

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 FOR A FURTHER 5 YEARS]

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

APPLICANT: Mr D Newman

APPLICATION NO: FMW/025/19

To: Planning Committee

Date: 26 January 2022

From: Assistant Director, Planning Growth & Environment

Electoral division(s): Somersham & Earith

Purpose: To consider the above planning application

Recommendation: That planning permission be granted subject to the conditions set out in
paragraph 9.1

Officer contact

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Agenda plans

1. Site Definition Plan CF100
2. Proposed bridleway improvements

1. Background and introduction

- 1.1 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 for a period which expired on 31 December 2019. The principal part of the development was started after the environmental permit for depositing inert waste in the silt pond was issued in 2018 but is far from complete.
- 1.2 In July 2019 a planning application (ref. no. FMW/025/19) was submitted seeking a further 5 years to complete the development i.e. until 31 December 2024. It was reported to the Planning Committee on 1 October 2020 and members resolved that the application be approved subject to the recommended conditions and the completion of a planning obligation to secure the provision of a public bridleway along the western side of Colne Fen Quarry. The report to the October 2020 meeting is Appendix 1 of this report.
- 1.3 The site was closed in March 2020 owing to Covid-19 restrictions and the applicant asked that the 5 year period for the development be from date the new planning permission was issued. This was discussed in the 1 October 2020 report and is reproduced below for convenience:

“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.”

- 1.4 This recommendation was endorsed by the Planning Committee and covered by proposed condition 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).”

- 1.5 A s.106 planning obligation associated with a previous planning permission for mineral extraction requires the landowner to create a permissive bridleway along the western boundary of the quarry to the end of the land then owned by the quarry developer, Hanson. For non-pedestrians this would be a dead end and there would be no lawful access for them to Chatteris Road. The recommendation which was endorsed by Planning Committee in October 2020 was that the current landowner create a bridleway along the previously agreed route and extend it to Chatteris Road by upgrading an existing public footpath including another party’s land. The entire route would be dedicated as a public bridleway.
- 1.6 Wider discussion on the permissive and proposed public bridleway is set out in paragraphs 8.25 to 8.33 of Appendix 1.
- 1.7 As set out in paragraph 8.28 of Appendix 1, the route of the southern part of the bridleway route had become unstable. At the 1 October 2020 meeting the Planning Committee approved planning application ref. no. FMW/020/20 which enabled the landowner to import material to undertake remedial work. The work was started in late April and completed in summer 2021. Condition 2 requires the route of the bridleway within the area covered by planning permission FMW/020/20 to be capable of being brought into use within 9 months of the commencement of the development i.e. by late January 2022. The stabilised section of the route was seeded in early autumn but allowing it to be used before the grass has established sufficiently to withstand use by horses would result in a muddy and unattractive path and it considered acceptable that spring 2022 be a realistic target for opening the entire route.
- 1.8 Since the Planning Committee on 1 October 2020 the developer has:
 - Obtained an environmental permit from the Environment Agency to replace the footbridge over the Cranbrook Drain with a bridge suitable for horses. This is necessary for the public footpath to be upgrade to a bridleway which would provide a through route to Chatteris Road;
 - Obtained Ordinary Watercourse Land Drainage Consent from the County Council in its role as the Lead Local Flood Authority to replace a footbridge with a culvert to enable the ditch to be crossed by horses;
 - Cleared vegetation to create a path that is at least 4 metres wide to meet the County Council’s minimum for a bridleway; and
 - Installed fences to separate the bridleway from and prevent unauthorised access to the rest of Colne Fen Quarry which comprises waterbodies and in the short term an active landfill site.
- 1.9 However, substantive work on the s.106 agreement and draft s.25 Highways Act Path Agreement did not start until September 2021 and has not been completed at the time of drafting this report therefore the planning permission has not yet been issued. Other than the stabilisation work permitted under planning permission FMW/020/20 and restoration of the former mineral processing plant area no development has taken place at Colne Fen Quarry since March 2020.

2. The proposed development

- 2.1 On 3 December 2021 the developer asked that the duration of the planning permission as set out in recommended condition 1 (set out in paragraph 1.4 above) be revisited because 14 months of the life of the permission has been lost because of the delays in completing the s.106 agreement and there are a number of conditions which need to be fulfilled before the substantive part of the development (infilling the silt pond) may recommence. Those conditions are:
- 6A - the submission to and approval by the waste planning authority of an updated Preliminary Ecological Appraisal
 - 7A – the submission to and approval by the waste planning authority of an Ecological Management Plan);
 - 16A - which requires a private haul road to be constructed in full and brought into use. This would remove the HGV traffic generated by the development from Colne, Earith and Bluntisham.
- 2.2 The applicant has asked that the 5 year life of the new planning permission be from when it would be implementable i.e. the conditions set out above have been discharged.

