

RESTORATION OF LAND AT COLNE FEN USING IMPORTED WASTE TO CREATE CONSERVATION HABITATS

[SECTION 73 PLANNING APPLICATION TO DEVELOP LAND WITHOUT COMPLYING WITH CONDITION 1 OF PLANNING PERMISSION H/05001/13/CW (RESTORATION OF LAND AT COLNE FEN USING IMPORTED INERT WASTE TO CREATE CONSERVATION HABITATS) TO ALLOW THE DEVELOPMENT TO CONTINUE UNTIL 31 DECEMBER 2024]

AT: Colne Fen Quarry, Chatteris Road, Somersham, PE28 3DN

LPA REF: FMW/025/19

FOR: Mr D Newman

To: **Planning Committee**
Date: **1 October 2020**
From: **Assistant Director Environment & Commercial**
Electoral division(s): **Somersham & Earith**
Purpose: **To consider the above planning application**

Recommendation: **That planning permission be granted subject to the completion of a s.106 planning obligation and the conditions set out in paragraph 10.1**

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1.0 BACKGROUND

- 1.1 Sand and gravel had been quarried from land at Colne Fen for many years under planning permissions dating back to the 1940s but by 2013 the bulk excavation of minerals had ceased and Hanson Aggregates sold the land to the current applicant, David Newman. Planning permission H/0120/97 for extraction of sand and gravel and restoration to a beneficial use was limited by condition 2 to a period expiring on 31 December 2019 by which time the mineral processing plant was to have been removed and the site restored in accordance with an approved scheme.
- 1.2 Planning permission (ref. no. H/05001/13/CW) was granted on 28 June 2013 for the importation of inert waste material as part of a new restoration scheme for parts of Colne Fen Quarry. The 2013 permission was for the importation of inert waste which would be used to:
- i) fill a depression in agricultural land to the east of Rhee Lake (completed);
 - ii) create fish rearing ponds in Rhee Lake (partially completed);
 - iii) stabilise northern and part of western boundaries of Irrigation Lake to allow creation of a bridleway (earthworks completed summer 2019);
 - iv) create promontories/spits in Front Lake (not started); and
 - v) infill the silt pond (27,000 tonnes since September 2019).

These areas and the access point onto the B1050 Chatteris Road are shown on agenda plan 1 (for public rights of way please refer to agenda plan 2).

- 1.3 It was proposed to use material covered by the CL:AIRE code of practice for the works described in items (i) - (iv) above. The CL:AIRE code of practice provides a framework which allows the re-use of clean naturally occurring soil materials on site or their transfer between sites, without being classified as waste. It therefore provides an alternative to the use of environmental permits or exemptions. The deposit of waste within the silt pond requires an environmental permit. This work would be in addition to continuing activities under planning permission ref. H/0120/97 which included the removal of the remaining stockpiles of mineral and spreading stored soils near the mineral processing area.
- 1.4 The works permitted by H/05001/13/CW began in December 2014 since when 64,046 cubic metres of material has been imported to the site, all under CL:AIRE. This fell short of the total needed to complete the 4 elements of the development (i) to (iv) above. The environmental permit for the depositing inert waste in the silt pond was issued in 2018 and the area has been prepared to receive waste. Only a small quantity of inert waste has been imported to the silt pond and the development permitted by the 2013 permission is far from complete.
- 1.5 Whilst the current application was being considered it became apparent that another part of the bridleway route along the western boundary of Rhee Lake and Trout Lake (to the south of the area described in paragraph 1.2 (iii) above) was unstable and would need to be remediated using 31,000 cubic metres of imported material. This fell outside planning permission H/05001/13/CW so is the subject of a separate new application (ref. no. FMW/020/20) and the subject of agenda item 7. It will be

explained later in this report why the two applications are linked and need to be considered at the same time.

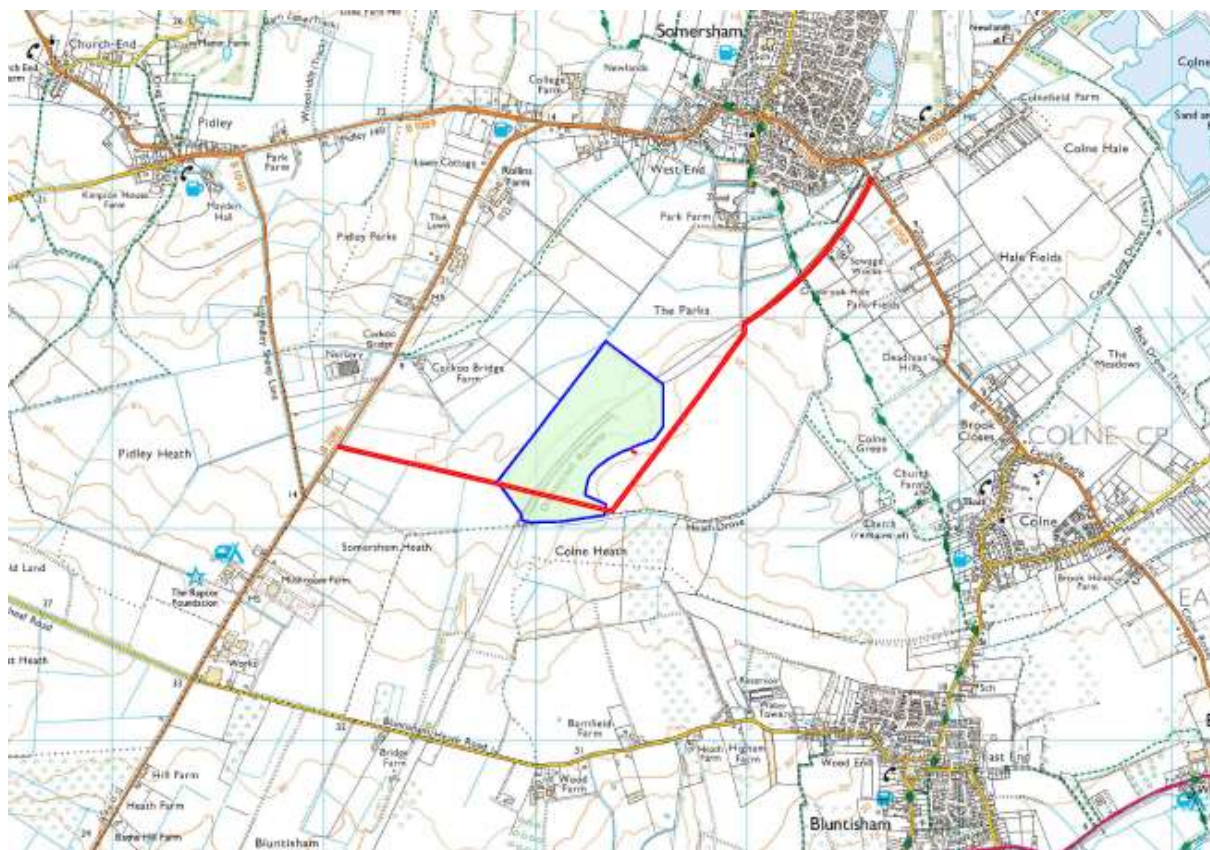
2.0 THE PROPOSED DEVELOPMENT

- 2.1 The current application as submitted is for permission to not comply with condition 1 of H/05001//13/CW to allow until 31 December 2014 to complete the permitted works. The site has been closed since March 2020 owing to the Covid-19 restrictions and the applicant has recently suggested that the period of the development should be for 5 years from the date of the any new planning permission granted. The amount of material that is needed as originally presented in the 2013 planning application was incorrect and was subsequently clarified by the applicant. It has been reviewed again by the applicant for the current application and is set out in the table below. The key difference is the significant increase in the amount of material that is needed to fill the silt pond. This became apparent when the water was drained to allow the site to be surveyed before the landfill cells were engineered. The applicant has stated that he no longer intends to carry out the works to Front Lake within the foreseeable future and has in effect withdrawn that part of the development from the proposal.

	2013 proposed	2013 revised	2019 revision	2019 amended
Silt Pond		145,400	350,000	350,000
Front Lake		146,700	146,000	n/a
Bridleway – Irrigation Lake		10,000	Complete	n/a
Rhee Lake		15,767	7,000	7,000
Depression		20,520	Complete	n/a
Total (m ³)	240,000	338,387	503,000	357,000
Bridleway – Rhee & Trout Lakes	n/a	n/a	n/a	31,000
Total (m ³)				388,000

- 2.2 The total quantity of waste that it is proposed to import under the current application is now 357,000 cubic metres, the vast majority of which would be inert waste to the silt pond under the environmental permit. A small amount of material still needs to be brought in under the CL:AIRE protocol to finish the permitted works in Rhee Lake. To show the scale of all the proposed development the table includes the material that would be imported under the CL:AIRE protocol for the stabilisation works to Rhee and Trout Lakes and is the subject of agenda item 7.
- 2.3 Condition 13 of planning permission H/05001/13/CW limits the number of HGV movements to 120 per day. It is proposed that the continued importation, including any permitted under planning application FMW/020/20, would not exceed this daily limit. Condition 16 of H/05001/13/CW requires HGVs travelling to the south of the site to access the A1307 (former A14) to use the following route: B1050 through Somersham and Colne to the A1123 at Earith. In April 2019 planning permission (ref.

