the details shown on drawing numbers IR/818/B and IR/819/A. For the avoidance of doubt, the site access road at the junction with the B1050 shall be constructed in accordance with the following specifications:
 - a) Adequate drainage measures shall be provided to prevent surface water run-off onto the adjacent public highway;
 - b) A metalled surface shall be provided for a minimum distance of not less than 30 metres along the access road from its junction with the public highway and a width of 7.3 metres;
 - c) 15 metre radius bends shall be provided at the entrance;
 - d) The road shall have a gradient not exceeding 1:12 for a minimum distance of 20 metres into the site as measured from the edge of the highway carriageway;
 - e) Any gates shall be set back a minimum of 20 metres from the near edge of the highway carriageway and shall be hung to open inwards.

Reason: In the interests of highway safety and safeguarding local amenity in accordance with Policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

7. Other than the construction of the access road, no development shall commence until the site access with the public highway has been provided with a visibility splay, both sides of the vehicular access, having dimensions of 2.4 metres,

measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, by 215 metres, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the highway carriageway.

Reason: In the interests of highway safety and to comply with Policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

8. No heavy vehicles associated with the excavation, construction, and restoration of the reservoirs, or the transport of minerals, shall enter or leave the site except by way of the new access road referred to in condition 6.

Reason: In the interests of highway safety and safeguarding local amenity in accordance with Policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

9. Arrangements shall be made to prevent mud and debris being deposited on the public highway in accordance with the following requirements:

- a) No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Mineral Planning Authority. The facilities shall be installed as approved and implemented and maintained for the duration of the development hereby permitted;
- b) No commercial vehicle shall leave the site unless the wheels and the underside chassis are clean;
- c) The surfaced entrance area to the haul road shall be cleaned as necessary to prevent materials, including mud and debris, being deposited on the public highway;
- d) No loaded Commercial Vehicle shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity in accordance with Policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

10. No more than 32 loads of sand and gravel shall be removed from the site on any day and the operator shall maintain a log on site of all loads leaving the site, including dates and times, which shall be made available to the County Planning Authority on request.

Reason: In the interests of highway safety and safeguarding local amenity in accordance with Policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

Archaeology

11. The removal of soils shall not take place except in accordance with a scheme for archaeological mitigation, which has first been submitted to and agreed in writing by the Mineral Planning Authority. The scheme should include details of a 'strip, map

and excavate' methodology and arrangements for co-ordination with the County Archaeologist.

Reason: To mitigate the impacts on archaeological remains in accordance with Policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

Soil Handling

12. Subject to clause (f) below, no soils shall be exported from the site and no soils shall be stripped, stored, handled or replaced except in accordance with a soil handling scheme that has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include provision for:

- a) The method of operation for the removal and subsequent replacement of soils in accordance with the MAFF (2000) Good Practice Guide for Handling Soil;
- b) The prior stripping, in phases, of all soils to avoid unnecessary trafficking or compaction;
- c) The location, profile and height (not to exceed 4 metres) of soil stockpiles;
- d) The separate handling and storage of topsoil and subsoil;
- e) The handling of soils only when they are in a dry and friable condition and the methodology for determining that;
- f) The volumes of soils to be stored to ensure the retention of sufficient soils for the effective restoration of the site and the volumes to be transferred to other parts of the agricultural holding for specified purposes.
- g) Avoidance of the double handling of soils.
- h) The grass seeding and management of all soil storage mounds;
- i) The submission of a plan to the Mineral planning Authority by the end of each calendar year showing: the areas from which soils have been removed or replaced, the location of all storage mounds and the approximate quantity and nature of material therein.
- j) The relief of soil compaction on restored areas using a suitable tined subsoiler, and the removal of any stones in excess of 150mm in any dimension.

Reason: To ensure that soils remain in a satisfactory condition, to ensure the sustainable use of soils and to assist in the satisfactory restoration of the site in accordance with policies CS25 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

Environmental Control of Operations

13. No operations, other than water pumping and environmental monitoring, shall be carried out at the site, and no vehicles shall enter or leave the site, except between the following times:

0900 hours to 1800 hours Monday to Friday,
0900 hours to 1300 hours Saturdays,
and not at all on Sundays or Bank/Public Holidays.

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

14. No development shall take place except in accordance with a scheme for the control and monitoring of noise levels that has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall follow the principles set out in section 4.9 of the ES Vol. 6B, dated 5th March 2014 and monitoring shall relate to the phases and residential properties referred to in tables 4.1 and 4.2 of that chapter. The scheme shall:

- a) Establish appropriate maximum noise limits at the receptors in accordance with the findings of the ES and current noise guidance,
- b) Set out procedures for monitoring and reporting of noise levels emanating from the site,
- c) Identify the actions to be taken in the event that noise limits are exceeded or complaints are received.
- d) Include details of reversing alarms on all site vehicles and mobile plant, designed to prevent nuisance to nearby residential receptors.
- e) Make provision for the silencing of all plant and equipment and its use and maintenance in accordance with manufacturer's instructions.
- f) Provide details of the dewatering pumps to be used on site (which should be electric unless a valid argument can be produced to indicate otherwise) and arrangements for noise suppression, if necessary, to achieve acceptable night time noise levels.