3. Consultation and representations

- 3.1 The parish councils that were consulted on the original application were invited to comment of the applicant's proposed amendment to the start of the 5 year permission period. The individuals who made representations were also notified.
- 3.2 Somersham Parish Council - Understands this work needs to be done and are aware that residents on The Bank are very opposed to the work being drawn out any longer than necessary. Therefore, the parish council agrees with County Councillor Criswell for a compromise position that reflects that at least some of the 5 year extension should have expired, rather than none. Further, the parish council ask that the county council consider whether a penalty can be imposed if the work is not completed within the new time frame?
- 3.3 Earith Parish Council - recommend refusal of this S73 application as they are not sure why the pre-commencement planning conditions have not been followed as expected e.g. before commencement and the open-ended nature of this application, with no given end date is not acceptable to the village. The Parish Council and village of Earith do not want to have a rolling period of time enforced upon them due to the excessive lorry movements that this would entail. The Parish Council did not agree to the extension of time given in the original application and these reasons still stand for this change. An extension of time is not acceptable to the village and will cause harm to the amenity of the villagers and will increase noise, vibration and air pollution which are all detrimental to village life. It will also cause suffering to the road infrastructure along the given routes.
- 3.4 Bluntisham Parish Council – No comments received.
- 3.5 Colne Parish Council – No comments received.

3.6 Individual representations – The individuals who commented on the application when it was submitted in 2019 were invited to comment on the proposed amendment to the starting date of the 5 year development period. Responses have been received from 2 individuals whose concerns are:

- Delays to completion of the development. Other nearby sites were operating during the Covid-19 lockdowns;
- The original 5 year period should be retained but if any extra time is allowed this should be a maximum of 12 months but only considered at the end of the 5 year period;
- Whether sand and gravel other than the stockpile has been removed from the site
- Delays to the provision of the bridleway. The landowner knew of this obligation when he bought the site;
- Why when most of the private haul road has been built is it not cost-effective to complete without the certainty of the current application being approved?
- The fencing along some of the bridleway route may affect local ecology and poses a risk to horses; and
- Let down by the operator and by the County Council in their monitoring role.

Those that are relevant to the matter being considered in this report i.e. the request to delay the start of the 5 year planning permission period are addressed in section 6 below.

4. Planning history

4.1 As set out in 6.0 of Appendix 1 except that planning application FMW/020/20 was approved as set out in paragraph 1.7 above.

5. Planning policy and guidance

5.1 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. When the application was considered by Planning Committee on 1 October 2020 the development plan included the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) and the Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012). The Cambridgeshire and Peterborough Minerals and Waste Local Plan was at final draft (submission) stage so was afforded some weight (see paragraphs 7.6 and 7.7 of Appendix 1).

5.2 The Cambridgeshire and Peterborough Minerals and Waste Local Plan (the MWLP) was adopted on 28 July 2021 and together with the Huntingdonshire Local Plan (adopted May 2019) (the HLP) is now the development plan for the area.

5.3 As noted above, the relevant policies from the emerging MWLP were taken into account in the report to Planning Committee on 1 October 2020. They have been compared with the policies in the adopted MWLP and are substantively the same. It is considered that the discussion of the relevant MWLP policies in the 1 October 2020 report is still valid.