17/02527/FUL) was granted by Huntingdonshire District Council for a 3.4 kilometre private HGV access route from the B1050 Colne Road approximately 100 metres south of its junction with the B1086 Somersham High Street to the B1086 Somersham Road approximately 300 metres north of the junction with the B1040. Only the western part of the private road has been constructed. The applicant proposes that all HGVs serving the Colne Fen Quarry waste management site would use this private road when it is opened. This would remove up to 120 HGVs per day from Colne Earith and Bluntisham. It is understood that the private road could be completed and brought into use within 3 months; its route is shown in red on the map extract below.



- 2.4 Condition 4 of planning permission H/05001/13/CW restricts the hours of operation to 07:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. The current application does not propose to change the working hours.

3.0 THE SITE AND ITS LOCATION

- 3.1 Colne Fen Quarry is located in the parishes of Colne and Earith and is part of a sequence of former sand and gravel workings which extend from the B1050 Chatteris Road in the northwest to Meadow Drove, Earith in the southeast. The applicant's landholding covers approximately 154 hectares (approximately 380 acres) between Chatteris Road and Holme Drove. The area to which planning permission H/05001/13/CW and the current application relate is 15.60 hectares (38.55 acres). 14.52 hectares (35.88 acres) relates to the infilling areas, with the remainder encompassing access, parking, weighbridge and wheel washing facilities along the existing gravel-surfaced haul road. Access to the site is onto Chatteris

Road approximately 1.3 kilometres (approximately 0.8 miles) northeast of the junction with Colne Road and the B1086 High Street, Somersham.

3.2 The nearest residential properties to the infilling areas are:

Bridge Farm and 1 Colne Road approximately 380 and 540 metres (415 and 590 yards) southeast of Rhee Lake;
Charters Farm and Holwood Farm Cottages approximately 420 metres (460 yards) to the north of Front Lake;
5 properties on Holme Fen Drove between 570 and 770 metres (623 and 842 yards) southwest of Rhee Lake; and
Colne Fields, The Bank and Chatteris Road, Somersham between 350 and 900 metres (383 and 984 yards) west and northwest of Front Lake.

3.3 The proposed infilling areas in Rhee Lake are approximately 1.4 kilometres (0.87 miles) from the Ouse Washes Site of Special Scientific Interest (SSSI) which is also a Special Protection Area, Special Area of Conservation and Ramsar site. The land immediately to the south of Rhee Lake is the Earith Gravel Pits County Wildlife Site (CWS). Front Lake, part of the access road and part of Trout Lake are in flood zones 2 and 3.

3.4 The following public rights of way, shown on agenda plan 2, cross or are close to Colne Fen Quarry:

- Footpaths 9 and 10 run from Chatteris Road and along the western boundary of Front Lake before bearing southwest in the direction of Colne;
- Bridleway 5 runs from Earith Fen Drove, past Bridge Farm and bears southwest for 200 metres (219 yards) between the fishing lake and Rhee Lake where it becomes footpath 7. There is therefore no legal through route for horse riders or cyclists to re-join Holme Fen Drove; and
- Bridleway 6 runs from bridleway 5 at the southeast corner of Rhee Lake and runs north for 500 metres (547 yards) along a track which is also the haul road for the quarry and infill operations. A gate marks the end of the bridleway so there is no legal through route for pedestrians, horse riders or cyclists to Chatteris Road.

3.5 A S106 agreement dated 3 April 2006 linked to planning permission for mineral extraction no. H/05000/04/CM placed an obligation on the landowner (then Hanson) to create a permissive path. This required the installation of permissive bridleway along the western boundary of Colne Fen Quarry, between points A and F on agenda plan 2.

4.0 PROCESS AND PUBLICITY

4.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by means of a notice in the Hunts Post on 14 August 2019 and notices erected at the site entrance on Chatteris Road and on public rights of way around the site. The occupants of the properties who were notified about the 2013 application and those who commented on it were notified by letter.

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 Huntingdonshire District Council - No objection providing the proposal would not result in harmful impacts of noise on the nearest sensitive receptors in terms of vehicle movements associated with the importation of inert waste; that the height of the plant and stockpiles would not result in harmful impact on the visual amenity of the area; that the land would be restored to its former condition or mitigated when the plant and stockpiles are no longer required; and that the proposal is satisfactory in all other respects. Planning permission was granted for a temporary access route for HGVs associated with mineral and waste permissions (ref: 17/02527/FUL) to reduce vehicles travelling through the settlements.
- 5.2 Somersham Parish Council - Object. This process has been taking too long to finalise without a satisfactory agreement being reached; there are clearly more discussions to be held and a compromise reached.
- 5.3 Colne Parish Council – No comments received.
- 5.4 Earith Parish Council - As little or no restoration has been made so far and the bridleway is still not completed it is felt that the applicant has not sufficiently followed the original planning permission. The new bridleway was identified as one of the sections to be completed early in the restoration works and due to be opened in 2013 and this still has not been finalised. The new bridleway and irrigation lake were identified as requiring 13,736 cubic metres of materials whereas the silt pond requires 151,875. It therefore does not appear as if the applicant has followed the CL:AIRE protocol set out in the existing application. It was noted that this application has been under review [monitored by County Council officers] since 2015 and is currently still non-compliant. The lack of urgency to complete the reinstatement is unacceptable. The applicant has had 6+ years to complete and now gets to the last 5 months to discover that they will not be able to finish on time. The fact that the County Council have noted the non-compliance and have not resolved the issues and the applicant has now filed for an extension and the application been validated needs to be looked into.
- 5.5 The Parish Council understand that some time extension of time needs to be granted but 5 years of further lorry movements and disturbance in the village is not acceptable; both the village and the roads are suffering. Further lorry movements will be harmful to the amenity of the villagers and to the environment. It is requested that a much tighter time frame than 5 years should be granted with a stipulation that the restoration of the bridleway is given priority and should be opened within a year even if other works are still required to be finished.
- 5.6 Bluntisham Parish Council – Recommend refusal of the proposal to extend the condition until 31 December 2024. The main reason for this decision is based on the loss of amenity from the countryside for residents for a further 5 years.
- 5.7 Chatteris Town Council - Supports the application.
- 5.8 Environment Agency - No objection to the request for an extension with respect to condition 1 (the time limit).

- 5.9 Sutton and Mepal Internal Drainage Board (IDB) – No comments received.
- 5.10 Lead Local Flood Authority (CCC Flood & Water Team) – There does not appear to be any surface flood risk or drainage implications therefore no comments to make.
- 5.11 Natural England - No objection to the application to extend the time period for waste operations/restoration subject to the delivery of high quality habitat creation and green infrastructure, within the revised timeframe, in accordance with the previously agreed plans. It is recommended that the views of the Environment Agency are sought.
- 5.12 CCC Ecology Officer – (Following a site visit in October 2019) The condition of the lake is not significantly different from the original [2013] ecological report although the margins of the silt lagoon are starting to vegetate due to changes in water levels. Given the time lapse between the original survey and when the works will be undertaken, an update survey is needed prior to any works to the lake / silt lagoon. This should include consideration of impact of construction works (removal of vegetation, compaction or damage of soils due to vehicle movements, pollution etc.). There would need to be a mechanism to secure any appropriate detailed mitigation identified within the surveys – this should include a construction environmental management plan (CEMP), habitat enhancement (update restoration plan?) and habitat management.
- 5.13 Given the presence of suitable Water Vole habitat in the vicinity, the presence / absence of Water Voles & their burrows within the working corridor (and adjacent habitat) needs to be provided prior to any works being undertaken. Any vegetation works should be undertaken prior to the bird breeding seasons. If this is not possible, all potential nesting habitats (e.g. trees and reedbed) will be scheduled to be removed should be assessed for the presence of nesting birds immediately prior to the commencement of works.
- 5.14 Planning conditions should encompass:
- Ecological surveys: Prior to the commencement of works on the lake / silt lagoon an updated Preliminary Ecological Appraisal (PEA) and any additional survey work recommended within the PEA should be undertaken. In addition, two water vole surveys of the lake should also be undertaken at appropriate times of the year (spring and autumn). The results of the PEA and additional survey work should be submitted to the planning authority.
 - CEMP: Prior to commencement of works on the lake / silt lagoon, an Ecological Management Plan should be submitted, detailing any ecological constraints and mitigation measures identified within the 'Ecological Surveys Condition'.
 - Landscape & ecological management plan update: Any existing management plan for the restoration scheme would need to be updated if additional ecological mitigation is required. The potential to extend this to a period of 10 years was dismissed by the applicant.
 - Restoration plan: This might need to be updated.

