

# PLANNING COMMITTEE



**Wednesday, 26 January 2022**

**Democratic and Members' Services**

Fiona McMillan  
Monitoring Officer

**10:00**

New Shire Hall  
Alconbury Weald  
Huntingdon  
PE28 4YE

**Multi-Function Room**

**New Shire Hall, Alconbury Weald, Huntingdon, PE28 4YE**

## **AGENDA**

**Open to Public and Press by appointment only**

**1 Apologies for Absence**

**2 Declarations of Interest**

*Guidance for Councillors on declaring interests is available at:*  
<http://tinyurl.com/ccc-conduct-code>

**3 Minutes - 29 July 2021**

**3 - 18**

### **PLANNING APPLICATIONS**

**4 Colne Fen Quarry, Chatteris Road, Somersham, PE28 3DN**

**19 - 72**

### **INFORMATION AND MONITORING**

**5 Enforcement Update Report**

**73 - 82**

**Attending meetings and COVID-19**

Meetings of the Council take place physically and are open to the public. Public access to meetings is managed in accordance with current COVID-19 regulations and therefore if you wish to attend a meeting of the Council, please contact the Committee Clerk who will be able to advise you further. Meetings are streamed to the Council's website: [Council meetings Live Web Stream - Cambridgeshire County Council](#). If you wish to speak on an item, please contact the Committee Clerk to discuss as you may be able to contribute to the meeting remotely.

The Planning Committee comprises the following members:

Councillor Henry Batchelor (Chair) Councillor Anna Bradnam (Chairwoman) Councillor Catherine Rae (Vice-Chair) Councillor David Connor Councillor Steve Corney Councillor Ian Gardener Councillor Sebastian Kindersley Councillor Tom Sanderson and Councillor Mandy Smith

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

## Planning Committee Minutes

Date: Thursday 29 July 2021

Time: 10am – 14:38pm.

Venue: University of Cambridge Sports Centre

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

### 1. Notification of Chair and Vice Chair

It was resolved to note the appointment of Councillor Henry Batchelor as Chair and Councillor Catherine Rae as Vice Chair of the Planning Committee for the municipal year 2021/22.

### 2. Apologies for Absence and Declarations of Interest

Apologies were received from Councillors Connor, Hathorn and Sanderson. Councillor Gowing and Councillor Bradnam substituted.

In relation to declarations of interest, Cllr Mandy Smith explained that her husband was a farmer, and whilst the applicant in Agenda item 5 was not known to her, she wanted to register this information.

Cllr Sebastian Kindersley explained that in relation to Agenda item 5 the applicant had business interests in the Gamlingay area and therefore had been in business meetings that he would have attended. However, there was no known conflict of interest to mean that he cannot be involved in the decision of the item. Furthermore, he explained that in relation to Agenda item 6 both Mr Watkins and Mr Fletcher were known to him, as both had previously been planning officers.

Cllr Bradnam explained that in relation to Agenda item 6 she had attended a Joint Development Control Committee (JDCC) briefing historically on this proposal but was coming to the matter afresh.

During item 6, Councillor Kindersley gave a declaration of interest having worked with one of the public speakers, Dr Alan James, on the development of the East-West rail. He stated this would not affect his judgement.

### 3. Minutes – 15 April 2021

The minutes of the meeting held on 15 April 2021 were agreed as a correct record and signed by the Chair.

4. Application for the construction of irrigation reservoirs by the extraction, processing and export of sand and gravel; widening vehicular access onto the A1123 (Hillrow Causeway) at Doles Drove; mineral processing plant, weighbridge and three 6 metre x 3 metre temporary office buildings.

At: Willow Hall Farm, Hillrow Causeway, Haddenham, Ely, CB6 3PA

Applicant: Mr W Dennis, Dennis (Haddenham) Ltd

Application Number: E/3003/18/CM

The Committee received a report on a planning application which sought permission for the construction of three irrigation reservoirs, holding 432,000m<sup>3</sup> water, by the extraction, processing and export of 691,000 tonnes of sand and gravel. The development required the widening of vehicular access onto the A1123 (Hillrow Causeway) at Doles Drove; and the construction of a mineral processing plant, weighbridge and three 6x3 metre temporary office buildings.

Production would take five to six years and working times (excluding pre-loaded HGV movements) would be 7am-6pm Monday-Friday and 7am-1pm Saturday. An average of 90 and maximum of 100 HGV movements per day would be generated during the construction of the reservoirs.

The application was made to the County Council rather than Huntingdonshire District Council because it involved mineral extraction. In accordance with local plan policy, the developer was required to demonstrate an agricultural case for the irrigation reservoirs.

Prior to the officer presentation it was clarified that the revised National Planning Policy Framework (NPPF) published on 20 July 2021 had been taken into account in the officer report, which was also the case for Agenda item 6.

Clarification was also provided by the officer that the day before the committee meeting, Peterborough City Council's Full Council approved the Cambridgeshire and Peterborough Minerals & Waste Local Plan, which meant it was formally adopted by both Councils. As such the Core Strategy and Site-Specific Proposals development plan documents had fallen away, so these references in the officer report should now be ignored. Therefore, if planning permission was granted, officers would ensure that the planning condition reasons would be amended accordingly.

Having provided the above oral updates, the officer proceeded to show plans and photographs of the proposed development site and its surroundings, highlighting how the proposal had been reduced in size, from four to three reservoirs, because of land having been withdrawn from the scheme. Details of the phasing were also explained.

The officer clarified that while 8 and 20 Farm was referred to in the applicant's noise assessment as Third Bridge Holiday Home, the inaccurate naming had not impacted the outcome of the evaluation.

The County Council had employed independent consultants to assess the agricultural need case, air quality and noise.

The officer listed causes of objections to the proposal, including: the effect of dewatering on groundwater levels in third party land; and traffic concerns including highway safety, congestion, noise and air pollution, road damage, and damage to properties.

The officer reported that the applicant had entered into a legal agreement with the Haddenham Level Drainage Commissioners [the internal drainage board (IDB)] had been drawn up and the application had been amended so that the mineral would be worked “wet” and that dewatering would be limited to the reservoir construction periods from October to March. As a result, The Environmental Agency and Natural England had withdrawn their earlier objections, but the IDB and the neighbouring landowner, although objection was maintained by A. G. Wright & Sons Farm Ltd, strongly opposed dewatering during January, February and March so maintained their objections to the application.

The officer also showed alternative routes that the applicant had evaluated in response to traffic objections. However, individual Members showed concern that the alternative routes would still cause congestion as they also went through villages. The transport officer maintained that the route was suitable: the application would generate 8-10 HGV movements per hour while 30 HGV movements an hour was the threshold for ‘severe impact’ on a junction.

In response to Members’ comments, officers stated that there were not any objections from highway colleagues on this scheme; that the information on page 75 and the requirements of condition 7 were not sufficient to satisfy the IDB and neighbouring landowner as the dewatering for two of the three reservoirs was proposed between January and March; and that it was the responsibility of the operator – Mick George Ltd. to ensure compliance with the routing agreement.

The Chair received six requests to speak and invited William Dennis, the applicant, and John Gough (Planning Director – Mick George Ltd), to speak.

Mr Gough addressed the Committee and explained Mick George Ltd advised William Dennis on the engineering and operational aspects of the project. Mr Dennis was therefore in attendance today should Members have any questions relating to the farming business or need for the agricultural reservoir.

Mr Gough noted that, as a result of climate change, the reservoirs would address water and soil resources in a sustainable way and were needed to enable the farm to meet central government objectives for UK Food Security. There had therefore been little to no objection to the principle of the reservoirs.

He commented that the concerns raised by local residents regarded the construction phase of the development. This phase was temporary and could be addressed by conditions placed on the proposal by the Planning Committee; lorry routing would be monitored by HGV GPS trackers and MGL used environmentally friendly HGVs.

In favour of the proposal, the speaker emphasised the sustainability of the scheme (with crop water for local produce) and the long-term biodiversity gains, which would address climate change issues with support from both the NPPF and also the development plan. They encouraged Members to note the largely positive contents of the officer report and emphasised the support provided by statutory consultees.

In response to Member's questions, the speaker:

- Established that there was no reason why construction would extend past the five-year period requested and that the longer HGV route originally considered would not cause the construction time to increase, but would have an impact on carbon emissions (as it was about 3 times longer than that being proposed) and therefore an impact on climate change net zero climate change aspirations which was contrary to the Council's objectives.
- Clarified that they were only seeking an extended dewatering period for two of the three reservoirs i.e., that the initial reservoir (Reservoir A) would be dewatered between October to December; and that the IDB's request to stop dewatering prior to March would significantly impact the construction timescale, leading to a potential delay of one year if they were unable to dewater ahead of the shorter time window. In coming to this view Mr Gough emphasised that the Environment Agency had looked at this matter very carefully and as the relevant body are comfortable with the extended dewatering periods to ensure that the reservoirs are properly constructed.

The Chair invited Mr Michael Church Chairman of the Haddenham Level Drainage Commissioners to speak against the proposal.

