

Planning and EP Committee 8 July 2014

Application Ref: 13/01222/MMFUL

Proposal: Retention of aggregate processing plant, stocking area, lagoons and internal haul roads

Site: Eyebury Quarry, Eyebury Road, Eye, Peterborough

Applicant: Cemex UK Operations Ltd
Kirsten Hannaford-Hill

Agent:

Referred by: Director of Growth and Regeneration

Reason: EIA development

Site visit: 05.11.2013

Case officer: Mr A O Jones

Telephone No. 01733 454440

E-Mail: alan.jones@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

1 Description of the site and surroundings and Summary of the proposal

The Overall Development Proposal

This site forms part of the wider Eyebury quarry and landfill site. The former is operated by Cemex UK Ltd (the applicant for the current proposals), the latter is operated by Biffa Ltd. They share a single point of vehicular access off Eyebury Road, Eye.

Cemex has submitted three applications as follows;

- 1) 11/01921/WCMM – application to vary conditions attached to 05/00353/MMFUL to allow continued extraction for 5.5 years and to amend the method of working, restoration and planting details, noise and dust schemes
- 2) 13/01222/MMFUL – full application to retain the aggregate processing plant, stocking area, lagoons and internal haul roads
- 3) 13/01225/MMFUL – full application for proposed extraction of sand and gravel as an extension to the existing quarry on adjacent land, with restoration to agriculture, nature conservation and recreational uses.

All three applications form one “project” for the purposes of Environmental Assessment (ES). The development is Environmental Impact Assessment (EIA) development under Schedule 1, part 19 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 because the total site area (of all three application sites) exceeds 25 hectares. As such the submission of an ES was mandatory. The submitted ES covers the whole project area which is approximately 35 hectares.

The project area (sites) lie approximately 0.5 km southeast of the edge of Eye Village. Cats Water Drain runs roughly north/south to the east of the site – the lagoons/lakes will eventually discharge to the drain (there is an existing discharge point from the processing lagoons). Eye 3 Footpath/Bridleway which is also part of the Green Wheel traverses the site from east to west between the proposed extraction areas and the processing/lagoon area. Eye 1 footpath branches off in a northwest direction towards Eye Village and it runs between the proposed extraction areas.

It is proposed to temporarily divert this footpath until the site is restored when it will be reinstated. The nearest residential properties are Tanholt Farm (just to the east of proposed phases 6 and 7 – the site will be returned to the farmer for use once restored, and Tanholt Cottages which lie just to the west of Tanholt Farm (accessed off a track from Eyebury Road which is part of the Green Wheel route).

There are high pressure gas pipelines (National Grid) which run in a roughly north east – south west direction. These pass through the north east part of the site and also run beneath the existing vehicular access. No extraction will take place in the vicinity of these pipelines.

At present there are no permissions in place that enable continued extraction and processing at the site because the previous permissions expired; the permission granted for extraction in phases 1-5 under 05/00353/MMFUL expired in July 2012 (but the current application to vary conditions attached to this permission was submitted prior to this expiry). In summary, all three applications seek to continue the use of the existing haul road, processing and lagoon area, complete the extraction in phases 4/5 and open up the new extraction areas in phases 6 and 7. The whole area will be restored to a largely water environment comprising “conservation” and “fishing lakes” with wet and dry woodland planting and a small area to the northeast of the extraction areas which shall be returned to agriculture. As the restoration is to a water environment it is proposed to have a long term aftercare/management period. More detail on each of the applications will be provided below and in the other accompanying reports. Although the applications seek to continue to extract for a further 5.5 years, the applicant has recently indicated that it is the intention to extract all the remaining reserves this year to serve the Whittlesey Embankment flood defence project being managed by the Environment Agency.

This application site proposal

Application 13/01222/MMFUL seeks to retain the existing processing plant, stocking area, lagoons and internal haul roads at Eyebury Quarry. These facilities have been previously approved under the Review of Minerals Permission (ROMP) 00/00472/RMP, though lapsed as site operations developed under subsequent permissions and new extension areas within the wider site gained new approvals. The application therefore seeks to regularise the planning permission for this area of the site and function as an ancillary development to process reserves applied for as part of the ‘overall development’ outlined above.