- 5.15 CCC highway development management engineer - The application is for variation of condition 1 to allow for a 5 year extension to the proposal. The applicant is proposing to utilise the private HGV route which was approved by HDC. The two junctions for the private haul road were reviewed and considered acceptable by the highway authority under application numbers 17/02527/FUL and 19/80166/COND.
- 5.16 The objections in relation to the crossroads on the B1040 with Wheatsheaf Road and Bluntisham Heath Road are noted and in the last 5 years there has been a number of reported accidents. However, after looking at the available accident data it is confirmed that the majority of the accidents were caused by those on the side roads turning onto the B1040 who either failed to look properly or failed to stop at the give way markings. HGVs from the proposed development will be passing through the junction and not turning through it. Therefore whilst it is noted that the proposed development at Colne Fen Quarry will increase the number of HGVs (maximum of 120 per day) on this route it is unlikely that it will create significant harm to highway safety bearing in mind that the B1040 is designed to accommodate this type of traffic. With the above in mind, there are no highways objections.
- 5.17 Swavesey & District Bridleways Association (SDBA) - Numbers approximately 250 members across an area encompassing the A14, A428, St Ives-Cambridge Guided Bus and River Great Ouse Valley corridors. Colne, Earith and Bluntisham fall within our area of remit with more than 100 horses kept within a mile of this planning application site. SDBA has concerns over the detrimental effect this planning application will have on the public bridleway provision within that area. Horse riders, cyclists and walkers have already been unable to use one of the bridleways mentioned for five years and now this application seeks to keep that bridleway closed for an additional five years.
- 5.18 With previous planning applications of this type (e.g. Hanson in the Over Fen area), it has been usual practice to divert a public bridleway for the duration of extraction works, not to close it for a long period of time. The formal arrangements made with Hanson for Over fen have worked very well over the past 10-15 years and SDBA sees no reason why similar arrangements cannot be made with the applicant in this case too.
- 5.19 As well as the loss of amenity for five years for three groups of non-motorised users, due to the nature of the extraction works, the local roads in the Colne area are heavily trafficked with HGVs associated with the works. As there is a dearth of public bridleways in that area, the closure of this particular bridleway means these non-motorised users have to use the same local roads as the HGVs. This creates an extremely unpleasant and potentially hazardous environments for all concerned.
- 5.20 The applicant's map omits to show the full length of public right of way 6, which was apparently closed due to earthworks with no formal notice. The application does not include a vehicle movement plan for the reinstatement of Rhee Lake to which there are currently only two ways of access, either via the new bridleway or via public bridleway 6. Does this application result in the permanent closure of public bridleway 6? SDBA always looks to work with landowners and planning applicants where possible and we understand the applicant has a business to run to carry out extraction and then land reclamation. Public bridleway 6 should be reinstated ahead

of any new planning permission being granted or include a diversion route. Such reinstatement must be public bridleway; permissive paths are unacceptable as these can be closed at any time without notice. The field adjacent to public bridleway 6 may be suitable.

5.21 British Horse Society - Support the response made by SDBA. An alternative bridleway should have been provided for the duration of the works granted in 2013. It appears that this new planning application will affect two bridleways. That is not acceptable. Local horse riders have been disadvantaged by these works for long enough. The Minutes of the Planning Meeting dated 27th June 2013 confirm that Councillors granting that permission did not sufficiently take into account the need to provide secure alternative bridleway access. Such a situation should not be allowed to be repeated. Any extension to the planning permission which is granted includes a requirement for the landowner to provide an alternative bridleway which is recorded on the Definitive Map and therefore secured in perpetuity before the permission is activated. The alternative route would need to be equally as commodious as the existing bridleway(s) which are currently blocked. A diversion of the new bridleway once work on the site is completed could be agreed. It is disappointing that the landowner, in the full knowledge of the impact the closure is having on horse riders and other rights of way users, has not offered to provide alternative routes. For this reason, it is essential that the provision of the alternative bridleway is made a condition of the permission before that permission is activated.

5.22 Hunts Ramblers - On the basis that the existing bridleway is still open to the public the following points should be clarified before any further planning permissions are given:

1. It is essential that the applicants ensure an alternative route is provided, before, any further extension is granted.
2. Safeguards to be put-in by the planning department to ensure this happens and follow-up, to ensure the applicant carries out his obligations under the permission.
3. Clarity on the intention and status of this route i.e. is it temporary/permissive or permanent?
4. If it is intended the new route replaces the original it is essential that it is safe for users and is at least to the same standard and enjoyment as the original it is intended to replace.
5. If its intended the new route replaces the original, it is essential it is not merely permissive, it needs to be recorded as an official public right of way and included on the council's definitive map.

Unless the above points can be satisfactorily resolved, Ramblers would lodge an objection against any further extension of the planning permission.

5.23 St. Ives Area Joint Road Safety Committee (RSC) – Object as there are serious road safety concerns in the proposal to use the [new private] haul road for all HGV movements to and from Colne Fen. The RSC appreciates that the use of the haul road will reduce the impact of heavy vehicles along the A1123 and through Earith and Bluntisham. George Corner [junction of the B1050 Colne Road and the A1123 in Earith] is a very dangerous junction with limited visibility. A traffic count on 8/9 August [2019] noted 723 HGVs travelling through the junction in a 24 hour period of which 259 were turning into or out of Colne Road. A substantial number of these

movements along Colne Road would be removed by an agreement to use the haul road as an alternative to the A1123.

- 5.24 However, the use of the haul road for up to 184 HGV movements a day poses another potential road safety problem. Just over a kilometre south of the haul road junction with the B1086 is the Wheatsheaf junction which is an accident blackspot and the RSC is working with parish councils who would like to see safety improved. The speed camera at this junction should be reinstated and accompanied by a speed limit of 50mph from a point just north of the haul road to 400 metres (437.45 yards) south of the Wheatsheaf junction.

Individual representations

- 5.25 Representations have been received from 12 individual local residents with addresses in The Bank/Station Approach, Somersham (3); Earith (6); Colne (2) and 1 unspecified. All object to the proposed development and/or have concerns mostly relating to the impact of HGV traffic: noise, vibration, dirt and debris on the highway, damage to the highway and gas infrastructure, highway safety, hours of movement. Some acknowledge that the new private haul road would remove these problems in some areas but it has been questioned why the haul road has planning permission until 31 December 2029 when the current planning application seeks a period expiring on 31 December 2024. It is suggested that the mineral traffic from the Bridge Farm reservoir construction should be required to use it too.
- 5.26 Other concerns are the developer having completed so little of the permitted work within the original 5 year period and the County Council's failure to ensure compliance; and the failure to reinstate the permissive bridleway when this was proposed for 2013.
- 5.27 A copy of the full representations will shared with members of Planning Committee one week before the meeting.

6.0 PLANNING HISTORY

- 6.1 The following table shows the most recent mineral and waste planning history for the whole of the Colne Fen Quarry site:

Application No:	Proposal:	Decision:
H/1750/97	Variation of condition 1 of H/01830/89 to allow a further 2 years for implementation of new vehicular access	Approved 28/08/1998
H/0120/97	Extraction of sand & gravel and restoration to a beneficial afteruse (New conditions on H/0199/62)	Approved 04/11/1999 Expired 31/12/2019
H/00262/01/CM	Importation of sand & gravel by new overland conveyor for processing and distribution	Approved 03/07/2002 Expired 31/12/2019
H/00263/01/CM	Extraction of sand & gravel (New conditions	Approved

	on H/0094/61)	27/06/2002 Restoration to be completed by 31/12/2009
H/05000/04/CM	Extraction of sand and gravel and restoration to agriculture, fishing lakes and nature conservation habitats. S.106 agreement requires permissive bridleway	Approved 12/04/2006 Restoration to be completed by 31/12/2010
H/05010/08/CM	Variation of conditions 1, 2, 4 & 17 of H/05000/04/CM to allow amendment of extraction area in phase 3	Approved 29/07/2008 Restoration to be completed by 31/12/2010
H/05001/13/CW	Restoration of land at Colne Fen using imported waste to create conservation habitats	Approved 28/06/2013 Expired 31/12/2019
FMW/020/20	Importation of inert waste to stabilise land for bridleway	Under consideration (agenda item 7)

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 adopted and emerging development plan and are set out in paragraphs 7.3 – 7.7 below.

7.2 The National Planning Policy Framework (February 2019) (the NPPF), the National Planning Policy for Waste (October 2014) (the NPPW) and Planning Practice Guidance (PPG) 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)

CS2: Strategic Vision and Objectives for Sustainable Waste Development

CS14: The Scale of Waste Management Provision

CS20: Inert Landfill

CS22: Climate Change

CS25: Restoration and Aftercare of Mineral & Waste Management Sites

CS26: Mineral Safeguarding Areas

CS32: Traffic and Highways

CS34: Protecting Surrounding Uses

CS35: Biodiversity and Geodiversity

CS37: Public Rights of Way

CS39: Water Resources and Water Pollution Prevention

7.4 Cambridgeshire and Peterborough Minerals and Waste Development Plan Site

Specific Proposals Development Plan Document (adopted February 2012) (the MWSSP)

No relevant policies.

7.5 Huntingdonshire Local Plan (adopted May 2019) (the HLP)

LP2: Strategy for Development

LP3: Green Infrastructure

LP5: Flood Risk

LP10: The Countryside

LP14: Amenity

LP15: Surface Water

LP16: Sustainable Travel

LP30: Biodiversity and Geodiversity

LP37: Ground Contamination and Groundwater Pollution

- 7.6 Cambridgeshire County Council and Peterborough City Council are undertaking a review of the Minerals and Waste Development Plan. This new Plan will be known as the Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP). The final draft (Submission) Local Plan was published on 15 November 2019 with a public consultation period which ended on 9 January 2020 and has been submitted for independent examination by an Inspector appointed by the Secretary of State. The adopted Minerals and Waste Core Strategy and the associated Site Specific Proposals Plan remain in force until the new Local Plan replaces them.

