

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**

<i>Officer contact:</i>	
Name:	Helen Wass
Post:	Development Management Officer (Strategic & Specialist Applications)
Email:	Helen.wass@cambridgeshire.gov.uk
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:

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

Waste Core Strategy Development Plan Document (July 2011) and policies L3 and L16 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: 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 25th 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) https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011) https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-policy/adopted-minerals-and-waste-plan</p> <p>Link to the Huntingdonshire Local Plan (May 2019) https://www.huntingdonshire.gov.uk/planning/new-local-plan-to-2036/</p>	