Mr Church noted that, after works began for gravel extraction, small dykes had dried up and that he had concerns over the report's limited expectation that water levels would 'probably' recover should dewatering continue until March. This, he argued, was not a strong enough guarantee, especially considering the effects of global warming on summer rainfall.

He emphasised the differences between dewatering in the Haddenham Fen compared to the Needingworth quarry [exemplified in 4.87 of the report]. Needingworth quarry works had caused ground water levels to fall with a draw-down 'halo' extending up to 500-600m beyond the quarry face, and up to 1,500m downstream. However, unlike the Needingworth quarry land, which had been purchased by a gravel company and used by farmers at their own risk, Mr Church argued that the small fields surrounding the Haddenham Fen were owned by farmers and therefore crop growing was more intensive, requiring more water. In his experience, this meant the surrounding crops could be affected during the construction period.

He also stated that the recharge trenches requested by the IDB and supplied by the development, would not be provided for a sufficient length of time.

He concluded that Haddenham Level Drainage Board Commission considered that the storage of the water would be a benefit once built. However, it was the construction phase that was their main concern and as such they would maintain their objection

unless dewatering was scheduled to stop by December 31 each year. He suggested the applicant alternatively dig in watered land.

In response to Members' questions for clarity, Mr Church:

- Confirmed that if dewatering was stopped by December 31, the IDB would be satisfied.
- Stated that the applicant had offered to pump the water out the reservoir and into the void, but that the IDB did not understand how this would sufficiently recharge the ground water.

The Chair invited Councillor Allan Till from Earith Parish Council to speak against the proposal.

Mr Till explained the current impact of traffic on Earith: old houses near the road with shallow foundations were cracking as a result of passing heavy vehicles, and noise levels by the road exceeded World Health Organisation guidelines. He acknowledged that pavements are narrow and not built to support these types of movements. He showed concern that using the A1123 as a travel route for this development would result in an HGV movement every 5-6 minutes, which would exacerbate existing problems. Further, in an environment where work from home had increased, the impact this would have on homeowners' lives was also greater.

The speaker noted that in 1989 a planning application had been rejected on the basis that it would require 90 HGV movements a day through Earith. He compared this to the current situation, stating that traffic had increased since then (public speaker, Wendy Oldfield later noted that traffic in 1989 was a third of current levels).

Mr Till also stated that the proposal regarded mineral extraction but had not been viewed by Mineral Waste Planning and should be rejected on local transport grounds.

The Chair invited Dr Alan James, Chairman of the Campaign to Protect Rural England (CPRE) Cambridgeshire and Peterborough and Member of the East Cambs HCV Group, to speak against the proposal.

Dr James stated that the CPRE had environmental concerns regarding the development: Haddenham was the only fen between St Ives and Stretham not yet exposed to gravel digging; dewatering in Northstowe had caused damage to the aquifer and nearby trees. He also established that the mineral extraction proposed was not allocated in the new County Mineral and Waste Plan.

The speaker was concerned about the impact of HGV movements on villages and roads. He stated that: the A1123 was already in disrepair, with recent upgrades to the road costing £250,000; the recommended planning conditions allowed vehicles to arrive for loading from 5:30am to get loaded; these vehicle conditions were not followed on Northstowe or Haddenham construction sites; and there was no safe limit for PM2.5s (atmospheric particulate matter with a diameter under 2.5 micrometers) in the 2010 Air Quality Regulations or Air Quality Directives of the EU.

He also stated that the Haddenham Drainage Board Byelaw 3 made it illegal for the County not to reject an application if it has been rejected by the Drainage Board. The legal officer later clarified that fundamentally the Committee is to deal with the planning aspects of this application. Both the Environment Agency and the Internal Drainage Board were statutory consultees in this matter but that it was for the committee, applying their planning judgement and applying weight to those consultation responses, to make the decision on this planning application. If planning permission was granted, the Environment Agency would not necessarily grant a dewatering licence nor would the IDB necessarily would approve the operations under their byelaws.

The Chair invited Mr Nick Wright of the Haddenham Level Drainage Board and owner of A. G. Wright and Sons Farms Ltd. to speak against the application.

Mr Wright explained that he was not objecting to the principle of the reservoirs, but that the applicant needed an abstraction licence. Furthermore, he stated that paragraph 2.7 of the officer report was incorrect - there was insufficient time for groundwater recovery. He also stated that the hydrological impact assessment recorded in paragraph 4.29 of the officer report lacked convincing evidence.

The speaker stated that in a meeting between the applicant and the Haddenham Level Drainage Board on 3 December 2020, the applicant had proposed a wet excavation scheme which would require dewatering in October and November only. Mr Wright showed favour for returning to this original arrangement.

He implored the Committee to protect neighbouring farms from the multimillion-pound mineral extraction scheme by putting dewatering conditions in place and ensuring the applicant followed Environment Agency recommendations to secure a monitoring and mitigation schedule between neighbours.

In response to Members' questions, Mr Wright clarified the Haddenham Level Drainage Board would be prepared to accept the proposal if conditions were placed on the dewatering of the site.

The Chair invited Dr Craig Fannin to speak against the proposal on behalf of A. G. Wright and Sons Farm Ltd.

Dr Fannin explained groundwater levels in the area rose October-December, plateaued in January, then begin to deflate. He used a graphic to demonstrate how this had occurred over 2020 and 2021. In 2020, depleting began 4-6 March. In 2021, depleting began 8 February. Through this evidence, Dr Fannin concluded that dewatering into February and March would not allow the groundwater system to recharge.

The Chair invited Wendy Oldfield to speak against the proposal on behalf of the East Cambridgeshire HCV Group.

Mrs Oldfield noted that a Tarmac mineral application had been refused in 1989 on the basis of traffic impact and that this was endorsed by the Huntingdonshire Local Plan in 1995, that observed that Earith and Bluntisham could not withstand the large volume of HGVs passing through. With 21 occupied listed buildings in a conservation area on Earith's high street, this observation was corroborated by case studies from the



Transport and Road Research Laboratory on the effect of passage induced vibration on heritage buildings. Mrs Oldfield argued that, as a result, the routing plan failed to meet Policy 21 of the Minerals and Waste Local Plan (July 2021), which stated that the Council understands the importance of recognising the significance of historic buildings and their settings.

The speaker also argued that the routing plan did not meet various parts of the National Planning Policy Framework (NPPF), such as: Section 8, Promoting health and safe communities – she stated Earith's high street was 4.9 metres wide which caused passing HGVs to mount the footpath; and Section 9, Considering sustainable transport from the earliest stages of planning, or Amenity Considerations (Policy 18 of the Minerals and Waste Local Plan (July 2021)) - Noise and vibration levels resulting in disturbance - the HCV Group's environmental survey showed worrying levels of all types of pollution including noise.

The speaker argued that overall there was a lack of evidence to determine diversity net-gain.

She also noted that the application site was not listed in the Mineral Waste Plan, and that mineral reserves at Hanson's Block Fen and Mepal could cover the next 10-20 years.

In response to the Members' questions, the officer clarified to Members that the issues raised regarding the narrowness of Earith's roads had been considered.

In response to Members' questions, Ms Oldfield clarified that the 2018 Earith Parish Council Vehicle Assessment listed in Section 4.13 of the report was measured manually through a video camera. She stated that the statistics given were correct, and that levels had been higher in 2019, prior to Covid-19.

Written comments were received from three Local Members and read out by the Democratic Services Deputy Manager.

Councillor Dan Schumann, as Local Member for Haddenham, expressed his support for the views of Haddenham Parish Council.

Councillor Neil Gough, as Local Member for Cottenham and Willingham, expressed desire for the Committee to take into account the protection offered to residents living in Willingham in the Traffic Management Scheme set out in the conditions of the report. He asked that officers also took sample records of vehicular movements to ensure compliance with the regulations and that Northstowe deliveries follow the A14, rather than the B1050.

The officer responded that the Northstowe development has its own routing agreement which explicitly excluded Earith and Willingham.

Councillor Steve Criswell, as Local Member for Somersham and Earith, expressed his continued objection in line with paragraphs 4.157, 1.42, 1.49, 4.113 of the report. He wrote that the cumulative effect of routing plans through Earith exacerbated existing

traffic problems on the A1123, recorded by the HCV Working Group and HGV Diamond Working Group.

In response to Members' questions:

The officer concluded that the application had undergone assessment for three years owing to changes in the scheme and the applicant responding to objections. Monitoring information had been gathered to understand and justify the dewatering process. The officers had concluded that taking into account the advice of the Environment Agency, subject to climate change anomalies, there was no genuine reason why the dewatering timescale would need to be restricted further.

The Environment Agency [EA] clarified that it held no objection to this application, but that abstraction of water would require additional permissions. The chief concern of the EA was securing the abstraction reach south of the road. The applicant had agreed to mitigate this by dewatering outside of the spray irrigation season and, should trigger levels not be met, ceasing abstraction until further mitigations were in place.

The Environment Agency also clarified paragraph 4.29 of the report: the public may raise concerns and a topographical survey/offsite boreholes could be requested when the applicant sought an abstraction licence from the National Permitting Service. The applicant stated that boreholes had been made on A. G. Wright's land in November, and findings submitted to the Council.