The proposal is to retain the ‘plant site’ for the duration of mineral extraction and processing at Eye Quarry. Since the application has been received a substantial quantity of mineral has been extracted from phases 4 and 5, and approximately 240,000 tonnes remain, including reserves in phases 6 and 7, resulting in a further 4 years of extraction and processing at a rate of 60,000tpa. However, with reserves at the site likely to be exhausted sooner in the event that ‘as raised’ material be exported off site for the EA flood defence project, there is a need to ensure the restoration of the plant site is linked to the extraction period.

Restoration, landscaping and aftercare proposals have also been submitted with the proposal, to come into effect upon completion of mineral extraction operations.

2 Planning History

Reference	Proposal	Decision	Date
00/00472/RMP	Review of Minerals Permission (now lapsed)	approved	

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Paragraph 14 – there is a presumption in favour of sustainable development which means approving development proposals that accord with the development plan without delay

Paragraphs 135 – 136 – the effect of development on a non-designated heritage asset should be taken into account in determining an application. Local Planning Authorities should be certain a development will go ahead before permitting loss of a heritage asset.

Paragraph 144 – In granting planning permission for mineral development, Local Planning Authorities must ensure there are no unacceptable adverse effects on the natural or historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites or a number of sites locally. Restoration and aftercare shall be provided at the earliest opportunity.

Technical Guidance to the National Planning Policy Framework 2012

Provides technical advice as to how to deal with dust, noise and aftercare schemes

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW01 - Strategic Vision and Objectives for Sustainable Minerals Development

In delivering the growth agenda there will be an increase in the use of recycled secondary aggregates and a preference in these over land won minerals, however, where this is not practicable a steady supply of mineral from the Plan area will be maintained. Limestone only exists in the Peterborough area and extraction will continue thought the Plan period. In order to avoid reserves becoming exhausted, new sites will need to be identified and brought forward if they meet environmental criteria. Major infrastructure projects will be facilitated by the supply of mineral and in the case of the A14 improvements, by borrowpits close to the scheme. Mineral safeguarding and consultation areas will be identified to avoid needless sterilisation and prejudice to future mineral extraction. As extraction progresses across the area it will help deliver other objectives through restoration including increased biodiversity, amenity and recreational use. The natural and historic environment will continue to be protected with increased emphasis on operation practices which contribute towards addressing climate change and minimise the impact of such development upon communities. (Policy CS1 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

Minerals workings and waste management sites will be restored to a beneficial after use with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

MW33 - Protection of Landscape Character

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse effect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

MW36 - Archaeology and the Historic Environment

Minerals and waste development will not be permitted where there is an adverse effect on a designated heritage asset, historic landscape or other historic asset of national importance and/or its setting unless substantial public benefits outweigh the harm, or any significant adverse impact on a site of local architectural, archaeological or historical importance. Development may be permitted where appropriate mitigation measures are in place following consideration of the results of prior evaluation.

MW37 - Public Rights of Way

Minerals and waste development will only be permitted where permanent or temporary diversions of public rights of way are adversely affected if appropriate alternatives are provided. Proposals should, where practicable, provide for the enhancement of public rights of way.

MW39 - Water Resources and Water Pollution Prevention

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

MW41 - Ancillary Development

Proposals for ancillary development will be considered against the policies of the development plan and will be restricted to the life of the existing operations. Permanent facilities may be acceptable where it is demonstrated the criteria of this policy can be met.

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the

development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

Transport & Engineering Services (25.09.13)

No objections subject to the existing restrictions on traffic generation being brought forward onto this consent. Support use of the routing agreement.

Rights of Way Officer (21.03.14)

The Public Right of Way Diversion looks reasonable. It will need to be reinstated when the quarry is restored.

Landscape Architect (Enterprise) (03.03.14)

No objections - Does not appear to have significant landscape effects

Pollution Team (23.04.14)

Recommend that conditions regarding noise and dust attached to previous permission 05/00353/MMFUL be re-applied

Wildlife Officer (30.05.14)

Remains disappointed that the smaller shallower pond feature in the previous restoration scheme and suitable for Great Crested Newts has been removed from the scheme. The larger south-eastern lake is described as "angling/conservation" lake but is described as having a biodiversity goal. Angling and biodiversity lakes can be two very different things. Recommend that a habitat monitoring scheme be secured.