- 7.7 Paragraph 48 of the NPPF says that weight may be given to relevant policies in emerging plans according to the stage of preparation and the extent to which there are unresolved objections to relevant policies. The most relevant policies of the emerging MWLP are:

Policy 3	Waste Management Needs
Policy 4	Providing for Waste Management
Policy 5	Mineral Safeguarding Areas (MSAs)
Policy 10	Waste Management Areas
Policy 18	Amenity Considerations
Policy 19	Restoration and Aftercare
Policy 20	Biodiversity and Geodiversity
Policy 22	Water Resources
Policy 23	Traffic, Highways and Rights of Way

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 (paragraph 11). It states that for decision-taking this means:
- *approving development proposals that accord with an up to date development plan without delay; or*
 - *where there are no relevant development plan policies, or the policies which are most relevant for determining the application are out of date, granting permission*

unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.

Principle of development

- 8.2 National waste policy seeks to drive the management of waste up the hierarchy of reduce, re-use, recycle, other recovery and as a last resort, disposal. The proposed development is for disposal by landfill so is at the bottom of the hierarchy. On the other hand the NPPF, at paragraph 205 (e), emphasises the need for mineral sites to be restored to a high environmental standard at the earliest opportunity. MWCS policy CS2 states that whilst an increasing proportion of inert waste will be recycled, “a significant amount if that which requires disposal will be used in a positive manner to secure restoration of mineral extraction sites”. MWCS policy CS25 states that:

“The Mineral and Waste Planning Authorities will require mineral workings and waste management sites to be restored in a phased manner to a beneficial afteruse, with aftercare arrangements. Restoration proposals will be considered on a site by site basis, but:

- a. restoration schemes must reflect the strategic and local objectives for countryside enhancement and green infrastructure including those set out in Local Development Frameworks and the Green Infrastructure Strategies for Cambridgeshire and Peterborough*
- b. where restoration can contribute to the demonstrated need for flood water storage identified in the Cranbrook / Counter Drain Strategy or elsewhere, and / or water supply objectives, this element must be incorporated within the restoration scheme*
- c. where restoration could assist or achieve the creation of priority habitats and / or Cambridgeshire and Peterborough Biodiversity Action Plan targets the relevant biodiversity afteruse must be incorporated within the restoration scheme*
- d. where restoration could protect geodiversity and improve educational opportunities this element must be incorporated within the restoration scheme, by leaving important geological faces exposed and retaining access to the faces*
- e. where there is high grade agricultural land, restoration back to this use may be appropriate*
- f. where a site is suitable to provide amenity uses, including formal and informal sport, navigation, and recreation uses, this must be incorporated in the restoration scheme*

The Mineral and Waste Planning Authorities will seek an extended period of aftercare where this is warranted by the restoration proposals.”

Emerging MWLP policy 19 has similar aims.

- 8.3 Colne Fen Quarry is not allocated in MWCS policy CS20 or in the MWSSP for inert landfill. In the text supporting emerging MWLP policy 3 it is stated that:

“3.38 There is sufficient inert landfill and recovery void space to accommodate most of the plan area’s needs over the plan period. In addition, some committed and allocated mineral extraction sites are almost certain to require inert fill to achieve restoration outcomes and so such mineral sites will create more inert landfill/recovery void space. As such no additional inert landfill or recovery void space is needed over the plan period (except that needed in associated with restoration of permitted mineral extraction sites).”

8.4 Emerging MWLP policy 4 states that in respect of inert waste disposal:

“The deposit of inert waste to land will normally be permitted only within a Mineral Development Area (MDA) or Mineral Allocation Area (MAA). Proposals for the deposit of inert waste to land in other areas may only be permitted where:
c. there are no MDAs or MAAs within the plan area which can accommodate the inert waste in a timely and sustainable manner; or
d. there is clear and convincing evidence that the non-MDA/MAA site would be more suitable for receiving the inert waste; or
e. landfill engineering is required for reasons of land stability.”

8.5 MWLP policy CS3 acknowledges that inert landfill may be needed for the restoration of permitted mineral sites. Colne Fen Quarry is not a MDA or MAA. The applicant claims that the silt pond, unfilled, is a health and safety risk (see paragraphs 8.8 and 8.9 below). If this is accepted the proposed development would comply with criterion (e) of emerging MWLP policy 4. The following paragraphs consider whether there are other development plan policies or material considerations which would be in favour of the proposed development.

8.6 In 2013 it was considered that “the restoration proposals would be beneficial to the area from a long-term sustainable land use, landscape and ecology / biodiversity enhancement perspective. The restoration of the site is considered to make a positive contribution to the relevant nature conservation objectives in both local and national planning policy.” so would fulfil the relevant criteria in MWCS policies CS2 and CS25, emerging MWLP policy 19 and in part the requirements of NPPF paragraph 105 (e). The period for completing the development approved in the 2013 permission was clearly intended to match the expiry date of the only then extant planning permission for mineral extraction (H/ 0120/97) i.e. 31 December 2019. It is not clear whether this was realistic in terms of securing enough material under the CL:AIRE protocol to complete the works to the agricultural land, Rhee Lake, Irrigation Lake (to allow reinstatement of the bridleway) and Front Lake. Given the relative quantities needed for each of those elements as set out in paragraph 2.1 above, with hindsight it seems optimistic. The priority given by the landowner to the agricultural land and Rhee Lake (which would have commercial rather than environmental benefits) over Front Lake suggests that the need to mitigate what the applicant described in 2013 as “a serious problem of wave erosion” in Front Lake is not as urgent or necessary as he previously asserted. This is supported by the applicant stating that he no longer proposes to undertake the works to Front Lake under this application if approved.

8.7 Turning now to the Silt Pond which, as set out in paragraph 1.3 above, would need an environmental permit for the deposit of the waste which would be a substantial proportion of the total material to be imported. The applicant did not secure an

environmental permit until 2018 thereby leaving himself less than 2 years to complete the works to the Silt Pond. This highlights the benefits to developers of “twin-tracking” their applications for planning permission and environmental permit.

8.8 In the 2013 application the landowner stated that:

1.2 The unrestored silt pond is located immediately east to a public right of way (Ref FP51/9) and route of the proposed Bridleway referred to above. As such this area of fine wet silt poses a potentially serious safety issue should individuals stray from the definitive footpath/bridleway. At present the area of the silt pond is covered by water but areas of soft and unstable silt are periodically exposed and is potentially dangerous to humans and livestock that may enter the area intentionally or not. The south-eastern sector of the silt pond is drier and is beginning to naturally regenerate and it is proposed to manage this area sensitively to develop a carr woodland with isolated ponds and reedbed.

These were assertions with no evidence that to back them up apart from the Environment Agency in their consultation response of 16 April 2013 saying: “*The gravel pits contain silt waste from the extraction process. The silt waste is generally sub water table but sometimes exposed as hazardous areas of “quick sands” Stabilising these wet silt areas is important from a safety perspective.*”

- 8.9 Silt ponds are a common feature of sand and gravel quarries and not all are restored by importing waste. In 2013 it was considered that “the proposed stabilisation of the former silt disposal area ‘Silt Pond’ should be supported on safety grounds given its relative proximity to a new right of way which is being created. The restoration of the Silt Pond to habitat that is complementary to the nature conservation objectives of the Great Ouse Wetland is considered to be an important long-term benefit which has been accorded significant weight.”
- 8.10 The failure to complete the works in the Silt Pond by the end of 2019 and thereby conclude mineral and waste operations at Colne Fen Quarry causes a tension between the two elements of NPPF paragraph 105 (e). The requirement to restore the site “at the earliest opportunity” has not been met and an option would be to allow the “fall back” position of the restoration scheme under planning permission H/0120/97 to prevail. This would include more open water than the 2013 proposal of which there is an abundance elsewhere in the former quarry so would be less valuable from a conservation and biodiversity perspective. The 2013 restoration scheme for the Silt Pond would better fulfil the second part of NPPF paragraph 105 (e) in that it would be designed to a high environmental standard.
- 8.11 It is considered that the proposed restoration of the Silt Pond by importing inert waste is still acceptable in principle for the reasons given in paragraph 8.10. It needs to be considered whether effectively allowing the works to take place during the period 2020 to 2024 instead of 2013 to 2019 is acceptable. The implications of doing so or not will be discussed later in this report.
- 8.12 In 2013 it was accepted that the sub-division of Rhee Lake to create fish rearing ponds was needed to develop the fishery element of the restoration proposals for a sustainable and commercially viable end use. This work is almost complete.

- 8.13 Rhee Lake and Trout Lake are within a mineral safeguarding area for sand and gravel. MWCS policy CS26 seeks to protect mineral deposits that may be of current or future importance. The mineral has already been extracted so the proposed development would comply with CS26 and with emerging MWLP policy 5.

Traffic and highways

- 8.14 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.”

Emerging MWLP policy 23 has similar aims.