The legal officer explained that the Committee required evidence to place a condition on an application and there was not sufficient evidence to defend placing a condition on further restricting dewatering to cease at the end of December. The Committee could place conditions on quarterly groundwater level monitoring; however, this may duplicate or contradict Environment Agency conditions made later. Dr Fannin advised that real-time ground level monitoring January-March would be more suitable. Officers clarified that weekly monitoring would be measured by the operator. If desired, this information could be shared with the Internal Drainage Board, as well as the Environment Agency. Confirmation was given that additional boreholes had already been placed on Mr Wright's land (13, 14 and 15) by the applicant and had been in place since last November.

Officers explained that the conditions would allow lorries to leave the site at 6am, but that prior to this, workers would be arriving in their own vehicles and not in empty HGVs.

Officers noted that it was unknown why Willingham believed 50% of the traffic would run through the village.

During the debate Members:

- Raised concern that there was no limit on the number of lorries leaving the site at 6am.

- Expressed concerns regarding traffic on the A1123, which does not lead to the A14. However, another member noted that this concern was not significant enough grounds for rejection.
- Expressed regret that they were unable to place more severe restrictions on the dewatering of the site or the monitoring of it. The officer stated they would offer to involve the Internal Drainage Board in groundwater monitoring. **Action.**
- Noted that the applicant had addressed most objections, and that the Committee should only refuse planning permission if they considered the potential impact to outweigh the benefits of the development and fail to comply with planning policy.
- Expressed the need for the Environment Agency to produce a method in which groundwater level reduction can be communicated to all relevant parties particularly the IDB.
- Suggested creating liaison groups with local parishes to allow for public consultation regarding the expected biodiversity gain during the restoration period.

It was proposed by Councillor Bradnam and seconded by Councillor Kindersley to amend Condition 20 to prevent the departure of loaded lorries before 7am This would read [amendment strike through]:

## 20. Hours of operation

No development including the entry and exit of HGVs shall take place within the site outside the hours of:

07:00 – 19:00 on Mondays to Fridays except bank or public holidays; and 07:00 – 13:00 on Saturdays.

~~Except that pre-loaded HGVs may leave the site between 06:00 and 07:00 on Mondays to Fridays except bank or public holidays.~~

No development authorised by this permission shall take place on Sundays or on bank or public holidays.

*Reason: To minimise disturbance to residents and users of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34, East Cambridgeshire Local Plan (April 2015) policy ENV9 and emerging Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) Policy 18*

The officer stated that greater restriction would likely result in a higher number of lorries during the remaining working hours.

The amendment was passed unanimously.

It was proposed by Councillor Kindersley, seconded by Councillor Bradnam and passed by a majority to accept the recommendations with the amendment.

*[Voting pattern: 4 in favour, 3 against, one abstention]*

[Councillor Mandy Smith was not present for the following item.]

6. Application for a proposed Travel Hub, to include car parking, cycle, coach, and horse parking, travel hub building, photovoltaic panels, substation, lighting; significant infrastructure improvements to include road widening of the A10 along Cambridge Road, Hauxton Road and M11 Junction 11 north bound slip road, and a new dedicated busway to include strengthening of existing agricultural bridge; provision for a new Shared Use Path, including new bridge across the M11; with associated drainage, landscaping (including reconfiguration of bunds), biodiversity enhancement areas and infrastructure. At: Land to the north/north-west of Hauxton Road (A10), to the north-west and north of Junction 11 of the M11 and to the west of Cambridge Road (A10) CB22 5HT (within the parish of Hauxton and partly within the parish of South Trumpington).

Applicant: Cambridgeshire County Council

Application Number: CCC/20/040/FU

The Committee received a report on a planning application which sought permission for the creation of a travel hub, including 250 car parking spaces [108 EV charging spaces and 108 disabled spaces], bicycle parking [150 chargeable lockers and outside parking], 6 coach parking spaces with electric charging points, and horse parking, a single storey travel hub building, photovoltaic panels [covering a third of the parking area], a substation, lighting; significant infrastructure improvements included road widening of the A10 along Cambridge Road, Hauxton Road and M11 Junction 11 north bound slip road, a new dedicated busway, strengthening of the existing agricultural bridge; provision for a new, lit shared use path [5 metres wide], which included new bridge across the M11 [5.7 metres wide with 4 metre high railing to protect equestrian users]; with associated drainage, landscaping (including reconfiguration of bunds), biodiversity enhancement areas and infrastructure.

The officer presented a PowerPoint which included agenda plans 1-4. They noted that there were no statutory objections, but that the application was brought to the Committee as it was a departure from the adopted development plan.

The officer drew attention to sections 6 and 7 of the report, Support and Objections: where it was explained that objections were received from Hauxton and Harston Parish Councils, Trumpington Resident Associations, CPRE, Past Present and Future, Wildlife Trust, Smarter Cambridge Transport and six individual representations. Support was given from twelve individual representations, bridleway groups, and the British Horse Society.

The officer presented aerial views, diagrams and photographs of the site, and the context of the proposals in the surrounding area, including the application area and land

in the control of the applicant. This also included the bordering Trumpington Meadows Country Park. As seen in paragraphs 9.68-9.71 of the report, the proposed development site was predominantly grade two agricultural land, with the most southern point at grade three. The new non-motorised user bridge, existing bridge and new transport route were highlighted. As were the drainage swale, covered waiting areas [3 metres high], storage, greenery, solar panels / charging points and ponds.

A diagram and 3D image of the proposed single storey transport hub (13.9mx8.06mx4m) was presented to Members. It included a kitchenette, storeroom, waiting room, and gendered, disabled and changing toilets.

Paragraph 5.97 of the report, Biological Enhancements, included grassland, maintained hedgerow, native tree planting and fencing. This included an explanation of the biodiversity net gain assessment.

Paragraphs 9.72 - 9.89 of the report noted the impact of Covid-19 on travel patterns.

A slide highlighting the constraints was also used during the officer presentation, which highlighted the location of the local rivers and the Cambridge Green Belt and how this sat with the Trumpington Meadows housing development and Country Park & Nature Reserve.

The officer concluded that it was recommended by the officers that Members accept the recommendation based on the planning balance set out in the report, that took account of Covid-19 on travel behaviours, the applicant's justification of need found in Section 9 of the report and the lack of statutory objections.

The presenting officer was joined by a transport planner, ecology officer and landscaping consultant to answer Members' questions.

In response to questions, officers' clarified:

- That solar panels were only considered for one aspect of the site in agreement with pre-application advice to minimise glare and obstruction of the green belt and to retain the openness in line with national guidance. However, the infrastructure would be in place underground to allow future development that could result in greater solar panel implementation subject to the necessary planning permissions being granted.
- That a condition was in place for the provision of greater cycle parking details at a later date.
- That, despite the history of the site, a full, intrusive examination of the site had occurred and the environmental health officer (EHO) advised that they do not anticipate any contamination. However, there was a condition placed on the proposal that, should any unanticipated contamination occur, they were duty bound to report it to the EHO. This was later clarified by the applicant.

The Chair invited, Mr David Fletcher to speak in favour of the application on behalf of the applicant.

Mr Fletcher explained that the application was made by Cambridgeshire County Council on behalf of the Greater Cambridge Partnership (GCP) as part of the Transport Plan to reduce traffic north east of Trumpington on the A11, A10 Junction 11, M11 Junction 10 and encourage a modal shift in this area. The parking demand was forecast as a likely 30:70 split between the A10 and M11. It would provide alternative parking for the city centre, lowering demand for the Trumpington Park and Ride which, prior to Covid-19, was often at full capacity. He was joined by colleagues from wider specialisms, including transport colleagues, should Members have questions on any of these points.

He stated that the hub would also act as parking provision for the Biomedical Campus which had 17,250 employees in 2019, with an expected increase of 30% by 2030, and 800,000 patients and visitors in 2018, with an expected increase to 1.4 million by 2031.

The speaker noted that the Travel Hub would provide environmental parking, with a biodiversity net gain, and a lit pedestrian/cycle/bridal route into Cambridge City which reflected the modal shift away from motor car travel and linked to the Melbourn Greenway.

Mr Fletcher concluded that the application was supported by Camcycle and the biomedical campus. There were no statutory consultee objections to the proposal which had more representations supporting than objecting the proposal.

In response to Members' questions, Mr Fletcher (supported by technical colleagues):

- Reported that there had not been a survey of biomedical campus employees to understand whether their own transport methods would reflect the modal change of transport. However, detailed surveys found individuals were uncomfortable using the M11 path and that throughfare of the lit path could be as high as 500 cyclists per day (there were currently 100-150 cyclists entering Cambridge per day through alternative routes). They also found that the proposal reflected transport demand shown in the Cambridgeshire Sub-regional Transport Model which showed an increasing demand for bus transport.
- Established that the applicant would apply for a traffic regulation order on traffic light timing at Junction 11 to increase junction efficiency.
- Established that the Transport Model used would have identified any possible rerouting of cars from the M11 into smaller villages. The impact of this would be minimised by the location of the Transport Hub in the M11/A11 corridor.
- That every EV charging points would be slow and fast charging.
- That the land was generally level, but that storage had not been placed in the east, where the land was lowest.
- That there would be no planting near disability parking to increase ease of access.

