

# PLANNING COMMITTEE



**Thursday, 01 October 2020**

**Democratic and Members' Services**  
Fiona McMillan  
Monitoring Officer

**10:00**

Shire Hall  
Castle Hill  
Cambridge  
CB3 0AP

## **COVID-19**

**During the Covid-19 pandemic Council and Committee meetings will be held virtually for Committee members and for members of the public who wish to participate. These meetings will held via Zoom and Microsoft Teams (for confidential or exempt items). For more information please contact the clerk for the meeting (details provided below).**

## **AGENDA**

**Open to Public and Press**

- 1 Election of Chairman/woman**
- 2 Election of Vice-Chairman/woman**
- 3 Apologies for Absence**
- 4 Declarations of Interest**  
*Guidance for Councillors on declaring interests is available at:*  
<http://tinyurl.com/ccc-conduct-code>
- 5 Minutes - 3rd October 2019**

## **PLANNING APPLICATIONS**

**6 FMW-025-19 Colne Fen Quarry, Somersham, PE28 3DN**

**7 FMW-020-20 Colne Fen Quarry, Somersham, PE283DN**

**ITEMS FOR INFORMATION**

**8 Enforcement Update Report**

**9 Enforcement Plan Review**

**10 Summary of Decisions Made Under Delegated Powers**

The Planning Committee comprises the following members:

*For more information about this meeting, including access arrangements please contact*

Councillor David Connor (Chairman) Councillor Ian Gardener (Vice-Chairman) Councillor Barbara Ashwood Councillor Lynda Harford Councillor Bill Hunt Councillor Sebastian Kindersley Councillor Jocelyne Scutt and Councillor Mandy Smith

Clerk Name:	Daniel Snowdon
Clerk Telephone:	01223 699177
Clerk Email:	daniel.snowdon@cambridgeshire.gov.uk

**PLANNING COMMITTEE: MINUTES**

Date: Thursday 3rd October 2019

Time: 10.00am –10:23am

Place: Kreis Viersen, Shire Hall, Cambridge

Present: Councillors B Ashwood, D Connor (Chairman), I Gardener (Vice-Chairman), L Harford, B Hunt, S Kindersley and M Smith.

Officers: Sandra Bucci – Senior Compliance Officer, Hannah Edwards – LGSS Law, Emma Fitch – Joint Interim Assistant Director, Environment and Commercial, Rachel Jones – Development Management Officer, Strategic and Specialist, Daniel Snowdon – Democratic Services Officer

**92. APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Hudson and Whitehead.

Councillor Kindersley declared a non-statutory, non-pecuniary interest in agenda item 4 as he was the local Member for Barrington and Chairman of the Barrington Liaison Committee.

**93. MINUTES – 18<sup>TH</sup> JULY 2019**

The minutes of the Planning Committee meeting held on 18<sup>th</sup> July 2019 were agreed as a correct record and signed by the Chairman.

**94. RETROSPECTIVE APPLICATION FOR THE ERECTION OF DOUBLE STOREY REPLACEMENT OFFICE BUILDING WITH EXTERNAL ACCESS STAIRCASE**

**AT: BARRINGTON QUARRY, HASLINGFIELD ROAD, BARRINGTON, CB22 7RQ**

**LPA REF: S/0106/18/CW**

**FOR: CEMEX UK OPERATIONS LTD**

The Committee considered a report that sought retrospective planning permission for the erection of a replacement double storey office building with an external access staircase.

The presenting officer informed Members that the Barrington Quarry site was a former chalk extraction site. Members were reminded that planning permission had been granted by the County Council in June 2019 for the importation by rail of inert material for the restoration of the quarry.

The Committee was informed that outline planning permission had been granted by the District Council in October 2016 for the erection of 220 residential units, formal and informal open space including allotments, car parking for Barrington School and transport links. An element of the development was the demolition of the former administration block for the cement works which was being used as a site office for the restoration of the wider quarry. The applicant required a replacement building and constructed one within the existing leachate area that was not visible from outside the site and sought retrospective planning permission for its construction for the remainder of the scheduled restoration work. The demolition of the former administration block was due to take place imminently.

Members noted that one objection had been received from South Cambridgeshire District Council which recommended that due to the temporary nature of the replacement building, planning permission should be time limited for 2 years or for the duration of the restoration, whichever was sooner. This would require the applicant to submit up to a further 9 planning applications over the duration of the restoration. It was noted further that South Cambridgeshire District Council had agreed verbally for temporary consent to be granted for up to 7 years. However, no written confirmation of that had been received.

The presenting officer informed the Committee that LGSS Law had confirmed that there was no relevant case law which would preclude granting planning permission for the duration of the restoration providing that the planning permission was tied to the end of the restoration.

Members noted that no letters of representation had been received.

The Committee was provided with a location plan that illustrated the relationship of the site with Barrington and nearby strategic highways. Elevations and photographs of the buildings were shown and Members noted the colour scheme of the buildings that was designed to match other buildings on the site. Once again it was highlighted that the structure were not visible from outside of the site.

During debate of the application Members expressed disappointment that the work undertaken by officers and the local Member had not elicited a more constructive response from South Cambridgeshire District Council. It was requested with the unanimous agreement of the Committee that council officers write to South Cambridgeshire District Council on behalf of the Chairman expressing disappointment regarding the objection raised, highlighting the considerable expense to the Council incurred as a result and including the impact to the environment of convening a meeting for the one item. **ACTION**

It was proposed by Councillor Smith and seconded by Councillor Harford that the recommendation be put to the vote.

It was resolved unanimously to grant planning permission subject to the conditions set out at Appendix A to these minutes.

## **95. ENFORCEMENT UPDATE REPORT**

Members received the enforcement update report that covered the period 1<sup>st</sup> May - 31<sup>st</sup> August 2019, detailing the number of site monitoring visits undertaken and provided updates on key enforcement cases.

The presenting officer updated the Committee further to the report relating to Field 6184 / Black Bank, Little Downham. Following discussion with senior officers, a letter would be sent to the landlord and the tenant farmer reminding them of the High Court judgement regarding the importation of material without the expressed permission of Cambridgeshire County Council and setting out the penalties if breached.

During discussion of the report:

- A Member commented that regarding Field 6184 / Black Bank, Little Downham, a prior notification had been submitted for an agricultural building using permitted development rights that did not therefore require planning permission from East Cambridgeshire District Council. The Member requested that officers worked closely with East Cambridgeshire District Council and the local District Councillor regarding the matter as there was concern that breaches could occur. Officers advised that pre-emptive action for anticipated breaches could not be undertaken but if breaches were reported officers would investigate in the usual way. Officers explained that legal advice would be sought regarding whether it would be appropriate for copies of correspondence to be shared with Little Downham Parish Council.
- It was noted by the Committee that the first payment regarding the successful enforcement action undertaken at Field 6184 / Black Bank, Little Downham had been made and a second payment was due during November 2019.
- Members noted that the research being undertaken by officers regarding Mill Road, Fen Drayton was taking longer than expected due to many of the records at South Cambridgeshire District Council being stored on microfiche.
- Welcomed progress made relating to Block Fen which was drawing to a positive conclusion.

It was resolved to note the contents of the report.

## **96. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS**

The Committee considered a summary of decisions made under delegated powers.

It was resolved unanimously to note report.

Chairman



Approved plans and documents

1. The retrospective development hereby permitted shall not proceed except in accordance with the details set out in the submitted application dated 06 November 2018 and the following approved plans and documents (received 20 November 2018 unless otherwise stated), except as otherwise required by any of the following conditions set out in this planning permission:
  - Drawing number 18\_C041\_BARR\_001 – Site Location Plan
  - Drawing number 18\_C041\_BARR\_002 – Site Plan
  - Drawing number 18\_C041\_BARR\_003 – Site Cabins

**Reason:** *To define the site and to protect the character and appearance of the locality in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

Duration of permission

2. This permission shall be for a limited period only expiring on 31 December 2035 or on the completion to the satisfaction of the Waste Planning Authority of the importation and deposit of inert restoration material to restore the former clay and chalk quarry approved under planning permission reference S/0204/16/CW whichever is the sooner. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored to its former condition in accordance with a scheme which shall have been previously submitted to and been approved in writing by the Local Planning Authority.

**Reason:** *The use is not considered suitable as a permanent form of development and to protect the amenities of adjacent land users in accordance with policies CS2, CS33 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policy NH/2 of the South Cambridgeshire District Local Plan (2018).*

Hours of operation

3. The site office building hereby approved shall not be occupied for use except between the hours of 0600 and 2200 hours Monday to Friday and between 0600 and 1300 on Saturdays. There shall be no Sunday or bank or public holiday working.

**Reason:** *To protect the amenities of adjacent land users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011) and policy SC/10 of the South Cambridgeshire Local Plan (2018).*

#### Lighting

4. No additional external lighting shall be erected or installed unless full details have been submitted to and approved in writing by the Waste Planning Authority. The external lighting shall be erected or installed and maintained in accordance with the approved details.

***Reason:*** *To protect the amenities of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (2011).*

#### Compliance with paragraph 38 of the National Planning Policy Framework (February 2019)

The Waste Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. All land use planning matters have been given full consideration relating to the retention of a two storey site office with external access staircase. Consultation took place with statutory consultees and other consultees, including local residents, which have been taken into account in the decision making process.



**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**

<b><i>Officer contact:</i></b>	
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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 <sup>3</sup> )	240,000	338,387	503,000	357,000
Bridleway – Rhee & Trout Lakes	n/a	n/a	n/a	31,000
Total (m <sup>3</sup> )				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 be 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:

<b>Application No:</b>	<b>Proposal:</b>	<b>Decision:</b>
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 m<sup>3</sup> 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 m<sup>3</sup> to 357,000 m<sup>3</sup> (388,000 m<sup>3</sup> 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 m<sup>3</sup> 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/>

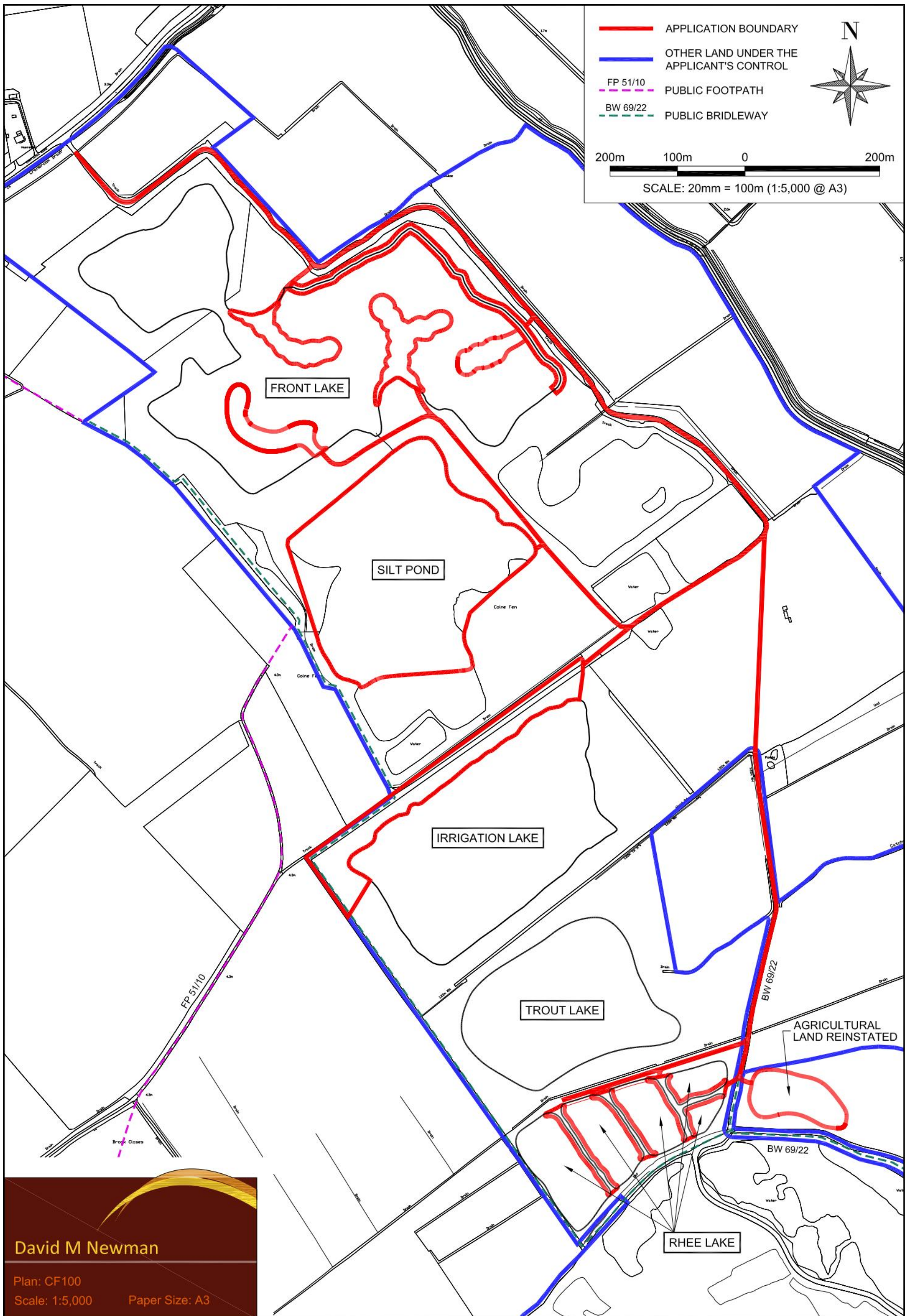
#### Compliance with paragraph 38 of the National Planning Policy Framework

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.



