

Application Ref: 17/01707/WCMM

Proposal: Variation to Condition 1 of Planning Permission 12/01899/WCMM, regarding changes to phasing and restoration

Site: Pode Hole Quarry, The Causeway, Thorney, Peterborough

Applicant: Aggregate Industries

Agent: Ms Kirsten Hannaford-Hill
Aggregate Industries

Referred by:

Reason:

Site visit: 01.02.2017

Case officer: Mr A O Jones

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Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The proposal site is an active sand and gravel quarry incorporating a concrete batching plant, and located within the Eye/Thorney Regionally Important Geological Site (RIGS). The site is located approximately halfway between the villages of Eye and Thorney and is accessed directly from the A47 which forms the northern boundary of the site. Willow Hall Lane lies adjacent to the west of the site, whilst the south, south east and east of the site is bounded by open countryside. The 82 hectares of the proposal site lie within the generally flat topography of the Fens landscape.

Proposal

The proposal seeks to amend the sequence of working for the final two phases of extraction (phases 10 and 11) to enable easier continuity of extraction, and to amend the approved restoration scheme. A review of the on-site soils resources has identified a reduced quantity of material available to achieve the approved restoration. As such, and to maximise the re-use of high grade agricultural soils, the overall area of land restored to agriculture will reduce from approximately 55ha to approximately 43ha, with a corresponding increase in water bodies, wetland habitat, marginal habitat and conservation grassland.

The proposal is EIA development, under Schedule 1(19) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and is accompanied by an Environmental Statement.

The proposal has been submitted alongside application 16/02447/FUL for an extension to the west of the existing site.

2 Planning History

Reference	Proposal	Decision	Date
03/00515/MMFUL	Extension to quarry, new processing plant and ancillary facilities, retention of existing access and plant, and restoration to low level agriculture/nature conservation	Permitted	16/02/2005
12/01899/WCMM	Variation of conditions C1, C3 and C4 of Planning Permission 03/00515/MMFUL - Extension to quarry, new processing plant and ancillary facilities, retention of existing access and plant, and restoration to low level agriculture/nature conservation	Permitted	05/12/2013

3 Planning Policy

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

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).

MW04 - The Scale and Location of Future Sand and Gravel Extraction

The Mineral Planning Authorities will maintain a sand and gravel landbank of at least 7 years and will meet the requirement to supply 2.82 million tonnes of sand and gravel per annum, including a margin for flexibility, thus provision is made to supply 3.0 million tonnes of sand and gravel per annum over the plan period.

With regard to Peterborough;

New allocations plus permitted reserves will enable the supply of an annual average of 0.75mtpa from the Northern Zone i.e. Peterborough and north Fenland District

The principal broad locations for sand and gravel extraction will be:

For the Northern Zone;

- Kings Delph
- Maxey
- Eye/Thorney

Allocations will be outside the Ouse and Nene river valleys.

MW24 - Design of Sustainable Minerals and Waste Management Facilities

All proposals for minerals and waste management development must achieve a high standard in design and environmental mitigation. Waste Management proposals must be consistent with guidance set out in The Location and Design of Waste Management Facilities SPD.

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

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

MW38 - Sustainable Use of Soils

Mineral and Waste development which affects the best and most versatile agricultural land will only be permitted where it meets the criteria set out in this policy.

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.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

4 Consultations/Representations

PCC Wildlife Officer

No objections. The greater connectivity between the habitat areas achieved in the revised restoration plan is welcomed. An appropriate wildflower seed mix should be used in the wet grassland area. This can be secured by condition.

PCC Peterborough Highways Services (18.10.2017)

The proposals will have no material impact on the nearby public highway.

Archaeological Officer (12.10.17)

No objections subject to completion of the approved archaeological programme of works.

Lead Local Drainage Authority (16.10.17)

No objections, although the views of the North Level IDB should be taken into consideration (the IDB declined to comment).

Highways England (06.10.17)

No objections.

Natural England (09.10.17)

No comments.

Historic England (13.10.17)

No comments.

Environment Agency (18.10.17)

No objection.

Local Residents/Interested Parties

Initial consultations: 40

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representations have been received.

5 Assessment of the planning issues

The Principle of Development

The main considerations are;

- a) Suitability of the proposal
- b) Restoration objectives
- c) Other issues

- a) Suitability of the proposal

The proposal affects the ability of the site to operate efficiently and to make best use of the available on site materials following a review as the site nears completion. The amended sequence of phasing has no off site detrimental impacts and the application allows for the regularisation of extraction works. The availability of resources for restoration has been clarified following a materials review as the site nears completion, and it is clear that no basal clay or top soils have been removed from the site. It is therefore accepted that an amended restoration scheme is required to maximise the potential of the high grade agricultural soils.