- That the footprint of the travel hub had been kept small to allow for the green belt. PV panels would not allow for a planting, hence only a third of car parking would be covered.

Members' raised concerns:

- That the modal shift in transport use predominantly applied to short-distance travel. This was mis-aligned with the needs of M11 users, the majority of whom travelled further.
- That the A10 and A603 between the park and ride in Madingley and Trumpington was stationary at peak times. The development of the transport hub would increase this.
- About the re-routing of cars on the M11 through smaller villages.
- Expressed that cyclists already had a cycle route into Cambridge along the A10, limiting the justification for the development of a new route.

The Chair invited Dr Alan James, Chairman of the Campaign to Protect Rural England (CPRE), to speak against the proposal. He strongly objected to the environmental impact of the development.

Dr James expressed the belief that that application's justification for development was insufficient to allow for development on Cambridgeshire's green belt in accordance with NPPF Paragraphs 147-149. He argued that the development would increase footfall, pollution and noise pollution in the Trumpington Meadow Reserve; would erode the open landscape of the area; would put Fenland farmland at risk; and encourage development on the other side of the road. He also raised concerns that run off from the site would contaminate the river.

He suggested alternative options which included:

- Deferring the application until there was further knowledge about the long-term change in working patterns resulting from Covid-19, and the Cambridge Integrated Transport Plan was produced.
- Instead building upon pre-existing car parks in Addenbrookes and the Biomedical Campus.
- Should the development continue, covering the parking with solar cloth for which there is no glare.

Written comments were received from the Local Member, Councillor Brian Milnes and read out by the Democratic Services Deputy Manager.

Councillor Milnes expressed his general support for the application but raised concerns regarding the limited number of solar panels and the likelihood that necessary regulations to alleviate traffic would not occur.

In response to Members' questions, officers clarified:

- That, unlike environmental groups, the Biodiversity Officer continued to favour the application because there was a biodiversity net gain for local habitats, and the local flood authority had found filtration systems that would prevent water contamination and aid site drainage.
- That the Environment Agency had stated a separate application for the outfall was also likely to be required.
- Meetings with the Wildlife Trust had occurred and a letter of comfort had been produced to secure fencing and therefore reduce footfall on the Trumpington Meadow Reserve in this quiet area of the park with ground-nesting birds. Footfall in the Country Park would also be monitored for 25 years and measures were proposed on the landscaping and management of the site, whilst not predetermining who might do that on behalf of the applicant.
- That the Wildlife Trust had been opposed to the location, but not necessarily to the development itself and therefore had worked with the applicant to ensure that suitable mitigation could be found.

During the debate, Members noted:

- That construction costs had not been taken into account in the presentations or the planning balance (as it was acknowledged that this was not a material planning reason) but it should be a point considered by the Committee as part of the wider Council implications of the scheme.
- The written letter of Mr Jim Chisholm against the development is acknowledged. This letter raised the fact park and rides encourage people to drive to the bus, rather than take the bus directly. This would result in a negative impact on the environment. It suggested the money spent on this project, could be used to increase bus provision.
- That there were many ongoing but incohesive public transportation developments occurring in the area such as the East-West Rail, Cambridge South Station, CSET (Cambridge South East Transport) and bus investments. Information was requested on how the Travel Hub would link into this plan.
- That the development would undermine the purpose of the green belt and the Trumpington Meadow Reserve. Furthermore, the appearance of the development resembled a car park, rather than a travel hub and had not properly taken into account the Council's Climate Change Emergency or provided sufficient evidence of how modal shift would be achieved.
- Raised concern that the Milton park and ride was currently eroding the green belt and urged caution in developing on the green belt again.

It was proposed by Councillor Kindersley, seconded by Councillor Corney and passed unanimously to defer the item for further information.



Further information requested for the deferral:

- Justification and use of the travel hub (to include covid considerations, demand patterns and including calculated travel modes)
- S106 for the Trumpington Meadows development, including impact on the use of this land on the adjacent Trumpington Meadows Nature Reserve;
- Green belt impact
- Pollution concerns including drainage;
- Researching the possible expansion of solar panels and charging points;
- Travel connectivity (with regard to the wider transport travel plans for the County and future arrangements such as East / West Rail and Cambridge South Station);
- Need to establish impact on the Council's climate change agenda;
- Clarification of landscaping and height of the species to be planted.

## 7. Summary of Decisions Taken under Delegated Powers

A member urged the development of the zebra crossing in Section 9 of the report to meet the September deadline.

The Committee resolved unanimously to note its summary of decisions taken under delegated powers.

Chair



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

[SECTION 73 PLANNING APPLICATION TO DEVELOP LAND WITHOUT  
COMPLYING WITH CONDITION 1 OF PLANNING PERMISSION H/05001/13/CW  
(RESTORATION OF LAND AT COLNE FEN USING IMPORTED INERT WASTE  
TO CREATE CONSERVATION HABITATS) TO ALLOW THE DEVELOPMENT TO  
CONTINUE FOR A FURTHER 5 YEARS]

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

APPLICANT: Mr D Newman

APPLICATION NO: FMW/025/19

To: Planning Committee

Date: 26 January 2022

From: Assistant Director, Planning Growth & Environment

Electoral division(s): Somersham & Earith

Purpose: To consider the above planning application

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

### Officer contact

Name: Helen Wass

Post: Development Management Officer (Strategic & Specialist Applications), County Planning,  
Minerals & Waste

Email: [Helen.Wass@cambridgeshire.gov.uk](mailto:Helen.Wass@cambridgeshire.gov.uk)

Tel: 01223 715522

## Agenda plans

1. Site Definition Plan CF100
2. Proposed bridleway improvements

### 1. Background and introduction

- 1.1 Planning permission ref. no. H/05001/13/CW was granted on 28 June 2013 for the importation of inert waste material as part of a new restoration scheme for parts of Colne Fen Quarry for a period which expired on 31 December 2019. The principal part of the development was started after the environmental permit for depositing inert waste in the silt pond was issued in 2018 but is far from complete.
- 1.2 In July 2019 a planning application (ref. no. FMW/025/19) was submitted seeking a further 5 years to complete the development i.e. until 31 December 2024. It was reported to the Planning Committee on 1 October 2020 and members resolved that the application be approved subject to the recommended conditions and the completion of a planning obligation to secure the provision of a public bridleway along the western side of Colne Fen Quarry. The report to the October 2020 meeting is Appendix 1 of this report.
- 1.3 The site was closed in March 2020 owing to Covid-19 restrictions and the applicant asked that the 5 year period for the development be from date the new planning permission was issued. This was discussed in the 1 October 2020 report and is reproduced below for convenience:

#### “Duration of the permission

8.39 As stated at paragraph 2.1 above the applicant has suggested that the extension of time to complete the development be extended from to 31 December 2024 which would be 5 years from the expiry of the 2013 permission to 5 years from the date of any new planning permission. It has been identified in paragraph 8.32 that a new planning permission would be dependent on the completion of a s.106 agreement to secure the provision of a public bridleway. Legal agreements usually take some months to complete therefore it is possible that the planning permission would not be issued until early 2021. If the applicant’s suggestion were to be accepted this would result in the development being able to continue until early 2026. It is considered reasonable that to make up for the period lost to the Covid-19 related closure, the duration of the permission be limited to 5 years from the date of the Planning Committee i.e. until 1 October 2025. This would give an extra 9 months including an entire spring and summer when there should be few weather-related constraints to the availability and deposit of inert waste.”

- 1.4 This recommendation was endorsed by the Planning Committee and covered by proposed condition 1:

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

Reason: The development is related to the restoration of the site, which no longer includes development in Front Lake, within a set timescale to minimise the impact on local amenity

and to ensure that the site is restored to a beneficial afteruse in accordance with policies CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011).”

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

## 2. The proposed development

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

## 3. Consultation and representations

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

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

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

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

#### 4. Planning history

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

#### 5. Planning policy and guidance

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. When the application was considered by Planning Committee on 1 October 2020 the development plan included the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) and the Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012). The Cambridgeshire and Peterborough Minerals and Waste Local Plan was at final draft (submission) stage so was afforded some weight (see paragraphs 7.6 and 7.7 of Appendix 1).

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

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

## 6. Planning considerations

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



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

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

## 7. Recommendation

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

### Commencement

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

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

### Time Limit

- 1B. This permission shall be limited to the period expiring on a date 5 years from the date of this permission or by 1 May 2027 whichever is the sooner by which time the Site shall be restored in accordance with the approved drawings listed in condition 2 except in respect of Front Lake.

Reason: The development is related to the restoration of the site, which no longer includes development in Front Lake, within a set timescale to minimise the impact on local amenity and to ensure that the site is restored to a beneficial afteruse in accordance with Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

### Compliance with Submitted Details

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

No development shall take place in Front Lake.