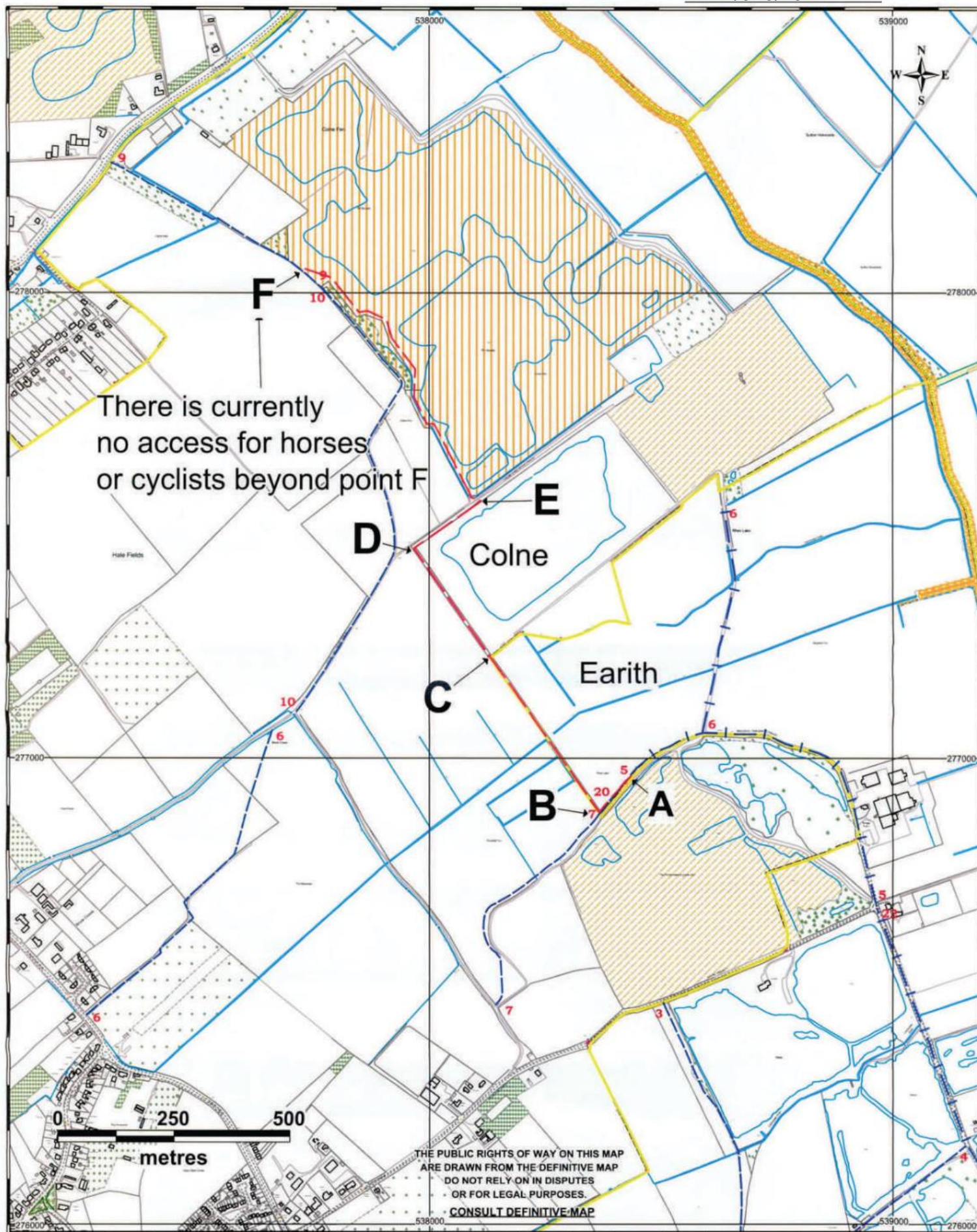
Source Documents	Location
<p>Link to the National Planning Policy Framework (February 2019)  <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>Link to the Cambridgeshire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











Scale: 1:7500  
Date: 30/03/2012  
By: fh363

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Key - Drawn from the Definitive Map

Permissive Bridlway (red) ---

Parish Boundary (yellow) ---

Public Footpath

Public Bridlway

Byway Open to All Traffic

Restricted Byway



**IMPORTATION OF INERT WASTE TO STABILISE LAND FOR BRIDLEWAY**

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

**LPA REF: FMW/020/20**

**FOR: Mick George Ltd**

*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**

<b><i>Officer contact:</i></b>	
Name:	Helen Wass
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Tel:	01223 715522

## **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).
- 1.3 In summer 2019 it was apparent that the works authorised by the 2013 permission would be far from complete when the permission expired on 31 December 2019. A planning application (ref. FMW/025/19) was submitted in July 2019 seeking permission to extend the time allowed for completing the works for 5 years until 31 December 2024. That application is the subject of agenda item 6.
- 1.4 Whilst application ref. FMW/025/19 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, see agenda plan 1. This fell outside planning permission H/05001/13/CW and application no. FMW/025/19 so is the subject of a separate new planning application which this report considers.
- 1.5 The remedial works which are the subject of this report are necessary for the bridleway to be reinstated, which in turn is necessary for the development proposed in planning application FMW/025/19 to be acceptable.

## **2.0 THE PROPOSED DEVELOPMENT**

- 2.1 It is proposed to import 31,000 cubic metres of inert material under the CL:AIRE protocol to create a stable 1:4 slope from the route of the bridleway down into Rhee Lake and Trout Lake, shown on agenda plan 1. The CL:AIRE protocol 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. It is proposed that the works would take approximately 9 months dependent on weather and ground conditions.



- 2.2 Condition 13 of planning permission H/05001/13/CW limits the number of HGV movements to 120 per day. It is proposed that the importation under the current application and the continued importation under application FMW/025/19 combined 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 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.
- 2.3 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 proposes the same working hours as the rest of the site.

### **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 current application relates to a 410 x 40 metre (448 x 43.7 yard) wide strip of land along the western edge of Rhee Lake and Trout Lake (1.64 hectares / 4.05 acres). Access would be from the existing haul road which links the site to 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 proposed stabilisation area are:
- Bridge Farm and 1 Colne Road approximately 550 metres (601 yards) and 650 metres (711 yards) to the southeast; and  
5 properties on Holme Fen Drove between 600 metres (656 yards) and 800 metres (875 yards or half mile) to the southwest.
- 3.3 The proposed stabilisation area is approximately 1.5 kilometres (0.93 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). The proposed stabilisation area is within flood zone 1.
- 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.

#### **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 25 March 2020 and notices erected at the site entrance on Chatteris Road and on public rights of way around the site. Individuals who had commented on planning application FMW/025/19 were notified by letter.

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 Huntingdonshire District Council - No comments received.
- 5.2 Earith Parish Council – The failure to restore the bridleway access in a timely manner has been of great concern to the Parish Council and users of the bridleway. The Parish Council do therefore support the application but would like to see that an enforceable timeline is put on the completion of the bridleway, with a set finalised date as part of the planning permission. This work should therefore be carried out prior to any other works associated with the whole works being discussed for the quarry.
- 5.3 Colne Parish Council – As the permissive route has been closed for some time, the timescale for the proposed works should be well within a nine month period from the determination of the planning application, inclusive of the public right of way on the entire route from Earith bridleway 5 through to Chatteris Road.
- 5.4 Somersham Parish Council - No objection particularly as it would be for a 9 month period only.
- 5.5 Bluntisham Parish Council – Fully support the importation of inert waste in order to stabilise the land for the bridleway.
- 5.6 Environment Agency – (20 April 2020) The proposed activity will require an environmental permit. However, inert waste material that has a pollution potential less than or equivalent to the surrounding geology/water should only be used. The

approach could be acceptable; however the applicant must submit further information to prevent a holding objection. The applicant should demonstrate through risk assessment the waste material will not come into contact with and/or deteriorate water quality within the lakes indicated on the plan and any other surface water receptors connected to the site. Where there is a water discharge from the site, any permit will need to include appropriate water quality discharge limits. The following further detailed information is required:

- A Proposed Restoration Plan which should allow for an attenuation layer and a 750 mm free board. The section provided with the application is not sufficient; and
- A Surface Water Management Strategy.

- 5.7 (14 May 2020 in following applicant response to 20 April 2020 comments) The applicant may be able to complete the proposed scheme under the CL:AIRE Code of Practice. If they choose to follow this route it will be the responsibility of the Qualified Person to ensure that the Definition of Waste: Code of Practice (DoWCoP) is appropriate for the activity and is followed in full. A formal Declaration must be submitted by a Qualified Person before any use of materials on site or transfer is permitted. In general, provided that the DoWCoP is followed in full there is no objection to the appropriate re-use of appropriate materials in this way. Materials not used in accordance with the DoWCoP process in full may be deemed waste and will require a relevant permit for deposit. The applicant should confirm to the Council the type of material that is to be accepted on site, where it is sourced from and confirmation the activity falls under the DoWCoP scheme.
- 5.8 Sutton and Mepal Internal Drainage Board (IDB) – No comments received.
- 5.9 Lead Local Flood Authority (CCC Flood & Water Team) – No objection in principle. The submitted documents demonstrate that surface water from the proposed development can be managed by contouring the land to direct surface water runoff from the proposed bridleway into the adjacent lake. The impact of this on the lake is a 7mm rise in water level, which still leaves 300mm freeboard above the maximum water level. The stabilisation of the banks will provide a filter strip for water before entering the lakes, treating surface water as it flows over the surface. The bridleway and stabilised banks will be the responsibility of the land owner to maintain for the lifetime of the proposed development. The provisions of the flood risk assessment dated February 2020 should be secured by condition.
- 5.10 Natural England – No objection. Whilst the proposed development in this location triggers Natural England's Impact Risk Zone (IRZ) for the Ouse Washes SSSI, SPA, SAC and Ramsar site the proposal appears unlikely to give rise to any significant effect on this European designated site. It is assumed that the site will be restored in accordance with previously agreed plans and timescales, including delivery of proposed biodiversity enhancements.
- 5.11 CCC Ecology Officer – (26 March 2020) It is not clear how the profiling works will be undertaken, but it is assumed the lakes will need to be dewatered. The impact of a scheme on biodiversity is a material consideration in the planning process and therefore an adequate ecological assessment should be undertaken for schemes that are likely to have an impact on ecology and ensure there is no net loss in biodiversity value. Schemes should also seek to deliver biodiversity net gain. Object

because insufficient information has been provided to demonstrate the level of impact on biodiversity, in particular the impact to protected species.

- 5.12 (4 May 2020) Clarification by the applicant that there will be no lowering of the water levels to undertake the infilling operations addresses previous concerns regarding dewatering. The series of photos provided confirm that the only potential impact on ecology would be to Water Vole, if it has colonised any section of the bank scheduled for re-profiling works / works within 5m of the bank. It is noted that no Water Voles were recorded at Colne Fen Quarry in 2013 (undertaken as part of H/05001/13/M), however given the extent of time passed and that vegetation is starting to establishing (albeit localised) on the banks, there is potential for the local Water Vole population to have expanded into the Colne Fen Quarry pond complex, including the 350m of bank to be affected by the works. In line with comments for FMW/025/19 Water Vole surveys should be undertaken prior to development to confirm the presence / absence undertaken in accordance with The Water Vole Mitigation Guidelines (Dean. M *et al*, 2016). The survey season is March-October.
- 5.13 The holding objection remains until a Water Vole survey has been undertaken to confirm that there will be no adverse impact on Protected Species. Given that the impact of a proposal on ecology is a material consideration in the planning process, this should be submitted prior to the determination of the planning application.
- 5.14 (20 August 2020) Objection removed. The submission of the Water Vole survey is welcomed. It confirms that Water Voles are currently not present at the site and concluded that the proposed works for infilling at the western lake edge will not have a negative impact on water voles in the local area. The proposal will not have an adverse impact on biodiversity, providing that the Precautionary Method of Works (relating to bird and water vole) are secured by planning condition.
- 5.15 The Wildlife Trust – No comments received.
- 5.16 CCC highway development management engineer – The application is for the importation of inert waste to stabilise land for a bridleway. It is noted that the applicant hasn't detailed an HGV route. If the previously approved HGV route [Colne Road to the A1123] is to be used then no highways objections are raised to the proposal as the route has already been approved and agreed with the planning authority.
- 5.17 However, if the applicant is intending to utilise the private HGV route that was approved by HDC under 17/02527/FUL the following points would be raised. 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. It should be noted that under 17/02527/FUL the highway authority in principle had no objections to HGV traffic being moved away from residential areas.
- 5.18 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. If the proposed development at Colne Fen Quarry utilises this route for HGV's then they will be passing through the junction and not turning through it. Therefore whilst it is noted that it would 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. Bearing in mind the above, there are no highways objections to the use of the private HGV haul road.