Archaeological Officer (04.03.14)

The proposed extraction and restoration works appear to have no adverse impact on the archaeological features to be preserved in situ.

English Heritage (21.02.14)

The application should be determined in accordance with national and local policy guidance and on the basis of PCC's specialist conservation advice.

Environment Agency (05.03.14)

No objection. Suggest that the noise monitoring scheme (condition 9) is updated.

Natural England - Consultation Service (03.03.14)

Refer to our standing advice regarding protected species. The Council should be satisfied that restoration proposals deliver BAP habitat and species targets, including net gain for biodiversity where possible.

National Grid (20.02.14)

Due to the presence of National Grid apparatus in the vicinity of the site, the operator should contact National Grid prior to any works taking place to ensure the apparatus is not affected by the works.

Eye Parish Council (27.09.13)

No comments

Local Residents/Interested Parties

Initial consultations: 60
Total number of responses: 1
Total number of objections: 0
Total number in support: 0

Representations

One representation has been received from a nearby resident who refers to continued problems with reversing beepers coming from Eyebury. No objection is raised to further extraction but would object to further land filling.

5 Assessment of the planning issues

Consideration

The key issues are as follows;

1. The principle of the development
2. Transport/traffic/Access
3. Visual appearance
4. Noise/impact on neighbours
5. Dust
6. The proposed restoration scheme/Ecology, landscaping and drainage.
7. Other issues (soils, hydrology during excavation, gas pipelines)
8. Conclusion

Principle of the development

The site has previously been granted planning permission for extraction and processing and is within an identified Mineral Consultation Area (M9X) in the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD. The principle of mineral extraction and processing has already been established, and the proposed restoration scheme is acceptable and the development can be controlled by appropriate conditions and obligations.

The plant site has a processing capacity of up to 60,000tpa and there is an estimated 240,000 tonnes of material remaining within the overall development, suggesting four years of extraction and processing, rather than the 6.5 years as set out in the original application. Material required for the EA flood defence project has been (autumn 2014) and will be exported off site 'as-raised' and will not therefore require any processing. As raised material may be temporarily stocked in the application area. It is therefore appropriate for the life of the plant site to be linked to mineral extraction to ensure timely restoration.

Transport/traffic/access

The application proposes to use the existing site access off Eyebury Road and to use existing haul roads. The quarry has been subject to a legal agreement (S106) which restricts the total number of lorry movements in and out of the site (for Cemex and Biffa) to 450 movements per day – that's 225 in/225 out. The applicant proposes to work within this limit and to include this clause in the new legal agreement that will be required should planning permission be granted.

A transport statement was submitted with the application/environmental statement which sets out that the site will be worked out over the next 6.5 years and that traffic levels generated will be well below the historic traffic levels at the site. The same operating hours would be worked i.e. 0700 to

1800 Monday to Friday and 0700 to 1300 on Saturdays and that peak hour traffic on the main routes and junctions closest to the site would not be significantly affected.

The Highway Authority has not objected to the application.

Recently, the applicant has advised that rather than extracting the remaining reserve over the next 6.5 years as set out in the original application, it is the company's intention to extract all the remaining reserve this year in order to fulfil the need for 'as raised' material to serve the Whittlesey Washes embankment project. However, the applicant advises that the maximum lorry movements i.e. 450 per day previously agreed, will not be exceeded. There are approximately 80,000 tonnes of material remaining in phases 4/5.

Extraction from phase 4 continued last year and the material was taken to the embankment project. (Officers advised Cemex that the operations continued at their risk and if complaints were received we would investigate and take appropriate action). The only complaints we received related to lorries using Willow Hall Lane as a short cut. This matter was raised with Cemex and was largely resolved (except for the occasional lorry still using Willow Hall Lane).

A further factor to take into consideration is the commencement of development at Willow Hall Lane Quarry which is accessed off the B1040 (between Thorney and Whittlesey) and the potential for this quarry to serve the Whittlesey Embankment project.

Policy CS32 of the Minerals and Waste Core Strategy (MW Core Strategy) states that development will only be permitted where any associated increase in traffic would not cause unacceptable harm to the environment, road safety or residential amenity. The policy also states that binding agreements covering lorry routing arrangements may be sought.