Reason: To define the site and protect the character and appearance of the locality, and to ensure that the development is carried out with the minimum harm to the local environment in accordance with Policy 17 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policies LP14 and LP30 of the Huntingdonshire Local Plan (May 2019).

### Site

3. For the avoidance of doubt the 'Site' refers to the land outlined in red on Plan: CF1 Revision A. The 'Ecological Management Area' refers to the land shown hatched pink on Plan: CF5. The 'Irrigation Lake', 'Agricultural Land Reinstated', 'Rhee Lake', 'Silt Pond', and 'Front Lake' refer to areas defined on Plan: CF100.

Reason: To define the site and show the different areas referred to in relation to the restoration, landscaping and aftercare conditions in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). It also defines 'Front Lake' where no development is permitted as part of this permission.

### Hours

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

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

### Restoration

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

Reason: To enable the waste planning authority to adequately control the development, make clear that no development is permitted in Front Lake, and to minimise its impact on the amenities of the local area in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Soil provision for the area of depression pond

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

Hard and soft landscape works

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

Ecological Appraisal

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

Reason: To minimise the impact of the development on wildlife and wildlife habitats in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP30 of the Huntingdonshire Local Plan (May 2019).

Ecological Management Plan

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

Reason: To minimise the impact of the development on wildlife and wildlife habitats in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP30 of the Huntingdonshire Local Plan (May 2019).

Maintenance of Soft Landscaping

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

Reason: To ensure the approved species are maintained in the interests of visual amenity and protection of the rural character of the area in accordance with Policy 17 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP31 of the Huntingdonshire Local Plan (May 2019).

Ecological and Landscape Management Plan and Aftercare

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

Condition 9 pages 2 - 9;

- Biodiversity Enhancement Plan, Plan: CF3 Rev B dated May 2013; and
- Ecological Management Plan, Plan: CF5 Rev A dated May 2014.

As amended/supplemented/clarified by:

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

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

Reason: To ensure the area is managed appropriately to protect and to enhance the biodiversity of the area in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP30 of the Huntingdonshire Local Plan (May 2019).

10. The development except for the 'Ecological Management Area' referred to in condition 9 and the 'Agricultural Land Reinstated' shall be carried out in accordance with the ecological and landscape management plan set out in the following documents:
- Scheme to discharge planning conditions 7, 9 and 10 document dated April 2015 – Condition 10 pages 10 – 13;
  - Biodiversity Enhancement Plan, Plan: CF3 Rev B dated May 2013;
  - Ecological Management Plan, Plan: CF5 Rev A dated May 2014

As amended/supplemented/clarified by:

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

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

Reason: To ensure the area is managed appropriately to protect and to enhance the biodiversity of the area in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP30 of the Huntingdonshire Local Plan (May 2019).

#### Hard landscaping for the bridleway

11. The bridleway along the northwestern and southwestern edges of Irrigation Lake shall be constructed in accordance with the following plans and documents:
- Scheme to discharge planning conditions 6, 11, 20 (part) and 24 document dated July

2013;

- Plan: CF3 Revision B 'Biodiversity Enhancement Plan' prepared by David M Newman received 22 July 2013; and As amended/supplemented/clarified by:
- Email dated 21 August 2013 (David Newman to Emma Fitch);
- Plan: CF51 Rev A 'Detail of Bridleway Establishment Condition No. 11 Consent No. H/05001/13/CM' (received 28 August 2013);
- Email dated 4 September 2013 (David Newman to Emma Fitch) agreeing to stone picking; and
- Email 6 September 2013 (David Newman to Emma Fitch) agreeing to topsoil being placed 1000mm wide and 600mm deep along the line of the hedgerow.

Reason: To ensure that the bridleway is suitable and safe for users for the restoration of the site and to enhance the biodiversity of the area in accordance with Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP3 of the Huntingdonshire Local Plan (May 2019).

#### Access Scheme for local interest groups

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

Reason: To ensure appropriate and controlled access is given to local interest groups, whilst still protecting the biodiversity of the area in accordance with Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP3 of the Huntingdonshire Local Plan (May 2019).

#### Permitted Vehicle Movements

13. The total number of Heavy Commercial Vehicle (HCV) movements associated with the development hereby permitted shall not exceed 120 per day. For the avoidance of doubt an HCV shall have a gross vehicle weight of 7.5 tonnes or more and the arrival at Site and departure from it count as separate movements.

Reason: In the interests of safeguarding local amenity in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### Record of Vehicle Movements

14. A written record shall be maintained at the Site of all daily movements of HCVs associated with the development hereby permitted. Such record shall contain the vehicles' weight, registration number and the time and date of the movement and shall be available for inspection within 3 working days of any written request of the waste planning authority.

Reason: To allow the waste planning authority to adequately monitor activity at the site, and to minimise the harm to amenity in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021), and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### HCV Access and Egress

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

Reason: In the interests of highway safety in accordance with Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

#### HCV Routing Agreement

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

Reason: In the interests of limiting the impact of the development on the amenity of local residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### HCV Routing – Silt Pond

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

Reason: In the interests of limiting the impact of the development on the amenity of local residents in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019)

#### HCV Backloading

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

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

~~Reason: To ensure that the stabilisation works that are necessary to create the bridleway are completed as soon as possible in accordance with policy CS37 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (July 2011) and policy LP16 of the Huntingdonshire Local Plan (May 2019).~~

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

#### HCV Sheeting

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

Reason: In the interests of highway safety and safeguarding the local environment in accordance with Policy 18 and Policy 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

Protection of Soils

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

Reason: To ensure that all soils are retained to ensure the restoration of land and to minimise the amount of inert materials needing to be imported to protect the amenity of the local area in accordance with Policy 18, Policy 19 and Policy 24 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021).

Inert Infill Method Statement and Phasing Plan

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

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

As amended/supplemented/clarified by:

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

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

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

Noise limits

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

Reason: To minimise the adverse effects of noise emitted from the Site on residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### Dust controls

22. All necessary steps shall be taken to minimise the generation and emission of dust from any use or operation involved in the restoration of the Site hereby permitted in line with the dust suppression scheme included in the supporting statement dated March 2013. Such steps shall include:
- All active haul roads shall be kept damp as required by motorised spraying units during site operations (i.e. water bowzers);
  - The proper use of the wheel cleaner by vehicles leaving the Site;
  - The direction of exhausts of on-site vehicles shall be such that exhaust gases cannot be emitted in a downward direction;
  - Observations shall be made by the Site Manager of the wind direction during infilling operations. When it appears from visual inspection that the wind direction is towards dust sensitive locations and that dust emissions could adversely affect amenity then appropriate mitigation steps shall be taken;
  - Placing dust-generating activities where maximum protection can be obtained from topography or other features.

Reason: To minimise the adverse effects of dust emitted from the Site on local amenities in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### Maintenance of machinery and effective silencers

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

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### Reversing alarms for on-site machinery

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

Reason: In the interests of residential amenity in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

#### Lighting

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



Reason: In the interests of visual amenity and to safeguard the amenities of surrounding sensitive receptors in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

## Temporary Stockpiles

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

Reason: In the interests of visual amenity in accordance with Policy 17 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) and policy LP14 of the Huntingdonshire Local Plan (May 2019).