[Monitored noise levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. Where noise levels are determined at facades they should be expressed as free field levels.]

Reason: In the interests of residential and rural amenity, in accordance with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

15. No external lighting equipment shall be installed on the site except in accordance with details that have first been submitted to and approved in writing by the Mineral Planning Authority. Such details shall ensure that light spillage is minimised.

Reason: To minimise the nuisance and disturbance to neighbours and comply with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

16. No operations shall take place on the site except in accordance with a scheme for the suppression of dust, which has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- a) The suppression of dust caused by the moving, processing and storage of soil, overburden, aggregates, clay and other materials within the site;
- b) Dust suppression on haul roads, including speed limits and arrangements for spraying during dry weather;
- c) Arrangements for monitoring and review of the scheme.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011).

Ecology and Landscape

17. No development (including ground works and vegetation clearance) shall take place except in accordance with a Construction Environmental Management Plan (CEMP: Biodiversity), which has first been submitted to and approved in writing by the Mineral Planning Authority. The CEMP (Biodiversity) shall include, but not be limited to, the following.

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Responsible persons and lines of communication;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusive barriers and warning signs;

Reason: To protect ecological interests in accordance with Policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), and Policy EN6 of the East Cambridgeshire Core Strategy (2009).

18. The stripping of soil from the reservoir site and mineral processing area shall not commence until an Ecological Design Strategy (ECDS) addressing mitigation, compensation, enhancements and restoration for protected species (breeding birds, wintering birds, water vole, spined loach, badger), aquatic plants and invertebrates, habitats (e.g. trees, ditches) and the Old Bedford Bank Drains County Wildlife Site and Ouse Washes SSSI/SAC/SPA has first been submitted to and approved in writing by the Mineral Planning Authority. The ECDS, which shall be implemented as approved, shall include, but not be limited to, the following.

- a) The purpose and conservation objectives for the proposed works;
- b) The review of site potential and constraints;
- c) The detailed design and/or working methods (over and above the mitigation measures contained in the CEMP) to achieve the stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Translocation or displacement plans;
- f) The type and source of materials to be used where appropriate, e.g. native species of local provenance;
- g) A detailed timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) The identification of management responsibility for implementation;
- i) Details for the disposal of any wastes arising from the works;

Reason: To protect ecological interests, to secure a beneficial after use of the site and to enhance local biodiversity in accordance with Policies CS25, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), and Policies CS6, and EN6 of the East Cambridgeshire Core Strategy (2009).

19. With specific reference to water vole, the ECDS referred to in condition 18 shall include reference to:

- a) Buffer zones for ditches on and adjoining the site;
- b) A ditch maintenance regime to create & maintain good water vole habitat during operations and for a five-year aftercare period beyond that;
- c) A ditch management regime to manage sediment ingress and water levels
- d) The creation and establishment of replacement ditch habitat before any habitat is lost.

Reason: To protect ecological interests, to secure a beneficial after use of the site and to enhance local biodiversity in accordance with Policies CS25, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), and Policies CS6, and EN6 of the East Cambridgeshire Core Strategy (2009).

20. The extraction of sand and gravel from the site shall not commence until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The plan, which shall be implemented as approved, shall include, but not be limited to, the following.

- a) Description and evaluation of features to be managed;
- b) Ecological Trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Details of initial aftercare and long-term maintenance;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of the work schedule (including a work plan capable of being rolled forward on an annual basis);
- h) Details of the body or organisation responsible for implementation of the plan
- i) Ongoing monitoring and remedial measures;
- j) Details of the legal and funding mechanism by which the implementation of the plan will be secured and the management body responsible for its delivery;
- k) An explanation of how (*where monitoring results show that conservation aims and objectives of the LEMP are not being met*) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To protect landscape and ecological interests, to secure a beneficial after use of the site and to enhance local biodiversity in accordance with Policies CS25, CS33, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), and Policies CS6, EN1 and EN6 of the East Cambridgeshire Core Strategy (2009).

Engineering and the Water Environment

21. No development shall take place except in accordance with a detailed scheme for the design and construction of the reservoirs that has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- a) A construction program;

- b) Drawings, technical specifications and a phasing plan of the proposed operations;
- c) A hydrogeological assessment to ensure stability under both rapid and emergency drawdown conditions for each relevant phase of the scheme;
- d) Additional slope stability analysis including 'lower bound' strength parameters;
- e) Arrangements for the supervision of the works by a qualified construction engineer in accordance with Section 6(1) of the Reservoirs Act, to oversee all aspects of the design and construction and thus ensure that the safety of the reservoir and of the surrounding area is not compromised;
- f) Contingency proposals in the event the appointed engineer should no longer be available to support the operator;
- g) Details of the draw-off facilities for the new reservoir,

Reason: To prevent the increased risk of pollution to the water environment and the structural integrity of existing flood defences and to reduce the risk of flooding in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN7 and EN8 of the East Cambridgeshire Core Strategy (2009) and Policy LP14 of the Fenland District Local Plan (2014).

