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Your ref: F/2001/16/CM



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## BY EMAIL ONLY

Dear Helen

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

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

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

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

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

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

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- Contrary to the applicant's suggestion that the Master Plan is 'undeliverable, not sustainable and outdated', the Plan allocation provides long-term financial security for aggregates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

Section 4.5.2 of the document then goes on to state:

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

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

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

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

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

Section 6.5.6 concludes:

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

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

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

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

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

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

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

### **Biodiversity and Protected Species**

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

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

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

## Protected Species

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

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

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

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

## Biodiversity enhancements

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

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

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

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

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



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

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

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

### General Conditions

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

## Soil Handling

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

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

### **Soil Stripping and Storage**

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

### **Soil Replacement**

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

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

### **Differential Settlement**

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

### **Aftercare**

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

24. The submitted Scheme shall:

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

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