- 5.19 CCC Rights of Way - The plan to stabilise the bridleway and deliver on s.106 commitments for the site from 2006 is welcomed. It is noted from the plan C33/5/20/02 that the southern section of the bridleway is intended to be 5 metres (16.4 feet) wide. As the bridleway will eventually be delivered as a public right of way, the applicant should provide details of the intended surface specification for the bridleway. This will need to be agreed prior to the determination of the application. It is noted that the delivery of the relevant section of the bridleway is to be completed within nine months of determination of the planning application. The applicant should provide a detailed timetable setting out the timescales for delivery of the bridleway. This should include the opening up of the permissive route and subsequent dedication of a public right of way on the entire route from Earith bridleway 5 through to Chatteris Road.
- 5.20 British Horse Society - The failure to restore the bridleway access has been a matter of great concern for the BHS and local riders. The application is supported with the caveat that a fixed and enforceable timeline is put on for completion with a date set as part of the planning permission. The BHS would like to have the opportunity to agree the date proposed. This caveat is to ensure that the applicant complies with the obligations as part of the benefit of the application.
- 5.21 Swavesey & District Bridleways Association (SDBA) – No comments received.
- 5.22 Hunts Ramblers – No comments received.
- 5.23 Individual representations – Have been received from three local residents. The main concern is the failure of the landowner to provide the new bridleway and the failure of the County Council to ensure that the works were completed on time. Other points raised are the private haul road getting planning permission but not being used; the noise, vibration and air pollution from lorries; failure to adhere to 20 mph through Earith; closure of part of a public bridleway.
- 5.24 A copy of the full representations will be 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:

<b>Application No:</b>	<b>Proposal:</b>	<b>Decision:</b>
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 on H/0094/61)	Approved 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/025/19	Restoration of land at Colne Fen using imported waste to create conservation habitats (S73 application to develop land without complying with condition 1 of H/05001/13/CW to allow the development to continue for a further 5 years until 31 December 2024)	Under consideration (agenda item 6)

## 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 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 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 purpose of the proposed development is to stabilise the western boundary of Rhee Lake and Trout Lake to enable the bridleway to be reinstated. It is considered that criterion (e) of emerging MWLP policy 4 is met.

- 8.6 MWCS policy 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.”*

- 8.7 HLP policy LP3 requires development proposals to support green infrastructure and demonstrate that it maintains and where appropriate enhances the public rights of way network. 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.”*

- 8.8 The 2006 S106 agreement places an obligation on the landowner to create a permissive bridleway as part of the restoration of Colne Fen Quarry. In order to comply with the development plan policies referred to above the landowner was advised that more than just creating the previously approved permissive bridleway would be required for planning application FMW/025/19 to be acceptable. He 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 which would enable the public footpath between the end of the permissive route and Chatteris Road thereby creating a through route for horse riders and cyclists.
- 8.9 As noted in paragraph 1.4 above, a second area of instability along the western boundary of the former quarry was identified towards the end of 2019. Unless remediated, the bridleway could not be safely reinstated. The work which is the subject of this report is only necessary to enable the bridleway to be reinstated. If planning application FMW/025/19 is not approved the “fallback” restoration scheme would apply along with the 2006 S106 obligation which requires the creation of a permissive bridleway along the western boundary of the former quarry. It is considered that in principle in order to create a safe bridleway, either public or permissive, the works proposed in the current application are acceptable and would be consistent with MWCS policy CS25 (a) and (f) and emerging MWLP policy 19.
- 8.10 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 there would be no conflict with CS26 or with emerging MWLP policy 5.

#### *Traffic and highways*

- 8.11 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.”*

- 8.12 The development proposed in planning application FMW/025/19 would require the importation of 357,000 cubic metres of material of which 7,000 cubic metres would be under the CL:AIRE protocol. The current proposal is to import 31,000 cubic metres of material under the CL:AIRE protocol. This would represent an increase of 8.7% on the quantity of material to be imported under FMW/025/19. Both applications propose that the number of HCV movements would remain at 120 per day and that the private haul road would be used when it has been completed.
- 8.13 Consideration has been given to the impact of the current proposal on the duration of the restoration works at Colne Fen Quarry as a whole. Most of the material to be imported would be inert waste deposited in the Silt Pond under an environmental permit. The current proposal is to use material under the CL:AIRE protocol so would not divert waste away from and delay restoration of the Silt Pond. The applicant has stated that it would take approximately 9 months to complete the stabilisation works to Rhee Lake and Trout Lake. In order to secure the reinstatement of the bridleway as soon as possible it has been recommended that in respect of Rhee Lake, no material be used to complete the fish rearing ponds under planning application no. FMW/025/19 until the bridleway stabilisation works under the current proposal have been completed.
- 8.14 Whilst the current proposal would increase the total number of vehicle movements generated by the site it is considered that the short term impacts of this would be outweighed by the wider long term benefits of securing a new public bridleway. It is also considered that so as not to delay the reinstatement of the bridleway, HVCs serving the stabilisation works be permitted to use the existing agreed route to the A1307 (former A14) until the private HCV access route is completed.

*Public rights of way*

- 8.15 Part of the works that were permitted by planning permission H/05001/13/CW (see paragraph 1.2 above) were to stabilise part of Irrigation Lake and enable the permissive bridleway to be reinstated. This work was completed in 2019. As set out at paragraph 1.4 above additional stabilisation work is necessary to enable the bridleway to be created.
- 8.16 The landowner has agreed to enter into a s.106 agreement linked to applications FMW/025/19 and FMW/020/20 with obligations 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.

- 8.17 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 have been delayed by more than 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 the proposed development would comply with development plan policies MWCS CS37, HLP LP3 and LP16 and emerging MWLP 23.

*Ecology and biodiversity*

- 8.18 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. The proposed development would not affect the previously agreed restoration of Colne Fen Quarry in terms of its biodiversity value. 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.

*Flood risk and risk of pollution*

- 8.19 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 LLFA (see paragraph 5.9 above) is satisfied with the proposed surface water management measures and recommends that they be secured by condition (see recommended condition 4).
- 8.17 The Environment Agency has recommended that the applicant confirms to the Council the type of material that is to be accepted, where it is sourced from and confirmation the activity falls under the DoWCoP scheme. Whilst it is considered appropriate to restrict the type of material that may be used in the stabilisation works to CL:AIRE-compliant material that was proposed in the planning application (see recommended condition 11 below) it is not considered appropriate to require the applicant to provide further details. The CL:AIRE protocol requires the operator to have a Materials Management Plan in place which must include a Verification Plan signed off by a Qualified Person. The CL:AIRE organisation has a register of over 200 Registered Persons who are for the most part from land development consultancies. As noted at paragraph 2.1 above the CL:AIRE protocol is an alternative to an environmental permit or exemption from the Environment Agency. Any breach of the terms of the CL:AIRE protocol that would mean that an environmental permit would be needed would be a matter for the Environment Agency. NPPF paragraph 183 states that planning decisions should assume that other regulatory regimes will operate effectively.

*Impact on amenity*

- 8.18 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 public footpath 20 at the southern corner of the site. As for the 2013 development bridleway 6 would be used as the haul road. 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 same restrictions would be applied to the proposed stabilisation works to Rhee Lake and Trout Lake. With these restrictions in place it is considered that the proposed development would not give rise to unacceptable adverse impacts on the amenity of local residents or rights of way users so would comply with MWLP policy CS34, HLP policy LP14 and emerging MWLP policy 18 in respect of dust and noise.

## **9.0 CONCLUSION**

- 9.1 It has already been explained in paragraphs 1.4 and 1.5 above that the proposed stability works to Rhee Lake and Trout Lake are necessary for the creation of the bridleway which in turn is considered necessary to make planning application FMW/025/19 acceptable. Section 8 above sets out why it is considered that the proposed stability works would be acceptable in principle. If planning application FMW/025/19 has not been approved it is recommended that the current application is, for the reasons set out in paragraph 8.9 above, supported.

## **10.0 RECOMMENDATION**

- 10.1 It is recommended that if members resolve to approve planning application FMW/025/19 planning permission be granted subject to 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:

### Implementation

1. The development hereby permitted shall be commenced by 1 May 2025 Within 14 days of the commencement of the development hereby permitted, the waste planning authority shall be notified in writing of the date on which the development commenced.

*Reason: In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to monitor the site and establish the timescale for the implementation of the bird nest boxes identified in condition 7.*

### Time Limit

2. The route of the proposed bridleway within the Site shall be capable of being brought into use within 9 months of the date of commencement as notified in condition 1.

*Reason: The development is to enable the creation of a bridleway in accordance with policies CS25 and CS37 of the Cambridgeshire and Peterborough Minerals and*

Site

3. For the avoidance of doubt the 'Site' refers to the land outlined in red on Plan: C33/5/20/01 Location Plan (undated) (received 6 March 2020).

*Reason: To define the site for the avoidance of doubt.*

Compliance with Submitted Details

4. The development hereby permitted shall not proceed except in accordance with the following documents and drawings as amended by the conditions on this decision notice:
- Plan: C33/5/20/01 Location Plan (undated) (received 6 March 2020);
  - Plan: C33/5/20/02 Proposed Bridleway Improvement Works (undated) (received 6 March 2020); and
  - Flood Risk Assessment February 2020 Version 1 (Amber Planning Flood Risk & Hydrology Job No. H8321) (received 6 March 2020).

*Reason: To define the site and to ensure that the proposed surface water drainage measures are carried out in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP15 of the Huntingdonshire Local Plan (May 2019).*

Working Hours

5. 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 local 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).*

Permitted Vehicle Movements

6. 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/025/19 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 of an HCV and departure from it counted 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

7. 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/025/19, dated [to be inserted if planning permission is granted]; 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 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

8. All HCV access to and from the Site shall be from the existing access onto the B1050 (Chatteris Road) only, as shown on Plan: C/33/5/20/1 Location Plan (undated) (received 6 March 2020) 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

9. 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 effects on local amenity, to control the impact of the development and to comply with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011).*

#### HCV Sheeting

10. 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 LP15 of the Huntingdonshire District Council Draft Local Plan to 2036 – Stage 3 (May 2013).*

#### Infill Material

11. No material except that which complies with the CL:AIRE protocol shall be deposited at the Site.

*Reason: To prevent the pollution of groundwater, watercourses and water bodies and to in accordance with policy CS39 of the Cambridgeshire and Peterborough Core Strategy Development Plan Document (July 2011).*

#### Noise limits

12. 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 local 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

13. The development shall not be carried out except in accordance with the following dust suppression measures:
- 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 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; and
  - 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

14. The plant associated with the development hereby permitted 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

15. 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).*

Temporary Stockpiles

16. 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 CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011)*

17. Ecology

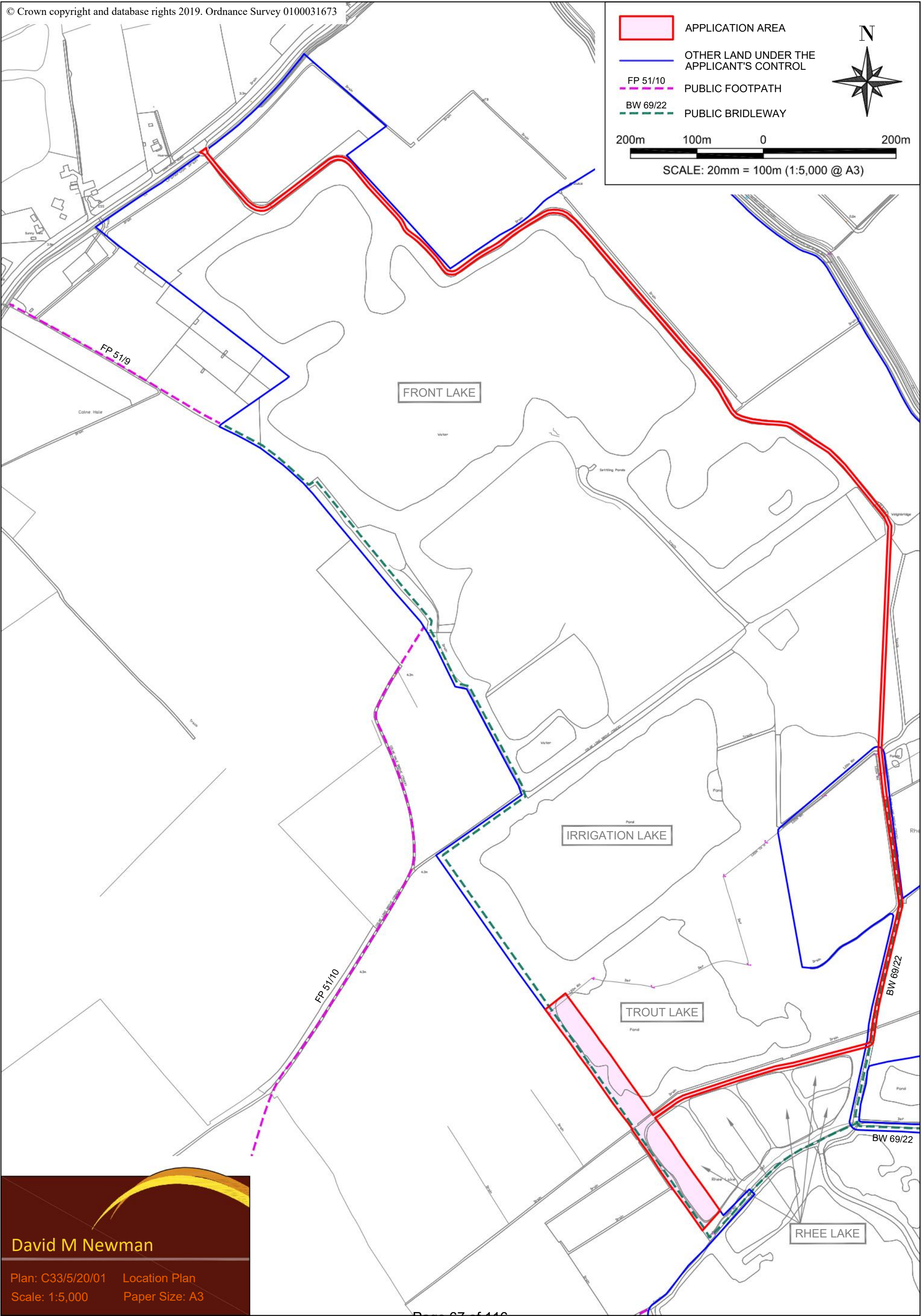
No development shall take place except in accordance with the Precautionary Working Methods set out on page 8 of the Water Vole Survey – Colne Fen Quarry, Somersham (Collington Winter ref. CW20-008-RPT-000 25<sup>th</sup> June 2020).