22. No development shall take place except in accordance with a detailed scheme for the dewatering of the site throughout the construction of the reservoirs, which has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- a) A method statement for the dewatering of the site, including details of equipment and rates of pumping;
- b) The arrangements for the disposal of pumped water and the maintenance of drainage of the site during extraction and engineering operations;
- c) The measures to prevent the discharge of any contaminated drainage to surface or groundwater during construction;
- d) Arrangements to monitor the impact of dewatering on groundwater levels on users and receptors within the vicinity of the site and the periodic submission of the results to the Mineral Planning Authority;
- e) Arrangements for the mitigation of any potential or actual detriment to 3rd parties affected as a result of dewatering;
- f) An assessment of the post-construction impact on the hydrogeological environment.

Reason: To prevent the increased risk of pollution to the water environment and the structural integrity of existing flood defences and to reduce the risk of flooding in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN7 and EN8 of the East Cambridgeshire Core Strategy (2009) and Policy LP14 of the Fenland District Local Plan (2014).

23. No development shall take place except in accordance with detailed Method Statements for the various stages and activities of the reservoir construction, which have first been submitted to and approved in writing by the Mineral Planning Authority. These shall include a comprehensive water management plan that will cover the final design, installation, operation and maintenance of the proposed well point dewatering system.

Reason: To prevent the increased risk of pollution to the water environment and the structural integrity of existing flood defences and to reduce the risk of flooding in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN7 and EN8 of the East Cambridgeshire Core Strategy (2009) and Policy LP14 of the Fenland District Local Plan (2014).

24. No excavation of material shall take place on land within 150 metres of the outer northern edge of the Counter Drain of the Ouse Washes.

Reason: To prevent the increased risk of pollution to the water environment and the structural integrity of existing flood defences and to reduce the risk of flooding in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN7 and EN8 of the East Cambridgeshire Core Strategy (2009) and Policy LP14 of the Fenland District Local Plan (2014).

25. A minimum 5 metre stand-off shall be maintained between the Old Bedford Low Bank Drain and the proposed acoustic bund and shall be kept clear of material at all times

Reason: To prevent the increased risk of pollution to the water environment and the structural integrity of existing flood defences and to reduce the risk of flooding in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN7 and EN8 of the East Cambridgeshire Core Strategy (2009) and Policy LP14 of the Fenland District Local Plan (2014).

26. Any storage facilities for fuel oil, greases, oils and lubricant (including waste products) provided on the site shall be sited on an impervious base and surrounded by an impervious bunded area of a minimum of 110% of the capacity of the tank and associated pipework. All filling points, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any surface watercourse or underground water. All associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge into the bund or be contained in a suitable double skinned tank.

Reason: To prevent the increased risk of pollution to the water environment in accordance with Policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), Policies EN7 and EN8 of the East Cambridgeshire Core Strategy (2009) and Policy LP14 of the Fenland District Local Plan (2014).

Afteruse

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

Reason: To support improved versatility and to sustain the rural economy, whilst protecting the character of the rural area in accordance with Policies CS34 and CS42 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Policy EN1 of the East Cambridgeshire Core Strategy (2009).

28. Water pumping operations from the proposed reservoirs for agricultural irrigation, shall not commence until details of the pumping apparatus, its noise emissions and location, including elevations and materials of any pump house to be used, shall be submitted to and approved in writing by the Mineral Planning Authority. Pumps shall only be installed in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the area, in accordance with Policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Policy EN1 of the East Cambridgeshire Core Strategy (2009).

Informatives:

- (A) The applicant is advised to contact the EA to discuss the need for a water abstraction licence before any dewatering is planned to take place. The applicant should be aware that it may take up to 3 months to issue an abstraction licence.
- (B) This application will also need to be considered by the Middle Level Commissioners as the site lies entirely within their area and will be subject to flood risk from their systems. The bund adjacent to the new access road may be affected by or exacerbate flood risk from the IDB system which they will need to judge.
- (C) Any development activity within 9m of the toe of the east bank of the Cranbrook Drain would require a separate consent from the EA.
- (D) In constructing the haul road the use of suitable recycled materials should be considered as this would reduce the need for the use of virgin materials.
- (E) This development involves work to the public highway that will require the approval of the County Council as Highway Authority and it is the applicant's responsibility to seek the necessary approval. The applicant will be required to enter into a short form 278 Agreement with the Highway Authority for the construction of the access. Public utility apparatus may be affected and it is the applicant's responsibility to seek agreement with the service provider on any necessary alterations.
- (F) The Applicant's attention is drawn to the further advice contained in the letter from the Environment Agency to the County Council dated 12th January 2015.
- (G) The disturbance of water voles, or other protected species, and their habitat may require a licence from Natural England under the Wildlife and Countryside Act. Given the value of this area for nature conservation, the Applicant is advised to obtain detailed advice from a qualified ecologist to ensure that legal obligations are satisfied throughout.