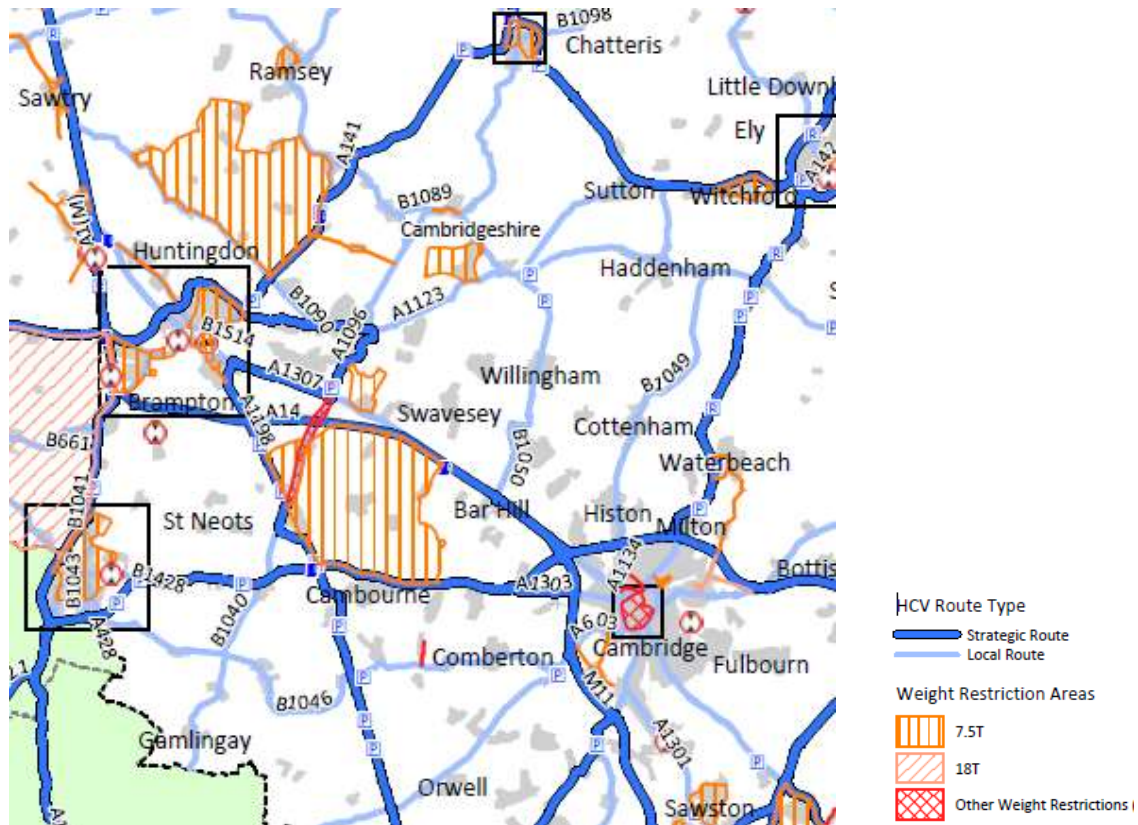
- 8.15 As has already been noted, the duration of the 2013 permission was linked to the expiry of the remaining extant mineral permission H/012/97. Condition 13 of the 2013 permission limited the number of HCV movements to 120 per day when combined with the vehicles carrying gravel from the site under planning permission H/0120/97. Over an 11 hour working day 120 HCV movements (60 loads and no backloading) this would equate to an average of 11 movements per hour. Condition 17 of the 2013 permission required the operator to “backload” HCVs i.e. the vehicles that bring in the waste leave the site loaded with sand and gravel. The potential for backloading ended with the expiry of H/0120/97 and it is considered that condition 17 of the 2013 planning permission is no longer necessary.
- 8.16 Colne Fen quarry was formerly one of a number of permitted mineral extraction and landfill developments which over the years contributed to the use of local roads by heavy commercial vehicles (HCV). Vehicular access to these sites at Colne Fen and at Long Drove, Somersham joined the B1050 Earith to Chatteris Road just east of Somersham. An environmental weight restriction imposed on High Street, Somersham focussed HCV movements on the B1050 route. When the 2013 application was being considered it was noted that mineral extraction at Somersham Quarry (Lafarge/Tarmac), infilling of Somersham Quarry (Sita/Suez) and bulk mineral extraction at Colne Fen Quarry (Hanson Aggregates) had ceased within the previous 5 years resulting in a reduction in the number of sites contributing large numbers of HCVs to the local road network. At that time only works associated with clearance of stockpiles and final restoration at Colne Fen Quarry and restoration of

the Tarmac site remained outstanding. A new site with access on to Chatteris Road came on stream in 2016 when mineral extraction to create reservoirs at Bridge Farm commenced. The planning permissions relating to the Bridge Farm reservoir development are time limited to 18 July 2021 and the number of loads of mineral that may be despatched per day is limited by planning condition to 32 i.e. 64 HCV movements.

- 8.17 It is appreciated that local residents had an expectation that all HCV movements associated with Colne Fen Quarry and its restoration would cease after 31 December 2019 and that the current application, if approved, would mean that the site would generate up to 120 HCV movements per day until 31 December 2024 or beyond if the applicant's recent proposal is supported.
- 8.18 On the face of it, it could be argued that the effect of the current application would be that the importation of waste to the Silt Pond and associated vehicle movements which did not take place between 2013 and 2019 have simply been deferred for 7 years to the period 2020 to 2024. The same total number of vehicles would be generated and if the terms of condition 13 were re-imposed the maximum number of vehicles per day would be the same. This would be correct if the volume of waste needed to fill the Silt Pond was the same as was assumed in 2013. As set out in paragraph 2.1 above the recalculated volume of waste needed to infill the Silt Pond is 350,000 m³ which is almost 2½ times the quantity on which the 2013 application was based. However, the applicant has stated that the works to Front Lake would not be carried out under this application, if approved, thereby reducing the total quantity of material to be imported by 146,000 m³ to 357,000 m³ (388,000 m³ including the proposed Rhee Lake/Trout Lake stabilisation works). The total number of HCV movements needed to complete the project would be greater than proposed in 2013 but not significantly so. Because the material that would be imported to fill the Silt Pond would be deposited under an environmental permit, it should be more readily available than the material that would need to comply with the CL:AIRE protocol.
- 8.19 As set out in paragraph 2.3 above, the applicant proposes that once it has been completed the HCVs generated by the continued restoration of Colne Fen Quarry would use the new private haul road which, as the St Ives Area Joint Road Safety Committee has noted, would remove them from Colne Road. Whilst this would mean that the residents of Colne, Earith and Bluntisham would no longer be affected by traffic serving Colne Fen Quarry, the households on the B1050 between the site entrance and the private haul road would. It is likely that the haul road would take approximately 3 months to complete and during this time the HCVs generated by Colne Fen Quarry would continue to use Colne Road to join the A1123 at Earith.
- 8.20 As set out in paragraphs 5.15 and 5.16 above, there is no objection to the proposed development from the highway authority. On the other hand it is clear from the representations received that there is a widely held view in the local community that the relevant parts of MWCS policy CS32 and emerging MWLP policy 23 would not be met in that the traffic generated by the proposed development would indeed cause unacceptable harm to the environment, road safety or residential amenity.
- 8.21 In 2013 the highway network was considered suitable to accommodate the traffic

generated by the importation of waste. The short term impacts of HCVs were balanced against the longer term gains the proposed restoration scheme could bring for the site.

- 8.22 The Cambridgeshire Local Transport Plan 2011-2031 (July 2015) (the LTP) acknowledges the impact of road freight using routes through villages and refers to the Council's advisory freight map which was updated in August 2019. The relevant section and key are reproduced below.



This shows the B1050 to be a Local Route. In order to reach a Strategic Route HCVs from Colne Fen Quarry would need to use the B1050 to either travel north to the A141 Chatteris bypass or south to the A1096 to reach the A14 (now the A1307).

- 8.23 Notwithstanding that the traffic generated by the proposed development would need to use roads designated Local Routes to reach the Strategic Routes, in the absence of an objection from the highway authority it would be difficult to defend a refusal of planning permission on highway capacity or safety grounds. The situation in terms of planning policy and the daily maximum number of HCVs that the proposed works would generate has not changed since 2013. For the most part the effect of the proposed development would be to defer the traffic generated by infilling the Silt Pond from the period 2013 – 2019 to 2020 – 2024.
- 8.24 As set out in paragraph 2.3 above the applicant proposes that HCVs from Colne Fen Quarry would use a private haul road when it has been completed. Whilst it is not possible to allow the proposed development to go ahead and remove HCVs from Colne Fen Quarry from Chatteris Road it would be possible to remove up to 120 HCVs a day from Colne Road. It is understood that it would take around 3 months to

complete the private haul road. It is considered that only the remaining work to create the fish rearing ponds in Rhee Lake and the stabilisation work in Rhee Lake and Trout Lake that is the subject of planning application no. FMW/020/20 using material which complies with the CL:AIRE protocol should be allowed to be carried out before the private haul road is completed so that the bridleway can be created as soon as possible. Together they need 38,000 cubic metres of material. It is considered that the main part of the proposed development, infilling the Silt Pond, which would require 350,000 cubic metres of inert waste should not be allowed to take place until the private haul road is complete and brought into use. Appropriate planning conditions could be used to secure this (see recommended condition 16A).