### Informatives for applicant

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

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

<https://middlelevel.gov.uk>

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

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

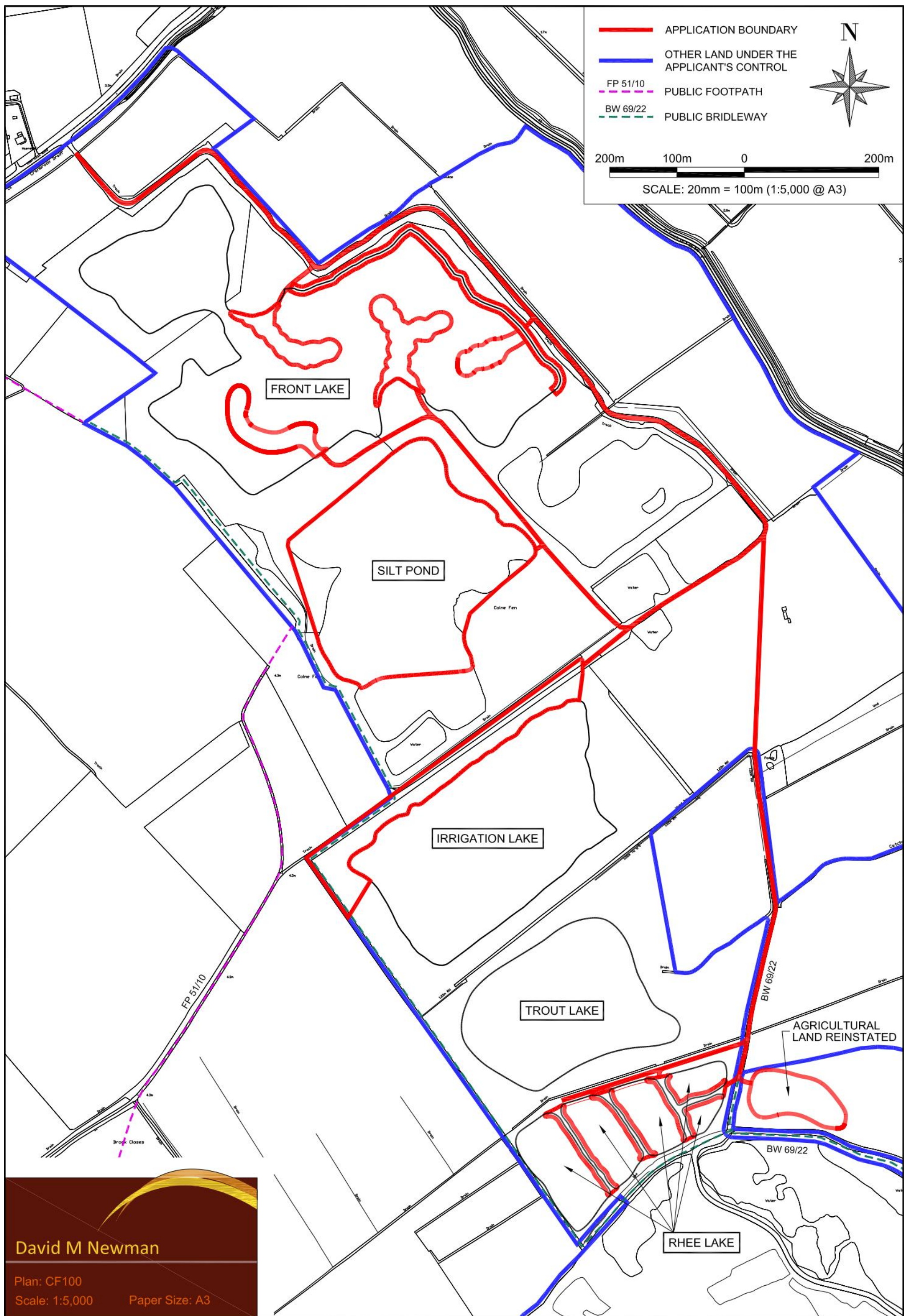
## Source Documents

Link to the National Planning Policy Framework (July 2021) [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92512/nppf-2021.pdf)

[Link to the Cambridgeshire and Peterborough Minerals and Waste Local Plan \(July 2021\)](#)  
[Emerging Minerals and Waste Local Plan - Cambridgeshire County Council](#)

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





David M Newman

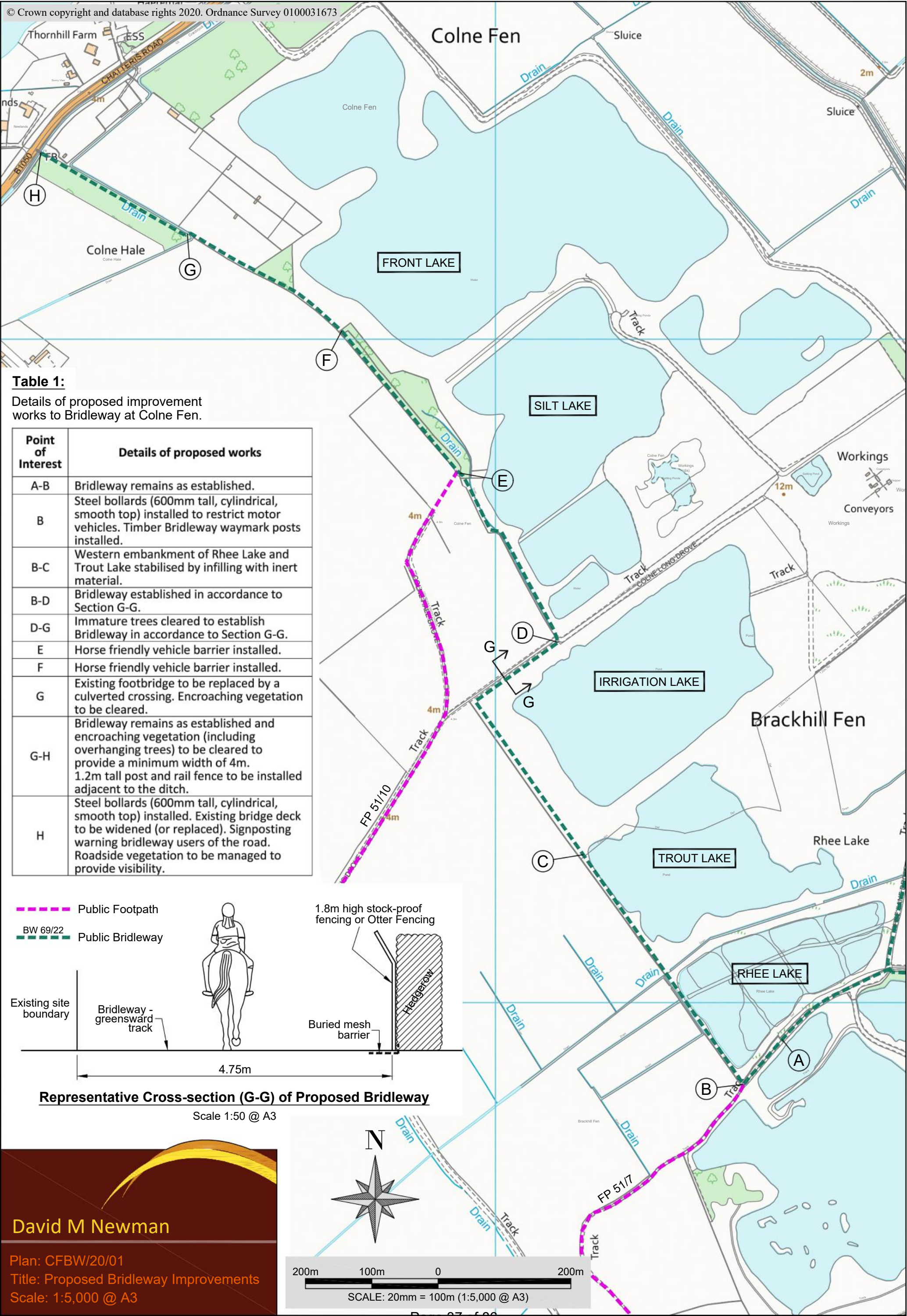
Plan: CF100

Scale: 1:5,000

Paper Size: A3







David M Newman

Plan: CFBW/20/01  
Title: Proposed Bridgeway Improvements  
Scale: 1:5,000 @ A3



**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>	
<b>Name:</b>	Helen Wass
<b>Post:</b>	Development Management Officer (Strategic & Specialist Applications)
<b>Email:</b>	<a href="mailto:Helen.wass@cambridgeshire.gov.uk">Helen.wass@cambridgeshire.gov.uk</a>
<b>Tel:</b>	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).

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.

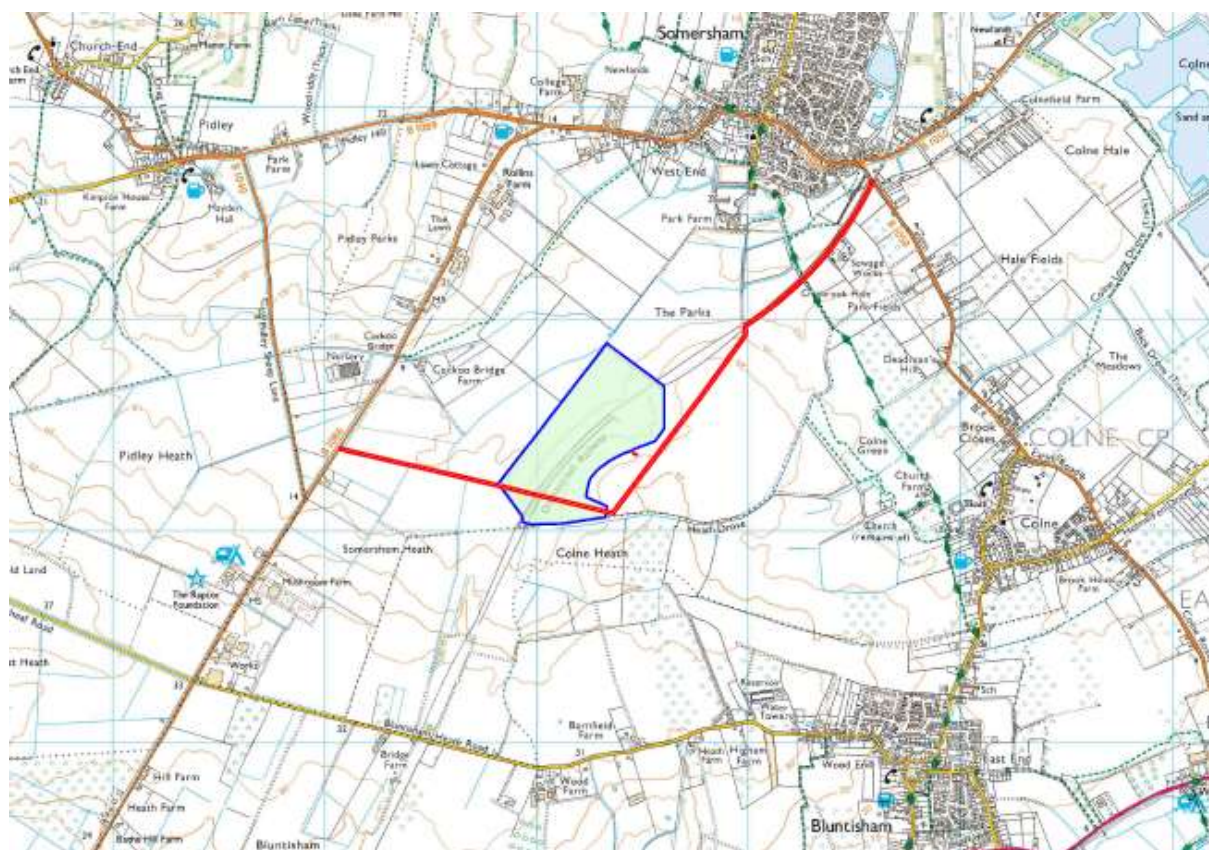
## 2.0 THE PROPOSED DEVELOPMENT

- 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>	





## Enforcement Update Report 2021

To: Planning Committee

Date: 26 January 2022

From: Assistant Director, Planning, Growth and Environment

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

Post: Principal Enforcement & Monitoring Officer, County Planning, Minerals and Waste

