Agenda Item No. 6

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

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

To:	**Planning Committee**
Date:	**17 May 2018**
From:	**Assistant Director Environment & Commercial**
Electoral division(s):	**March South & Rural and Sutton**
Purpose:	**To consider the above planning application**
Recommendation:	*That planning permission be granted subject the conditions set out in paragraph 10.1*

Officer contact:	
Name:	Helen Wass
Post:	Development Management Officer (Strategic & Specialist Applications)
Email:	Helen.wass@cambridgeshire.gov.uk
Tel:	01223 715522

1.0 INTRODUCTION

1.1 Planning permission (ref. no. F/0480/00/CM & E/0507/00/CM) was granted in 2001 for the extraction of 1.8 million tonnes (1.77 million tons) of sand and gravel from a 55 hectare (136 acre) site at Block Fen and its progressive restoration to agricultural use by infilling with inert waste. That planning permission also allowed the operation of a waste recycling facility for the importation of inert construction and demolition waste and processing it into secondary aggregates for sale. Non-recyclable inert waste was deposited in the quarry void followed by the re-spreading of stored soil to restore the land to a condition fit for the resumption of agricultural use. The 2001 permission area is shown on Agenda plan 2. Approximately half of the land has been restored, part as the Block Fen wet grassland pilot project which demonstrated that it is possible to create conditions suitable for breeding wading birds.

1.2 Planning permissions for a number of ancillary mineral and waste uses have been granted subsequently. The planning history of the site is set out in section 6 of this report. The extant permissions are shown in bold and their expiry date is noted. In 2014 planning permission F/02020/11/CW & E/03012/11/CW was granted which allowed the disposal of stable non-reactive hazardous waste (SNRHW) in the southwest of the 2001 permission area (shown on Agenda plan 2). It is a requirement of the environmental permit that the final profile is slightly domed to shed surface water and for this reason this part of the site will be restored to agriculture at a slightly higher level than the surrounding land. This permission is subject to a S106 planning obligation requiring the developer, Mick George Limited (MGL), to submit a restoration scheme for all the company's land which forms part of the Witcham Meadlands Quarry site.

1.3 In 2011 planning permission (ref. no. F/02017/08/CM & E/03008/08/CM) was granted for a 52 hectare (128 acre) extension to the quarry. The 2011 permission area is shown on Agenda plan 2. Aggregate Industries completed mineral extraction in April 2017 and the site is being progressively restored to agriculture by the importation of inert waste. The 2011 permission was granted subject to a S106 planning obligation with requirements including:

- Submission of a scheme for the restoration of the land owned by the Sole family to a condition suitable for agricultural use
- Submission of a scheme for the restoration of the land owned by Mick George Ltd and Cambridgeshire Aggregates Ltd to a condition suitable for the resumption of agricultural use but also to be managed for the benefit of nature conservation (primarily wet grassland habitat)

1.4 The scheme submitted by Aggregate Industries has been approved in respect of the restoration of the Sole family's land to agriculture and its implementation will be continued to be secured through the 2011 Section 106 Agreement A scheme submitted by MGL which includes all the company's land at the Witcham Meadlands site has been approved. This includes the current application area.

1.5 In January 2018 Fenland District Council granted planning permission for the formation of a temporary access road (10 metres / 33 feet wide) which would enable clay from Witcham Meadlands Quarry to be transported to the Environment Agency's

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

2.0 THE SITE AND ITS LOCATION

2.1 The application area, shown outlined and shaded in red on Agenda plan 1, is in open countryside approximately 4 kilometres to the southeast of Chatteris and 2.5 kilometres (1.6 miles) north of Mepal. Approximately half of the application area is the Manea Parish (Fenland District Council) and approximately half is in Mepal Parish (East Cambridgeshire District Council). The closest residential properties are: Langwood Fen Farm 670 metres (2198 feet) to the northwest and Middle Farm 1 kilometre to the north (Manea) and Fortreys Hall 900 metres (2952 feet) to the south (Manea parish but situated much closer to Mepal village).

2.2 Before it was quarried the application area was best and most versatile agricultural land, mostly grade 2 and small part grade 1. The site is within flood zone 3 in an area benefitting from flood defences. The closest scheduled monument to the application area is a bowl barrow at Common Farm approximately 1 kilometre (0.6 mile) to the south. Fortreys Hall is a grade II listed building. The southeastern boundary of the application area is 640 metres (2100 feet) to the northwest of the Ouse Washes Site of Special Scientific Interest (SSSI) which is of international importance and is designated a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The Sutton and Mepal Pumping Station Drains County Wildlife Site (CWS) runs through the application site and along the private access road.

2.3 Access to the site is derived from Block Fen Drove, an unclassified road, which becomes a private haul road and is also used for access to water sports lakes. There are a number of commercial and residential properties at the western end of Block Fen Drove close to its junction with the A142.

2.4 Two mineral operators, Hanson and Tarmac, also have sites that derive access from Block Fen Drove. The Hanson quarry is not currently operational.

3.0 THE PROPOSAL

3.1 The application was amended in response to planning officers' concerns that some of the proposed development was not sufficiently related to and/or would delay the restoration of parts of the mineral site. Withdrawn from the original proposals were: concrete batching plant, green waste composting, extension (lateral and capacity) of SNRHW landfill and extraction of clay for unspecified engineering projects.

3.2 The application has two strands: continuation of existing permitted operations for a further 12 years until the end of 2031 and new mineral and waste development. The proposed site layout is shown on Agenda plan 3.

Existing operations to be continued:

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

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

Proposed new development:

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

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

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

4.0 PUBLICITY AND PROCESS

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

4.2 Supplementary information was submitted in January 2018 in response to comments made by consultees and planning officers. A notice was placed in the Fenland Citizen on 18 January 2018 and notices erected in the same place as the original ones.

4.3 It has been suggested by a third party that the application may fall within the provisions of Part 3 of the Planning Act 2008. This sets out projects that are nationally significant infrastructure projects; Regulation 30 deals with hazardous waste. A distinction is drawn between the construction of a hazardous waste facility and the alteration of a hazardous waste facility. Different thresholds are set for landfill (an increase in capacity of more than 100,000 tonnes / 98,425 tons per year) and other hazardous waste recovery (an increase in capacity of more than 30,000 tonnes / 29,528 tons per year).

4.4 It is considered that the hazardous waste landfill cell is a hazardous waste facility and that the soil washing plant and bioremediation of contaminated soils are also part of a hazardous waste facility. The current application is for the alteration of a hazardous waste landfill facility and the alteration of a hazardous waste recovery (non-landfill) facility.

4.5 It is stated on the application form that the hazardous waste landfill facility will have a maximum annual throughput of 100,000 tonnes (98,425 tons) per annum. The breakdown of sources of this waste elsewhere in the application suggests that the annual rate of infill will be 75,000 tonnes (73,819 tons) (see paragraph 8.13 below). Based on either figure this would not increase the annual capacity by more than 100,000 tonnes (98,425 tons) per annum. The continued use of the hazardous waste landfill facility would not fall within section 30 of the Planning Act 2008.

4.6 It is proposed that 125,000 tonnes (123,031 tons) per annum of hazardous waste will be recovered by means other than landfill (soil washing and bioremediation). This is based on a total hazardous waste throughput of 225,000 tonnes (221,457 tons) per annum less the 100,000 tonnes (98,425 tons) per annum being landfilled. The applicant has provided information on the quantities of hazardous waste treated since the operation started in the last quarter of 2015: 28,172 tonnes (27,728 tons) in 2016 and 122,715 tonnes (120,782 tons) in 2017. 31% was soil washing and 69% bioremediation. It is noted that the National Policy Statement for Hazardous Waste states at paragraph 1.2.1 that: “where existing facilities are expanded, capacity would need to be ***increased*** by at least these amounts to meet the threshold requirements for consideration under the Planning Act, *irrespective* of whether the capacity of the original facility exceeded those thresholds.”