Given the new information concerning (a) the intended extraction of all remaining reserves in one year, (b) potential for cumulative impacts with lorry routing and traffic with Willow Hall Quarry and (c) potential for complaints from local residents who live on potential "rat runs", it is considered that any permission granted must be subject to a legal agreement which secures the following;

- Total daily lorry movements for Cemex and Biffa not to exceed 450
- For lorries/material destined for the Whittlesey Embankment Project an agreed lorry route which only uses the "A" roads from Parnell Way i.e. Eye Road/Frank Perkins Parkway, A605, A141, A47, A1139
- For any other business conducted by Cemex, a lorry route which avoids Willow Hall Lane

The above routes would ensure that Willow Hall Lane is not used as a short cut and similarly the B1040 cannot be used – this is already permitted to be used by Willow Hall Quarry traffic which exits onto the B1040. The Highway Authority supports this stance. Subject to such an agreement which secures this, it is considered that in highway terms the proposal will be acceptable and will comply with policy CS32.

Visual Appearance

The applicant has submitted a Landscape & Visual Impact Assessment as part of the ES. The site lies within landscape character area 5 "Peterborough Fen Fringe" and sub area 5b "Eye Fen Fringe" as set out in the Peterborough Landscape Character Assessment published May 2007. The area is characterised by a gently undulating landform slightly higher than the fen, isolated residential properties and farmsteads, evidence of former extraction and a landfill site, medium hedgerows and open historically cultivated land extending east up to Catswater Drain. The edge of Peterborough urban area lies further to the west.

The wider site is already characterised by man-made features via the existing quarry works and landfill site and the plant site area which contains typical processing plant, machinery and silt lagoons, which was first granted permission in 1974 (ref. P0524/74).

Policy CS33 of the MW Core Strategy states that Mineral development will only be permitted where it can be demonstrated that it can be assimilated into its surroundings and local landscape character. Policy CS34 is concerned with protecting surrounding uses including visual intrusion.

It is considered that the processing and stocking of mineral will not cause visual harm over and above that already accepted at the site i.e. as it is already a quarry. The 'plant site' is highly visible from the public footpaths that cross the site but it is also screened from the Green Wheel route to a good degree by trees and hedges. Soil bunds will continue to protect Tanholt Farm, though mainly for acoustic purposes they also help to screen the visual appearance of the quarry. There are no other properties close enough to the site to be affected by visual intrusion.

The proposed restoration scheme will include a series of lakes, features which are not naturally common within the landscape, except for the silt lagoons. However the lakes, would not significantly alter the topography of the area in the way that a domed profile infill would. Importantly the lakes will be interspersed and surrounded by planting which will assimilate them into the landscape.

The Council's Landscape Architect has not raised objections.

It is considered therefore, that the visual appearance of the development is acceptable and in compliance with policies CS33 and CS34 of the MW Core Strategy.

Noise/Impact on neighbours

A Noise Assessment and Noise Monitoring Scheme (2013) have been submitted as part of the ES. The scheme sets out that noise limits (dB LAeq, T) shall be applicable at the following properties during site operating hours;

Tanholt Farm	55
Willow Hall Farm	48
Caravan Park, Eye	51
Eye Village	54
Eyebury Cottages	50
Tanholt Farm Cottages	46

The scheme sets out what will happen with regard to routine monitoring and in the event of a complaint to the Local Planning Authority. In this case if the matter is more than a single event, the source of the noise will be identified and additional monitoring undertaken at the above monitoring sites to see if noise levels are being breached. If so, the particular operation causing the problem shall cease until it has been remedied.

Policy CS34 of the MW Core Strategy is concerned with protection of surrounding uses which includes residential amenity. The Technical Guidance to the National Planning Policy Framework (NPPF) gives specific advice in relation to noise and mineral planning. This states that subject to a maximum of 55dB(A)LAeq, 1 hr (free field), the mineral planning authorities should aim to establish a noise limit at the noise sensitive property that does not exceed background level by more than 10dB(A). Although where this is not achievable the maximum limit (55) should be applied. For temporary periods of up to 8 weeks in any year the increased temporary daytime limits should not exceed 70dB(A) LAeq 1 hr (free field).