Public rights of way

- 8.25 The public rights of way that are potentially affected by the proposed works at Colne Fen Quarry have been described in paragraph 3.4 above. It is relevant to set out in more detail the requirements of the 2006 S106 agreement. The agreed route of the permissive bridleway is shown on agenda plan 2. It would go from the western end of public bridleway 5 (point A) to the southwest corner of Rhee Lake (point B) then run along the western boundary the quarry to the end of the land then owned by Hanson (point F). For 320 metres (350 yards) it would run alongside public footpaths 10 and 9. The permissive bridleway would end approximately 400 metres (437 yards) southwest of Chatteris Road so there would be no legal through route for horse riders or cyclists.
- 8.26 Hanson installed the permissive bridleway and it was reportedly open for use for a short time in 2011/12. The land was sold to the current owner in September 2012. At some point part of the western boundary of the mineral void around the northwest corner of Irrigation Lake became unstable and the bridleway was closed. Part of the works that were permitted by planning permission H/05001/13/CW (see paragraph 1.2 above) were to stabilise this land and enable the permissive bridleway to be reinstated.
- 8.27 The 2013 application stated that the works would be carried out to “enable the proposed bridleway to be fully constructed and opened in 2013”. This was taken up in paragraph 9.33 of the officer’s report:

“Under the Section 106 legal obligation for the extant mineral permission the applicant is creating a new bridleway link on the edge of the restoration areas, which it is hoped will be opened in late 2013. As part of the phasing for the proposal the applicant has confirmed the infilling of the low ground on the route of the bridleway (which needs to be raised by circa 1 metre in height) is likely to be the first part of the restoration, which should enable the public right of way to open as soon as possible later in the year which is welcomed.”

The report went on to say that “The early completion of the right of way along the western boundary of the site is welcomed and the route will make an attractive addition to those taking informal walks in the countryside.” The stabilisation works were not completed until 2019 and the agreed surface treatment, hedge planting and fencing have still to be carried out. The frustration within the local community, particularly amongst horse riders that this route was closed in the first place and has

been unavailable for the subsequent 7+ years is therefore wholly understandable. With hindsight it may have been prudent to require the bridleway stabilisation works to be completed before material under the CL:AIRE protocol was used for other elements of the development. It is recommended that a planning condition be imposed precluding the further importation of material to Rhee Lake under this permission for creating the fish rearing ponds and limiting the amount of inert waste that may be deposited in the Silt Pond until the bridleway stabilisation works which are the subject of planning application no. FMW/020/20 (agenda item 7) have been completed (recommended condition no. 17A).

- 8.28 Given that the stabilisation works were completed by autumn 2019 it is reasonable to assume that the bridleway could at last be reinstated. However, at a site visit in October 2019 the applicant pointed out further unstable areas at the southern end of the proposed bridleway route which would preclude him from reopening the route. Stabilisation by importing material was proposed and is the subject of planning application no. FMW/020/20 and agenda item 7.
- 8.29 It is important to note that the 2006 S106 agreement only required a permissive bridleway to be created not a public right of way. A permissive path is a path (which could be for walkers, riders, cyclists, or any combination) whose use is allowed by the landowner but over which there is no legal right of access. There is an obligation for a landowner to keep the route of a public right of way visible and not to obstruct it or endanger users but there is no such obligation for a permissive route and the applicant was within his rights to close it and did so for safety reasons.
- 8.30 As well as its permissive status, the agreed route for the reinstated bridleway has another drawback in that it would end some 400 metres (437 yards) from Chatteris Road so would effectively be a dead end for horse riders and not form part of a circular route. MWCS policy CS37 and HLP policies LP3 and LP16 are relevant. CS37 states that:

“Mineral and waste management development which would adversely affect the permanent use of public rights of way (including temporary diversions) will only be permitted if alternative routes are provided. Permanent alternative routes must, where practicable, be of equivalent convenience, quality and interest. Proposals must make provision for the enhancement of the public rights of way network where practicable, with a view to providing new routes and links between existing routes. Priority should be given to meeting the objectives of the Councils Rights of Way Improvement Plans.”

LP3 requires development proposals to support green infrastructure and demonstrate that it maintains and where appropriate enhances the public rights of way network. LP16 states that:

“Where a proposal would affect an existing public right of way or other formal non-motorised users’ route, this should be protected or enhanced within the proposed development. Where this is not possible it should be diverted to a safe, clear and convenient alternative route.”

Emerging MWLP policy 23 states that:

“Proposals must make provision for the enhancement of the public rights of way network where practicable, with a view to providing new routes and links between existing routes. Priority should be given to meeting the objectives of any Rights of Way Improvement Plans. Where development would adversely affect the permanent use of public rights of way (including temporary diversions) planning permission will only be granted where alternative routes are provided that are of equivalent convenience, quality or interest.”

- 8.31 There is opposition from within the local community to the proposed extension of time for completing the works which were granted planning permission in 2013 which is understandable given the applicant's failure to deliver the benefits to the community that were promised at that time. In order to comply with the development plan and emerging policies referred to above the applicant was advised that more than just creating the previously approved permissive bridleway would be required. The applicant has agreed to complete the works required to reopen the previously agreed permissive bridleway and also that it would become a public right of way. He has also bought land and obtained the agreement in principle of another landowner to enable the public footpath between the end of the permissive route and Chatteris Road to be upgraded to a bridleway thereby creating a through route for horse riders and cyclists.
- 8.32 The applicant has agreed to enter into a s.106 a planning obligation that he will enter into a s.25 Highways Act Path Agreement to dedicate the route as a public bridleway. It would stipulate when these agreements need to be in place by linking them to the works so that the bridleway is ready for opening upon the completion of the stabilisation works. The same approach would be used for upgrading the footpath to a public bridleway.
- 8.33 Whilst it is regrettable that the works permitted in 2013 that would have enabled the permissive bridleway to be reopened at the end of that year were delayed by some 6 years and that another section of the route needs to be stabilised, it is considered that the bridleway that the applicant has agreed to would result in significant benefits for users in that it would be a public right of way and would be a through route to Chatteris Road. For these reasons it is considered that subject to the applicant entering into a s.106 agreement the proposed development would comply with development plan policies MWCS CS37, HLP LP3 and HLP16 and emerging MWLP policy 23.

Ecology and biodiversity

- 8.34 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. HLP policy LP30 and emerging MWLP policy 20 also seek to protect designated sites. Natural England has not raised any concerns about the impact of the proposed development on the interests of the Ouse Washes and there is no reason to believe that the importation of inert material has adversely affected the Earith Gravel Pits CWS. It is considered that provided the recommendations of the ecology officer for mitigation are complied with, the proposed development would not have an adverse impact on wildlife.

- 8.35 MWCS policies CS2, CS25 and CS35 promote the enhancement of landscapes and biodiversity. The NPPF at paragraph 175 (d), HLP policy LP30 and emerging MWLP policy 20 (f) support the provision of a biodiversity net gain. It is considered that the proposed restoration of the Silt Pond would for the reasons set out in paragraphs 8.9 and 8.10 above have greater biodiversity benefits than the “fall back” restoration scheme so would comply with the NPPF, HLP policy LP30 and emerging MWLP policy 20 (f) in this respect.

Flood risk and risk of pollution

- 8.36 MWCS policy CS39, HLP policy LP37 and emerging MWLP policy 22 seek to protect the quantity and quality of ground and surface water; the quantity and quality of existing water abstraction; and the flow of groundwater. HLP policy LP15 deals with surface water. The proposed final landform and method of working have not changed since planning permission was granted in 2013. No concerns have been raised about flood risk or pollution. The infilling of the Silt Pond would take place under an environmental permit and NPPF paragraph 183 states that planning decisions should assume that other regulatory regimes will operate effectively.

Impact on amenity

- 8.37 MWLP policy CS34, HLP policy LP14 and emerging MWLP policy 18 seek to protect residential and other amenities. The infilling operations would not be readily visible or audible from residential properties or most publicly accessible viewpoints. They would be most apparent from parts of the public rights of way network where boundary screening is absent particularly bridleway 6. This aspect of the development has not changed since 2013 but the impacts would be felt until 31 December 2024. The 2013 permission is subject to conditions restricting the height of temporary stockpiles and hours of operation; imposing a noise limit; and requiring dust suppression measures. The current application does not propose that these would change.
- 8.38 Most of the representations from local community organisations and individual residents concern the impact of the HCV traffic that the proposed development would generate, from both highway safety and residential amenity points of view. This has for the most part been covered in the section on Traffic and highways above but consideration needs to be given to the amenity impacts. It has already been noted that effectively most of the HCV movements required to conclude the development have effectively been “deferred” from the period 2013 – 2019 to 2020 – 2024. It is acknowledged that the total number would be higher but the proposed number of HCVs per day would not change. Whilst it is recognised that local residents had expected HCV traffic from Colne Fen Quarry to have ended, the proposed development would not increase its intensity on a daily basis so an objection based on there being an unacceptable adverse impact on residential amenity grounds is not considered to be sustainable if challenged.