*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)*

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)  <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011)  <a href="https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan">https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan</a></p> <p>Link to the Huntingdonshire Local Plan (May 2019)  <a href="https://www.huntingdonshire.gov.uk/planning/new-local-plan-to-2036/">https://www.huntingdonshire.gov.uk/planning/new-local-plan-to-2036/</a></p>	



David M Newman

Plan: C33/5/20/01    Location Plan  
Scale: 1:5,000    Paper Size: A3



**ENFORCEMENT UPDATE REPORT 2020**

*To:* **Planning Committee**

*Date:* **1 October 2020**

*From:* **Joint Interim Assistant Director, Environment & Commercial**

*Electoral division(s):* **N/A**

*Purpose:* **To consider the following report**

*Recommendation:* **The Planning Committee is requested to note the content of this report.**

***Officer contact:***

Name:	Deborah Jeakins / Stanley Gono
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## **1 INTRODUCTION**

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work undertaken by the County Planning, Minerals and Waste team within the Environment and Commercial Service.
- 1.2 The Enforcement update report is usually prepared and presented to members of this Committee on a quarterly basis. However, the last full report was presented in October 2019, which was outside of the normal quarterly reporting schedule owing to there being no agenda items for previous meetings of the Committee. No Planning Committees were convened between that date and this Committee and therefore, this report covers the work of the team between 1 October 2019 and 31 August 2020.
- 1.3 Prior to January 2020, the Enforcement and Monitoring team consisted of the Principal Enforcement and Monitoring Officer, a Monitoring and Control Officer and a Senior Compliance Officer whose time was shared with the Flood Risk and Biodiversity team. In January 2020, the Senior Compliance Officer post became vacant and a new Planning and Compliance Officer role was created as a replacement. Approval and establishment of the new role was delayed owing to the redeployment of the HR team in response to Covid 19 but this process is now underway. At the end of March 2020 the Monitoring and Control Officer was also redeployed to assist with the Covid 19 crisis, with the redeployment period ending on 31 August 2020.
- 1.4 Paragraphs 2 to 5 of the report summarise the current complaints under investigation; number of formal Notices served; Enforcement Appeals; and Ombudsman complaints received.
- 1.5 Paragraph 6 of this report details: the site monitoring visits undertaken between 1 October 2019 and 31 August 2020, including those that are chargeable, those that are non-chargeable and those that were undertaken to investigate complaints.
- 1.6 Paragraphs 7 to 12 of the report provide updates on a number of key ongoing Enforcement Investigations.

## **2 COMPLAINTS RECEIVED**

- 2.1 This section of the report covers the number of complaints received by the team between October 2019 and the end of August 2020. It should be noted that in early March 2020 Covid 19 social distancing measures were introduced which prevented all but essential travel and this impacted on the ability to undertake site visits. Visits to complaint sites resumed in late June 2020, with appropriate social distancing and safety measures being followed.
- 2.2 At the time of writing this report, the Enforcement and Monitoring team have 18 active complaints under investigation.
- 2.3 Between 1 October 2019 and 31 August 2020 the team received 31 complaints.

**Table 1** - summary of the status of complaints received:

Complaint Type	Number
Under investigation	5
Breach established and resolved	8
Breach established. Investigation on-going	6
No breach established, case closed	10
Not a county matter	2
<b>Total</b>	<b>31</b>

2.4 At the time of writing, of the 31 complaints received between 1 October 2019 and 31 August 2020:

- 21 cases have been investigated and closed;
- 10 cases remain open and under investigation;

There are a further 8 pre-existing complaints (received before 1 October 2019) which remain under investigation.

### **3 NOTICES SERVED**

3.1 No new Enforcement Notices (EN), Breach of Condition Notices (BCNs) or Planning Contravention Notices (PCN) have been served in this period.

### **4 APPEALS**

4.1 No enforcement appeals have been lodged or dealt with by the County Planning Minerals and Waste Enforcement and Monitoring team between 1 September 2019 and 31 August 2020.

### **5 OMBUDSMAN COMPLAINTS**

5.1 No Local Government Ombudsman complaints were received during the period 1 September 2019 and 31 August 2020.

### **6 SITE MONITORING VISITS 1 SEPTEMBER 2019 – 31 AUGUST 2020**

6.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites. The Authority levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The national fees for conducting the visits are currently:

- Active sites £397
- Inactive or dormant sites £132

- 6.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits. However, as noted above, in response to Covid 19 measures were introduced nationally in early March 2020 which prevented all but essential travel and this prevented chargeable site visits being undertaken in the first quarter of this financial year.
- 6.3 Other sites that are the subject of waste planning approvals, such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission. However, the cost of these visits is borne by the Authority.
- 6.4 A summary of the number and type of chargeable monitoring visits, non-chargeable monitoring visits and complaint site visits carried out during the monitoring period is set out in Tables 2 and 3 below. Owing to the length of time that this update report covers, the information has been split to show the visits undertaken in the second and third quarters of the last financial year (1 September 2019 to 31 March 2020) in table 2 and table 3 shows the visits undertaken in the 2020-2021 financial year up until 31 August 2020.

**Table 2 – Site visits by type 1 September to 31 March 2020**

Site Type	Visits
Landfill	13
Quarries	22
Non chargeable sites	7
Complaint site visits	10
<b>Total</b>	<b>52</b>

**Table 3 – Site visits by type 1 April 2020 to 31 August 2020**

Site Type	Visits
Landfill	3
Quarries	4
Non chargeable sites	0
Complaint site visits	9
<b>Total</b>	<b>16</b>

- 6.5 Chargeable site visits usually take priority as they generate a small but significant income stream for the Council. However, between mid March 2020 and 1 July 2020 officers were unable to undertake these visits and only attended complaint sites where the breach had the potential to cause serious environmental or planning harm.
- 6.6 The total income generated by the scheduled chargeable monitoring visits in the 2019 to 2020 financial year was £24,974.00, this amount was slightly down from the estimated figure of £27,122.00 owing to a number of previously approved mineral planning permissions that were not implemented in the period.



- 6.7 The total income that it was estimated would be generated by chargeable monitoring visits in the financial year 2020 to 2021 was £23,285.00. However, achieving this figure will not be possible owing to the temporary closure of some sites and the social distancing measures introduced to combat Covid 19 as well as redeployment of key staff and delays in being able to recruit to the new post in the team.

## **7 ENFORCEMENT CASES**

- 7.1 There are currently 2 active enforcement cases where formal enforcement action has been taken and monitoring is on-going. A summary of each case is set out in Appendix 1.
- 7.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking formal enforcement action.

## **8 MILL ROAD, FEN DRAYTON**

- 8.1 On 21 November 2018 a Planning Contravention Notice was served on the owner of the above land in respect of unauthorised waste storage and processing land planning uses at the site. The Council had refused to grant two previous applications for a Certificate of Lawful Development for use of the land for the processing of inert waste. Although an appeal was lodged with the Planning Inspectorate (PINS) in relation to the refusal of the second Certificate application, it was withdrawn by the appellant before the planned Public Inquiry could go ahead.
- 8.2 On 11 December 2018 a new Certificate application was submitted for storage of inert building site waste and occasional processing incidental thereto. Noting that the agent for the applicant had already been advised that the Council was not aware of any material change(s) in circumstances that might be likely to lead to the grant of a Certificate, the Certificate application was refused on 18 April 2019. An appeal against the refusal was lodged with the PINS and then withdrawn on 12 December 2019.
- 8.3 A Delegated Enforcement Report seeking authorisation to serve an Enforcement Notice (EN) for an unauthorised material change of use of the land was drafted but before it was completed and authorised, a further (fourth) Certificate of lawfulness application was submitted for an existing use for storage of inert building site waste and occasional processing incidental thereto. The evidence submitted with the application is being considered and if it is unable to overcome the evidence that the Council has on file relating to the use of the land over the preceding ten years then the certificate will not be issued. If the Certificate is not granted and the EN is served, the landowner may wish to lodge an appeal to PINS against the service of the EN and the refusal to issue the Certificate.

## **9 FIELD 6184 / BLACK BANK, LITTLE DOWNHAM**

- 9.1 An Enforcement Notice was served in relation to the unauthorised importation of waste on to land at First Drove in 2012, as detailed in Appendix 1 below. Although

the Notice was not fully complied with, legal advice was that without evidence of the original land levels, a prosecution for failure to comply with the Notice was not likely to be successful. The land owner ceased the importation of waste on to that piece of land. However, in 2015 concerns were raised that the importation of waste had now transferred onto land at Black Bank, Little Downham which is within the same agricultural unit and ownership as First Drove.

- 9.2 The Council sought advice from Counsel on how to address the ongoing unauthorised importation of waste on to the agricultural unit and then submitted an application to the High Court for a prohibitory injunction which would make it a criminal offence to import any further waste material onto any part of the agricultural unit. However, at the hearing that took place at the Royal Courts of Justice in July 2018, the landowners and tenant farmer agreed to a High Court Order so that the Judge did not have to rule on the injunction.
- 9.3 The terms of the Order are that the defendants must not import any waste onto the land or undertake any engineering operations (such as the creation of bunds) without fresh planning permission or the written consent of the County Council. The landowner must notify the Council if they wish to import waste or undertake engineering operations on the land and detail the anticipated volume of waste required. Once notified, the Council has six weeks to agree or object to the proposed importation and if the Council fails to respond then the works can take place without being in breach of the Order. However, if the Council refuses consent and the landowner wants to dispute this then he will need to apply to the County Court for them to rule on whether the waste is legitimately required for permitted development works on the land. A confirmed breach of the order could result in contempt of court proceedings.
- 9.4 On 19 September 2019, the landowner submitted a prior notification Ref. 19/01268/AGN with East Cambridgeshire District Council (ECDC) to erect an agricultural building on the same piece of land at First Drove to which the extant enforcement notice relates. A letter was sent to the landowner advising them of the potential penalties that they could face should the High Court Order be breached; reminded the landowner that the County Council already has evidence of the land levels across the site; and that officers will be monitoring the site for any breach of planning control. ECDC granted permission for the steel framed agricultural building on 10 October 2019. Officers are not aware that any work has started on site to construct the building and would prioritise visiting the site in response to any reports of any importation of waste onto the site and, if necessary, put any evidence of a breach of the High Court Order before the courts.
- 9.5 In January 2020, the Council received the second annual instalment of the payment of the costs incurred in taking this matter before the High Court. The third and final payment is due in late 2020.

## **10 BLOCK FEN**

- 10.1 The upgrading of Block Fen Drove to make it suitable to accommodate all the mineral and waste traffic associated with sites in the area has been an ongoing issue for a number of years. Appendix 1 details formal enforcement action that had been taken previously to try to resolve this issue.

- 10.2 A formal Section 278 (S278) agreement from the Highway Authority was required for the works to improve the highway and the application for the agreement needed to be accompanied by 50% of the application fee. In September 2016 the sharing of the costs for the scheme was agreed and all the operators sent in their share of the formal S278 agreement application fee.
- 10.3 On 20 February 2019 planning permission reference F/2011/18/CW was approved for a Section 73 planning application to develop land without complying with conditions 9 & 10 of planning permission F/2000/17/CW (Continuation and extension of mineral extraction and waste disposal & management activities granted 21 May 2018) to allow 80,000 cubic metres of clay to be extracted for unspecified engineering projects. Condition 8 is a pre-commencement condition which was imposed on the permission relating to the Highway improvements, but the new permission was implemented without compliance with this condition due to delays with the finalisation of the S278 agreement.
- 10.4 On 21 January 2020 LGSS Law advised the County Council that the S278 agreement for the highway improvement works had been signed. On 27 February 2020 MGL advised the County Council that the scheme was out for tender and once a contractor is appointed, road space will be booked with CCC Highways Engineers. The travel restrictions and social distancing measures introduced to prevent the spread of Covid 19 delayed the works further and now that these have been relaxed, officers are awaiting the commencement date will be forwarded to the County Council.

## **11 SAXON PIT, PETERBOROUGH ROAD, WHITTLESEY**

- 11.1 In January 2018 the Environment Agency (EA) received a number of odour complaints associated with inadequate waste acceptance procedures taking place at Saxon Pit as part of the filling of the former quarry face which is covered by a County Council waste planning permission. Investigations undertaken by the EA revealed a large scale problem regarding the acceptance and depositing of non-conforming waste material covering a wide area of the site, down to an approximate depth of 2 metres.
- 11.2 All work on site ceased whilst the EA investigated the scale of the problem and assessed what remediation the operator would be required to undertake. As a result, the stabilisation project was not completed by November 2018 as originally intended and the previous planning permission expired. A S73A planning application, reference F/2015/18/CW, was submitted to extend the timescale for the importation of waste to buttress the southern face of the former quarry. The application only sought to continue using the existing approved waste types and did not cover the waste type brought onto site without the necessary permission or permit.
- 11.3 The EA served an Enforcement Notice requiring the removal of the non-conforming waste from phase 1 of the development but subsequently withdrew it in order to gather more evidence on the medium and long term stability of the pit face. The EA confirmed that the deposit of non-conforming waste had also taken place across a further five phases of the development.