Dust

A dust monitoring scheme has been submitted with the application as part of the ES. Dust emanating from quarry operations has the potential to be a nuisance to nearby residents or at worst a possible health risk. Policy CS34 of the MW Core Strategy states that development will only be permitted where it is demonstrated there is no significant harm to human health or loss of residential amenity. The Technical Guidance to the NPPF provides specific advice with regard to dust emissions and how to carry out dust assessments and mitigation procedures.

The submitted scheme adheres to this advice. The Pollution Control Officer has raised no objections in this regard. The application is therefore acceptable subject to a suitable condition requiring implementation of the submitted scheme.

The Proposed restoration scheme/landscaping/ecology/drainage

The restoration scheme proposed for the 'plant site' incorporates a mosaic of Biodiversity Action Plan Habitats including wet woodland, lowland mixed deciduous woodland, acid grassland, reedbeds, hedges and ponds. A composite restoration plan has been provided demonstrating how the restoration proposals for the wider site will fit together.

Policy CS35 of the MW Core Strategy states that development may be permitted subject to compensation and/or mitigation measures including biodiversity creation and/or enhancement measures which must be put in place and managed. Regard must be had for the Biodiversity Action Plans (BAP) and supporting habitat and species plans.

Policy CS25 requires mineral workings to be restored in a phased manner to a beneficial after use with aftercare arrangements. It refers to schemes assisting with biodiversity enhancement and BAP targets.

These policies are in conformity with advice set out in the NPPF Technical Guidance.

We asked the applicant how the hydrology of draining one lake to another by gravity fed outlets and then finally discharging to Cat's Water Drain would work (it was not clear on the initial submission). We also spoke with the Environment Agency and the Council's Drainage Team in this regard.

The applicant has submitted additional information to support the ES and a Long Term Management/Aftercare report which sets out the aims of the scheme with regard to providing areas of BAP habitat including grassland, wet and dry woodland and reed swamp to attract BAP priority species of mammals, invertebrates and insects. As the restoration scheme is proposing a water environment, long term management of 25 years is required and will be secured through a S106 legal agreement which shall bind the developer to the provisions set out in the Long Term Management/ Aftercare Report 2014.

The Council's Wildlife Officer recommends securing the long term management scheme by condition (it would need to be by legal agreement) and has raised some concerns about the dual use of some of the lakes for fishing purposes and conservation purposes. A separate planning application would be required to use the lakes for fishing on any public/commercial basis and so management of the lakes in this regard would need to be considered as part of that consideration and whether such a use is compatible with the biodiversity aims of this restoration scheme.

With regard to the hydrology of the restoration scheme, we are satisfied following advice from the Council's Drainage Team, that the gravity fed system can work as long as maintenance of the inlet and outlet pipes is undertaken as part of the long term management of the project. No objections have been received from the Environment Agency or the Internal Drainage Body. The EA is satisfied that the scheme does not present a risk with regard to flooding. The proposal is therefore acceptable with regard to policies CS25 and CS35 of the MW Core Strategy.

Other Issues

Soils

Topsoil and subsoil will be stored in managed bunds around the extraction areas and Tanholt Farm. Two large areas of soil will be stored to the north east of the excavation area in phases 4 & 5 between the limit of excavation and the location of the gas pipelines (but not over the pipelines). The soil will be re-used in the restoration scheme throughout the wider site. Soils will be stored in accordance with standard practice and in accordance with policy CS38 which requires the sustainable use of soils especially where that soil falls within agricultural grades 1, 2 and 3a. Approximately 45% of the soil is grade 3a, the remainder being of lower grade. The 'plant site' is not to be restored to agriculture but nevertheless it is still important to retain the integrity of the soils and to use them for a beneficial purpose in the restoration scheme as far as possible. Suitable conditions regarding soil handling and storage will be imposed.

Hydrology during excavation

The applicant states that the excavation will take place as follows;

Dewatering is carried out in order to facilitate the extraction of mineral. The dewatering pump is currently located in the southern end of phase 4 and will follow the extraction phases. The water is pumped to the worked-out phases 1 – 3, from where it is subsequently pumped to the lagoon system within the 'plant site'. Water is discharged to Cat's Water at National Grid Reference TF 2420 0149 in accordance with environmental permit number EPR/XP3898VA. Dewatering water is used in the washing plant and recycled via the feeder lake and clean water lagoon. There will be no significant changes to water management with future working of the site.