APPENDIX 3

Draft Terms for Planning Obligation under Section 106 to be completed prior to the issue of planning permission:

SCHEDULE 1: COVENANTS BY THE OWNER

1. The Owner covenants with the County Council :
 - (i) to implement and fully comply with the Lorry Routing Scheme in relation to the export of processed mineral from the Agricultural Reservoir Site; and
 - (ii) to pay the Highway Safety Contribution to the County Council as prescribed in the agreement.
 - (iii) to monitor groundwater levels in accordance with the scheme required by condition and to take all reasonable endeavours to prevent or mitigate detriment to third party interests as a result of dewatering.
 - (v) To implement the Landscape & Ecological Management Plan for a period of 10 years from the completion of restoration
 - (vi) to mitigate any adverse effects of dewatering on 3rd parties in accordance with the Dewatering Scheme, for the duration of dewatering operations
 - (vii) in the event that any person other than the Owner is detrimentally affected by the implementation of the Dewatering Scheme, to submit forthwith to the County Council additional proposals and/or revisions to the Dewatering Scheme in order to avoid or otherwise mitigate such detrimentally effect and to implement such additional proposals and/or revisions as are approved by the County Council.

SCHEDULE 2: COVENANTS BY THE OWNER AND THE OPERATOR

1. The Owner and the Operator covenant with the County Council :
 - (i) to use all reasonable endeavours (subject to all necessary permits and consents being in place) to ensure that processed minerals are only exported from the Agricultural Reservoir Site in articulated vehicles that have first delivered restoration material to the Colne Fen Site, such obligation being in force only so long as the two sites are operating contiguously and provide that the said vehicles are not required to transport a return load of mineral from Colne Fen Site.
 - (ii) to maintain records on site of all articulated vehicles leaving the site including the date, weight of processed mineral carried and whether the vehicle had first delivered a load of inert waste to the Colne Fen Site, such records being retained for a period of not less than 6 months and being made available for inspection by the County Council on request.

- (iii) to use all reasonable endeavours (including but not limited to ensuring that this forms a requirement of any legal contract) to ensure that any operator other than the Operator who is already a party to this agreement complies with the provisions of the Second and Third Schedules hereto.