4.7 It is considered that the capacity of the original hazardous waste recovery (non-landfill) facility has been shown to be 122,715 tonnes (120,782 tons) per annum based on 2017 throughput. The current proposal is for 125,000 tonnes (123,031 tons) per annum. The increase would be approximately 2,285 tonnes (2,249 tons) per annum, well below the 30,000 tonnes (29,528 tons) per annum threshold in the 2008 Act.

4.8 For the reasons given in paragraphs 4.5 – 4.7 above it is considered that proposals contained within planning application no. F/2000/17/CW do not fall within Section 30

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

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 Fenland District Council – (Planning) The Block Fen / Langwood Fen Masterplan 2011 Supplementary Planning Document (SPD) has masterplanned the area until 2050. There is no objection to continuing the existing work on the site until 2044, as long as it is in accordance with the SPD. [No comments received on January 2018 amended application or the March 2018 restoration and aftercare plan]

5.2 (Environmental Health) No objections. Consideration should be given to securing the noise and dust abatement measures set out in the application documents by planning conditions.

5.3 East Cambridgeshire District Council (Planning) - Policy ENV7 (Biodiversity and geology) in the Adopted Local Plan 2015 and Policy LP30 in the Proposed Submission Local Plan 2017 make specific reference to the need to protect wetlands but also mentions where there is a main aim to conserve biodiversity the proposal should be supported. The updated ecology report is noted and accepted. The restoration proposal appears to be of a high quality; if the County Council Ecologist has no objections the plan is supported. The delay in bringing forward important biodiversity measures in the areas for now 13 years means the proposal will lead to substantial reduction in biodiversity within the area but is an improvement over the original 25 years. The delay in biodiversity improvements is a concern. If the RSPB, Natural England and other relevant ecologist specialists are in support of the application then we have no objection to the proposal.

5.4 (Environmental Health) – Residents within East Cambridgeshire are over 1km from the site. The noise report predicts unscreened noise levels of 35dBLAeq at night at Fortrey's Hall. The noise levels at properties within the district would meet the relevant Planning Practice Guidance for minerals and even with windows partially open, would meet internal noise levels under BS8233 & WHO guidelines. HGV departures along Block Fen are unlikely to affect residents in the district.

5.5 Manea Parish Council: Support the application.

5.6 Mepal Parish Council – Has concerns primarily about the extension of hours (5am to 7pm and overnight operations during the week). Also concerned about smell (from composting which would be closest to Mepal) and the impact of light in the night sky. The Parish Council do not object but would like to see hours of use reduced and made unambiguous, and to ensure there is zero deterioration in residential amenity or in the environmental aspects of noise, light, odour and dust.

5.7 Chatteris Town Council – Support the application provided all the necessary environmental protections are included.

5.8 Environment Agency – No objection in principle but has provided informatives about the safety of people in the event of a flood, the developer's responsibilities under the Water Resources Act 1991 and the need to vary the environmental permit to take

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

5.9 Several County Wildlife Sites are within, adjacent or close to the site of the proposed development and the applicant must ensure that there will be no adverse impacts on these sites and the habitats associated with them. Consideration should also be given to the wider context of the site, for example, ensuring habitat linkages and wildlife corridors are maintained or created. Protection is especially important for the Sutton and Mepal Pumping Station Drains County Wildlife Site. It should be ensured that adequate buffer zones are in place to protect the watercourse and that habitat enhancements are made where possible.

5.10 The UK Biodiversity Action Plan 1994 (BAP) identifies certain species and habitats as being of principal importance for the conservation of biodiversity. Important species and habitats are also listed for England under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. Local planning authorities have responsibilities under the NERC Act to have regard to the species and habitats listed under s41 in their decision making by virtue of their duty to have regard to the purpose of conserving biodiversity.

5.11 Sutton and Mepal Internal Drainage Board (IDB) – No comments received.

5.12 Natural England - Previously raised significant concern with the proposal to delay the restoration of the site to nature conservation habitat by 25 years, contrary to the requirements of development plan policies. Also raised concerns that the proposed extension of the existing SNRHW operation would have significant impacts on the potential of the land to which the application relates, and neighbouring land, to provide Ouse Washes complementary habitat. Natural England therefore welcomes the reduction in time of the proposed operations to 12 years and in the scale of operations which would allow earlier restoration of land for wet grasslands consistent with the objectives of the Minerals and Waste Core Strategy and the Master Plan. Also support confirmation that there will be no extension to the already consented SNRHW cell. On this basis Natural England no longer objects to this element of the application.

5.13 Natural England welcomes the effort made by the applicant to revise the restoration and aftercare scheme further in accordance with RSPB's detailed recommendations. Natural England is satisfied that the Detailed Restoration and Outline Aftercare Scheme, prepared by Mick George Ltd (Revised 20 March 2018), will ensure delivery of the key objectives of the Block Fen / Langwood Fen Masterplan Supplementary Planning Document (SPD), including creation of wet grassland habitat to complement the Ouse Washes Special Protection Area (SPA) and Ramsar site.

5.14 Royal Society for the Protection of Birds (RSPB) – Note and welcome changes to the proposals that allow restoration of wet grassland to come forward on a phased basis. This is more in keeping with the intended phased delivery of beneficial afteruse required by the Cambridgeshire and Peterborough Minerals and Waste Plan and the Master Plan. The withdrawal of the lateral extension to the SNRHW cell and the proposed increase to the height of the cap to the cell are also welcomed. This will mean that the additional deleterious effects of an expanded SNRHW cell for the eventual complementary habitat that were previously concerns will not transpire.

5.15 The revised restoration and aftercare scheme addresses concerns raised previously. It will ensure complementary habitat for the Ouse Washes will be created on a phased basis, as the Master Plan for the strategic allocation intends. The RSPB looks forward to providing further advice to the applicant to help ensure the successful implementation of this technically challenging restoration scheme.

5.16 County Wildlife Trust – Have reviewed the relevant documentation and liaised with RSPB. Based on this the Wildlife Trust is pleased to note that the revised restoration and aftercare scheme has addressed the concerns raised in the RSPB's response of 29 January 2018. The new proposals will ensure complementary habitat for the Ouse Washes will be created on a phased basis, as set out in the strategic allocation Master Plan. It is hoped that the applicant will take on board offers of advice from RSPB to ensure that such a challenging restoration scheme is successfully delivered to a high quality.

5.17 Fire and Rescue Service: No comments received.

5.18 CCC Highways Development Management - Block Fen Drove pavement is unsuitable for the traffic proposed by this development. The applicant should provide improvement to Block Fen Drove to make it suitable for the proposed traffic generation. A general arrangement plan needs to be submitted that reflects the alignment submitted for the Section 278 detailed design. This plan needs to state 'the carriageway will be constructed suitable for 32 million standard axle movements (MSA's) or greater, and built for a 40 year design life'. Such a plan should be referred to in a pre-commencement condition. A pre-commencement condition will be required to secure details relating to drainage and the pavement design methodology. This level of detail needs to be agreed before the detailed design to avoid any unexpected surprises and debate at Section 278 stage.
Alternatively the applicant could wait until the Section 278 is approved and then submit the detailed design in support of this planning application.

5.19 CCC Transport Assessment Team – The application as submitted is not expected to have any significant impact on the local highway network. CCC therefore holds no objections to the proposals.

5.20 CCC Ecology Officer / Peterborough City Council Wildlife Officer – The revisions to the proposal including the completion of restoration of wet grassland within twelve years (with earlier phased delivery following the relocation of soil storage areas S1 and T1), a reduction in dome height with no extension of SNRHW cell and removal of green waste composting facility and concrete plant are welcomed. The submitted

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

5.21 The "Ecological Mitigation Strategy" and "Construction Environmental Management Plan: Biodiversity" (both dated 28 March 2018) provide adequate detail and may be referred to as approved documents. It is important to note that there is some cross referencing with the restoration drawings, for example the reptile hibernacula referred to in the EMS are detailed on drawing ref. M3/16/10, but not shown in the EMS itself. It is recommended that annual update meetings take place between the operator, their ecologist and the planning authority to review activities including protected species monitoring results (e.g. water voles, badgers and any requirements for Natural England licences for sett closures etc).

