

Planning Committee Minutes

Date: Thursday 26 January 2022

Time: 10am – 10:28am.

Venue: Multi-Function Room, New Shire Hall, Alconbury Weald

Present: Councillors Batchelor (Chair), Connor, Corney, Gardener, Hathorn, Gowing, Kindersley, Rae (Vice Chair), Smith

8. Apologies for Absence and Declarations of Interest

Apologies were received from Councillor Bradnam, Councillor Ros Hathorn substituted.

Councillor Kindersley declared an interest in item 6, Summary of Decisions Made Under Delegated Powers, as he was a Trustee of the Cam Academy Trust.

9. Minutes – 29 July 2021

The minutes of the meeting held on 29 July 2021 were agreed as a correct record and signed by the Chair.

10. 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 Number: FMW/025/19

Members received a Section 73 Planning Application for an extension of time for a further 5 years at Colne Fen Quarry.

The presenting officer provided the Committee with a brief history of the site and the planning application history. Planning permission was granted in 2013 for the importation of inert waste for the restoration of the site. Planning permission expired in 2019. The principal part of the restoration began in 2018 following the issuing of the

necessary environmental permit, however the work was far from complete. Rhee Lake had almost been completed, the border of Irrigation Lake had been completed. However, no development had taken place at Front Lake and little in the Silt Pond which was by far the largest area requiring the importation of material to complete the 2013 restoration scheme.

A planning application was submitted in mid-2019 that requested a further 5 years from the end of the previous permission to complete the work. Following the onset of the COVID-19 pandemic the applicant requested it be altered to 5 years from the commencement of the development. Following its presentation to the Planning Committee in October 2020, Members agreed that planning permission should be for 5 years from the date of the meeting and not the date of commencement of the development which provided an additional 9 months including a dry summer season.

Attention was drawn to the S106 agreement that was a requirement of the planning permission being granted and that secured the creation of a bridleway that would become a public right of way. This was an improved outcome as previously the route was a dead end and only had permissive rights of access. Permission has not been issued owing to delays in drafting the S106 agreement and the applicant was considering amendments made by council officers. Owing to this delay, the applicant had therefore sought a further change to the commencement of the 5 year period. The local Member, Councillor Criswell, had asked that the applicant to consider a shorter period. This was put to the applicant by the planning officer but no response had been received.

The presenting officer highlighted the views of the local community in relation to traffic movements from the quarry and the certainty they sought in HGV movements in the area ending. Members noted the routing agreement which applied to the 2013 planning permission and that the operator, Mick George Ltd, had received planning permission from Huntingdonshire District Council for the creation of a private haul road that would result in the removal of HGVs from Colne, Bluntisham, and Earith, but not Chatteris Road, Somersham. The haul road was partially complete, and it was anticipated that it would take 3 months to be completed and become operational.

In response to Member questions the presenting officer:

- Confirmed that local Member Councillor Criswell, together with Somersham Parish Council had proposed an alternative timescale of less than 5 years. However, it would have resulted in the same position.
- Explained that the site was subject to the vagaries of the necessary material being available as it was dependent on being produced at infrastructure and construction sites. There was no planning reason that a developer could not request an extension to the time to complete the development. The amount of material and the number of movements remained the same. They would be however, spread over a different 5 year period.
- Explained that the fencing along the bridleway was designed to prevent incursions onto the operator's land as there had been incidents involving quad bikes. The fencing was also designed to prevent burrowing animals from gaining access.

In response to Member's questions, John Gough, Planning Director of Mick George Ltd, on behalf of the applicant confirmed that the completion of the haul road and the S106 agreement were a priority. The haul road would take 3 months to complete including access at the eastern end onto Colne Road, Somersham for which there was agreement with the Highway Authority.

During debate a Member commented that that it was clear why the applicant had requested additional time. The haul road would alleviate some of the issues and the applicant understood that the Committee was keen that the work was completed quickly.

It was proposed by Councillor Kindersley, seconded by Councillor Connor, and passed unanimously to grant planning permission, subject to the conditions set out in Appendix A to these minutes.

[Voting pattern: Unanimous]

11. Enforcement Update Report

The Committee received the Enforcement Update Report that provided Members with an overview of the enforcement and monitoring work undertaken by the County Planning Minerals and Waste Team.

Members welcomed the report and thanked officers for the work that they had undertaken during the COVID-19 pandemic that had presented numerous challenges.

It was resolved:

To note the report

12. Summary of Decisions Made Under Delegated Powers

It was resolved:

To note the report

Chair

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 bowsers);
 - 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