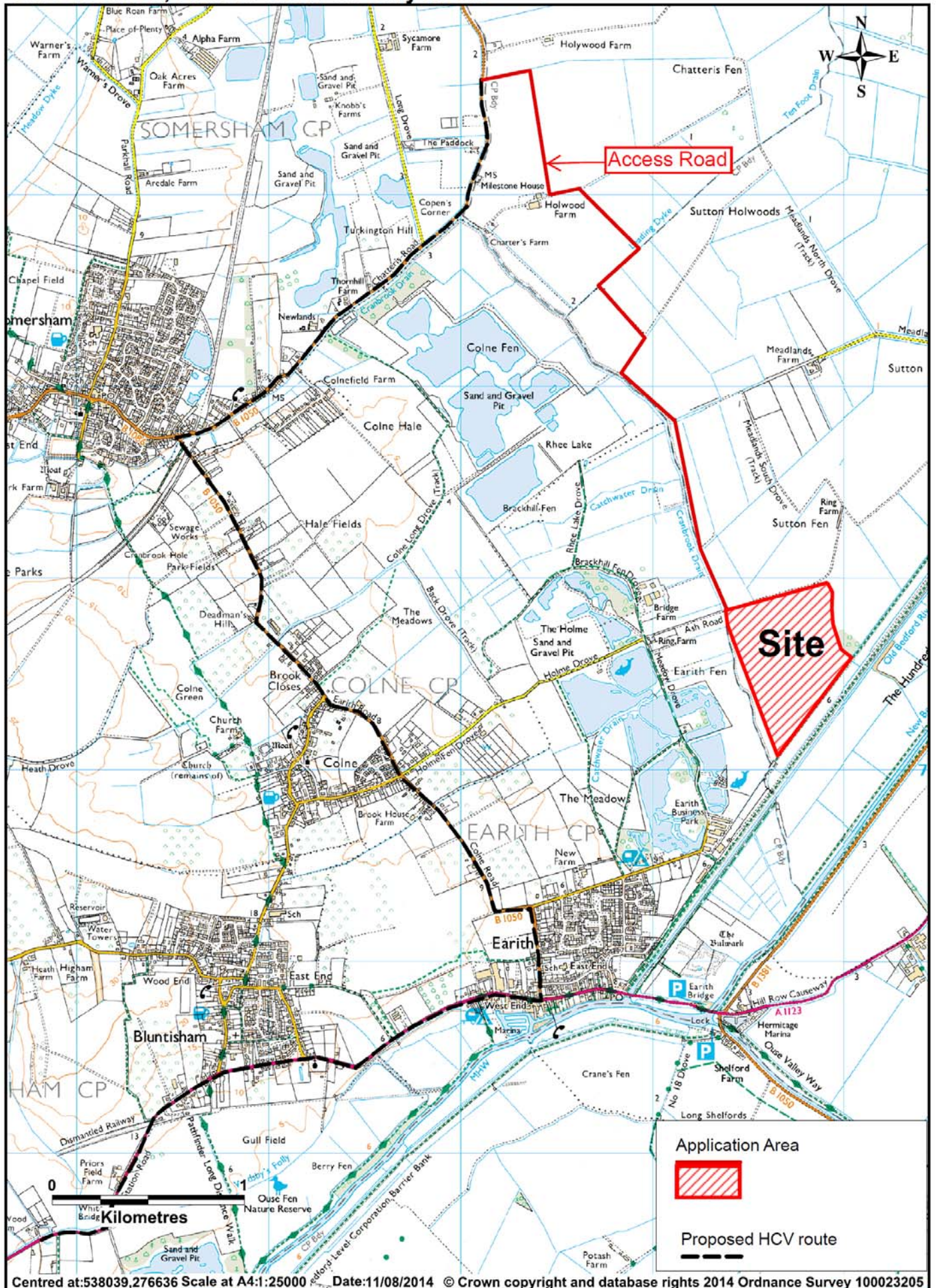
SCHEDULE 3: THE LORRY ROUTING SCHEME

1. All Articulated Vehicles owned or controlled by the Owner and/or the Operator shall enter/leave the Agricultural Reservoir Site only by the permitted access onto the B1050 Chatteris Road travelling on the B1050 from/to Earith via and from thence on the A1123 from/to St Ives, the route being shown for the avoidance of doubt on drawing
2. The Owner and the Operator shall take all such steps as are proper and necessary (including the provision and maintenance of suitable signs and notices) to ensure that all Articulated Vehicles travelling to and from the Agricultural Reservoir Site in respect of the Development observe these restrictions.
3. Notwithstanding the above the terms of this Agreement may be varied in writing between the parties to allow vehicles to travel northwards on the B1050 in the event that the Owner or Operator obtains from the Council approval for a variation to the planning conditions to allow vehicles to turn northwards out of the site to deliver aggregates to a specific development in Chatteris, for which a proven supply contract can be demonstrated.
4. The Owner and Operator shall in order to comply with the provisions of paragraphs 1 and 2 above:
 - (i) erect signs on the internal haul road within the Agricultural Reservoir Site to explain the routing arrangements to be followed by drivers of Articulated Vehicles entering and leaving the Agricultural Reservoir Site;
 - (ii) issue directives to the drivers of Articulated Vehicles under the direct control of the Owner and/or the Contractor or otherwise lawfully entering and leaving the Agricultural Reservoir Site setting out and requiring compliance with the permitted journey routes prescribed in paragraph 1 above;
 - (iv) use all reasonable endeavours to ensure compliance with such directives including the inclusion of such obligations within the conditions of contract of all haulage contractors employed by the Owner and/or the Operator to travel to and from the Agricultural Reservoir Site;
 - (v) use all reasonable endeavours to enforce such contractual requirements where any breaches come to the attention of the Owner and/or the Operator;
 - (vi) inform the Council of the steps that it has taken to comply with the requirements of this paragraph 4;
 - (vii) take adequate steps to monitor the routing of Articulated Vehicles travelling to and from the Agricultural Reservoir Site by carrying out random spot checks at the exit to the Agricultural Reservoir Site and on local roads to