5.22 It is noted that the RSPB have been able to work with the applicant to revise the restoration and aftercare plan. This overcomes the previous concerns raised. It will be important to ensure that regular update/ aftercare meetings are secured to review progress on site, assess ongoing monitoring of species and habitats including wading birds, plants and water levels/ quality etc. and ensure any remedial action identified is effectively implemented.

5.23 CCC Flood and Water Team – No objections in principle. The strategy contained within the Surface Water Drainage Assessment (v1, dated March 2018) is satisfactory and should be secured by condition.

5.24 Cllr Lorna Dupre (Local member for Sutton) – Conditions should continue to include a requirement to use the county council's strategic freight routes and not the B1381 through Sutton.

5.25 Individual representations – None received.

6.0 PLANNING HISTORY

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

6.1 F/0480/00/CM & E/0507/00/CM – Extraction of sand & gravel and restoration to agricultural use by infilling with inert waste; together with the erection of processing plant & operation of inert waste recycling centre granted 4 June 2001.

6.2 F/0858/01/CM & E/0819/01/CM – Variation of condition 8 of F/0490/00/CM & E/0507/00/CM to permit the commencement of development without first undertaking specified highway improvement works to the junction of Block Fen Drove with the A142 Ireton's Way granted 20 May 2002.

6.3 **E/3001/04/CM** – Erection of an aggregate bagging plant & ancillary facilities granted 13 April 2004. To be removed by 17 April 2019.

6.4 **E/3003/05/CW** – Proposed new access road and development of a green waste composting facility granted 26 April 2005. Expires 1 October 2018.

6.5 E/3004/05/CM – Extraction of clay beneath permitted sand & gravel reserve (2.7 hectares) granted 26 April 2005. Expired by 26 April 2015.

6.6 E/3015/07/CM & F/2010/07/CM – Variation of condition 14 of planning permission F/0490/00/CM & E/0507/CM to allow importation and deposit of non-hazardous waste granted 11 August 2008.

6.7 F/02013/07/CW – Waste transfer station & skip storage area & associated traffic granted 5 August 2010 subject to S106 planning obligation. **Expired 30 April 2018**.

6.8 **F/02017/08/CM & E/03008/08/CM** – Extension to Mepal Quarry granted 29 June 2011 subject to a S106 planning obligation. Expires 31 December 2024 (mineral extraction, deposit of waste and restoration to be completed by 31 December 2019 then 5 years aftercare).

6.9 E/3011/09/CM & F/02014/09/CM – Development (disposal of non-hazardous waste) without compliance with conditions 2, 3, 4, 5 & 7 of planning permission E/03015/07/CM & F/02010/07/CM granted 24 November 2009.

6.10 E/03016/09/CW – Installation of soil washing plant (retrospective) granted 4 August 2010 subject to a S106 planning obligation.

6.11 **F/02003/10/CM** – Removal of clay stockpile granted 4 August 2010. Expires 30 June 2018.

6.12 E/03005/10/CW – To amend conditions 3 & 4 of planning permission E/03016/09/CW to allow import and processing of unprocessed mineral and not to paint the soil washing plant granted 12 November 2010.

6.13 E/03011/11/CW – Variation of conditions 3 & 5 of planning permission E/03005/10/CW to allow hazardous waste to be imported and processed and to increase the height of stockpiles from 5 metres to 8 metres granted 27 March 2012. **Expired 30 April 2018**.

6.14 F/02020/11/CW & E/03012/11/CW – Variation of condition 1 of planning permission E/03015/07/CM & F/02010/07/CM to allow the importation and deposit of stable non-reactive hazardous waste granted 15 April 2014 subject to a S106 agreement. **Expired 30 April 2018.**

6.15 E/03012/12/CW – Extension to soils and minerals processing and stockpile area including bioremediation granted 13 November 2012. **Expired 30 April 2018**.

6.16 E/03013/12/CM & F/02020/12/CM – Variation of condition 6 of planning permission F/02017/08/CM & E/03008/08/CM (extension to Mepal Quarry) to allow deferral of improvement of Block Fen Drove until 31 December 2015. Not determined.

6.17 F/02023/12/CW – Variation of condition 9 of planning permission F/02013/07/CW (Waste Transfer Station & Skip Storage Area and Associated Traffic) to allow deferral of improvement of Block Fen Drove for 3 years. Not determined.

6.18 F/2001/16/CM – Extraction of sand and gravel, and clay for landfill cell engineering, as an extension to an existing quarry; field conveyor; continued use of existing processing plant, stocking areas, silt lagoons, office & welfare buildings and private access road; and importation of waste for restoration refused 19 September 2017.

6.19 **F/YR17/1141/F** – Formation of a temporary access road (10 metres wide) granted by Fenland District Council on 24 January 2018. Expires 31 October 2021.

7.0 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies from the development plan are set out in paragraphs 7.3 – 7.5 below.

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

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

CS1 - Strategic Vision and Objectives for Sustainable Minerals Development
CS2 - Strategic Vision and Objectives for Sustainable Waste Management Development
CS3 - Strategic Vision and Objectives for Block Fen / Langwood Fen, Earith / Mepal
CS5 – Block Fen / Langwood Fen, Earith / Mepal
CS7 – Recycled and Secondary Aggregates
CS12 – Engineering Clay
CS14 – The Scale of Waste Management Provision
CS15 – The Location of Future Waste Management Facilities
CS18 – Waste Management Proposals Outside Allocated Areas
CS19 – The Location of Hazardous Waste Facilities – Resource Recovery and Landfill
CS20 – Inert Landfill
CS22 – Climate Change
CS24 – Design of Sustainable Minerals and Waste Management Facilities
CS25 – Restoration and Aftercare of Mineral and Waste Management Sites
CS29 – The Need for Waste Management Development and the Movement of Waste
CS32 – Traffic and Highways
CS33 – Protection of Landscape Character
CS34 – Protecting Surrounding Uses
CS35 – Biodiversity and Geodiversity
CS36 – Archaeology and the Historic Environment
CS38 – Sustainable Use of Soils
CS39 – Water Resources and Water Pollution Prevention

CS41 – Ancillary development

Cambridgeshire and Peterborough Minerals and Waste Development Plan
Block Fen / Langwood Fen Master Plan Supplementary Planning Document (adopted July 2011) (the Master Plan)
The Location and Design of Waste Management Facilities Supplementary Planning Document (adopted July 2011) (the Design SPD)

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

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

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

ENV 1: Landscape and settlement character
ENV 7: Biodiversity and geology
ENV 8: Flood risk
ENV 9: Pollution
COM 7: Transport impact

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

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

8.0 PLANNING CONSIDERATIONS

8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At its heart is a presumption in favour of sustainable development (para 14). It states that:

- Proposed development that accords with the development plan should be approved without delay;
- Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and

- Proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

8.2 Section 13 of the NPPF sets out the Government's planning policies for "Facilitating the sustainable use of minerals". It starts by stating that "Minerals are essential to support sustainable economic growth and our quality of life." It also asks planning authorities in preparing local plans to take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering the extraction of primary materials.

8.3 The National Planning Policy for Waste (NPPW) refers to the Waste Management Plan for England (published in December 2013). The NPPW sets out the national planning policies for waste development and is to be read in conjunction with the NPPF. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. Paragraph 7 sets out specific considerations to be taken into account in determining planning applications. These include only expecting applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan; and ensuring that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

8.4 The MWCS and the Master Plan were adopted in July 2011. Their purpose is to guide mineral and waste development in Cambridgeshire and Peterborough until 2026. A long term approach was taken to help provide certainty to the minerals industry and local communities. A strategic vision of the MWCS set out in policy CS1 is that as mineral extraction, particularly sand and gravel, progresses it will deliver other strategic objectives through the restoration of workings. This includes increased biodiversity, amenity and recreational uses, helping to enhance and increase enjoyment of the countryside. The policy then specifically refers to the Earith/Mepal area where by 2026 it was expected that new lowland wet grassland enhancement habitat for the Ouse Washes would be forming. Mineral extraction and restoration in this area will be guided by the Block Fen / Langwood Fen Master Plan.