- 11.4 In February 2020 the EA advised the County Council that they do not propose any active stability monitoring going forward and they recommend the completion of the stabilisation works to prevent further saturation in the active tipping face and that this is undertaken prior to any restoration activities.
- 11.5 In June 2020 the EA advised the operator that they would not require the removal of the non-conforming waste, provided that containment measures are put in place to control the leachate and landfill gas arising from the imported waste. As the statutory regulatory authority for leachate and landfill gas matters, the EA recommended that an environmental assessment is undertaken to determine the chemical nature of generated leachate, the likelihood of its migration and its potential impact to sensitive receptors in the long term, along with representative gas monitoring. The full details of the EA's consultation responses in respect of this planning application can be found on the Council's public access webpage (<https://planning.cambridgeshire.gov.uk/online-applications/>), under planning reference F/2015/18/CW.
- 11.6 The EA has also expressed concerns about the stability of the pit and water ingress from Kings Dyke which has the potential to affect a Network Rail train line which passes along the boundary of the site. Network Rail have been formally advised of these concerns but have failed to respond.
- 11.7 Legal advice confirmed that the principle of development at the site has previously been found to be acceptable. Therefore, in the absence of any objection from any of the consultees, it was accepted that there was a need for the stabilisation works to be completed. The deposit of waste that has already taken place at the site that is not inert, which was outside the remit of the extant planning permission, constituted one material consideration to be considered when determining the planning application submitted. The submitted planning application sought an extension of time to complete the importation of waste to stabilise the pit face, and did not constitute a justifiable reason for the refusal of the application as there were no other identified valid planning reasons to refuse to grant planning permission.
- 11.8 The EA investigation is ongoing and is likely to continue for some considerable time. Officers from County Planning will continue to work closely with the EA to ensure that enforcement officers are kept updated on the current situation and joint monitoring will be undertaken to determine the type and source of waste material brought onto the site for use in the stabilisation and restoration.

## **12 EAST ANGLIAN RESOURCES (EARL) WOOD WASTE, WHITTLESEY**

- 12.1 In December 2018 planning approval was granted for the continued use of the EARL wood waste yard at Whittlesey, subject to conditions. A planning condition required a permanent secure division between the wood waste yard and the adjoining land which EARL refer to as a separate 'haulage yard' in order to address allegations that HGVs were moving between the adjacent haulage yard and the EARL site and leaving the wood waste site overnight.
- 12.2 Following a significant delay in the submission of a suitable scheme, on 19 February 2020 the details of the permanent barrier which will be erected between the two sites were agreed by the Waste Planning Authority and the condition required that the barrier be installed by 18 March 2020.

- 12.3 On 17 March 2020, EARL advised that their chosen contractor could not obtain the fencing owing to a breakdown in the supply chain from China. Noting the circumstances, officers gave an extension to the deadline until 8 April 2020 to source an alternate supplier.
- 12.4 On 15 July 2020 officers confirmed that the required barrier has been installed, thereby creating a division between the wood waste yard and the adjacent land. Fenland District Council (FDC) planning enforcement are now investigating the operation of the haulage yard on the adjoining land which is a new planning unit and an unauthorised change of use of that land. As the overnight HGV movements that have been the subject of complaints to County planning all stem from the land adjoining the wood waste yard, and this is now a separate haulage yard operating as East Anglian Recycling Ltd, any further complaints about overnight HGV movements will be referred to FDC to investigate and pursue.

## APPENDIX 1 – ENFORCEMENT CASES WHERE NOTICES HAVE BEEN SERVED AND MONITORING IS ONGOING

KEY: RED = HIGH PRIORITY    AMBER = MEDIUM PRIORITY    GREEN = LOW PRIORITY

Description of Alleged Breach	Location	Notice Issued	Comments
<p><b>1. GREEN</b> Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p><b><u>Condition 6</u></b> No development shall commence until a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 has been submitted to and approved in writing by the Council in consultation with the local highway authority. The submitted scheme shall include a programme of implementation and shall be fully completed by 5 August 2012.</p>	Mepal Quarry Block Fen Drove Mepal	BCN 06/01/14	<p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>See section 10 on Block Fen in the main body of the report for a further update.</p>
<p><b>2. GREEN</b> Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.</p>	First Drove Little Downham Ely	EN 17/01/12	<p>An EN for unauthorised change of use was served in 2012 and upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field. Topographical surveys of the land confirmed that the EN had not been fully complied with. Counsel advice received in 2017 in respect of the larger agricultural unit led to the High Court action detailed in section 9 above.</p>

**ENFORCEMENT PLAN REVIEW**

*To:* **Planning Committee**

*Date:* **1 October 2020**

*From:* **Joint Interim Assistant Director, Environment and Commercial**

*Electoral division(s):* **ALL**

*Outcome / Purpose:* **To consider the following report and approve the updated Enforcement Plan.**

*Recommendation:* **The Planning Committee is requested to approve the updated Enforcement Plan.**

<b><i>Officer contact:</i></b>	
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## **1 INTRODUCTION**

1.1 This report seeks approval from members of the Planning Committee for an updated Enforcement Plan for the County Planning, Minerals and Waste service.

1.2 Paragraph 58 of the National Planning Policy Framework (February 2019) states:

*‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.’*

1.3 The purpose of this Enforcement Plan (the Plan) is to explain the County Council’s approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also sets out how investigations into breaches of planning control will be conducted, what formal action can be taken to remedy breaches of planning control and how decisions will be made in respect of pursuing formal action.

1.4 The current Enforcement Plan, which was last updated in 2017, is a public document that is published on the planning enforcement pages of the Council’s website:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/planning-enforcement-and-monitoring>

1.5 The Plan is used as a framework for the enforcement and monitoring of authorised mineral and waste sites as well as sites where no County Planning permission is in place. The Plan also contains guidance on how breaches of planning control on the County’s own development sites are addressed.

1.6 The Plan would be referred to by the Planning Inspectorate and Local Government Ombudsman in an assessment of any enforcement appeal or complaint against the enforcement and monitoring service. Therefore, the Plan is a key policy document that requires regular review to ensure that it remains current and relevant and that its stated aims and targets are achievable with the available resources.

1.7 The Enforcement Plan has recently been reviewed and the new draft plan, which is attached as Appendix A to this report, has been through a formal consultation process before being brought before members for their formal approval.

## **2 Consultation process**

2.1 A formal consultation on the draft plan ran for a six week period between 26 February and 8 April 2020.



- 2.2 As part of the consultation process, copies of the draft plan were sent to all Parish Councils in Cambridgeshire; the planning departments of the five district authorities in Cambridgeshire; the planning departments of the seven adjoining County authorities; and the local Mineral and Waste operators that control the main mineral and waste sites within Cambridgeshire.
- 2.3 The draft plan was also published on the County Council's Planning enforcement and monitoring web pages.
- 2.4 Prior to the formal consultation process, the amendments to the draft Plan were approved by Legal Services and this is the first Planning Committee that has been convened since the consultation period ended.

### **3 Consultation responses**

- 3.1 A total of 10 consultation responses were received.
- 3.2 A summary of the consultation responses received and action taken to address them can be found in Appendix B.
- 3.3 A summary of the responses received and any revisions or actions taken in response will be published on the planning enforcement and monitoring pages of the Council's website, at the following link:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/planning-enforcement-and-monitoring>

### **4 Revisions to the Plan and key points to note**

- 4.1 In the previous review of the Plan that took place in 2016, a significant amount of information which related to procedures for site monitoring and explanations of the enforcement powers within planning legislation was removed. The information was retained and included within a 'Procedures' document which was placed alongside the plan on the webpages. It is not proposed to revise or remove these procedure notes as part of this Plan review and it remains publicly available on the enforcement and monitoring webpages.
- 4.2 No significant changes have been made in updating this Plan, or to the approach that is taken to enforcement and monitoring of County Planning matters. There have been some minor alterations and updates to wording within the Plan, for instance in relation to the data protection, the sharing of information and joint working with other statutory bodies (in paragraph 11.3).
- 4.3 The only other changes to wording within the Plan are minor amendments to the wording with the aim of providing clearer guidance on the work of the enforcement and monitoring team.
- 4.4 The format of the draft Plan that was circulated during the consultation was two columns of text per page. However, a consultation response raised issues with

reading the column format when using small screens and therefore the trial format of the Plan was disregarded and the standard document format has been retained.

- 4.5 The key points of the Plan that members may wish to note are that Local members and Parish Councils will be advised of any confirmed breach of planning control in the areas that they represent and that formal enforcement action and updates to key cases are reported to this Committee in regular update reports from the enforcement and monitoring team. The local elected member and Parish Councils that represent areas where breaches have taken place and / or enforcement action has been taken are also sent copies of the update report.
- 4.6 If the amended Plan is accepted and approved by this Committee, the next review of the Plan will be scheduled for 2022.

## **5 Further information**

- 5.1 For further information on the revised Plan, County enforcement and monitoring procedures or individual enforcement or monitoring issues, please contact: [deborah.jeakins@cambridgeshire.gov.uk](mailto:deborah.jeakins@cambridgeshire.gov.uk).

## **6 Recommendation**

- 6.1 It is recommended that members approve the new version of the Local Enforcement Plan (set out in Appendix A) for the County Planning, Minerals and Waste service.



# Enforcement Plan

County Planning, Minerals and Waste

XXX 2020

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# 1 Introduction and Purpose

- 1.1 Cambridgeshire County Council (the Council) is committed to delivering an effective and proportionate planning control service for 'County matters' which are defined in Schedule 1 of The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003, i.e. those relating to mineral and waste. The Council also determines applications for its own development such as new roads and transportation schemes, and education facilities under Regulation 3 of the Town and Country Planning Regulations 1992 (as amended), but is not the Local Planning Authority responsible for any other planning matters that take place within the County.
- 1.2 The purpose of this Enforcement Plan (the Plan) is to explain our approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also sets out what action can be taken and how decisions will be made in respect of pursuing formal action.
- 1.3 The publication of this Plan accords with paragraph 58 of the National Planning Policy Framework (NPPF), published February 2019, which states:

*Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.*

- 1.4 Section 55 of the Town and Country Planning Act 1990 (as amended) defines 'development' as:

'...the carrying out of building, engineering, mining or other operations, in, on, over or under land or the making of any material change in the use of any buildings or other land.'

- 1.5 A Breach of planning control is defined under section 171A (1) of the Town and Country Planning Act 1990 (as amended, as carrying out development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted.
- 1.6 Our approach consists of two broad elements: monitoring and enforcement.

**Monitoring** refers to the proactive periodic inspection of permitted mineral and waste management sites. Monitoring mineral and waste sites is a statutory duty under Regulation 19 of The Waste (England and Wales) Regulations 2011.

**Enforcement** refers to how investigations into allegations that a breach of planning control has occurred will be undertaken, and, where appropriate, the steps that the Council may pursue to remedy a breach.

## 2 General Principles

- 2.1 A key principle of the Council's approach to planning is to support sustainable growth, which takes into account the needs of the environment.
- 2.2 The principles in this Plan align with the vision, corporate objectives and priorities of the Council.
- 2.3 Each set of circumstances is unique and must be considered on its own merits. However, the Regulators' Code published by the Department for Business Innovation and Skills in April 2014 sets out the general principles of good enforcement and these include transparency, consistency and accountability.
- 2.4 Effective enforcement should be risk based and not necessarily limited to formal enforcement actions; it can include preventative measures such as inspections to check compliance with legal or other requirements and the provision of advice and guidance to support compliance.
- 2.5 All Council officers with responsibility for planning matters will have regard to the Enforcement Plan, the Regulators' Code and relevant legislation and guidance. The Council will only take action which is proportionate to the planning harm and to the seriousness of any breach of planning control.
- 2.6 Where a breach of planning control has been confirmed, officers will usually begin by trying to secure compliance with the use of an advisory approach.

However, in certain circumstances, this will not be appropriate and further action will be considered necessary to remedy the planning harm being caused.

- 2.7 All officers undertaking enforcement activities will be duly authorised under the Council's scheme of delegation and will be appropriately trained to undertake their enforcement duties, and understand the principles of good regulation.

### 3 Enforcement and Compliance Objectives

- 3.1 The Council's enforcement and monitoring objectives are to ensure that:
- serious or irremediable harm occurring as a result of mineral and waste development is prevented and / or addressed;
  - site operators, landowners and occupiers comply with the planning conditions imposed by the Council; and
  - breaches of planning control are addressed reasonably, appropriately and proportionately.
- 3.2 These objectives are intended to help:
- maintain the integrity of the decision-making process; and
  - ensure that public confidence in the decision-making process is maintained.
- 3.3 When it is considered necessary and expedient to do so, the Council will act decisively and liaise closely with other enforcement agencies in order to reduce any adverse effects that unauthorised development has on local amenity and minimise any damage to the environment.

### 4 Monitoring Visits and Fees

- 4.1 The main purpose of a monitoring visit is to check compliance with conditions of the relevant planning permission(s) and, if relevant, legal agreement(s) relating to mineral or waste development. These planning permissions may include complex and technical conditions, which are designed to mitigate the impact of the activity.
- 4.2 The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) enable the



Council to charge a fee for monitoring permitted mineral extraction and landfill sites, from the date that the permission is implemented to the end of the aftercare period.

4.3 The monitoring fees are set by Government and, at the time of publishing this Plan, the following monitoring fees are payable:

- where the whole or a part of the site is active the fee is £397; or
- if the site is inactive or dormant the fee is £132.

4.4 The cost of visiting other types of mineral and waste management sites, such as waste transfer stations, material recycling facilities, energy from waste plants, scrap yards and mineral rail heads (including any associated industrial development), is borne by the Council.

4.5 Monitoring visits will serve to:

- allow the Council to gain an overall impression of the day-to-day operation of the site, chart progress to date, and identify and address potential problems before they arise;
- encourage good operational practice rather than punish bad practice;
- act as a means of regular liaison with operators; and
- provide information to support any site liaison forums.