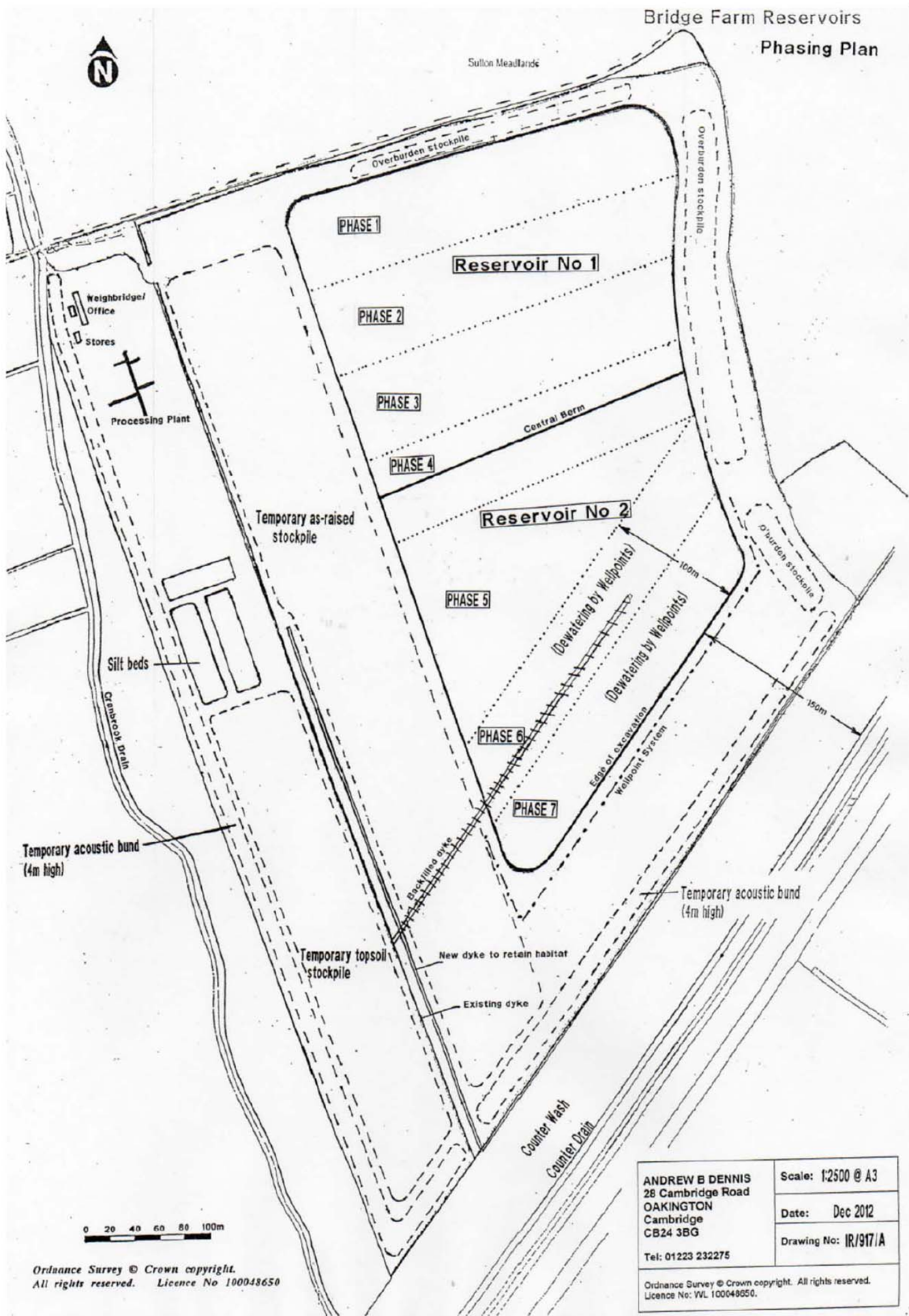
ensure compliance such checks to take place not less than 4 times per calendar year;

- (viii) issue to all Articulated Vehicle drivers a map indicating the routes to be used and any prohibited routes, together with instructions on the need to drive carefully and courteously, through local villages, observing speed limits and taking particular care at the Somersham and Earith junctions;