8.5 The strategic vision in MWCS policy CS1 is supported by strategic objectives which include:

- the preparation of the Block Fen / Langwood Fen Master Plan to guide mineral extraction and restoration in the Earith / Mepal area
- to contribute to meeting strategic objectives relating to sustainable flood risk management for the Cranbrook and Counter Drain catchment, and enhancement habitat creation adjacent to the Ouse Washes, through mineral extraction and restoration in the Earith / Mepal area

- to maximise biodiversity and community benefits including additional green infrastructure through appropriate afteruses following mineral extraction, particularly in the Earith / Mepal area

8.6 The strategic vision and objectives for sustainable waste management development are set out in MWCS policy CS2. The policy identifies construction / demolition and inert waste as being the largest waste stream to be managed. Whilst acknowledging the increasing role of recycling, it states that "a significant amount of that which requires disposal will be used in a positive manner to secure restoration of mineral extraction sites, including the creation of new lowland wet grassland in the Earith / Mepal area, to complement the internationally important Ouse Washes. In due course this area will become a strategic open space and recreational resource for the immediate and wider area."

8.7 This is supported by the following strategic objective:

- to use construction and demolition waste in the creation of strategic new enhancement habitat for the internationally important Ouse Washes, consistent with the Block Fen / Langwood Fen Master Plan

8.8 Chapter 5 of the MWCS deals specifically with Earith / Mepal and opens by emphasising that "The overarching vision and objectives for sustainable minerals development makes provision for extraction to take place in the Earith / Mepal area, and for restoration to contribute to meeting strategic objectives relating to sustainable flood risk management for the Cranbrook Drain catchment, and complementary habitat creation adjacent to the Ouse Washes." It goes on to stress that the long term vision "reflects the opportunity to link the restoration of the area to other high level objectives which necessitated a close examination of the proposals to ensure that the proposals are sustainable and deliverable." MWCS policy CS3 provides the strategic vision and objectives for Block Fen / Langwood Fen, Earth / Mepal.

8.9 MWCS policy CS7 states that priority will be given to the production and supply of recycled/secondary aggregates to be used in preference to land won aggregates. A strategic allocation is made for inert waste recycling at Block Fen / Langwood Fen. Provision will also be made within the MWSSP for a network of permanent and long term temporary recycling facilities across the Plan area which will make a significant contribution to the production of recycled and / or secondary aggregates.

8.10 MWCS policy CS14 sets out the scale of waste management and states that a minimum of 12.09 million cubic metres (15.8 million cubic yards) of inert landfill void space will be provided over the Plan period. MWCS policy CS20 makes a single specific allocation (ref. no. W1) of 1,135 hectares (2,805 acres) at Block Fen / Langwood Fen which would provide 14 million cubic metres (18.3 million cubic yards) void space (8.4 /11 up to 2026 and 5.6 / 7.3 post 2026). The landfill allocation includes approximately 390 hectares (964 acres) of land that already has planning permission for sand and gravel extraction. Paragraph 7.66 of the MWCS states that "Through the proposals for the Earith / Mepal area, and in particular the restoration of part of this area to lowland wet grassland, a significant opportunity will be created for the disposal of inert material, more specifically inert construction material. It is

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

Principle of the proposed development

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

Existing mineral and waste treatment processes

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

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

Landfill of SNRHW

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

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

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

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

Where there is a demonstrated need for additional stable non-reactive hazardous waste (SNRHW) landfill capacity, limited extensions will be made within existing landfill sites.
Sites to deliver the additional SNRHW landfill capacity will be identified through the Site Specific Proposals Plan.
Where there is a demonstrated need for additional hazardous waste management facilities in Cambridgeshire and Peterborough, proposals will be considered in the context of this Plan and the wider Development Plan.

8.15 MWCS policy CS14 deals with the scale of waste management provision and states that by 2026 provision will be made for a minimum of 14,000 cubic metres (18,310 cubic yards) per annum of SNRHW void space. MWSSP policy SSP W4 allocates Grunty Fen (near Wiltchford) and Thornhaugh 1 (near Peterborough) for the landfill of SNRHW. Thornhaugh 1 already takes SNRHW and at the planned rate of 75,000 tonnes (73,819 tons) per annum it would be filled within the duration of its planning permission i.e. by the end of 2034.

8.16 MWCS policy CS20 allocates Block Fen / Langwood Fen as an Area of Search for inert landfill. The current application site forms part of an area that originally had planning permission for landfill of inert waste. The MWSSP allocates Grunty Fen as a new site for SNRHW landfill, not land in the Block Fen / Langwood Fen area so in 2014, consideration was given as to whether there was a justification for making an exception to the development plan allocation.

8.17 Grunty Fen is a landfill site with limited void available for further infilling with non-hazardous waste. The allocation for SNRHW was for 30,000 cubic metres (39,236 cubic yards). It has operated at a very low capacity in recent years and was closed until recently when it reopened for a short time to accept non-hazardous waste which could not be accommodated at the operator, FCC's, Milton site. FCC have given no indication that they will seek permission to create a cell to accept SNRHW. There is, therefore, no immediate prospect of SNRHW capacity coming forward in the centre/south of the Plan area at an allocated site. When the 2014 permission was being considered Thornhaugh 1 was the only hazardous waste landfill site in the Plan area and it was considered prudent to permit the proposal at Block Fen to help maintain the long term provision and geographical distribution of this type of facility over the Plan period.

8.18 Also taken into account was the location of the proposed SNRHW landfill within the same waste management complex as a soil washing plant. The washing plant and associated bioremediation operation have the ability to treat hazardous waste so that it is classified as SNRHW. The creation of a SNRHW disposal facility enables any residual waste that meets the criteria for being classified as stable and non-reactive to be disposed of without incurring the additional vehicle movements that would be necessary to take it off site. The proposed plasterboard recycling and treatment of liquid and gully waste would contribute a further 16% of the SNRHW landfill input.

8.19 The SNRHW landfill would reduce the capacity of inert landfill at Block Fen. The current proposal to extract 300,000 cubic metres (392,362 cubic yards) of clay as

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

Aggregate storage and recycling

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

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

8.21 The MWCS has set an increasing target for recycling of construction and demolition waste. Policy CS15 states that a network of waste management facilities will be developed across Cambridgeshire and Peterborough and that their spatial distribution will be guided by the Minerals and Waste Management Key Diagrams and a number of factors including the need for waste management facilities, the existing network of waste management sites, existing / planned mineral sites and the need to minimise the movement of waste.

8.22 The soil washing plant produces recycled aggregates by washing contaminated soil. Silt from the process is disposed of in the SNRHW landfill. Bioremediation uses micro-organisms to treat soils that are contaminated with hydrocarbons after recyclable materials such as brick, concrete or stone have been removed. They either undergo further bioremediation or stabilisation before being disposed of in the SNRHW landfill. Washing and bioremediation of soil make up 41% of the input to the SNRHW landfill.

8.23 MWCS policy CS7 states that the spatial distribution of sites for producing recycled and secondary aggregates will be guided by the Minerals and Waste Management Key Diagrams and for temporary facilities mineral sites.

8.24 Block Fen / Langwood Fen is not allocated for non-inert waste recycling so the treatment of non-inert waste should also be considered against MWCS policy CS18. CS18 states that proposals for waste management development outside allocated areas will be considered favourably where this is consistent with the spatial strategy for waste management and it can be demonstrated that they will contribute to sustainable waste management, moving waste up the waste hierarchy. It is considered that for the reasons given in paragraphs 8.21 and 8.22 above these criteria are fulfilled. The policy goes on to identify the types of site where waste management facilities may be permitted and includes co-location with complementary activities. It is considered that co-location with inert waste landfill and recycling and SNRHW landfill would meet the locational criterion for non-landfill waste management uses. It is considered that the proposed development would comply with MWCS policy CS18.