## 5 Assessing Complaints

5.1 The Council will investigate complaints alleging a breach of planning control within Cambridgeshire, which are 'County matters'.

5.2 Anonymous complaints or complaints that appear to be vexatious in nature will not normally be investigated, unless they allege a serious breach of planning control that is capable of being verified by a Council Officer.

5.3 All complaints are assessed and prioritised based on the potential severity of the issues raised and the risks determine the timescales for the investigation. The Council will aim to meet the timescales for visiting complaint sites shown in the table below:



	Description of harm	Site Visit
<b>High</b>	<p><b><u>Severe risk of irreversible harm occurring</u></b></p> <p>County matters which may cause immediate or irreversible harm either to:</p> <ul style="list-style-type: none"> <li>• local amenity;</li> <li>• designated sites under the Ramsar<sup>1</sup> international wetlands convention, special protection areas, special areas of conservation, sites of special scientific interest, scheduled monuments, habitats of statutorily protected species, local nature reserves or county wildlife sites;</li> <li>• human health and/or safety;</li> <li>• potable ground and/or surface water supplies; or</li> <li>• archaeological resources.</li> </ul>	within 3 working days
<b>Medium</b>	<p><b><u>Significant /Medium risk of harm occurring</u></b></p> <p>County matters which may impact, but does not appear to cause immediate or irreversible harm, on the designated sites listed above or may cause significant harm either to:</p> <ul style="list-style-type: none"> <li>• local amenity;</li> <li>• human health and/or safety;</li> <li>• ground and/or surface water; or</li> <li>• archaeological resources.</li> </ul>	within 5 working days
<b>Low</b>	<p><b><u>Low Risk of harm occurring</u></b></p> <p>County matters which do not appear to be causing significant harm or do not have the potential to cause significant harm to the designated sites listed in above or to:</p> <ul style="list-style-type: none"> <li>• local amenity;</li> <li>• human health and/or safety;</li> <li>• ground and/or surface water; or</li> <li>• archaeological resources.</li> </ul>	within 10 working days

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<sup>1</sup> Wetlands of international importance designated under the Ramsar Convention.

## 6 Investigating Complaints

- 6.1 Complaints will be recorded and acknowledged within 5 working days of receipt. Complainants will be updated at key stages during the investigation and their details will be kept confidential.
- 6.2 Following a desktop investigation into the relevant planning history and constraints relating to the land, officers will usually need to undertake a site visit to gather more information and evidence relating to the alleged breach.
- 6.3 If a breach of planning control is confirmed, the occupier/landowner will be advised of the details of the breach and of the likely steps and timescales required to remedy it.
- 6.4 Further site visits and monitoring may be undertaken to ensure the required actions are completed within the specified timescales.
- 6.5 Because breaches of planning control relating to waste and mineral development can have a serious and detrimental impact on local amenity and the environment, it is normal practice for officers to notify the local County Councillor (and occasionally also the Parish Council) when there is a confirmed breach of planning control in the area that they represent.

## 7 Legal Powers to Obtain Information

- 7.1 The Council may serve the following notices on the owner or occupier of the land to obtain land ownership information, to assess whether a breach of planning control has occurred and to gather evidence in respect of the seriousness of any breach:
  - A Planning Contravention Notice under Section 171C Town and Country Planning Act 1990 as amended;
  - A notice under Section 330 of the Town and Country Planning Act 1990; and
  - A notice under Section 16 Local Government (Miscellaneous Provisions) Act 1976.
- 7.2 There is no right of appeal against the service of these notices and failure to provide a formal written response to a notice within the specified timescale is a criminal offence, which is open to prosecution.

## 8 When a Breach is Confirmed

- 8.1 Before considering any possible enforcement action, the investigation will establish whether or not the development is acceptable in principle, and if anything needs to be done to bring it up to a satisfactory standard, or to ensure it complies with the relevant legislation.
- 8.2 If the principle of development is not acceptable, officers will consider what action is appropriate to prevent it continuing and produce a written report to support any recommendations for further action. The report will set out the background and circumstances of the breach, the planning harm caused, any relevant planning policy, the options for taking action and the justification for the recommended course of action.
- 8.3 Although the Council would prefer to negotiate a satisfactory outcome, in some cases formal enforcement action may be considered necessary.

## 9 Where Enforcement Action will not be taken

- 9.1 There are some circumstances where the County Council will not be able to take formal enforcement action. These include:
  - When the Council determines applications for its own development. In these cases, the responsibility for compliance with the permission lies with the relevant Council Directorate. If the breach is not remedied, the matter will be reported to the Planning Committee.
  - Where the time limit for taking action in respect of a breach of planning control has expired, Section 171B of the Town and Country Planning Act 1990 (as amended) explains the time scales after which ongoing breaches of planning control become immune from enforcement action.
  - Where the development benefits from permitted development rights under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), provided that all the relevant restrictions and conditions have been met.
  - Where the County matters have no impact on designated sites or on the local amenity and in cases where technical breaches of planning control cause no material harm or adverse impact on amenity.

9.2 The County Council does not deal with enforcement matters arising from:

- Fly tipping or general household waste matters;
- Development that has been permitted by District Councils. The Council may be involved in assessing whether the importation of material (such as hardcore) is necessary for enabling the permitted scheme or development to go ahead.

## 10 Retrospective Applications

10.1 Where the unauthorised development could be acceptable in planning terms the Council may ask the occupier/landowner to submit a retrospective planning application. The occupier/landowner will be encouraged to seek pre-application advice before submitting a retrospective planning application. Officers will not provide advice outside the formal pre-application advice process.

10.2 Information on obtaining formal pre-application advice is available on the Council's website at:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/>

10.3 The Council will not invite a retrospective planning application if the unauthorised development is contrary to policy, or appears to have the potential to cause harm that could not be satisfactorily mitigated by the use of planning conditions.

10.4 If a retrospective planning application is invited and submitted, the Council will not usually take formal enforcement action whilst the application is being considered. However, the Council will continue to monitor the implications of the development.

10.5 If planning permission is refused and further negotiations fail to remedy the breach, appropriate enforcement action is likely to be pursued.

10.6 Where a retrospective planning application is submitted contrary to advice that there is no reasonable prospect of planning permission being granted, enforcement action may be taken prior to the application being determined.

10.7 The Council has the power to decline to determine a retrospective planning application for development, which is already the subject of a pre-existing enforcement notice.

## 11 Working with District Councils and other Agencies

11.1 If a breach of planning control that is not either a 'County matter' or permitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) is established, it will be passed on to the relevant Local Planning Authority (District Council).

11.2 In cases where unauthorised development involves both County matters and district planning issues, the Council will liaise with the relevant District Council to establish all the lawful and unlawful planning land uses. If enforcement action is considered to be necessary and expedient, the Council will work with the relevant District Council to ensure that all aspects of the planning harm can be adequately and appropriately addressed before commencing action. Each case will be decided on its merits and consideration will be given to the land use implications and the respective jurisdiction and powers of County and District Councils.

11.3 In cases where the enforcement role is shared with other agencies, (for example the Police, Environment Agency, Internal Drainage Boards, Environmental Health Department of the local council or the Health and Safety Executive), the Council will coordinate and collaborate with these agencies to secure regulatory compliance is achieved effectively and efficiently. Where it becomes necessary to exchange information with partner agencies, we ensure we follow the requirements of the data protection legislation, and other relevant legislation, in force at the time.

11.4 Where a breach of planning control relating to county development occurs within Cambridgeshire which impacts on the amenity of residents in an adjacent county, the investigating officer will provide the other Council or authority details of the breach within 5 working days.

## 12 Principles of Enforcement Action

- 12.1 Where breaches of planning control are identified, the Council may take enforcement action, where it is satisfied that it is expedient, necessary and in the public interest to do so.
- 12.2 The Council will take a consistent, clear and fair approach to enforcement, having balanced the need for environmental protection against the desire to encourage sustainable development.
- 12.3 The Council will usually only take enforcement action when there is evidence that a breach of planning control has occurred that has, or is likely to, cause demonstrable harm to the public amenity or the environment.
- 12.4 Where an educational and advisory approach has not succeeded in remedying the harmful effects of unauthorised development, continued negotiations will not be allowed to delay formal enforcement action.
- 12.5 The enforcement action taken and the required remediation will be proportionate to the nature of the breach.
- 12.6 The time taken to pursue formal action varies on a case by case basis. The emphasis will be on balancing the urgency to remedy the planning breach with mounting a properly constituted legal response, taking into account available resources.
- 12.7 The Council will co-operate closely with other agencies to ensure a satisfactory solution to breaches of planning control.
- 12.8 National legislation provides the Council with a number of enforcement tools, which can be used to address breaches of planning control. These include:
- **Planning Contravention Notice**
  - **Section 215 Notice of the Town and Country Planning Act 1990**
  - **Breach of Condition Notice**
  - **Enforcement Notice**
  - **Stop Notice**
  - **Temporary Stop Notice**
  - **Prosecution**
  - **Default Action**
  - **Injunctive relief**
  - **Planning Enforcement Order.**

12.9 Further information on planning enforcement and the various options available to the Council can be found online at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/ensuring-effective-enforcement/planning-enforcement-overview/>

12.10 Where an offence has been committed under planning legislation, the Council may, depending on the circumstances, take action under the Proceeds of Crime Act 2002 to recover a company's or individual's assets that are considered to be the proceeds of crime.

## 13 Enforcing Planning Obligations

13.1 Where a breach of a planning obligation, such as an HGV routeing scheme contained within a section 106 agreement or a unilateral undertaking is identified, the Council will initially try to address the breach by working with the relevant site operator.

13.2 If the breach cannot be resolved by negotiation and co-operation the Council will, where necessary, take legal advice on enforcing the relevant clause of the planning obligation.

## 14 Feedback, comments and complaints

14.1 If you wish to make an enquiry about this Plan, provide feedback or raise a complaint about the Enforcement Service you can:

- contact the officer dealing with your case directly;
- complete the [online form](#);
- email [planningDC@cambridgeshire.gov.uk](mailto:planningDC@cambridgeshire.gov.uk);
- telephone us on 0345 045 5200 (charged at local rate); or
- contact your County Councillor.

## 15 Plan Review

15.1 This Enforcement Plan will be reviewed every three years and published on the Council website at:

<http://www.cambridgeshire.gov.uk/>

15.2 The date of the next plan review will be 2023.



## **Cambridgeshire County Council Local Enforcement Plan for Minerals and Waste Development in Cambridgeshire Consultation Response Summary**

The consultation on the Local Enforcement Plan for Minerals and Waste Development in Cambridgeshire has now closed. This document lists all the consultation responses received and the County Council's response as follows:

<b>Consultees</b>	<b>Page Number</b>
Mineral and Waste Operators	2 - 5
County and Unitary Authorities	6
District and City Councils in Cambridgeshire	6
Parish Councils in East Cambridgeshire	6 - 7
Parish Councils in Fenland	7
Parish Councils in Huntingdonshire	7 - 10
Parish Councils in South Cambridgeshire	10

## 1. Mineral and Waste Operators

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Mick George Limited</b>	<p>With respect to Section 4 (Monitoring Visits &amp; Fees) we feel it would greatly assist if there was a clear indication as to the timescale for the expeditious delivery of monitoring reports.</p> <p>Given one of the stated objectives of the monitoring visits includes the identification and addressing of '.....potential problems before they arise', then it would appear sensible and not unreasonable for any reports to be produced in a timely fashion and to that end we would suggest a period within 10 working days of any site visit.</p>	Assessment and consideration by Mick George Ltd is welcomed. Officers aim to send monitoring reports to the operator within 10 working days of the visit. However, when officers need to consult with colleagues as part of the peer review, this internal timescale cannot always be met. The timescale for completion of the monitoring report is an internal procedure and does not need to be included within the Plan.
<b>(Quarryplan on behalf of) Omya UK Ltd</b>	Our client generally supports the provisions of the Draft Enforcement Plan and welcomes the Council's approach of explaining how it will seek to achieve planning compliance at mineral and waste management sites within Cambridgeshire.	Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.
	Our client welcomes the Council's key principle as set out at Paragraph 2.1 which is <i>"to support sustainable growth, which takes into account the needs of the environment"</i> . We would however stress and reiterate the point made at Paragraph 2.3 of the Draft Plan which states that each set of circumstances is unique and must be considered on its own merits. We would encourage the Council to take a common sense and collaborative role, working with operators to find solutions to alleged breaches of planning control.	Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.
	In light of the above, we welcome the Council's approach as set out at Paragraph 2.6 which states that <i>"Where a breach of planning control has been confirmed, officers will usually begin by trying to secure compliance with the use of an</i>	Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.