- (ix) carry out checks on the speed of Articulated Vehicles travelling to and from the Agricultural Reservoir Site not less than four times a year; and
- (x) maintain records of all of the steps that are carried out pursuant to this paragraph 4 and to provide a written report to the County Council on all such actions and monitoring results not less than once every 3 months .

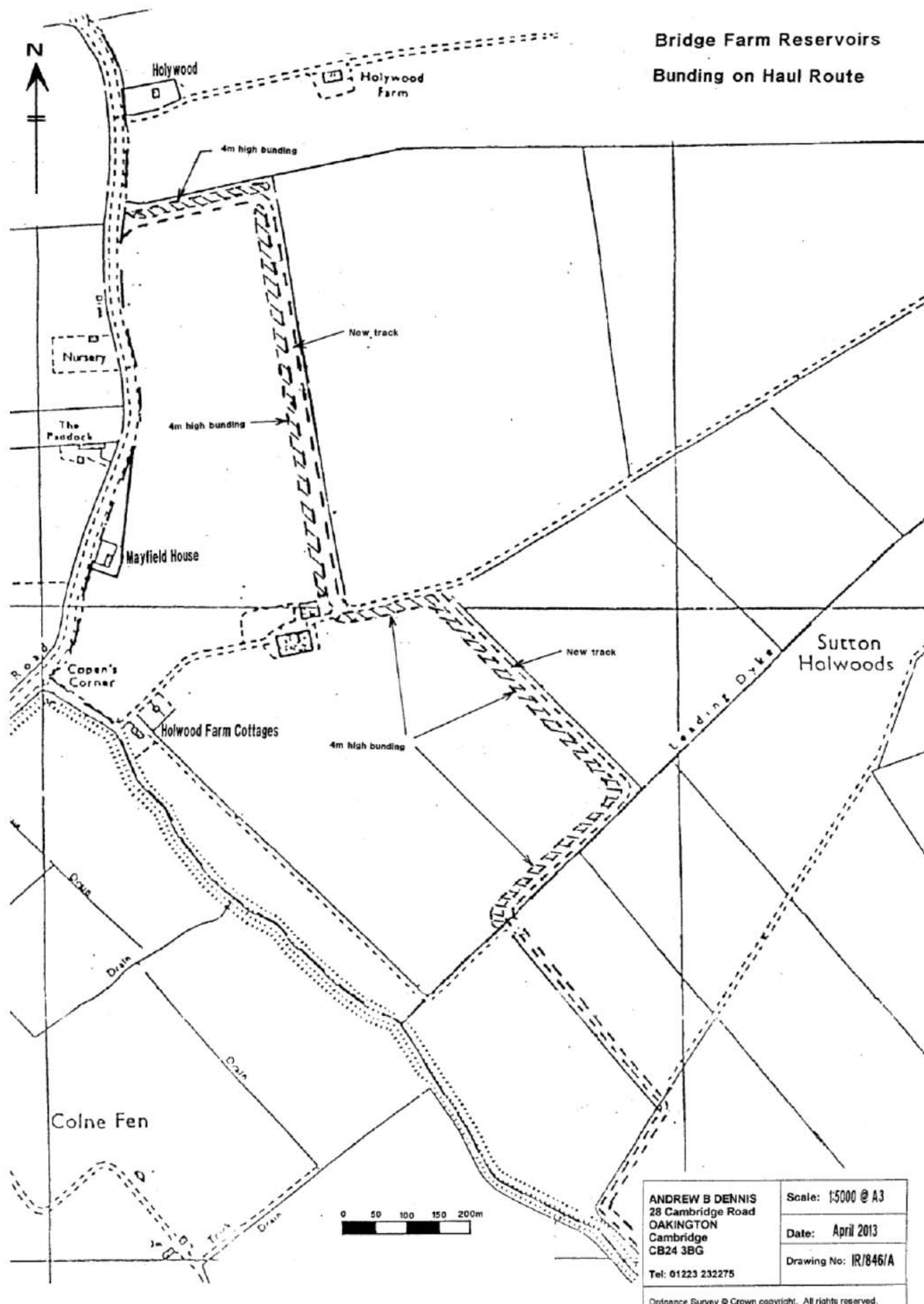
Plan CCC1: Bridge Farm, Colne Site Location, Access Road & Lorry Route