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

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

Proposed new mineral, waste and ancillary development

8.26 The following are proposed new development or, in the case of the internal haul road and some of the clay extraction, have already been carried out:

- Extraction of clay
- Tyre recycling in new building
- Plasterboard recycling in new building
- Treating liquid waste
- Bagging aggregates in new building
- Erection of 3 buildings to serve as office, laboratory, and welfare unit
- Erection of 6 temporary buildings ancillary to the clay extraction operation
- Formation of silt settlement ponds
- Alteration of internal haul road (retrospective)

Extraction of clay

8.27 MWCS policy CS12 relates to engineering clay borrow pits and states that where there is a demonstrated need for the extraction of engineering clay, priority will be given to extracting from existing mineral or landfill sites in preference to greenfield sites. It goes on to say that engineering borrow pits will only be considered where it is demonstrated that they are well related to the project they will serve and that an unacceptable level of mineral traffic will be removed from the public highway and / or from passing through local communities. CS12 also requires that the borrowpit will serve the related project only and will be restored within the same timescale as the related project.

8.28 In the summer of 2017, the Environment Agency embarked on a 3 year project to raise the barrier banks along the Ouse Washes between Earith and Welmore Lake Sluice (near Denver Sluice). They require approximately 300,000 of clay (392,362 cubic yards), some of which has already been provided by MGL from Witcham Meadlands Quarry. The proposal is to extract 300,000 cubic metres (392,362 cubic yards) of clay from first the southernmost part of the application site (Area 1) and then following the removal of the underlying sand and gravel from most of the land currently occupied by the Aggregate Industries processing plant (Area 2). These areas are shown in Figure 1 below. Fenland District Council has granted planning permission for a temporary haul road which would link the clay extraction site to the existing access track which runs parallel to the barrier bank. This would enable the clay for most of the Environment Agency's engineering works to be delivered from an existing mineral and landfill site without using the public highway. It is considered that this would comply with MWCS policy CS12. The clay extraction could be linked

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

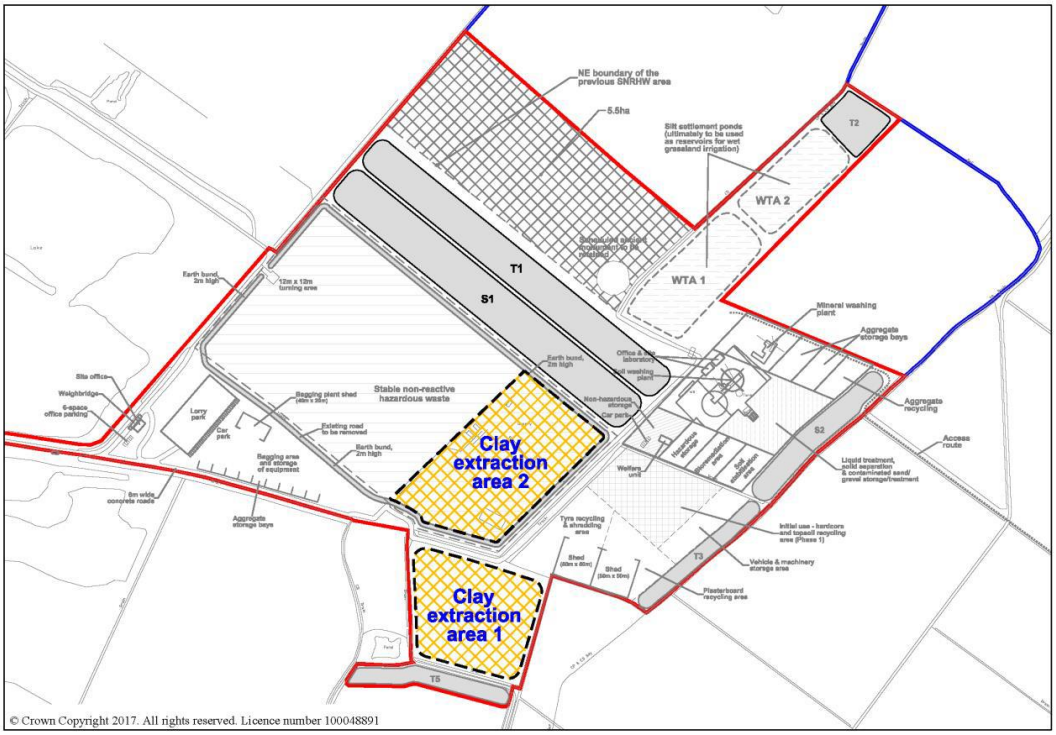

Figure 1: Clay extraction areas

Tyre and plasterboard recycling in new buildings and treatment of liquid waste

8.29 The tyre and plasterboard recycling and the treatment of liquid waste need to be considered against the same policies as the soil washing plant and the soil remediation facility.

8.30 It is proposed that old vehicle tyres will be brought to a new building (shown on Agenda plan 3 where they will, if necessary, be de-rimmed from wheels before being shredded and passed under a magnetic separator to remove the wire reinforcement. The rubber crumb would be bulked up and taken off site for further recycling or use as a surfacing material. Approximately 15,000 cubic metres (19,618 cubic yards) of shredded tyres would be used as the drainage blanket for the SNRHW landfill.

8.31 Waste plasterboard would be delivered in sealed containers which would be emptied within a new building (shown on Agenda plan 3). It would be shredded to remove the paper backing from the gypsum then put through a screen where the gypsum powder is separated from the paper. The paper would be sent off site to a paper pulping facility. The pure screened gypsum can be used in the manufacture of, for example, plasterboard, cement and cat litter. The applicant states that up to 60% of

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

8.32 Liquid waste (primarily contaminated water containing suspended solids) would be brought to the site in tankers and discharged into a settlement tank in the area shown on Agenda plan 3. It would be treated by an electro-coagulation unit before being fed into a dissolved air flotation system. The process would produce clean recycled water for the washing plant. The solids would be processed through the washing and screening plants to produce recycled sand and gravel aggregate that can be used as pipe bedding or in the manufacture of concrete blocks. Some of the residual waste would be disposed of in the SNRHW landfill.

8.33 The plasterboard recycling and liquid waste treatment would together contribute 16% of the input to the SNRHW landfill and some of the shredded tyres would be used as the drainage blanket. The liquid waste treatment would also be linked to the soil washing and screening plant. They could therefore be considered to be co-located with complementary activities and would meet one of the locational criteria of MWCS policy CS18.

Bagging aggregates in new building

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

8.35 It is considered that this would be complementary to the mineral washing plant so could be supported.

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

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

Erection of 6 temporary buildings ancillary to the clay extraction operation

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

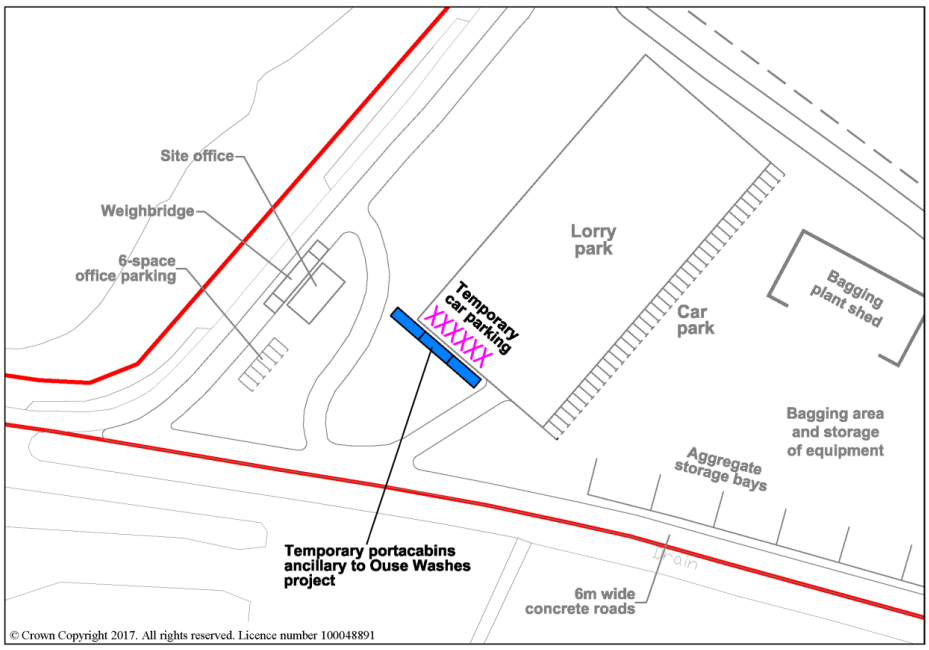

Figure 2: temporary buildings for clay extraction operation

Formation of silt settlement ponds

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

Alteration of internal haul road

8.39 The site is approximately 650 metres (2133 feet) beyond the end of the public highway, Block Fen Drove and is reached via private road which was improved under planning permission F/02013/07/CW by the addition of passing places. Previously the mineral and soil washing plant and the Aggregate Industries quarry were accessed using an existing track immediately to the south of the SNRHW landfill. A new haul road has been created along the southern boundary of the site. The main potential impact is on the adjacent County Wildlife Site. This is discussed later in this report.