Duration of the permission

- 8.39 As stated at paragraph 2.1 above the applicant has suggested that the extension of time to complete the development be extended from to 31 December 2024 which

would be 5 years from the expiry of the 2013 permission to 5 years from the date of any new planning permission. It has been identified in paragraph 8.32 that a new planning permission would be dependent on the completion of a s.106 agreement to secure the provision of a public bridleway. Legal agreements usually take some months to complete therefore it is possible that the planning permission would not be issued until early 2021. If the applicant's suggestion were to be accepted this would result in the development being able to continue until early 2026. It is considered reasonable that to make up for the period lost to the Covid-19 related closure, the duration of the permission be limited to 5 years from the date of the Planning Committee i.e. until 1 October 2025. This would give an extra 9 months including an entire spring and summer when there should be few weather-related constraints to the availability and deposit of inert waste.

9.0 CONCLUSION

- 9.1 Whilst the proposed restoration outcome would comply with national and development plan policies relating to biodiversity so is on the face of it desirable from that perspective, it would not meet the NPPF policy that mineral sites should be restored at the earliest opportunity. It would be difficult to argue that the proposal which is the subject of the current application is the *only* practical option for achieving a beneficial afteruse. The greater biodiversity benefits of the proposed restoration scheme for the Silt Pond area need to be balanced against the "fall back" restoration scheme which could be implemented more quickly but would have fewer biodiversity benefits.
- 9.2 In 2013 it was considered that although not all elements of the proposal related specifically to a necessary restoration requirement of the site they were seen as beneficial improvements which could be completed within 6 years to tie in with the timescale of the then extant mineral planning permission. The proposed works would allow the restoration and aftercare of the site to make a positive long term contribution to the achievement of Biodiversity Action Plan (BAP) targets and improving the land from a biodiversity / ecology perspective. The short term impacts of HCVs were balanced against the longer term gains these proposals could bring for the site and environment.
- 9.3 If it is accepted that the proposed restoration of the quarry by importing 357,000 m³ of material is desirable, the benefits of this outcome need to be weighed against the impacts of doing so on the local community, particularly those living on Chatteris Road. The proposed restoration scheme is considered to be the better outcome for the site in terms of biodiversity and it would also enable the Council to secure improvements to the public right of way network which would be of benefit to horse riders.
- 9.4 On balance, it is considered that overall the proposal is in line with the general principles of the NPPF and the objectives of both local and national policy. It is considered that the benefits of the proposed restoration of the quarry by importing inert waste and the addition of a new bridleway to the public rights of way network just outweigh the level of disturbance that would be experienced by local residents from up to 120 HCV movements per day until 1 October 2025..

10.0 RECOMMENDATION

- 10.1 It is recommended that planning permission be granted subject the applicant entering into a planning obligation to agree that he will enter into a s.25 Highways Act Path Agreement to dedicate the route as a public bridleway and the following conditions:

Time Limit

1. This permission shall be limited to the period expiring on 1 October 2025 by which time the Site shall be restored in accordance with the approved drawings listed in condition 2 except in respect of Front Lake.

Reason: The development is related to the restoration of the site, which no longer includes development in Front Lake, within a set timescale to minimise the impact on local amenity and to ensure that the site is restored to a beneficial afteruse in accordance with policies CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011).

Compliance with Submitted Details

2. Except in respect of Front Lake the development hereby permitted shall not proceed except in accordance with the following documents and drawings as amended by the conditions stated on this decision notice:
 - Supporting Statement dated March 2013;
 - Ecological Appraisal by FPCR (Rev. B) dated 4th June 2013;
 - Transport Statement (updated and re-submitted 10 May 2013);
 - Flood Risk Assessment by Hafren Water dated March 2013;
 - Noise Assessment dated March 2013;
 - Site Plan, Plan: CF1 Revision A stamped date received 21 Mar 2013;
 - Site Definition Plan, Plan: CF100 stamped date received 13 Jun 2013;
 - Method Statement Plan, Plan: CF2 Revision A stamped date received 21 Mar 2013;
 - Ecological Management Plan, Plan: CF5 stamped date received 03 Jun 13; and
 - Biodiversity Enhancement Plan, Plan: CF3 Revision B dated May 2013, stamped date received 03 Jun 13.

No development shall take place in Front Lake.

Reason: To define the site and protect the character and appearance of the locality, and to ensure that the development is carried out with the minimum harm to the local environment in accordance with policies CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policies LP14 and LP30 of the Huntingdonshire Local Plan (May 2019).

Site

3. For the avoidance of doubt the 'Site' refers to the land outlined in red on Plan: CF1 Revision A. The 'Ecological Management Area' refers to the land shown hatched pink on Plan: CF5. The 'Irrigation Lake', 'Agricultural Land Reinstated', 'Rhee Lake',

'Silt Pond', and 'Front Lake' refer to areas defined on Plan: CF100.

Reason: To define the site and show the different areas referred to in relation to the restoration, landscaping and aftercare conditions in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011). It also defines 'Front Lake' where no development is permitted as part of this permission.

Hours

4. No tipping, regrading or imported soil spreading operations, including the delivery of inert fill materials, shall take place outside the following hours:
- 0700 and 1800 Monday to Friday except bank and public holidays; and
 - 0800 and 1300 Saturdays

Reason: In the interests of residential amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Restoration

5. Except in respect of Front Lake the restoration of the Site shall be carried out only in accordance with Plan: CF2 Revision A stamped date received 21 Mar 2013 (Method Statement Plan), and Plan: CF3 Revision B dated May 2013, stamped date received 03 Jun 13 (Biodiversity Enhancement Plan). No development shall take place in Front Lake.

Reason: To enable the waste planning authority to adequately control the development, make clear that no development is permitted in Front Lake, and to minimise its impact on the amenities of the local area in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Soil provision for the area of depression pond

[6. Not needed – depression in agricultural land completed]

Hard and soft landscape works

[7. Not needed – no hard landscaping; soft landscaping covered by conditions 9 & 10].

Ecological Appraisal

- 6A. No further development shall take place in the Silt Pond until an updated Preliminary Ecological Appraisal (PEA) and any additional survey work recommended within the PEA has been undertaken. The results of the PEA and additional survey work shall be submitted to the waste planning authority within 14 days of the date of the survey.

Reason: To minimise the impact of the development on wildlife and wildlife habitats in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July

2011 and policy LP30 of the Huntingdonshire Local Plan (May 2019).

Ecological Management Plan

- 7A. No further development shall take place in the Silt Pond until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the waste planning authority. The EMP shall set out any ecological constraints and mitigation measures identified within the PEA referred to in condition 6A.

Reason: To minimise the impact of the development on wildlife and wildlife habitats in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (July 2011 and policy LP30 of the Huntingdonshire Local Plan (May 2019).

Maintenance of Soft Landscaping

8. Any trees, hedging or conservation grassland within the Site which dies, becomes diseased or is removed within a period of 5 years from the completion of the restoration shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the waste planning authority gives written approval to any variation.

Reason: To ensure the approved species are maintained in the interests of visual amenity and protection of the rural character of the area in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP31 of the Huntingdonshire Local Plan (May 2019).

Ecological and Landscape Management Plan and Aftercare

9. The ecological management plan for the 'Ecological Management Area' as set out in the following documents shall be carried out for a period of 10 years from date of completion of planting the Proposed grassland, Proposed carr woodland and Reed and pools shown on Plan: CF5 Rev A:
- Scheme to discharge planning conditions 7, 9 and 10 document dated April 2015 – Condition 9 pages 2 - 9;
 - Biodiversity Enhancement Plan, Plan: CF3 Rev B dated May 2013; and
 - Ecological Management Plan, Plan: CF5 Rev A dated May 2014.

As amended/supplemented/clarified by:

- Email dated 28 May 2015 (John Gough to Emma Fitch timed at 11:00) providing additional information on the methodology (compared to Block Fen); access issues; phasing clarification and the design of Front Lake; and
- Final version of the 'Materials Management Plan (MMP) by White Young Green Version 8 dated January 2016' in connection with Condition 20.

The material transport sheets, soil/leachate test results and test locations in connection with the Materials Management Plan (V8, dated January 2016) shall be

kept and made available for inspection on request by the waste planning authority within ten working days of the request.

Reason: To ensure the area is managed appropriately to protect and to enhance the biodiversity of the area in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP30 of the Huntingdonshire Local Plan (May 2019).

10. The development except for the 'Ecological Management Area' referred to in condition 9 and the 'Agricultural Land Reinstated' shall be carried out in accordance with the ecological and landscape management plan set out in the following documents:

- Scheme to discharge planning conditions 7, 9 and 10 document dated April 2015 – Condition 10 pages 10 – 13;
- Biodiversity Enhancement Plan, Plan: CF3 Rev B dated May 2013;
- Ecological Management Plan, Plan: CF5 Rev A dated May 2014

As amended/supplemented/clarified by:

- Email dated 28 May 2015 (John Gough email to Emma Fitch timed at 11:00) providing additional information on the methodology (compared to Block Fen); access issues; phasing clarification and the design of Front Lake; and
- Final version of the 'Materials Management Plan (MMP) by White Young Green Version 8 dated January 2016' in connection with Condition 20.