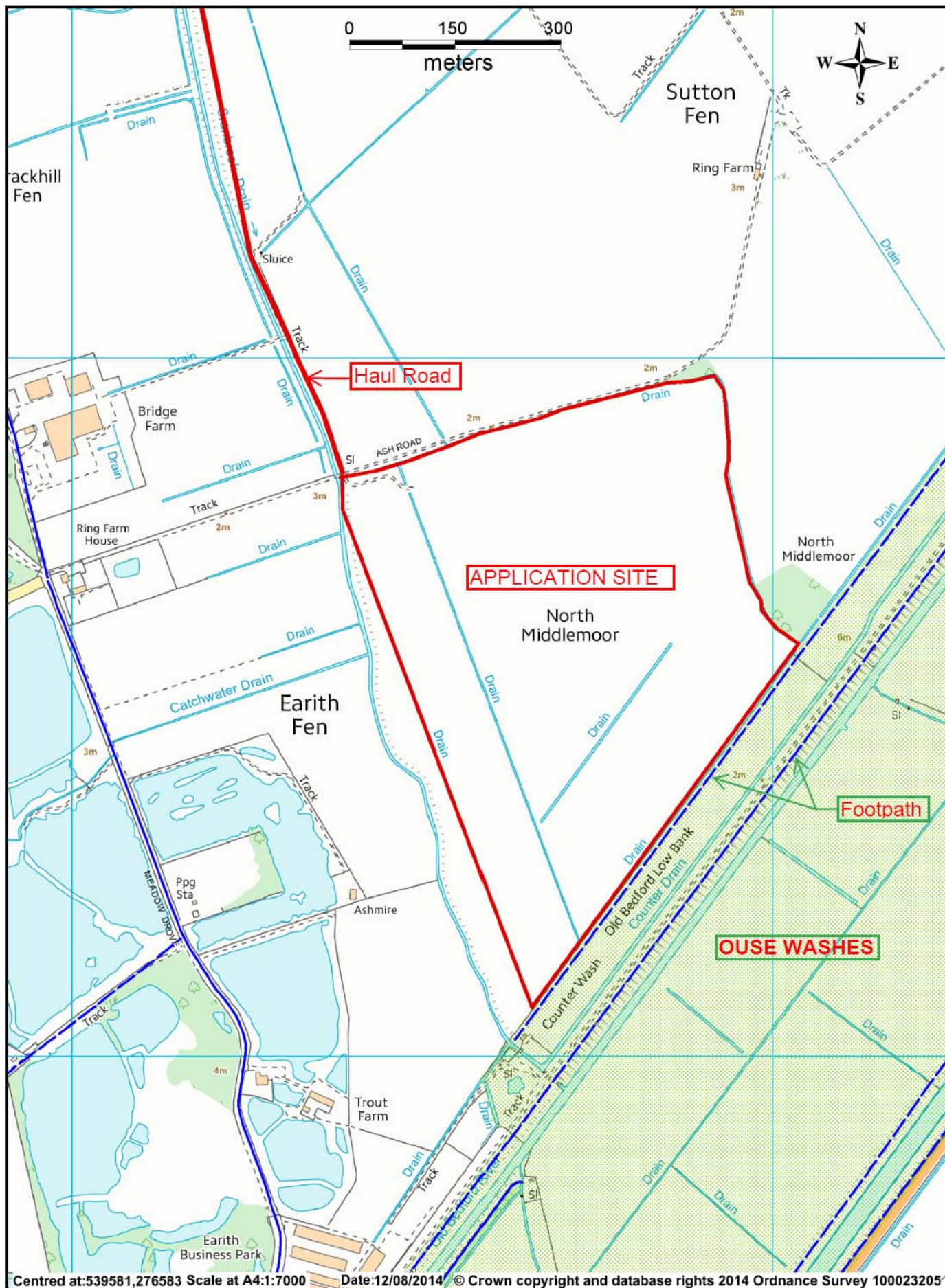
Plan CCC2: Operational Site Layout



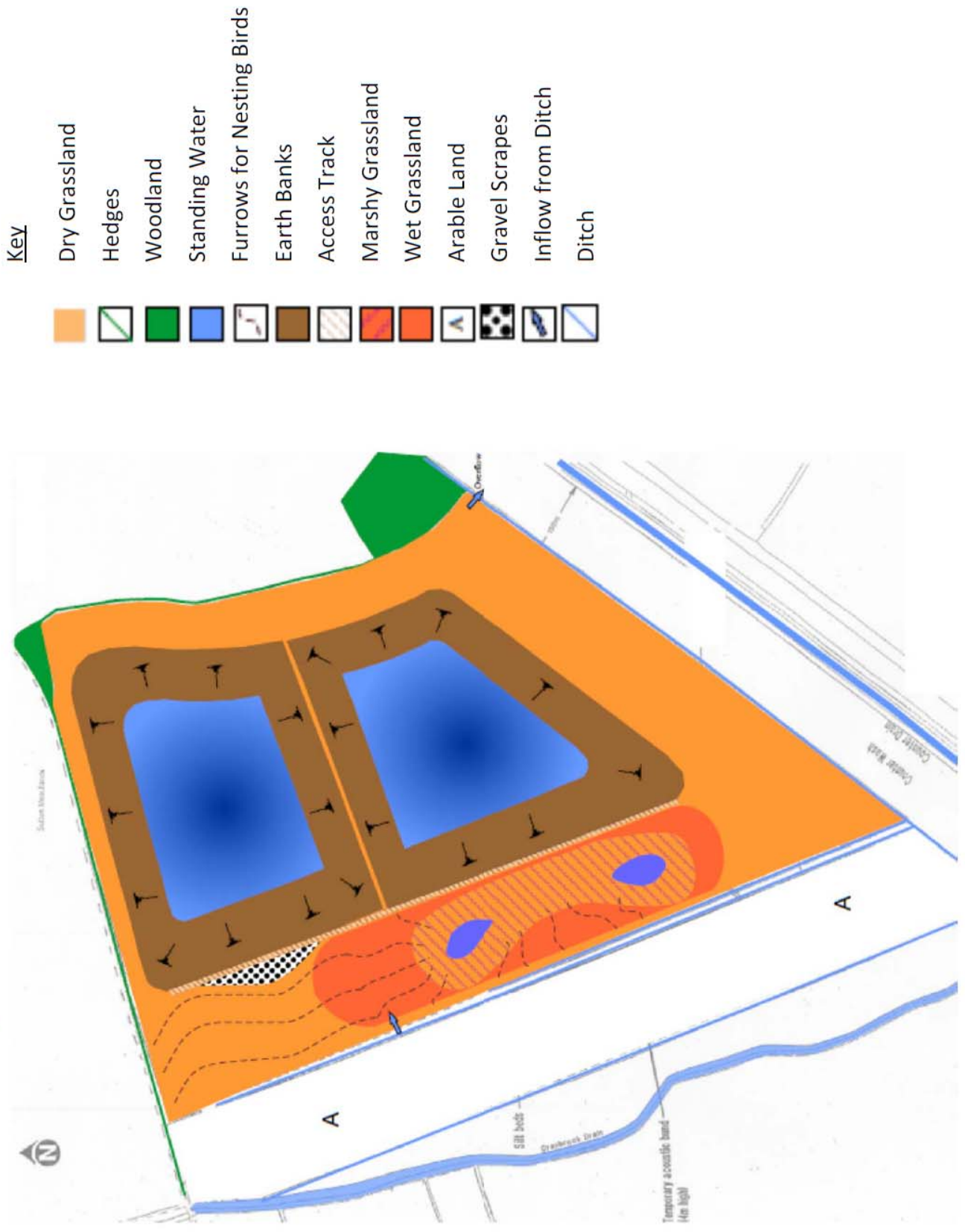
Plan CCC3: Location of Acoustic Bunds on Access Road



CCC4: Bridge Farm, Colne SSSI and Public Rights of Way



Plan CCC5: Bridge Farm - Restoration Scheme



Plan CCC6: Bridge Farm – Processing Plant