8.40 The most significant potential effect of the new buildings referred to in paragraphs 8.30, 8.31 and 8.34 is their impact on the fen landscape. This is discussed in the following paragraphs. MWCS policy CS24 requires a high standard of design for mineral and waste management development and compliance with the Design SPD. The Design SPD recommends that in rural locations waste management buildings should reflect the scale and design of agricultural buildings. The proposed tyre and plasterboard recycling and aggregate bagging buildings would be steel framed with olive green corrugated metal roofs and cladding of the upper facades above concrete wall panels. They would be similar to agricultural buildings and it is considered that they would be appropriate for the location bearing in mind that they would be required for a temporary period of 10 – 12 years.

Visual impact

8.41 MWCS policy CS33 requires mineral and waste management development to be assimilated into its surroundings and local landscape character. FLP policy LP16 (d) requires development proposals to not adversely impact the landscape character of the surrounding area. ECLP policy ENV 1 seeks to protect and enhance the landscape.

8.42 The site is within an area of flat, fenland landscape with extensive views across predominantly arable land and active and restored mineral workings. The principle of mineral extraction and restoration by inert waste landfill within the area has been established with the allocation in the MWCS and the current permissions. It is necessary to consider how the proposed new mineral processing, waste management and ancillary development would impact on the landscape and receptors.

8.43 The liquid waste treatment plant would be similar in size and scale and located close to the existing soil and mineral washing plant. It is considered that the additional impact would be minimal. The proposed bagging plant building would be in almost the same location as a slightly larger waste transfer building (50 metres x 25 metres / 164 feet x 82 feet) of the same height (12 metres / 39 feet) which was granted permission (no. F/02013/07/CW) but has not been built. The proposed buildings for the tyre and plasterboard recycling would be adjacent so have the appearance of a single 50 metre x 100 metre (164 feet x 328 feet) building 12 metres (39 feet) high. This would be approximately 10 times larger in area and 4 metres (12 feet) higher than the existing Aggregate Industries bagging plant building which is situated approximately 80 metres (262 feet) to the west. The existing building can be seen from the public footpath along the river 750 metres (2,461 feet) to the southeast and from close to Fortreys Hall, approximately 1 kilometre (0.6 mile) to the south so the proposed, larger building would be more prominent. However, at these distances it is not considered the visual impact would be significant.

8.44 The applicant has carried out visual impact assessment which concludes that the proposed development would not result in any significant adverse impacts to local visual receptors. This analysis is not disputed. It is considered that the development would comply with MWCS policy CS33, FLP policy LP 16(d) and ECLP policy ENV 1.

Traffic and highways

8.45 MWCS policy CS32 states that minerals and waste development will only be permitted where:

a. it is demonstrated that opportunities for the use of alternative methods of transport have been evaluated and the most appropriate pursued where practicable;
b. access and the highway network serving the site are suitable or could be made suitable and able to accommodate any increase in traffic and / or the nature of the traffic associated with the development;

c. any associated increase in traffic or highway improvements would not cause

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

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

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

8.46 FLP policy LP15 (C) states that any development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms. ECLP policy COM 7 states that development proposals shall be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality.

8.47 It was a condition of MGL planning permission no. F/02013/07/CW that a scheme for the improvement of the whole of Block Fen Drove be implemented by 5 August 2012. A scheme submitted by MGL in November 2010 was not to the technical design standard required by the highway authority and was therefore not approved.

8.48 It was also a condition of the 2011 permission that a scheme for the improvement of the whole of Block Fen Drove be implemented by 5 August 2012. However this scheme that was submitted by Aggregate Industries related only to the section of highway between the A142 roundabout and the access to the Tarmac quarry because *at that time* (early 2011) it was the highway authority's opinion that the northern section of the road was then of an adequate standard. The Aggregate Industries scheme was approved in March 2011 and was implemented in 2016.

8.49 In April 2014 MGL submitted a revised scheme (further to their 2010 scheme) pursuant to planning permission F/02013/07/CW. This was based on the Aggregate Industries 2011 scheme for the section of highway between the A142 roundabout and the access to the Tarmac quarry. However, by the time of the submission the highway beyond the Tarmac quarry access (the northern section) had deteriorated to such an extent that, in the opinion of the highway authority, it needed to be reconstructed to a similar specification as the works approved pursuant to the Aggregate Industries 2011 scheme. The scheme was therefore not approved.

8.50 This remaining northern section of Block Fen Drove (between the access to the Tarmac quarry and the MGL site) remains in a poor condition. The highway authority considers that the northern section of Block Fen Drove is currently of inadequate standard to accommodate the vehicles that would be generated by the proposed development and that it should therefore be improved before any further development can be permitted. Unless the improvement works are secured, the application would be contrary to policy CS32 of the MWCS, policy LP15 (C) of the

FLP and policy COM 7 of the ECLP.

8.51 The works to improve Block Fen Drove require the developer to enter into an agreement with the highway authority pursuant to section 278 of the Highways Act 1980. The design of the Block Fen Drove improvement works has been agreed in principle with the highway authority and the detailed drawings that are necessary for the S278 agreement are nearing completion. MGL is leading on this with the agreement of the other mineral companies (Aggregate Industries, Hanson and Tarmac) They are working together to design and implement improvements that would give the haul road a design life of 40 years. It is noted that in order to achieve satisfactory drainage a small amount of land outside the public highway and MGL's control will be required and that consent to connect to the IDB system will be necessary. However, given the advanced stage of the S278 design, officers consider that the works should be able to be completed during 2018.

8.52 Consideration has been given to the most effective way of wording a planning condition which would enable the County Council to enforce the implementation of the highway improvement works. The applicants put forward a proposal suggesting that the proposed aggregate bagging, tyre recycling, plasterboard recycling and treatment of liquid or gully should not take place until the improvement works have been completed. However, by the end of April 2018 the planning permissions which allow most of the existing waste management operations (the SNRHW landfill and the mineral and soil washing plants) would have had expired so by the time that this matter is put before the Planning Committee more elements of the application would be retrospective if they were continued after the planning permissions had expired but (see Planning History in section 6.0 above). The only significant element of the current activities which has planning permission beyond April 2018 is the restoration of the 2011 permission area by infilling with inert waste (see paragraph 6.8 above).

8.53 A large part of the current application is for permission to continue existing waste disposal and management operations, principally the deposit of SNRHW and washing contaminated soils. The highway authority is of the opinion that the northern section of Block Fen Drove is already unsuitable to accommodate the existing mineral and waste traffic. The current application states that the development would generate 458 HGV movements (229 in and 229 out) on weekdays. The previous planning permissions for the waste transfer station and mineral and soil washing plants were granted subject to a condition limiting the combined number of HGV movements to 120 per day (60 in and 60 out). Whilst the HGV traffic generated by *all* the mineral and waste activities taking place at the site would exceed 120 per day, the current application proposes a significantly higher number – 458 per day on weekdays.