The material transport sheets, soil/leachate test results and test locations in connection with the Materials Management Plan (V8, dated January 2016) shall be kept and made available for inspection on request by the waste planning authority within ten working days of the request.

Reason: To ensure the area is managed appropriately to protect and to enhance the biodiversity of the area in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP30 of the Huntingdonshire Local Plan (May 2019).

Hard landscaping for the bridleway

11. The bridleway along the northwestern and southwestern edges of Irrigation Lake shall be constructed in accordance with the following plans and documents:

- Scheme to discharge planning conditions 6, 11, 20 (part) and 24 document dated July 2013;
- Plan: CF3 Revision B 'Biodiversity Enhancement Plan' prepared by David M Newman received 22 July 2013; and

As amended/supplemented/clarified by:

- Email dated 21 August 2013 (David Newman to Emma Fitch);
- Plan: CF51 Rev A 'Detail of Bridleway Establishment Condition No. 11 Consent No. H/05001/13/CM' (received 28 August 2013);

- Email dated 4 September 2013 (David Newman to Emma Fitch) agreeing to stone picking; and
- Email 6 September 2013 (David Newman to Emma Fitch) agreeing to topsoil being placed 1000mm wide and 600mm deep along the line of the hedgerow.

Reason: To ensure that the bridleway is suitable and safe for users for the restoration of the site and to enhance the biodiversity of the area in accordance with policy CS37 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP3 of the Huntingdonshire Local Plan (May 2019)

Access Scheme for local interest groups

12. Prior to the completion of restoration a scheme shall be submitted to and approved in writing by the waste planning authority detailing the arrangements for considering requests for short term access to the Site for the benefit of local interest groups not involving the use of powered watercraft or motorcycles. Access to the Site shall be arranged and agreed thereafter in line with the approved scheme.

Reason: To ensure appropriate and controlled access is given to local interest groups, whilst still protecting the biodiversity of the area in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP3 of the Huntingdonshire Local Plan (May 2019).

Permitted Vehicle Movements

13. The total number of Heavy Commercial Vehicle (HCV) movements associated with the development hereby permitted, when combined with the permitted vehicle movements under planning permission FMW/020/20 dated [dd month 2020], shall not exceed 120 per day. For the avoidance of doubt an HCV shall have a gross vehicle weight of 7.5 tonnes or more and the arrival at Site and departure from it count as separate movements.

Reason: In the interests of safeguarding local amenity in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Record of Vehicle Movements

14. A written record shall be maintained at the Site of all daily movements of HCVs associated with the development hereby permitted and the development permitted by planning permission FWM/020/20 dated [dd month 2020]; such record shall contain the vehicles' weight, registration number and the time and date of the movement and shall be available for inspection within 3 working days of any written request of the waste planning authority.

Reason: To allow the Mineral and Waste Planning Authority to adequately monitor activity at the site, and to minimise the harm to amenity in accordance with policies

CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011), and policy LP14 of the Huntingdonshire Local Plan (May 2019).

HCV Access and Egress

15. All HCV access to and from the Site shall be from the existing access onto the B1050 (Chatteris Road) only, as shown on Plan: CF1 Rev A Site Plan (received 21 March 2013) and from no other point whatsoever.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011).

HCV Routing Agreement

16. The development hereby permitted shall not be carried out except in accordance with the Traffic Management Scheme dated 7 September 2020 and Plan: CF12 Lorry Routing Plan. The Traffic Management Scheme and Lorry Routing Plan shall be issued to all drivers and a copy prominently displayed at the Site weighbridge.

Reason: In the interests of limiting the impact of the development on the amenity of local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

HCV Routing – Silt Pond

- 16A. No material shall be deposited in the Silt Pond until the private HGV access route from Colne Road (B1050) in the east to the Somersham Road (B1086) in the west (Huntingdonshire District Council planning permission reference 17/02527/FUL) has been constructed in full and brought into use.

Reason: In the interests of limiting the impact of the development on the amenity of local residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

HCV Backloading

[17. Not needed – the mineral has been removed from the site]

- 17A. No material shall be deposited in Rhee Lake under this permission and no more than 50,000 cubic metres of material shall be deposited in the Silt Pond until the landform shown on Plan: C33/5/20/02 Proposed Bridleway Improvement Works (undated, received 6 March 2020) has been created in full under planning permission FMW/020/20 dated [to be inserted if planning permission is granted].

Reason: To ensure that the stabilisation works that are necessary to create the bridleway are completed as soon as possible in accordance with policy CS37 of the

Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP16 of the Huntingdonshire Local Plan (May 2019).

HCV Sheeting

18. No loaded HCV shall enter or leave the Site unsheeted.

Reason: In the interests of highway safety and safeguarding the local environment in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Protection of Soils

19. No stored topsoil or subsoil shall be removed from the Site.

Reason: For the avoidance of doubt and to confirm all soils are required on site to ensure a satisfactory restoration of land and to minimise the amount of inert materials needing to be imported to protect the amenity of the local area in accordance with policies CS34 and CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011).

Inert Infill Method Statement and Phasing Plan

20. The development hereby permitted shall not take place except in accordance with the following documents:

- Scheme to discharge planning conditions 20 document dated August 2015;
- Plan CF/15/C20/01: Silt Pond – Phase 1;
- Plan CF/15/C20/02: Silt Pond – Phase 2;
- Plan CF/15/C20/03: Front Lake – Sequence of infilling; and
- Sampling Strategy and Validation Criteria Report by WYG Environment dated August 2015 (Appendix H of the Materials Management Plan (MMP) Version 8 dated January 2016).

As amended/supplemented/clarified by:

- Letter from Mick George Ltd dated 27 October 2015 and Proposed Restoration Profile; and
- Materials Management Plan (MMP) by White Young Green Version 8 dated January 2016.

The material transport sheets, soil/leachate test results and test locations in connection with the Materials Management Plan (V8, dated January 2016) shall be kept and are available for inspection on request by the waste planning authority within ten working days of the request.

Noise limits

21. Noise emissions attributable to the development shall not exceed a Rating Level of 55dB(A)LAeq, 1h (expressed as a free field value) and the noise limit at the façade of the nearest noise sensitive property shall not exceed 10dB(A) above the background level.

Reason: To minimise the adverse effects of noise emitted from the Site on residential amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Dust controls

22. All necessary steps shall be taken to minimise the generation and emission of dust from any use or operation involved in the restoration of the Site hereby permitted in line with the dust suppression scheme included in the supporting statement dated March 2013. Such steps shall include:-

- All active haul roads shall be kept damp as required by motorised spraying units during site operations (i.e. water bowzers);
- The proper use of the wheel cleaner by vehicles leaving the Site;
- The direction of exhausts of on-site vehicles shall be such that exhaust gases cannot be emitted in a downward direction;
- Observations shall be made by the Site Manager of the wind direction during infilling operations. When it appears from visual inspection that the wind direction is towards dust sensitive locations and that dust emissions could adversely affect amenity then appropriate mitigation steps shall be taken;
- Placing dust-generating activities where maximum protection can be obtained from topography or other features.

Reason: To minimise the adverse effects of dust emitted from the Site on local amenities in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Maintenance of machinery and effective silencers

23. The plant associated with the restoration of the Site shall be maintained in accordance with the manufacturers' recommendations and specifications at all times and shall be fitted with and use effective silencers.

Reason: In the interests of residential amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Reversing alarms for on-site machinery

24. No reversing beepers or other reverse warning devices shall be fixed to or used on any on-site mobile plant (e.g. small bulldozer) except in accordance with Brigade BBS-82 White Sound alarms.

Reason: In the interests of residential amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Lighting

25. No further external lighting for security or floodlighting shall be erected or installed, other than that detailed within the supporting statement dated March 2013, without the submission of full details to and the written approval of the waste planning authority. These details shall include the height of floodlighting, intensity of the lights (specified in LUX levels), spread of light including approximate light spillage to the rear of any floodlighting posts (in metres), any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to safeguard the amenities of surrounding sensitive receptors in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Temporary Stockpiles

26. Any temporary stockpiles of imported inert fill shall not exceed a height of 5.0m above ground level.

Reason: In the interests of visual amenity in accordance with policies CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Informative

The development site falls within the area covered by the Sutton & Mepal Internal Drainage Board administered by the Middle Level Commissioners. It is your responsibility to obtain any consents that may be necessary if watercourses, watercourse structures and the protection of maintenance access widths would be affected and for increasing directly or indirectly discharges into watercourses. Further information is available at:

<https://middlelevel.gov.uk/>

Compliance with paragraph 38 of the National Planning Policy Framework

The applicant did not seek pre-application advice. Officers have worked with the applicant to secure provision of a bridleway which would improve the public rights of way network. As a whole it is considered that the development would improve the economic, social and environmental conditions of the area.

Source Documents	Location
<p>Link to the National Planning Policy Framework (February 2019) https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan</p> <p>Link to the Huntingdonshire Local Plan (May 2019) https://www.huntingdonshire.gov.uk/planning/new-local-plan-to-2036/</p> <p>Link to the emerging Cambridgeshire and Peterborough Minerals and Waste Local Plan - Proposed Submission (Publication) Draft (November 2019) https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/emerging-minerals-and-waste-local-plan</p>	