The submitted Planning Statement includes an update to the Environmental Statement. I agree with the conclusions of this Statement that there are no significant effects arising from the proposed changes; the main changes resulting from the amended restoration being in relation to the balance of agricultural and ecological enhancements. Additionally, the extant conditions have proved effective in mitigating the impacts of development, and can be carried forward, albeit they can be refined to reflect previously discharged conditions and amalgamated where appropriate for additional clarity.

- b) Restoration objectives

The materials review which has prompted the revised restoration proposal has led to a concentration of high grade top soils to achieve appropriate depths for long term agricultural use. The remaining areas are split into water bodies, providing both an ecological enhancement and an agricultural irrigation reservoir function, and a mixture of habitats incorporating restored silt lagoons, conservation grassland and areas of hedgerow and tree planting. It is not considered that there will be any fundamental alterations to the landscape character of the area when compared to the extant proposals, and the balance of restoration objectives is considered appropriate. The slight amendment to the scheme resulting in improved habitat linkages and more regularly shaped field boundaries is welcomed by the Wildlife Officer and the amended restoration scheme is considered to accord with Core Strategy policies CS24, CS25, CS33 and CS35.

- c) Other issues

The traffic routeing agreement in place for the existing site, which ensures HCVs only turn left onto the A47, and restricts HCV movements along Willow Hall Lane, will be carried forward to ensure the same level of highway safety and amenity protection as currently exists.

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 principle of development has already been established and the proposed amendments are in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS24, CS25, CS33 and CS35.

The update to the Environmental Statement accompanying the application is considered to be comprehensive and meets the requirements set out in the Town and Country Planning Environmental Impact Regulations 2017. Detailed topic areas have been assessed / considered and the proposal would not advance mineral operations closer to any residential properties or other sensitive receptors than currently approved. There would be no additional land take, and thus no additional disturbance to habitats, vegetation or archaeological features.

Comments of consultees have been taken into account, and there are no additional issues to be considered than for the original application. Suitable, and where appropriate updated conditions will be attached addressing all the issues previously raised and which are still relevant. The amenity of neighbours has been taken into account (although no objections have been received), and given that the site falls within a designated Minerals Consultation Area and in all other respects the proposal is acceptable, there is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

Consideration has been given to the interaction of the proposals with those set out in application 16/02447/MMFUL for an extension to the west of the existing site, and it is considered that appropriate control can be exercised over both applications for them to be considered for approval.

7 **Recommendation**

The Director of Growth and Regeneration recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions and entering into a legal agreement (S106):

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Director of Growth and Regeneration on the grounds that the development has failed to adequately mitigate its impacts.

C 1 The development hereby permitted shall be carried out in complete accordance with the following documents and plans, except as may be required elsewhere in this scheme of conditions;

Supporting Planning and Environmental Impact Assessment dated November 2003
Planning Statement dated August 2017
Application Site, drawing number PH 2/1
Application Site & Land under the control of the applicant, drawing number PH 2/2
Proposed Restoration Plan, ref. 002 dated Nov 2017

Reason: To clarify what is hereby approved.

- C 2 This permission shall be for a limited period expiring on 31 December 2022 by which time the site shall be restored for the proposed agricultural afteruse in accordance with the Proposed Restoration Plan, ref. 002 dated Nov 2017.

Reason: To secure a beneficial restoration in accordance Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25 and CS33

- C 3 With the exception of routine maintenance and pumping, no operations including the working of any plant or machinery associated with soil stripping, extraction, processing, transport of mineral from the site, or restoration operations shall be undertaken outside the hours of;

0630 to 1800 hours Mondays to Fridays

0700 to 1300 hours Saturdays

and at no other times, or on Sundays or Public Holidays.

Reason: To protect the amenity of local residents in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C 4 All vehicles leaving the site shall use the existing access as shown on drawing number 1660/43.

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

- C 5 All heavy commercial vehicles leaving the site shall pass through the existing wheelwash such that no sand, gravel, mud, or other deleterious material is carried onto the public highway.

Reason: In order to protect highway safety and in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

- C 6 All vehicles carrying mineral from the site shall be securely sheeted unless such materials are greater than 75mm in diameter.

Reason: In order to protect highway safety and in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

- C 7 The 'Environmental Scheme to Identify, Control and Monitor the Impacts of Noise and Dust from the Site' dated 20 March 2006 shall be implemented throughout the period of development.