8.54 It is therefore recommended that if planning permission is granted, it should be subject to a planning condition which is phrased as a pre-commencement requirement that no development can take place in accordance with this permission until the northern part of Block Fen Drove, beyond the Tarmac quarry access, has been constructed and completed to the satisfaction of the Waste Planning Authority. Such works would be carried out pursuant to the Section 278 Agreement referred to above (see recommended condition 8). If the development was to continue without the northern part of the haul road being completed the County Council would then

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

8.55 The requirement for routeing arrangements, HCV signage for mineral and waste management traffic and a speed limit on Block Fen Drove could be included in an HGV traffic management strategy secured by recommended planning condition 25.

Historic environment

8.56 The site has been previously developed for mineral extraction and all archaeological matters have been dealt with. It is considered that the proposed development would not have an impact on the nearest designated heritage assets (the scheduled monument at Common Farm and the listed Fortreys Hall 1 kilometre (0.62 mile) and 900 metres (0.56 mile) to the south respectively. It is considered that the proposed development complies with MWCS policy CS36 which seeks to protect designated heritage assets.

Ecology

8.57 The application site is within 640 metres (2,100 feet) of the Ouse Washes which are of international importance as set out at paragraph 2.2 above. The proposed development has the potential to affect the interest features of the Ouse Washes and therefore falls within the scope of the Conservation of Habitats and Species Regulations 2010. The applicant's environmental statement included an ecological appraisal and a Habitat Regulations Preliminary Screening Assessment which concludes that no internationally designated sites, including the Ouse Washes, will be directly impacted by the proposed development. The proposal is for the continuation of existing operations only which have been in place for the past 13 years with no detrimental effects to the environment. The proposed development will be confined to the bounds of the existing site footprint. Natural England is satisfied with the conclusions of the report that state that with the implementation of mitigation measures, any residual impacts to the Ouse Washes could be considered negligible, and therefore not significant.

8.58 MWCS policy CS35 states that minerals and waste development will only be permitted where it has been demonstrated that there will be no likely significant adverse impact on sites of local nature conservation, such as County Wildlife Sites. FLP policies LP16 (b) and LP19 and ECLP policy ENV 7 also seek to protect sites of local importance. Part of the Sutton and Mepal Pumping Station Drains CWS is within the site as set out in paragraph 2.2. The applicant's supplementary ecological information has addressed concerns raised by the County Council's Ecology Officer who recommends that wildlife and its habitats could be protected by the implementation of appropriate schemes which should be secured by planning condition (see recommended conditions 23 and 24). With these measures in place it is considered that the development would comply with MWCS policy CS35, FLP policies LP16 (b) and LP19 and ECLP policy ENV 7.

Flood risk, water resources and water pollution prevention

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

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

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

Noise

8.61 NPPF paragraph 144 states that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled mitigated or removed at source and that appropriate noise limits should be established for extraction in proximity to noise-sensitive properties. The proposal would not bring mineral or waste operations closer to residential properties. The proposed tyre shredding, plasterboard recycling and aggregate bagging would take place within buildings. Most of the activities would continue to operate during the currently permitted hours i.e. between 0700 and 1900 hours Mondays to Fridays and between 0700 and 1300 hours on Saturdays. It is, however, proposed that on Mondays to Fridays the soil and mineral washing plant would operate 24 hours per day and up to 15 vehicles per hour could leave the site between 0500 and 0700 hours. The applicant's noise assessment concludes that the noise attributable to the operation of plant would be low at noise-sensitive properties. It also states that with a 10 mph (16 kph) speed limit in place the noise from HGVs in the early morning experienced at the properties close to the junction of Block Fen Drove with the A142 roundabout would not be unacceptable. This could be included in a HGV management strategy secured by condition (see recommended condition 25).

8.62 The County Council has no record of complaints about noise from mineral or waste management activities at Block Fen. It is considered that the proposed development would be capable of being carried out without the quality of life of the occupants of the nearest properties being adversely affected to an unacceptable degree. It is considered that in that respect the proposal would comply with NPPF paragraph 144, MWCS policy CS34, FLP policy LP16 (e) and (l) and ECLP policy ENV 9.

Dust

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

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

Restoration

8.64 Policy CS5 of the MWCS, which allocates mineral extraction at Block Fen / Langwood Fen states that "This allocation must be worked and restored in a phased manner in accordance with the Block Fen / Langwood Fen Master Plan." The purpose of the Master Plan is to provide a more detailed land use planning framework for mineral and waste activity in the Earith/Mepal area. The MWCS identifies the Earith/Mepal area as a strategic area for sand and gravel extraction and construction / demolition waste management until 2026 and beyond. This has been shaped by the location of the area next to the Ouse Washes, which is one of the few remaining fragments of wetland habitats within the Fens. It is of international importance for its wintering waterfowl and for a suite of breeding birds, including snipe and black-tailed godwit.

8.65 Mineral extraction followed by appropriate restoration offers the opportunity to deliver three equally important strategic objectives. Firstly, it can provide strategic water storage bodies which can help to intercept water before it goes into the Counter Drain, and also take some of the water from the Counter Drain which would otherwise be pumped into the Ouse Washes, thereby managing flood risk in a more sustainable way. In addition, quarry restoration using inert construction and demolition waste soils can create a significant amount of new lowland wet grassland, providing new breeding areas for birds such as the black-tailed godwit, snipe, redshank and lapwing. Thirdly, the water bodies created after restoration from gravel workings, and the new lowland wet grassland, can provide a focus for recreational opportunities for those living in, or visiting the area.

8.66 The existing quarry (the 2001 and 2011 permission areas) and therefore the current application area are within the land shown in the Master Plan as being restored to lowland wet grassland. In 2014 MGL entered into a S106 planning obligation in which the company agreed that their land would be restored to a condition to complement the Ouse Washes suitable for management as wet primarily wet grassland habitat for the benefit of nature conservation. The restoration proposals submitted with the current application are consistent with the scheme referred to in paragraph 1.4 above and has the support of the conservation organisations.

8.67 The scheme shows that with the exception of some of the SNRHW area the MGL land will be restored to create wet grassland together with reservoirs to provide water to irrigate the wet grassland. It has already been noted that it is a requirement of the environmental permit that the final profile of the SNRHW area is slightly domed to shed surface water and for this reason this part of the site will be restored to a slightly higher level than the surrounding land. This will be dry flower rich grassland. It is acknowledged that this would not fully comply with the Master Plan but the principle of the domed landform was accepted when planning permission no. F/02020/11/CW & E/03012/11/CW was granted in 2014. The current restoration scheme for the MGL land was produced with the advice of the RSPB and is

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

8.68 It is considered that the most significant impact of the current application is that it would delay restoration of more than half of the 2001 and a small part of the 2011 permission areas. The land to which the 2011 permission relates should under the terms of F/02017/08/CM & E/03008/08/CM be restored in accordance with the scheme approved under condition 23 by 31 December 2019. This would be followed by a 5 year period of aftercare. Apart from the proposed tyre shredding area and clay extraction Area 1 the 2011 permission area is on track to being restored in accordance with the planning permission.

8.69 Under the terms of the 2001 (now 2014) permission the land should be restored in accordance with the 2014 S106 agreement by 30 April 2018. The northern section has already been restored to wet grassland and the current application proposes that the adjacent 5.5 hectares (13.6 acres) will be restored in 2018 and 2019. It is also proposed that a further 6.5 hectares (16.1 acres) in the western part of the SNRHW area would be restored by 2024. That would leave the remainder of the SNRHW area to be restored by the end of 2029. The buildings, plant and hardstandings would then need to be removed from the waste processing and parking areas and the soil profile reinstated.

8.70 The void in the SNRHW area needs to be filled to allow the land to be restored. The case for the continued landfill of SNRHW is considered in paragraphs 8.13 – 8.19 above. It has already been noted that the principle of the domed landform which does not comply with the Master Plan has previously been accepted. The impacts of delaying most of the current application area needs to be assessed in the context of the restoration of the wider area.