There have been no problems with regard to dewatering of the worked out phases and no objections have been received from the EA or Internal Drainage Body (IDB). A permit is required from the IDB to discharge water into Cat's Water Drain. We are satisfied that this aspect of the proposal is acceptable.

Gas Pipelines/National Grid

We have received a standard type response from National Grid with regard to the proposals and proximity to the gas pipelines. However, the proposals have no further impact on the pipelines than the previously approved development. The proposed vehicular entrance to the site remains the same as it has for many years. The submitted plans clearly show a stand-off is to be maintained with regard to extraction areas. We have attempted on several occasions to discuss the issues with National Grid and have offered to take a representative to the site to show the situation on the ground. We have not received a response. It is our opinion that the proposals will not further impact National Grid's apparatus and that the developer is aware of the presence of the pipelines and has a responsibility to contact National Grid should any issues arise.

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The application is considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above). All of the matters raised within the Environmental Statement have been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation is acceptable and will not result in significant adverse effects. The development will continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement are robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare. The proposal therefore accords with policies CS1, CS25, CS32, CS33,

CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay.

The application is considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Statement have been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation is acceptable and will not result in significant adverse effects. The development will continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement are robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare.

The proposal therefore accords with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

- C 1 No materials shall be imported to the site for processing, storage or restoration purposes. Reason: For the avoidance of doubt of the extent of the development and operations hereby permitted in accordance with policies CS32 and 34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 2 The processing of the sand and gravel hereby approved shall be for a limited period of 5 years at the end of which mineral processing operations shall cease and the site shall be restored in accordance with the Conditions attached to this permission. In the event that mineral extraction operations shall cease prior to this period the site shall be restored within 12 months of cessation of mineral extraction in accordance with the Conditions attached to this permission. Reason: To ensure a timely restoration allowing beneficial restoration in accordance with policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 3 The development hereby permitted shall be carried out in accordance with the following plans;

Location Plan, drawing reference 14_C041_EYE_002 dated June 2014
Site Plan, drawing reference EYE_PLA_CAW_060212_A_1 dated February 2012
Site Water Management TF2302_CAW_D_030409_A_2 dated May 2013
Long-term Management / Aftercare document dated June 2014 and drawing Plant Site Restoration, ref. P8/1283/8/A

Haul Routes drawing ref. CE2120/01

Reason: To clarify what is hereby approved and in accordance with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD.

- C 4 The operations authorised, required or associated with the development hereby approved shall only be carried out between the following times:-

7.00 - 18.00: Monday to Friday

7.00 - 13.00: Saturdays

and at no other time or on Sundays or Public Holidays

Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 5 Except for temporary operations, the noise levels due to operations at the site, shall not exceed the relevant criterion limit specified below for each noise sensitive location;

Eye Village 54dB LAeq, 1 hour (free field)

Willow Hall Farm 48 dB LAeq 1 hour (free field)

Tanholt Farm 55 dB LAeq 1 hour (free field)

Caravan Park, Eye 51 dB LAeq 1 hour (free field)

Eyebury Cottages 50 dB LAeq 1 hour (free field)

Tanholt Farm Cottages dB LAeq 1 hour (free field)

The noise monitoring shall be carried out in accordance with the methodology set out in the Scheme of Noise Monitoring (included in the Environmental Statement at Appendix 5).

All plant and equipment shall be fitted with white noise warning devices maintained in good working order.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 6 For temporary operations which shall include site preparation, site stripping and restoration, and screen bund formation and removal and any other temporary activity as may be agreed in advance of works taking place with the Mineral Planning Authority, the free field noise level due to operations at the nearest point to each dwelling shall not exceed 70 dB LAeq, 1hour (free field). Temporary operations shall not take place for more than eight weeks in any continuous 12 month period for work affecting any noise sensitive property identified in condition 6. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 7 Dust mitigation and monitoring shall be carried out in complete accordance with the Dust Monitoring Scheme (included in the Environmental Statement at appendix 6). Dust

mitigation includes the availability at all times of a water bowser to dampen down all internal haul roads and operational areas as necessary during dry weather conditions, and the sheeting of all lorries removing excavated minerals from the site with a diameter less than 75mm.