[Link to the email address for Deborah Jeakins](#)

Tel: 01223 715544

# 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 Planning, Growth and Development service.
- 1.2 The Enforcement update report is usually prepared and presented to Planning Committee on a quarterly basis, unless there are no items on the Committee agenda in which case the Chair can approve postponing the update report until the Committee next convenes. The last full report was presented to Committee in July 2021 and it covered the period 1 March 2021 to 30 June 2021.
- 1.3 The Enforcement and Monitoring team consists of the Principal Enforcement and Monitoring Officer (Deborah Jeakins), Monitoring and Control Officer (Stanley Gono) and Planning and Compliance Officer (Alex Rankine).
- 1.4 The report is divided into a number of sections. Sections 2 to 5 summarise: the current complaints under investigation; the number of formal Notices served; Enforcement Appeals; and Ombudsman complaints received. Section 6 of the report details the site monitoring visits undertaken to chargeable sites between 1 July 2021 and 30 November 2021. Sections 7 to 12 of the report provide updates on a number of key ongoing Enforcement Investigations.

## 2 Complaints received

- 2.1 At the time of writing this report, the Enforcement and Monitoring team have 30 active complaints under investigation.
- 2.2 Between 1 July 2021 and 30 November 2021 the team received 19 complaints. A summary of the status of the complaints received in the period can be found in the table below.

### Summary of the status of complaints received:

Status	Number
Under investigation	2
Breach established and resolved	4
Breach established. Investigation on-going	5
Not a County matter	2
No breach established, case closed	6
Total	19

2.3 At the time of writing, of the 19 complaints received between 1 July 2021 and 30 November 2021:

- 12 cases have been investigated and closed;
- 7 cases remain open and under investigation.

2.4 During the reporting period a further 6 pre-existing complaints were able to be resolved and closed.

2.5 Of the 30 complaints that are open and under investigation:

- 6 are awaiting the determination of planning applications which have been submitted;
- 3 are waiting the submission of a new planning application to regularise the breach;
- 8 are waiting for action to be undertaken by the operator within previously agreed timescales;
- 8 require a site visit to be undertaken to check the sit status; and
- 5 require further investigation by the team.

### 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 July 2021 and 30 November 2021.

### 5 Ombudsman Complaints

5.1 No Local Government Ombudsman complaints were received during the period 1 July 2021 and 30 November 2021.

### 6 Site monitoring visits 1 July 2021 – 30 November 2021

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.
- 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 and visits to complaint sites carried out during the monitoring period is set out in the table below.

Site visits by type 1 July 2021 to 30 November 2021

Site type	Number of visits
Landfill	12
Quarries	19
Non chargeable sites	8
Complaint site visits	13
Total	52

- 6.5 This monitoring report covers five months within the financial year (2021-22). The total income that was estimated would be generated by chargeable monitoring visits in the financial year 2021 to 2022 was £24,000.00. However, the status of some sites has changed since the start of the financial year and this, along with some site closures that were needed in response to Covid 19, means that the number of visits to chargeable sites conducted so far this financial year has been slightly reduced.

## 7 Enforcement Cases

- 7.1 There is currently only 1 active enforcement case where formal enforcement action has been taken and monitoring is on-going. A brief summary of that case is set out in Appendix 1, with fuller details relevant to that case contained in section 9 below.
- 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 site owner in respect of unauthorised waste storage and processing uses at the site. The Council had previously 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 of Lawful Development 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 of Lawful Development (CLD), the application was refused on 18 April 2019. An Appeal against the refusal was lodged with the PINS and then subsequently withdrawn by the appellant.

- 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 Lawful Development 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 complex and is still being considered but if it fails to prove, on the balance of probability, that the use has been an ongoing and continuous for the preceding ten years then the CLD will not be granted. If the CLD 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 grant the CLD.

## 9 Field 6184 / Black Bank, Little Downham

- 9.1 An Enforcement Notice (EN) 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 landowner 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 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. 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 ('the Order') so that the Judge did not have to rule on the injunction.
- 9.3 The terms of the Order are such 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. Any confirmed breach of the Order could result in contempt of High Court proceedings.
- 9.4 On 19 September 2019, the landowner submitted a Prior Notification application, reference 19/01268/AGN, to East Cambridgeshire District Council (ECDC) to erect an agricultural building on the same piece of land at First Drove to which the extant EN relates. The landowner was at that time formally reminded of the potential penalties for breaching a High Court Order, that the County Council had evidence of the land levels across the site and that County Council officers would monitor the site for any breach of planning control. ECDC granted permission for the steel framed agricultural building on 10 October 2019. To date, no work has started on site to

construct the building. Officers will prioritise visiting the site if any reports of any importation of waste onto the site are received and would, if necessary, put any evidence of a breach of the High Court Order before the courts.

- 9.5 In November 2021, the Council raised the fourth and final invoice for the annual instalment relating to the payment of the costs incurred in taking this matter before the High Court. All three of the previous invoices have been paid. Appendix 1 details formal enforcement action that had been taken in respect of this matter.

## 10 Saxon Pit, Peterborough Road, Whittlesey

- 10.1 In January 2018 the Environment Agency (EA) received odour complaints associated with inadequate waste acceptance procedures taking place at Saxon Pit as part of the ongoing stabilisation and buttressing of a former quarry face which is authorised by a County Council waste planning permission. The EA investigation revealed that a large amount of non-conforming waste material had been accepted on the site over a long time period and that it was covering a wide area, down to an approximate depth of 2 metres. The EA investigation confirmed that the deposit of non-conforming waste had taken place across five phases of the development.
- 10.2 The EA requested that works on site cease to allow investigation which resulted in the stabilisation project, approved under a time limited planning permission, not being completed by the expiry date of that planning permission. A new planning application, reference F/2015/18/CW, was subsequently submitted and approved to extend the timescale for the importation of waste to stabilise and buttress the southern face of the former quarry for a further period to November 2022. The EA recommended the completion of the stabilisation works to prevent further saturation in the active tipping face and advised that this should be undertaken prior to any restoration activities. The planning permission issued restricted the operations to the use of the existing approved inert waste types and did not permit the use of the unauthorised waste type brought onto site without the necessary permission or permit.
- 10.3 In June 2020 the EA advised the operator that the removal of the non-conforming waste would not be required, provided that containment measures were 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 was undertaken to determine: the chemical nature of leachate arising from the non inert waste; the likelihood of its migration; its potential impact to sensitive receptors in the long term and representative gas monitoring. The full details of the EA's correspondence in relation to planning application reference F/2015/18/CW can be found on the Council's public access webpage (<https://planning.cambridgeshire.gov.uk/online-applications/>).
- 10.4 Legal advice confirmed that the principle of development at the site had previously been found to be acceptable. It had also been accepted that the stabilisation works needed to be completed and, as there was no objection to the development from any of the statutory consultees, planning permission reference F/2015/18/CW was issued on 17 September 2020 and approves the infilling of the pit face with inert waste for its stabilisation and buttressing for two years and 2 months from the date of the decision notice.

- 10.5 Since the issuing of the planning permission in September 2020, the Council has continued to receive occasional queries about the waste uses at the Saxon Pit site and the EA's decision to allow the non inert waste to remain in situ, provided that suitable monitoring and mitigation measures are incorporated into the site restoration. The EA investigation is ongoing and is likely to continue for some considerable time. Officers from County Planning continue to work closely with the EA to ensure that enforcement officers are kept updated on the current situation and regular monitoring will be undertaken to determine the type and source of waste material brought onto the site for use in the stabilisation and the completion of the restoration.
- 10.6 In February 2021, a new planning application, reference CCC/21/024/FUL, was submitted which seeks permission for the importation, storage, processing and recycling of incinerator bottom ash and construction and demolition waste at the Saxon Pit site. Although this development is unrelated to the existing County planning and EA investigations into the waste brought into stabilise the pit, it has received a significant amount of public attention. The application, which was accompanied by the submission of an Environmental Statement, has been subject to amendments to address the concerns raised by statutory consultees. The latest formal consultation concludes at the end of December and it is anticipated that the application will be presented to the Planning Committee for a decision early in 2022.
- 10.7 In addition, the District Environmental Health Officer has recently been investigating a series of odour complaints about the Saxon Pit site that have been received from neighbouring residents. The complaints relate to the use of premises at the site, under planning permission issued by Fenland District Council for the production of wooden products which is resulting in a strong 'earthy' smell at the site. There are currently no waste matters relating to this operation and any enforcement or pollution control action required remains within the jurisdiction of the District Council.