8.71 Mineral extraction in the 2011 permission area ceased in April 2017 and most of it i.e. the land that is not part of the current application area, is being restored. Most of this land is in the ownership of the Sole family and is being restored to agricultural land with the *potential* for conversion to wet grassland. There is no commitment that it *will* be converted to wet grassland. This is consistent with the 2011 S106 agreement (see paragraph 1.3 above). It should be noted that when the 2011 permission was determined the MWCS and Master Plan had not been adopted so the MPA could not require the restoration of the Sole family's land to wet grassland. The "potential for conversion to wet grassland" was the best that could be negotiated at the time. In September 2017 the County Council refused planning permission for an extension to the quarry principally because the proposed restoration scheme included very little wet grassland so did not comply with the Master Plan. The time for Aggregate Industries lodging an appeal against that decision has passed. There is, therefore, no immediate prospect of any land outside the control of MGL being restored to wet grassland.

8.72 The 2014 S106 agreement requires "provisions relating to the ongoing maintenance of the created habitat or evidence (such as the conclusion of a legal agreement for on-going management after restoration by a third party such as the Royal Society for the Protection of Birds) that a third party will undertake the management of such habitat after its establishment." MGL has had preliminary discussions with the RSPB who expressed a willingness in principle to manage the restored land. However, they would only take over the management of wet grassland if the area was large enough to be viable (an area of at least 100 hectares / 247 acres). The proposed restoration plan shows that 55.5 hectares (137 acres) (out of around 70 hectares / 173 acres) of MGL's land will be restored to wet grassland. This area falls short of the minimum that the RSPB consider would be viable for them to manage.

8.73 MWCS policy CS25 deals with the restoration and aftercare of mineral and waste management sites and requires them to be restored in a phased manner to a beneficial afteruse. Most of the current application area would eventually be restored to wet grassland. This part of the proposal would comply with the Master Plan and MWCS policy CS25.

8.74 The NPPF at paragraph 109 states that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. At paragraph 118 the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged. FLP policy LP19 promotes the preservation, restoration and re-creation of priority habitats identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans. ECLP policy ENV 7 requires development proposals to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.

8.75 The County Council has a duty to seek to further and enhance the conservation of designated sites and priority species under the Natural Environment and Rural Communities Act 2006 and the Countryside and Rights of Way Act 2000 (as amended). The proposed development is within a Target Area in the Cambridgeshire Green Infrastructure Strategy for the delivery of biodiversity and other environmental objectives. The Master Plan seeks to make a significant contribution to local Biodiversity Action Plan targets and to support the Ouse Washes Habitat Replacement Project. The proposed restoration scheme would make a contribution to meeting these aims and meeting the aims of FLP policy LP19.

Climate change and sustainable waste management

8.76 MWCS policy CS22 requires minerals and waste management development to take account of climate change. It states that "In the case of mineral workings, restoration schemes which will contribute to addressing climate change adaptation will be encouraged e.g. through flood water storage, and biodiversity proposals which create habitats which act as wildlife corridors and living carbon sinks." The proposed restoration scheme would by replacing peat soils on most of the site minimise greenhouse gas emissions and help address climate change so would comply with MWCS policies CS1, CS3, CS22 and CS38 and the Master Plan.

9.0 CONCLUSION

9.1 The principle of mineral extraction, restoration of the land to its original level by importing inert waste and recycling inert waste is established in the MWCS allocation. The principle of landfilling a small part of the allocation area with SNRHW was established in 2014 as noted in paragraph 8.13. It is considered that the applicant has demonstrated that the proposed non-inert waste recycling operations are sufficiently connected to the SNRHW landfill to be supported as discussed in paragraphs 8.31 – 8.33. It is considered that the extraction of clay for a specific local engineering project should be supported for the reasons set out in paragraph 8.28. The delay in restoring most of the application area for around 10 years is not desirable but given the failure of other land to be brought forward for restoration in accordance with the Master Plan the amount of wet grassland that will be created in the short and medium term will not have a significant positive effect on the Ouse Washes. On balance, it is considered that the proposed development would provide an integrated mineral extraction, landfill and waste management operations that would make a significant contribution to sustainable waste management so should be supported in principle.

9.2 It is considered that taking into account that the landfill and waste management operations will be regulated by an environmental permit and subject to appropriate planning conditions the proposed development is capable of being carried out without having unacceptable adverse impacts on the human or natural environments.

9.3 Block Fen Drove is not in a condition that is suitable for the amount of HGV traffic that would be generated by the development. It is capable of being brought to an acceptable standard within a relatively short time and the developer should be required to undertake this work.

10.0 RECOMMENDATION

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

Site Area:

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

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

Commencement:

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

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

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

Approved Plans and Documents:

3. The development hereby permitted shall not proceed except in accordance with the application form dated 28 April 2017, Planning Statement dated April 2017 and Environmental Statement dated April 2017 as amended by the additional supporting information and amendments included within the Environmental Statement Vol II Additional Information Regulation 25 dated January 2018 and Transport Statement Technical Note 2.2 dated 5 October 2017 and the following conditions. The site shall be worked, engineered, and restored in accordance with the following approved drawings, received 28 April 2017 unless otherwise stated in this permission:

    - M3/16/01 Location Plan dated 22/05/2017 (received 12 June 2017);
    - M3/16/03 Site Layout Rev B dated 08/11/17 (received 12 December 2017);
    - M3/16/04 Elevations of Tyre Recycling and Plasterboard Recycling Buildings dated 06/01/2017;
    - M3/16/05 Bagging Plant Building Elevations dated 07/11/2016;
    - Fig 2 on page 11 of Annexure 11 of the Revised Environmental Statement Section 3 (Proposed Development) dated January 2018 (received 5 January 2018);
    - M3/16/10 Restoration Proposals Main Site dated 20/03/2018 (received 20 March 2018);
    - M3/16/11 Restoration Proposals SNRHW Cell Area dated 20/03/2018 (received 20 March 2018);
    - M3/16/12 Progressive Restoration – 2018 & 2019 dated 20/03/2018 (received 20 March 2018);
    - M3/16/13 Progressive Restoration – 2024 dated 20/03/2018 (received 20 March 2018); and
    - M3/16/14 Drainage Layout (2024) dated 20/03/2018 (received 20 March 2018).

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

Timescale of permission:

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

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

Site Restoration:

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

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

Aftercare Scheme:

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

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

Vehicular Access:

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

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

Highway Improvements:

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

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

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

9. Clay extraction limit:

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

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

Clay export limits:

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

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

Clay export records:

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

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

Hazardous waste input limits:

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

be treated (non-landfill) within any calendar year.
Reason: The application has been considered on the basis of the information provided on the application form dated 12/ 06/2017 (received 12 June 2017). Hazardous waste facilities with a larger annual capacity may fall within Schedule 30 of the Planning Act 2008 and be Nationally significant infrastructure projects.

Restriction of HGV movements:

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

458 movements (229 in and 229 out) per day Mondays to Fridays;
230 movements (115 in and 115 out) per day on Saturdays; and
No movements on Sundays and bank and public holidays.

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

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

HGV records:

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

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

Prevention of mud on the Public Highway:

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

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

Surface Water Drainage Scheme:

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

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

Stockpile heights:

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

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

Hours of Operation:

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

0700 - 1900 on Mondays to Fridays inclusive, and
0700 - 1300 on Saturdays.
No development authorised by this permission shall take place on bank or public holidays.

Subject to the following exceptions:

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

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

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

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

Dust controls and mitigation measures:

19. The development hereby permitted shall not take place except in accordance with the Dust Action Plan dated January 2018 (received 26 January 2018).
Reason: To minimise the impact of the development on wildlife and wildlife habitats

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

Operations within Buildings:

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

Maintenance, Silencers, and Reversing Alarms:

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

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

Soil protection:

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

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

Ecological Mitigation Strategy:

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

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

Construction Environmental Management Plan:

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

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

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

Routeing Agreement:

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

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

Waste Catchment Restriction:

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

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

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