Reason: In order to protect the amenity of adjacent occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C 8 All vehicular access to the site shall be achieved solely via the existing haul road and quarry access off Eyebury Road.
Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.
- C 9 Notwithstanding the provision of the Town and Country Planning Act (General Permitted Development) Order 1995 (or any Statutory Instrument revoking and re-enacting that Order), no fixed plant, machinery or buildings connected with the extraction, processing or restoration shall be erected or placed on the site without the prior written approval of the Mineral Planning Authority.
Reason: To ensure that the operations are carried out in a manner which will safeguard the amenity of the area and to minimise disturbance to adjacent land users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.
- C10 No floodlighting shall be installed within the site unless in accordance with a scheme to be submitted to and approved in writing beforehand with the Local Planning Authority.
Reason: In the interests of protecting the amenity of adjacent occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.
- C11 Any fuel, oil or chemical storage above ground and re-fuelling facilities shall be sited on an impermeable base and bunded to at least 110% of the tank/drum capacity with a sealed drainage sump within the bunded area and no direct discharge to any water course, land or underground strata. All fill, drain and overflow pipes shall be within the bunded areas.
Reason: To protect the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.
- C12 No stockpiles of mineral shall exceed an overall height of 7 metres.
Reason: In the interests of protecting residential amenity in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.
- C13 Landscaping, aftercare and management shall be carried out in complete accordance with the 'Long-term Management / Aftercare' document dated June 2014 and drawing Restoration Planting Detail and revised Contours, reference P3/1283/19/C.
Reason: To ensure the development will be appropriately assimilated into its surroundings and local landscape character, and provide appropriate biodiversity enhancement in accordance with policies CS33 and CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.
- C14 Plant or vehicle movement within the site shall be confined to clearly defined haul routes as depicted on 'Haul Routes' drawing ref. CE2120/01 dated May 06. No plant or vehicle shall cross topsoil and sub-soil except for the express purpose of soil stripping or replacement operations.

Reason: In order to protect the soil resource of the site in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C15 The existing wheel washing facilities shall be retained, maintained in an operational condition and used by all Heavy Goods Vehicles exiting the site throughout the period of development. The surface of the access road shall be kept clean by regular mechanical sweeping.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core strategy.

- C16 No stored topsoil or sub-soil shall be removed from the site or the land edged blue on the approved location plan.

Reason: In order to protect the soil resource of the site in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C17 Soil storage bunds shall be a maximum of 3m for top soil and 5m for subsoil. All soil storage bunds intended to remain in situ for more than 6 months or over the winter period shall be seeded with seedmix A22 or similar at a rate of 25g/m². The emergent sward shall be mown or strimmed to a height of 50mm and subsequently to the same height every April / May and August / September unless growth rates or climate conditions indicate otherwise. Weed growth will be controlled through the appropriate use of herbicide and any failed areas will be cultivated and reseeded as above.

Reason: To protect the existing soil resource and to ensure that the stored soils are kept free from weeds in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C18 The applicant shall give at least seven days and no more than twenty-one days written notice to the Mineral Planning Authority prior to the commencement of top soil or sub-soil stripping from any part of the site. Prior to the stripping of the soil any standing crop or vegetation shall be cut and removed from the site.

Reason: To allow the Mineral Planning Authority to inspect the condition of the soils during soil stripping operations and to prevent the soils from becoming degraded in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C19 The soil handling methods shall be undertaken in strict accordance with the recommendations of the Soils and Land Classification report dated December 2004 included as Appendix 9 of the Environmental Statement.

Reason: In order to protect the soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C20 Top soil and sub-soil stripping, movement and re-spreading shall only be carried out when the full depth of the soil to be handled is in a suitable dry and friable condition. Soils shall not be stripped, handled or re-spread between the months of October to March unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To protect the existing soil resource on the site in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C21 Notwithstanding references to "fishing lakes" within the application, the lakes hereby approved as part of the restoration scheme shall not be used by members of the public for

fishing nor shall they be used for any commercial fishing purpose unless a separate planning permission has first been obtained for such use(s)

Reason: The submission does not include vehicular access for such uses and does not provide adequate information or assessments as to the potential effects on the highway, nearby residents or the biodiversity benefits of the restoration scheme.

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