Consultee	Consultee Comment	Cambridgeshire County Council Response
Omya UK	<p><i>advisory approach</i>". This is considered to be a sensible approach and sustainable approach and allows the operator to remedy any breach of planning control without the need for further action.</p>	
	<p>Paragraph 4.5 states that monitoring visits will serve to:</p> <ul style="list-style-type: none"> <li>· allow the Council to gain an overall impression of the day-to-day operation of the site, chart progress to date, and identify and address potential problems before they arise;</li> <li>· encourage good operational practice rather than punish bad practice;</li> <li>· act as a means of regular liaison with operators; and</li> <li>· provide information to support any site liaison forums.</li> </ul> <p>We welcome the Council's approach to monitoring visits and would ask the Council to remember that mineral extraction operations are an ongoing and ever-changing process. Often matters may be out of the control of operators (e.g. weather, breakdowns, staff sickness etc.) and therefore monitoring visits should be undertaken in the knowledge that the mineral extraction and associated manufacturing and processing of mineral products is a highly regulated process, controlled via a number of different regulatory bodies. The monitoring of operations should therefore seek to avoid any unnecessary duplication of regulatory powers covered by other bodies e.g. the environmental permitting process or health and safety compliance. This will allow for a more streamlined and efficient process which allows for planning matters to be adequately addressed and avoid confusion with other matters which may fall under the remit of other regulatory bodies.</p>	<p>Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.</p>
	<p>Section 5 of the Draft Plan deals with assessing complaints, stating that all complaints will be assessed and prioritised based on the potential severity of the issues raised with the</p>	<p>Further to the assessment of complaints set out in Section 5 of the Plan, Section 6 (at paragraph 6.2) sets out that a desktop investigation is undertaken before a landowner /</p>

Consultee	Consultee Comment	Cambridgeshire County Council Response
Omya UK	<p>risks associated with the alleged breach determining the timescales for the investigation. The Council will aim to meet the timescales for visiting complaint sites within 3 to 10 working days, depending of the severity of the complaint.</p> <p>No provision appears to be made with regards to notifying the operator that such a complaint has been made. It is considered that following receipt of a complaint which the Council determines should be investigated, that the Council should inform the operator of the complaint immediately, advising them of the nature of the complaint and the timescale for a site visit. This is considered advantageous as it will open dialogue between the Council and the operator, allowing the operator to provide information and an explanation where necessary, allowing the Council to properly prioritise the risk before makes arrangements to visit the site. This is considered to improve Council efficiency and enable the Council to more readily identify and assess the severity of the complaint.</p>	<p>operator is contacted regarding a possible breach, this is necessary to research the relevant planning history to help establish whether a breach has (or has not) taken place. As noted in paragraph 2.3 of the Plan, each set of circumstances is unique and will be treated on its own merits. Whilst there are times where the operator / landowner is contacted about an alleged breach immediately, there are also circumstances where it is necessary to conduct an unannounced visit to the site to collect evidence of what activities are taking place. Therefore, it is not considered necessary to make any amendments to this section of the Plan.</p>
	<p>In terms of the process of investigating complaints, paragraph 6.5 of the Draft Plan states:  <i>“Because breaches of planning control relating to waste and mineral development can have a serious and detrimental impact on local amenity and the environment, it is normal practice for officers to notify the local County Councillor (and occasionally also the Parish Council) when there is a confirmed breach of planning control in the area that they represent”.</i></p> <p>Whilst it is accepted that breaches of planning control can result in a detrimental impact upon local amenity and the environment, this is the same for almost all development types. It appears excessive for local county councillors and</p>	<p>Breaches of mineral and waste planning have the potential to cause serious harm to both local amenity and the environment, in both the short and long term. These breaches are not always undertaken by operators of authorised sites but may relate to sites where no County planning permission is in place. Therefore, it is considered reasonable, necessary and appropriate to notify elected members and Parish Councils of circumstances that affect their area so that they can be a conduit for information for the residents that they represent. For this reason, it is not proposed to alter this section of the Plan.</p>

Consultee	Consultee Comment	Cambridgeshire County Council Response
Omya UK	<p>the parish council to be notified of confirmed breaches of planning. It is unclear as to why it would be normal practice for planning officer to notify the above parties. No such guidance is set out any national planning practice guidance and we are not aware of any such practice with other Mineral Planning Authorities. This provision appears to be an unnecessary escalation and is considered to unfairly target the mineral and waste operators. Rather, it should either be the case that breaches of planning control for all development types are reported or else none are reported, rather than the proposed cherry picking of minerals and waste developments as set out within the Draft Plan.</p>	
	<p>Conclusion: Our client is largely supportive of the Draft Plan and welcomes its provisions. Our client would however suggest that provision be made in the plan so that on receipt of a valid complaint of an alleged breach in planning control, that the Council is obliged to contact the operator immediately to allow for open dialogue between the Council and the operator, improve Council efficiency and enable the Council to more readily identify and assess the severity of the complaint. Furthermore, the provision in the Draft Plan in relation to notifying Councillors and Parish Councils of confirmed breaches of planning control appears excessive and unnecessary. There is no provision within planning guidance which supports or recommends such a practice as normal practice and the provision should be removed from the plan.</p>	<p>The conclusion provided is acknowledged, and responses in relation to the notification to County Councillors and Parish Councils of confirmed breaches of planning control have been addressed above, so no further response is required.</p>

## 2. County and Unitary Authorities

Consultee	Consultee Comment	Cambridgeshire County Council Response
-	No comments received	N/A

## 3. District and City Councils in Cambridgeshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
-	No comments received	N/A

## 4. Parish Councils in East Cambridgeshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Witcham Parish Council</b>	The above consultation document was placed before Witcham Parish Council at its meeting on Wednesday night. The Council had no comments to make	Assessment and consideration by Witcham Parish Council is welcomed. No change to the Plan is required.
<b>Sutton Parish Council</b>	Section 13. To reinforce HCV's to use the CCC freight advisory route as advocated by the Cambs Lorry Management Study, and as stated in the ECDC Transport Strategy.	Assessment and consideration by Sutton Parish Council is welcomed. Consideration of appropriate routeing agreements are assessed as part of the planning application process in line with adopted planning policy and advice provided by the Highway Authority. Section 13 of the Plan deals with Enforcing Planning Obligations so whilst reference is made to routeing agreements, it is not considered necessary or appropriate to make reference to advisory routes in this document, as they will be sought and

Consultee	Consultee Comment	Cambridgeshire County Council Response
		enforced on a case by case basis. As such, no change to the Plan is required.

## 5. Parish Councils in Fenland

Consultee	Consultee Comment	Cambridgeshire County Council Response
-	No comments received	N/A

## 6. Parish Councils in Huntingdonshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Hilton Parish Council</b>	Hilton Parish Council have resolved that the Council support the draft enforcement plan on the basis that Cambridgeshire County Council will enforce when required.	Assessment and support by Hilton Parish Council is welcomed. No change to the Plan is required.
<b>Earith Parish Council</b>	As the County have planned for enforcement then they should actually enforce different planning applications and particularly those concerned with Minerals.	Assessment and consideration by Earith Parish Council is welcomed. The County Council assesses any breach of planning conditions against the Enforcement Plan and each case is assessed in line with the harm to the environment. Where expedient to take enforcement action the Council will ensure that appropriate action is taken in line with the Plan.
	Persistent applicants who constantly ignore conditions should be monitored closely if they put in any further applications. Earith has a quarry site that has been going for some time in Earith and it recently put in an application for	The concerns around specific planning applications and sites in the area are acknowledged and officers are working with the operator and land owner to ensure that any non-compliances are regularised and address these concerns. It

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Earith Parish Council</b>	<p>an extension of time (FMW/044/19 Colne Fen Quarry) which was subsequently withdrawn. There are several incidents of non-conformance to conditions that have not actually been dealt with in the original application. Please can you consider these comments when you finalise your current plan.</p> <p><b>Additional information from Cllr Steve Criswell</b> The Colne Fen Quarry site is the subject of intensive negotiations at the moment, with enforcement being one of the key issues actively being pursued. Myself, Emma Fitch and Deborah are involved as well as Helen Wass as planning officer. Earith PCs comments about applicants who persistently fail to meet their obligations is a valid one and causes great frustration, however the planning permission invariably relates to the site, not the owner or applicant.</p>	<p>is not necessary to amend the Plan to reflect this, but your concerns have been noted.</p>
<b>Hemingford Grey Parish Council</b>	<p>Hemingford Grey Parish Council considers that the document is well thought through, having policies in place and following national guidelines. It would however, would (sic) like to comment on clause 6.5, which it suggests should be altered after the words County Councillor, to read, <i>“and should inform the Parish Council and any adjacent parish councils if the boundary is within 500 metres of the breach.”</i></p>	<p>Assessment and support by Hemingford Grey Parish Council is welcomed. The comments and suggested change is noted. Depending on the circumstances and likely impact of the breach, officers will aim to notify adjoining Parish Councils of confirmed breaches especially where their boundary is within 500 metres of that breach; provided that the potential harm is likely to impact across any Parish boundary. The same will be true for areas close to the boundaries of County Councillors. However, as these decisions will be taken on a case by case basis, it is not considered necessary to amend the Plan.</p>
<b>Godmanchester Town Council</b>	<p>Godmanchester Town Council supports the need for a clear and up to date enforcement plan. It suggests a few minor changes.</p>	<p>Assessment and consideration by Godmanchester Town Council is welcomed.</p>
	<p>The document should not be written in two columns, rather in a single block as a book, to enable easier reading on-line.</p>	<p>The comments on the column design within the Plan are acknowledged and appreciated when viewed on-line. To ensure that the document is as easy to read as possible,</p>



Consultee	Consultee Comment	Cambridgeshire County Council Response
Godmanchester Town Council		particularly on-line, the necessary changes to the format of the Plan will be made ahead of finalising for publishing.
	<p>Complaints  <i>5.2 Anonymous complaints or complaints that appear to be vexatious in nature will not normally be investigated, unless they allege a serious breach of planning control that is capable of being verified by a Council Officer.</i></p> <p>Complainants should be able to remain anonymous to the perpetrator (link to GDPR). This is the only section that references anonymous complaints and seems specific to vexatious complaints. We consider all complainants should have the right to be anonymous to the perpetrator.</p>	All complainant details are kept confidential (see paragraph 6.1) and not shared with the alleged contravener. This paragraph relates to complainants who refuse to provide contact details to the Council as this is usually necessary for evidential and audit purposes. For the avoidance of doubt, the reference to vexatious complainants is a separate matter, which is why reference is made to 'or' within the statement, so the two are different matters.
	<p>Notifying parish councils of breaches  <i>6.5 Because breaches of planning control relating to waste and mineral development can have a serious and detrimental impact on local amenity and the environment, it is normal practice for officers to notify the local County Councillor (and occasionally also the Parish Council) when there is a confirmed breach of planning control in the area that they represent.</i></p> <p>CCC to always notify Parish Council if there are problems.</p>	The Council receives complaints and allegations about matters that, after investigation, are not confirmed as breaches of planning control. Therefore, it is not reasonable to advise Parish Councils until such time as a breach is confirmed and as such this section of the Plan does not need to be amended.
	<p>Taking legal action  <i>8.3 Although the Council would prefer to negotiate a satisfactory outcome, in some cases formal enforcement action may be considered necessary.</i></p> <p>If the breach cannot be resolved by negotiation and co-operation the Council will, where necessary, take legal advice on enforcing the relevant clause of the planning</p>	Planning legislation requires that the local planning authority demonstrates that it is necessary and expedient to take formal enforcement action. Taking formal action without properly considering the strength of the evidence, expediency and the right of appeal could present a reputational and / or financial risk to the Council, to state that action will be taken is to fetter the Council's discretion. Therefore legal advice is always obtained and followed. No

Consultee	Consultee Comment	Cambridgeshire County Council Response
Godmanchester Town Council	obligation (i.e. delete <u>advice</u> and replace by <u>take action</u> where necessary)	change to the Plan is required.
	<p><b>Notifying parish council if enforcement taken</b></p> <p><i>12.8 National legislation provides the Council with a number of enforcement tools, which can be used to address breaches of planning control. These include: Planning Contravention Notice, Section 215 Notice of the Town and Country Planning Act 1990, Breach of Condition Notice, Enforcement Notice, Stop Notice, Temporary Stop Notice, Prosecution, Default Action, Injunctive relief, Planning Enforcement Order</i></p> <p>CCC to notify the Parish Council if an enforcement tool has been used/issued in their Parish.</p>	The quarterly Enforcement and Monitoring report that is presented to the Council's Planning Committee includes updates on formal enforcement action. Parish Councils are notified if there are any updates in the report that relate to sites within their Parish.

## 7. Parish Councils in South Cambridgeshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
Longstanton Parish Council	Longstanton Parish Council considered the plan at their meeting on Monday 9 <sup>th</sup> March. They have no comments to make and feel the plan is appropriate.	Assessment and consideration by Longstanton Parish Council is welcomed. No change to the Plan is required.
Waterbeach Parish Council	A question we will be discussing is how "odour" complaints will be handled. The document does not mention odour and it is not clear whether the repeated complaints on this issue relate to low, medium or high risk to human health and safety.	Assessment and consideration by Waterbeach Parish Council is welcomed. The Parish Council has been advised that odour issues are not a planning matter but can be reported to the Environment Agency and / or the relevant District Environmental Health department. No change to the Plan is required.

**Summary of Decisions Made Under Delegated Powers**

*To:* **Planning Committee**

*Date:* **01 October 2020**

*From:* **Joint Interim Assistant Director, Environment & Commercial**

*Electoral division(s):* **All**

*Purpose:* **To consider the above**

*Recommendation:* **The committee is invited to note the report**

<b><i>Officer contact:</i></b>	
Name:	Deborah Jeakins
Post:	Principal Enforcement & Monitoring Officer
E-mail:	Deborah.jeakins@cambridgeshire.gov.uk
Tel:	01223 715544

## 1.0 INTRODUCTION

- 1.1 At the committee meeting on 31 January 2005 it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning under delegated powers would be provided.
- 1.2 The Scheme of Delegation set out in Part 3D of the Council's Constitution describes the extent and nature of the authority delegated to the Executive Director: Place and Economy to undertake functions on behalf of Cambridgeshire County Council. The delegations are made either by the Full Council or one of its committees. The Executive Director, considered it necessary and expedient, to authorise the Head of Strategic Planning (now the Joint Interim Assistant Director Environment & Commercial) to undertake functions on his behalf. These authorisations are included within a written schedule of authorisation published on the Council's website which is available at the following link for Place and Economy:  
<https://www.cambridgeshire.gov.uk/council/council-structure/council-s-constitution/>.