## 11 Kingsland Farm, Coates

- 11.1 In January 2020 officers received a complaint regarding the breaking of vehicles for parts that was taking place in an industrial unit at Kingsland Farm, Coates. This processing of End-of-Life vehicles (ELV) is development that needs planning permission from the County Council as the Waste Planning Authority (WPA).
- 11.2 The landowner and operator were advised that as Waste Planning matters can be complex, they should seek Pre application advice from County Planning, Minerals and Waste which would provide information on whether the ELV use was consistent with the Mineral and Waste policies in the Local Plan as well as details of what supporting information would need to be submitted with any application. The pre application advice request was received on 26 March 2021 and the pre application advice response letter was issued on 3 April 2020. The advice from County Planning was that that the ELV use could be supported by officers because it broadly complied with the sustainability aims of national and local development plan policies and the vehicle dismantling activities could be undertaken without unacceptable adverse impacts on human health or amenity.
- 11.3 On 23 July 2020, a planning application, reference CCC/20/056/FUL was submitted for 'Change of use of land and buildings from storage and distribution to vehicle dismantling and parts storage (Retrospective). Matters relating to the determination

of this application have proved complex to resolve and the current determination date for the planning application is 31 January 2022.

- 11.4 Officers received a number of reports alleging that operations were taking place at the site outside of the working hours proposed in the planning statement submitted with the application and, in response, undertook out of hours monitoring to gather their own evidence. The monitoring confirmed that out of hours working was taking place at the site. However, as the development is not yet controlled by a County planning permission and no planning conditions are in place, officers were not able to take any formal action to address the matter. Officers did however advise the operator, their agent and the landowner of the need to comply with the operational details specified in the submitted planning application, that these would be imposed as conditions on the grant of any planning permission granted and the potential consequences of failing to do so.
- 11.5 It must be noted that operator performance does not constitute a material planning consideration and cannot therefore be taken into account in the determination of any planning application. If the application is approved, officers will monitor compliance with the permission and conditions and if there is evidence of breaches of condition taking place, appropriate enforcement action will be initiated.

## 12 Westons Yard, Pondersbridge

- 12.1 On 5 August 2020, retrospective planning permission was approved for the change of use of Units B & 1B of Westons Yard, Pondersbridge to allow the processing of depolluting and dismantling of ELVs. The permission was for a temporary period expiring 5 years from the date of the decision and was subject to a number of planning conditions.
- 12.2 On 16 November 2020, Enforcement Officers sent an email to the operator and agent to remind them that a number of planning conditions required action to be undertaken within three months of the date of the decision notice, the relevant conditions were:
- Condition 3 - Acoustic barrier fence erected;  
Condition 5 - On Site parking laid out and implemented;  
Condition 8 - White noise alarms fitted; and  
Condition 11 - Drainage and pollution control measures implemented.
- Condition 9 of the planning permission required the submission of a noise management plan for approval within a further 2 months (i.e. by early January 2021).
- 12.3 Officers corresponded with the Planning agent and operator regarding the ongoing breaches of planning control at the site and advised that each of the breaches of planning condition were detrimental to local residential amenity or were causing planning harm and needed addressing. Owing to the amount of time that it was taking to secure compliance with the conditions, officers sought the authority to serve a Planning Contravention Notice (PCN) on the site operator and the land owner.
- 12.4 The PCN was served on 31 August 2021 and it required the provision of information on land ownership and the breaches of condition in order to assist with an assessment of whether it is necessary and expedient to take formal enforcement



action. The PCN responses, and subsequent correspondence with the operator, confirmed that the majority of the breaches of planning control on site had been remedied. Officers have scheduled a site visit in early 2022 to check that all the required measures on site have been undertaken and discuss the noise monitoring that now needs to be undertaken.

## 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
2. Green 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.	First Drove Little Downham Ely	EN 17/01/12	An EN for unauthorised change of use was served in 2012 and upheld but varied at appeal. The amended notice required the removal of 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.

## Summary of Decisions Made Under Delegated Powers

*To:* Planning Committee

*Date:* 26 January 2022

*From:* Assistant Director, Planning, Growth & Environment

*Electoral division(s):* All

*Purpose:* To consider the above

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

Officer contact:  
Name: Deborah Jeakins  
Post: Principal Enforcement and Monitoring Officer  
Email: [Link to the email address for Deborah Jeakins](#)  
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 Assistant Director Planning, Growth & Environment) 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 Nine applications have been granted planning permission under delegated powers during the period between 09/07/21 and 07/01/22 as set out below:

1. CCC/21/049/FUL- Extension to waste handling building.

Location- Cowley Road Waste Transfer Station, St Johns Innovation Park, Cowley Road, Cambridge, CB4 0WZ.

Decision granted 15/07/21.

For further information please contact Rachel Jones 01223 706774.

2. CCC/20/069/FUL- Demolition of an existing building, erection of a replacement building for use as a domestic pet crematorium and change of use of land and associated works.

Location- Westmoor Drove, Littleport, Ely, Cambridgeshire, CB6 1RP.

Decision granted 21/07/21.

For further information please contact Rachel Jones 01223 706744.

3. CCC/21/034/FUL- Installation of 3no Air source heat pumps to roof demise, with additional installation of fencing to match the existing fencing to roof demise.

Location- Library And Archvie Centre, Princes Street, Huntingdon, PE29 3PA.

Decision granted 28/07/21.

For further information please contact Luke Walstow 01223 703861.

4. CCC/21/027/FUL- Change of use from a care home to a supervised contact centre.

Location- 78 Victoria Road, Wisbech, PE13 2PY.

Decision granted 16/08/21.

For further informaion please contact Kirsty Carmichael 01223 703216.

5. CCC/21/084/FUL- Installation of roof mounted air source heat pump.

Location- Wisbech Library, Ely Place, Wisbech, PE13 1EU.

Decision granted 14/09/21.

For further information please contact Kate Bannigan 01223 715491.

6. CCC/21/047/FUL- Erection of profiled steel building incorporating automated end-of-life vehicle depollution systems on concrete pad and regularisation of three car parking spaces.

Location- Vaux Spares Limited, Ashwell And Morden Station Goods Yard, Station Road, Odsey, Cambridgeshire, SG7 5RT.

Decision granted 08/10/21.

For further information please contact Stanley Gono 01223 699227.

7. CCC/21/112/VAR- Creation of an Energy Centre to serve the village of Swaffham Prior via a heat supply network. Centre will include a small visitors, education and exhibition space within an existing agricultural building. Erection of solar photovoltaic PV Panels, a borehole ground source heat collector, with associated pumps and machinery, landscaping and associated works.

Informative: - Section 73 application to develop land without complying with Condition 2 (approved plans/documents), Condition 3 (Flood Risk and Drainage Details), Condition 5 (Archaeology Investigation), Condition 14 (Foul Water) and Condition 18 (Energy Centre External Details) of planning permission CCC/20/054/FUL following revised Energy Centre dimensions and additional supporting information.

Location- Land At Goodwin Farm, 1 Heath Road, Swaffham Prior, Cambridge, CB25 0LA.

Decision granted 03/12/21.

For further information please contact Rachel Jones 01223 706744.

8. CCC/21/087/FUL- Erection of four new teaching blocks to create a 2 form entry (FE) extension to Cambourne Village College to create an 11 FE of entry school (1650 pupils), 2 storey extension to the existing music/drama block to create additional teaching facilities, conversion and 2 storey extension to the existing teaching block to create a 350 place independent sixth form building, associated new cycle and pedestrian access link, reconfigured pedestrian walkway, associated school playing fields, MUGA and cycle parking, relocation of the existing attenuation basin, new car parking, new vehicular access to the school, new vehicular route within the school site, new means of enclosure around the

perimeter of the school site, hard and soft landscaping, ancillary facilities and widening of Swansley Lane.

Location- Cambourne Village College, Sheepfold Lane, Cambourne, CB23 6FR.

Decision granted 15/12/21.

For further information please contact Jane Stanley 01223 743812.

9. CCC/21/105/FUL- Installation of a replacement internal circulation experience anaerobic digestion reactor (maximum height approximately 17.9 metres), biogas buffer tank, pipework, cabling, ancillary infrastructure and equipment. decommissioning and removal of the existing clarifier tank and anaerobic digestion reactors.

Location- Histon Sweet Spreads Ltd, Chivers Way, Histon, CB24 9NR.

Decision granted 07/01/22.

For further information please contact Kate Bannigan 01223 715491.