6. Planning considerations

- 6.1 The principle of granting planning permission to allow the development to be completed over a fixed 5 year period was established by the Planning Committee resolution on 1 October 2020. The matter that now needs to be considered is whether the proposed amendment to the starting date of that 5 year period is acceptable.
- 6.2 The developer has asked that the 5 years would start from when the planning permission could be implemented and has interpreted conditions 6A, 7A and 16A as pre-commencement requirements meaning that no development could lawfully take place until they had been fulfilled. However, conditions 6A, 7A and 16A only preclude development in the silt pond which represents, in terms of volume of material to be imported, 98% of the remaining work. The conditions are currently worded so that the 7,000 cubic metres of material that is needed to complete the fish rearing ponds in Rhee Lake could be brought in as soon as the permission is issued. The permission would, therefore, under the terms of the conditions which were approved on 1 October 2020 be capable of being implemented on issue.
- 6.3 If the applicant's proposal is not accepted and the planning permission is issued with the condition 1 requiring the development to be completed by 1 October 2025 it is considered likely that a further application would be made in 2025 requesting a further year or two to complete the development. If the applicant's proposal is accepted, assuming the s.106 agreement is completed and planning permission is granted in early February 2022 and the conditions are fulfilled by for example 30 April 2022 the 5 year period of the development would be 30 April 2022 to 30 April 2027 instead of the previously approved 1 October 2020 to 1 October 2025, effectively moving the 5 year period for completing the restoration of Colne Fen Quarry and the associated vehicle movements by approximately 18 months.
- 6.4 It is recognised that the local community has experienced the impacts of HGV traffic from mineral sites in the area for many years and is looking for some certainty about when they will cease, at least from Colne Fen Quarry. By the date of the committee meeting Colne Fen Quarry will not have accepted waste, except for the remedial work in Rhee Lake under planning permission FMW/020/20, for almost 2 years. The effect of this hiatus is to move the period during which the work will be undertaken. The developer has been asked to consider a period shorter than 5 years from commencement but has not responded. The planning permission would be subject to a condition limiting HGV movements to 120 / day i.e. 60 in and 60 out. A shorter permission period may need an uplift in the daily HGV numbers and the material may simply not be available in consistently large enough quantities to fill the silt pond more quickly than the proposed 5 year period.
- 6.5 The developer has asked that the 5 years starts when the conditions have been discharged but this in effect could be open-ended and is dependent on first the s.106 agreement being completed, second the planning permission being issued and third, the conditions information being submitted and approved. Only the second is entirely within the control of the waste planning authority; the applicant could delay the remaining legal work and submission of the conditions information in order to "buy some more time". From experience, applications to discharge planning conditions can take some months depending on how comprehensive the submissions are. The developer has also said that the work to complete the haul road won't take place until the planning permission has been issued and is in an implementable state, suggesting after the conditions have been cleared. With a 3

month construction period dependent on suitable weather and ground conditions all this could easily amount to another year's delay.

- 6.6 In the interests removing the uncertainty hanging over the local community it is suggested that a fixed and realistic completion date for the project should be established. The developer has been invited to provide a start date that is not in effect open-ended but has not done so. It is unlikely that the s.106 agreement will have been completed by the date of Planning Committee and the planning permission cannot be issued until it has. It has been suggested to the developer that the information required by conditions 6A and 7A be prepared now to minimise the delay in being able to resume work in the silt pond which is the largest part of the development by far.
- 6.7 It is considered that a balance needs to be struck between allowing the developers enough time to complete the work assuming no delays, either of their own making or outside their control, and giving the local community the certainty, they are looking for. It is therefore suggested that the 5 year period starts from the date the planning permission is issued or from 1 May 2022 whichever is the sooner. This should remove any incentive to delay completing the s.106 agreement and fulfilling conditions 6A, 7A and 16A. It is also considered prudent to require the development to commence within a set time and as set out in paragraph 6.2 above, the small amount of work left to be completed in Rhee Lake is not tied to those 3 conditions.

7. Recommendation

- 9.1 It is recommended that permission be granted subject to the following conditions:

Commencement

- 1A. The development hereby permitted shall be commenced not later than 3 months from the date of this permission. Within 5 working days of the commencement of development the operator shall notify the waste planning authority in writing of the exact commencement date.

Reason: To ensure that the development and restoration of the Site is not delayed in accordance with Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

Time Limit

- 1B. This permission shall be limited to the period expiring on a date 5 years from the date of this permission or by 1 May 2027 whichever is the sooner 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 Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

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 Policy 17 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). 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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 Policy 17 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 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 Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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. 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 waste planning authority to adequately monitor activity at the site, and to minimise the harm to amenity in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021), 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 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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).~~

[Not needed – the bridleway improvement works covered by planning permission FMW/020/20 have been completed]

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 Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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: To ensure that all soils are retained to ensure the 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 Policy 18, Policy 19 and Policy 24 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

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; 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.

Reason: To protect the water environment in accordance with Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP37 of the Huntingdonshire Local Plan (May 2019).

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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) 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 Policy 17 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Informatives for applicant

Conditions 6A and 7A – It is recommended that the developer's ecology consultant agrees the scope of the Preliminary Ecological Appraisal and the Ecological Management Plan with the County Council Ecology Officer before undertaking the work. The Ecology Officer's letter dated 23/08/2019 should be used as a guide.

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

Link to the National Planning Policy Framework (July 2021) [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/617353/nppf-2021.pdf)

Link to the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) [Emerging Minerals and Waste Local Plan - Cambridgeshire County Council](https://www.cambridgeshire.gov.uk/media/1000000/cambridgeshire-minerals-and-waste-local-plan-2021.pdf)

Link to the Huntingdonshire Local Plan (May 2019) <https://www.huntingdonshire.gov.uk/planning/new-local-plan-to-2036/>