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

- C 8 Except for temporary operations the free field equivalent continuous noise level Laeq T at the noise sensitive premises nearest the site, due to operations at the site, shall not exceed the relevant criterion limit specified below at each nominated dwelling;

Pode Hole Farm 55dB Laeq 1 hour (free field)

Bar Pasture Farm 48 dB Laeq 1 hour (free field)
38/39 Willow Hall Lane 48 dB Laeq 1 hour (free field)

For temporary operations such as site preparation, soil stripping and replacement, and screen bund formation and removal, the free field noise level due to operations at the nearest point to each dwelling shall not exceed 70 dB Laeq 1 hour (free field). Temporary operations shall not take place for more than eight weeks in any calendar year.

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

- C 9 No mobile plant will operate using intrusive audible reversing alarms. Plant requiring reversing alarms will be fitted with 'white noise' type alarms throughout the period of the development.

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

- C10 Archaeological interest shall be recorded in accordance with the 'Specifications for Archaeological Investigation' dated 31 April 2006. The scheme shall be implemented throughout the development and includes the post-excavation treatment of archaeological materials and submission of appropriate final reports.

Reason: In order to provide for the recording of archaeological interest in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS36.

- C11 All soils shall be recovered during excavation and retained on site for restoration purposes, and shall only be stripped, handled, stored and replaced in accordance with the Restoration and Soil Handling Strategy set out at paragraphs 6.1 to 6.20 of the 'Soils and Agricultural Land Classification' - Appendix C of the Environmental Statement dated November 2002; and the letter from Dr Stuart McRae dated 29 June 2003 at Appendix B of the 'Supplementary Planning and Environmental Impact Statement'.

Reason: In order to protect soil resources from damage and enable the restoration of the site to agriculture in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25 and CS38.

- C12 Working and restoration shall take place such that no areas of subsoil are left without topsoil and crop cover over the winter months. Subsoils or soil forming materials shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition, and no movement, re-spreading, levelling, ripping, or loosening of topsoil or subsoil shall occur;

- a) during the months November to March inclusive, or;
- b) when it is raining, or;
- c) when there are pools of water on the surface of the storage mound or receiving area.

Reason: In order to protect soil resources from damage and enable the restoration of the site to agriculture in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25 and CS38.

C13 Agricultural aftercare of restored areas shall be carried out in accordance with the 'Pode Hole Aftercare Management Plan' other than such minor variations as may be set out in the required annual detailed programmes for the forthcoming year which have been approved in writing by the Mineral Planning Authority.

Reason: To ensure the effective restoration of high grade agricultural land in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25 and CS38.

C14 No development or landscaping shall take place within 9 metres of any watercourse or drain maintained by the Internal Drainage Board.

Reason: To ensure access to these watercourses for maintenance purposes and in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

C15 All fuel, oil, or lubricant shall be stored in tanks within bunded compounds, which should be at least 110% of the capacity of the tank. All filling points, vents and sight glasses must be located within the bund.

Reason: In order to prevent pollution of the water environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

C16 Prior to the commission of the replacement processing plant details of floodlighting shall be submitted to, and approved in writing by, the Mineral Planning Authority. No other floodlighting shall be installed throughout the period of the development except that approved.

Reason: To limit light pollution and protect surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

C17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order re-enacting or replacing it, no fixed or mobile plant, machinery or buildings connected with the extraction, processing or restoration shall be erected or placed on site without the prior written approval of the Mineral Planning Authority.

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

C18 In the event of a cessation of the winning and working of mineral prior to the completion of the development hereby approved, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme to include details of restoration and aftercare, shall be submitted within twelve months of the cessation of winning and working to the Mineral Planning Authority for written approval. The approved revised scheme shall be fully implemented with the exception of aftercare within twelve months of the written approval being given.

Reason: To ensure the site is restored to a beneficial afteruse if the mineral working is abandoned in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

C19 The developer shall make allowance for 'Temporary Section Recording' of the sand, gravel and clay sequences on an annual basis and / or at the request of the Minerals Planning Authority.

Reason: To secure the benefits of exposing the geological interest within a RIGS in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS35.

C20 Within three months of the date of this permission, a detailed landscaping and aftercare scheme, including provision for the removal of site infrastructure, the timing of planting, species numbers, size, spacing and density, seedmix, and aftercare management, including management responsibilities and schedules, for a period not less than 10 years, based on the Proposed Restoration Plan, ref. 002 dated Nov 2017 shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall not take place except in complete accordance with the approved scheme.

Should any trees, shrubs or other planting die, become diseased or be removed within 5 years from its planting, it shall be replaced in the first available planting season with a plant / plants of a similar size and species to that removed.

Reason: To secure appropriate mitigation for the unavoidable short term visual impact and provide long term enhancement in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS25, CS33 and CS34.

Copies to: Cllrs. Steve Allen and Richard Brown