## 2.0 SUMMARY OF DECISIONS

- 2.1 Twenty eight applications have been granted planning permission under delegated powers during the period between 24/09/19 and 11/09/20 as set out below:

1. **F/2008/19/CW-** Proposed lean-to extension to 'separation and compounding building' to create extra laboratory space and removal of existing above ground weighbridge and installation of 2 No. sunken weighbridges.

**Location-** Plasgran, Manea Road, Wimblington, March, PE15 0PE.

Decision granted 01/10/19.

For further information please contact Rachel Jones 01223 706774.

2. **F/2018/18/CW-** Section 73 planning application to develop land without complying with condition 20 attached to planning permission F/2004/17/CW (Partial demolition of existing maintenance shed at front of site and erection of detached finished goods building and extension to existing granulation building to create storage building - both for storage of processed material awaiting collection together with the retention of side walls to covered finished goods store canopy, roof extension on separation and compounding building, acoustic barriers on front and side of separation and compounding building, concrete storage bunkers, extended concrete hard standing to rear of open yard, increase in water reservoir size and capacity and use of bailing machine in yard) to remove the requirement for amphibian fencing.

**Location-** Plasgran, Manea Road, Wimblington, March, PE15 0PE.

Decision granted 01/10/19.

For further information please contact Rachel Jones 01223 706774.

3. **S/0106/18/CW-** Planning Application for the retention of double storey replacement site office building with external access staircase.

**Location-** Barrington Quarry, Haslingfield Road, Barrington, Cambridgeshire, CB22 7RQ.

Decision granted 03/10/19.

For further information please contact Rachel Jones 01223 706774.

4. **H/5012/19/CC-** Section 73 planning application to retain 6 bay mobile classroom unit for a temporary period for school use until 31st August 2024 without complying with condition 1 of planning permission H/5007/18/CC.

**Location-** Sawtry Infants School, Middldfield Road, Sawtry, Huntingdon, Cambridgeshire, PE28 5SH.

Decision granted 16/10/19.

For further information please contact Stanley Gono 01223 699227.

5. **H/5009/19/CW–** Section 73 planning application for retention of four portable buildings and one shipping container used as site offices, restroom and ancillary storage provision, and car park without compliance with conditions 3b and 3c of planning permission H/05040/09/CW to extend the time limit until 31 December 2035 (and without occupancy restrictions previously restricted by Conditions 2a,2b, and 2c of planning permission H/05023/08/CW).

**Location-** Buckden Recycling Centre And Civic Amenity Site, Brampton Road, Buckden, St Neots, Cambridgeshire, PE19 5UH.

Decision granted 14/10/19.

For further information please contact Jane Stanley 01223 743812.

6. **H/5007/19/CW** - Section 73 planning application to develop land without complying with conditions 2, 5 & 12 of planning permission H/5003/19/CW (Extension of existing waste recycling centre and erection of a concrete batching plant) to allow collection of processed wood 24 hours/day and amendments to the site layout.

**Location-** Woodhatch Farm Recycling Centre, Thrapston Road, Ellington, PE28 4NJ.

Decision granted 14/10/19.

For further information please contact Helen Wass 01223 715522.

7. **C/5000/19/CW** - Section 73 planning application to continue the development without compliance with conditions 5 (hours) and 7 (noise limit) of planning permission reference C/05004/12/CC to enable 24 hour operation of the Waste Transfer Station (WTS) including maintenance depot.

**Location-** Veolia Es (UK) Limited, Cowley Road, Cambridge, CB4 0DN.

Decision granted 23/12/19.

For further information please contact Jane Stanley 01223 743812.

8. **S/0073/19/CC** - Planning application to erect 21 metres of close boarded wooden fence to 1.8m height.

**Location-** Bridge End Cottage, Cambridge Road, Stapleford, Cambridge, CB22 5DY.

Decision granted 23/12/19.

For further information please contact Jane Stanley 01223 743812.

9. **S/0096/18/CW** - Erection of building for use as office, workshop, and depollution of vehicles with ancillary storage and an open-sided building over the existing vehicle crushing pad together with security staff portable building and associated drainage works, following demolition of existing buildings and removal of existing temporary building.

**Location-** Vehicle Recycling Centre, Gravel Pit Hill, Thriplow, Royston, SG8 7HZ.

Decision granted 27/01/20.

For further information please contact Rachel Jones 01223 706774.

10. **FMW/057/19** - Erection of one 7-bay temporary classroom with outdoor play canopy for a temporary period.

**Location-** Gamlingay First School, Green End, Gamlingay, Sandy, Cambridgeshire, SG19 3LE.

Decision granted 10/02/20.

For further information please contact Luke Walstow 01223 703861.

11. **FMW/079/19** - Importation by rail of suitable restoration material over a period of 5yrs to partially infill an existing quarry void to provide for the restoration of the western and north-western areas of Barrington Quarry to a combination of agriculture and nature conservation after-uses and all associated works including railway refurbishment and the retention and continued use of existing weighbridge, office and workshop.

Informative: Section 73 planning application to develop land without complying with condition 2 of planning permission S/0107/18/CW to allow restoration of land bordering North Pit to continue for a further 12 months until 31 December 2020.

**Location-** Barrington Cement Plant, Haslingfield Road, Barrington, Cambridge, CB22 7RQ.

Decision granted 05/03/20.

For further information please contact Helen Wass 01223 715522.

**12.FMW/055/19-** Installation of additional digester storage tank.

**Location-** 305 Wisbech Road, Westry, March, Cambridgeshire, PE15 0BA.

Decision granted 09/03/20.

For further information please contact Helen Wass 01223 715522.

**13.FMW/086/19-** A change of use of the building from Class D2 (leisure) to Class D1 (non-residential institutions) to provide a public record office, archive facility and registration services, (births, deaths and marriages), ceremonies and the construction of a sprinkler tank, extension to form a sprinkler pump plant room, modification to the existing car park, new entrance ramps to the building, formation of a ramp to the adjoining car park, provision of new cycle parking spaces and associated landscaping.

Informative: Section 73 application to continue the above development without compliance with condition 3, landscaping scheme to allow the erection of an acoustic fence.

**Location-** Ely Archvies, The Dock, Ely, Cambridgeshire, CB7 4GS.

Decision granted 18/03/20.

For further information please contact Kirsty Carmichael 01223 703216.

**14.S/0109/18/CW -** Section 73 planning application to continue operations without complying with condition 1 of planning permission S/00511/08/CW (Variation of condition 3 of planning permission S/0289/91 to extend the time for reinstatement of the site to a condition suitable for the resumption of agricultural use to December 2020) to further extend the operational life of the site and reinstatement of the site to a condition suitable for the resumption of agricultural use to 31 December 2026.

**Location-** Milton Landfill Site, Butt Lane, Milton, Cambridgeshire, CB24 6DQ.

Decision granted 19/03/20.

For further information please contact Rachel Jones 01223 706774.

**15.FMW/009/20-** Erection of 7-bay mobile classroom building with access ramp and internal relocation of one existing 7-bay mobile classroom building with access ramp, both for a temporary period.

Informative: This is a retention application and seeks to retain two existing mobile classroom units without compliance with condition 1 of planning permission S/0233/17/CC to retain the buildings until 30 September 2021.

**Location-** Histon and Impington Junior School, The Green, Histon, Cambridge, CB24 9JA.

Decision granted 02/04/2020.

For further information please contact Kirsty Carmichael 01223 703216.

- 16.FMW/008/20-** Description of Development: Retention of one 7 bay mobile classroom (8.4m x 21m) and access ramp for a temporary period.

Informative: To allow the retention of the mobile classroom until 30th September 2021 without compliance with Condition 1 of planning permission S/0069/19/CC.

**Location-** Histon and Impington Junior School, The Green, Histon, Cambridge, CB24 9JA.

Decision granted 02/04/2020.

For further information please contact Kirsty Carmichael 01223 703216.

- 17.CCC/20/019/FMW-** Description of Development: Erection of a 7-bay (Approx. 21m x 8.7m) mobile classroom building for a temporary period.

Informative: This application seeks to retain the existing 7 bay mobile classroom unit without compliance with condition 2 of planning permission E/3005/15/CC until on or before 31st August 2025.

**Location-** Robert Arkenstall Primary School, Camping Close, Haddenham, Ely, Cambridgeshire, CB6 3UA.

Decision granted 23/04/20.

For further information please contact Luke Walstow 01223 703861.

- 18.CCC/20/016/FMW-** Change of use of roof space to office use (B1Use Class), insertion of dormer window and roof lights and provision of a cycle store.

**Location-** County Council Offices, Sackville House, High Street, Cambourne, Cambridge, CB23 6HL.

Decision granted 19/05/20.

For further information please contact Dallas Owen 01223 714722.

- 19.FMW/012/20-** Extension to north corner of existing lower school building to provide two no. new classrooms, a small courtyard infill extension to the centre of the existing lower school building providing a new library area, an



extension to the northeast corner of the existing upper school building providing new hygiene facilities, an extension to the south end of the existing upper school building providing two no. new classrooms, two new canopies and provision of additional car parking to the front of the school.

**Location-** Spring Common School, American Lane, Huntingdon, Cambridgeshire, PE29 1TQ.

Decision granted 22/05/20.

For further information please contact Helen Wass 01223 715522.

- 20.CCC/20/028/FUL-** Change of use of industrial unit to a small scale bulking up and transfer of sanitary and clinical waste (offensive, non-offensive and hazardous waste streams sanctioned under the EA standard rules 2008 No24).

**Location-** Unit 3, Elean Business Park, Sutton, Ely, Cambridgeshire, CB6 2QE.

Decision granted 25/06/20.

For further information please contact Helen Wass 01223 715522.

- 21.CCC/20/017/FMW-** Extension to existing landfill gas utilisation compound to enable installation of two gas engines and replacement flare stack.

Informative : This application seeks to continue the use of the existing landfill gas utilisation compound without compliance with planning permission reference S/2441/03/CW Condition number: 2 requiring removal of the landfill gas utilisation compound by 29.02.2020 to enable :The development hereby permitted shall cease operations when it is no longer required in connection with the management of landfill gas from the adjoining landfill site. The site shall be thereafter restored in accordance with a restoration and aftercare scheme which shall be submitted and approved by the WPA within 6 months of the management of landfill gas. The submitted restoration and aftercare scheme shall provide timescales for the removal of all plant, building and equipment and be designed to reflect the restoration scheme for the larger landfill site. The aftercare scheme shall be carried out for a period of 5 years following completion of the restoration scheme.

**Location-** Milton Landfill Site, Butt Lane, Milton, Cambridgeshire, CB24 6DQ.

Decision granted 13/07/20.

For further information please contact Rachel Jones 01223 706774.

- 22.FMW/082/19-** Change of use from care home and supervised contact centre, to a supervised contact and social care centre including meeting rooms and office use, construction of extended car park, creation of passing point and installation of cycle store and fencing.

**Location-** The Hawthorns, Haviland Way, Cambridge, CB4 2RA.

Decision granted 04/08/20.

For further information please contact Jack Millar 01223 703851.

- 23. F/2000/19/CW-** Retention of change of use from B2 (General Industry) to waste processing of depolluting and dismantling of end of life vehicles, ancillary recycling and parts storage (Sui Generis) for a temporary period.

**Location-** Unit B & Unit 1B Westons Yard, Ramsey Road, Pondersbridge, PE26 2TW.

Decision granted 05/08/20.

For further information please contact Jane Stanley 01223 743812.

- 24. CCC/20/035/FUL-** Erection of a mobile classroom building to replace existing for a temporary period.

**Location-** Westfield Junior School, Ramsey Road, St Ives, Cambridgeshire, PE27 5RG.

Decision granted 24/08/20.

For further information please contact Jack Millar 01223 703851.

- 25. CCC/20/026/FUL-** Erection of a mobile classroom building to replace existing for a temporary period.

Informative:- This application seeks temporary permission for a 5 year period.

**Location-** Barnabas Oley C of E Primary School, Little Lane, Great Gransden, Sandy, Cambridgeshire, SG19 3AE.

Decision granted 26/08/20.

For further information please contact Kate Bannigan 01223 715518.

- 26. CCC/20/023/FUL-** Retrospective application for the erection of a new 7-bay mobile classroom unit (Approx. 9.6m x 21m) with covered play deck, canopy, entrance ramps and steps, for a temporary period.

**Location-** Cromwell Community College, Wenny Road, Chatteris, Cambridgeshire, PE16 6UU.

Decision granted 26/08/20.

For further information please contact Kirsty Carmichael 01223 703216.

- 27. H/5014/17/CM-** Section 73 planning application to develop land without complying with conditions 2, 3, 11 & 14 of planning permission H/5007/03/CM (The creation of wetland and reedbed habitat areas, including agricultural

restoration, through extraction of sand and gravel) to extend the duration of the development until 31 December 2029; to allow the use of diesel powered pumps; and to allow the transportation of mineral from the extraction area to the processing plant by dump truck.

**Location-** Little Paxton Quarry, High Street, Little Paxton, Cambridgeshire, PE19 5YQ.

Decision granted 28/08/20.

For further information please contact Jane Stanley 01223 743812.

**28.CCC/20/049/FUL-** Extraction and export of mineral to form a pond suitable for fishing.

**Location-** Land To Rear Of 47 March Road, Coates, Whittlesey, PE7 2BX.

Decision granted 04/09/20.

For further information please contact Helen Wass 01223 715522.

Source Documents	Location
Applications files	SH1315, Shire Hall, Cambridge, CB3 0AP

