

**The Town and Country Planning Act 1990: Section 78
The Town and Country Planning Appeals (England) Rules 2000**

PROOF OF EVIDENCE OF

MATTHEW BREEZE

CAMBRIDGESHIRE COUNTY COUNCIL

AS WITNESS FOR SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

MINERALS AND WASTE POLICY MATTERS

**Appeal by Mr Drew Price and James Ball against South
Cambridgeshire District Council's decision to refuse planning
permission for Change of use of land through intensification to the
stationing of caravans for residential purposes, nine dayrooms and
the formation of hardstanding ancillary to that use at Land to the
South of Chear Fen Boat Club, CB6 8PX.**

March 2025

Planning Inspectorate Reference:

APP/W0530/C/24/3349303

Local Planning Authority Reference:

22/01703/FUL

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1. Qualifications and experience

- 1.1. My name is Matthew Breeze. I am the Principal Planning Policy Officer for Minerals and Waste at Cambridgeshire County Council. My expertise includes the preparation and interpretation of minerals and waste planning policy.
- 1.2. I hold a Master of Planning degree (MPlan) in Town and Country Planning, and I am a Member of the Royal Town Planning Institute.
- 1.3. I've worked in planning since 2009, specialising in minerals and waste planning. I was first employed by Cambridgeshire County Council in the County Planning Team during 2009 as a Technical Support Assistant, and in 2012 I became a Senior Planner for East Sussex County Council's Minerals and Waste Policy Team. For several years of my employment with East Sussex County Council, I was seconded back to Cambridgeshire County Council's County Planning, Minerals and Waste Team for one day a week. My role was to assist the then Principal Policy Officer as a Planning Policy Officer. I rejoined Cambridgeshire County Council's County Planning, Minerals and Waste Team in my current role in April 2022.
- 1.4. The evidence which I have prepared and provided for this Appeal is given in accordance with the guidance of my professional institution. The opinions expressed are my true and professional opinions.

2. Involvement

- 2.1. Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority, is a statutory consultee in relation to circumstances specified under Section 7 of Schedule 1 of the Town and Country Planning Act 1990 (as amended), which includes a requirement that the Local Planning Authority consult the County Council on developments which would materially conflict with or prejudice the implementation of a relevant county policy.
- 2.2. The Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) was adopted on 28 July 2021, and it forms part of the development plan for Cambridgeshire and Peterborough. Policy 16 of the adopted Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) requires the City and District Councils within Cambridgeshire to consult the County Council where a development

is within a Consultation Area or a Mineral Safeguarding Area as identified on the MWLP Policies Map.

- 2.3. Under Cambridgeshire County Council's Scheme of Authorisation to Officers, I have the authority to respond to consultations on planning applications as part of the County Council's function as Minerals and Waste Planning Authority.
- 2.4. Deborah Jeakins, Manager of the County Planning, Minerals and Waste Team, was first contacted by Izindi Visagie of Ivy Legal acting for South Cambridgeshire District Council on 9 August 2022 to assist in the determination of planning application reference 22/01703/FUL. I was copied into Mrs Jeakins's response and a meeting was subsequently held. Further to the meeting, I prepared the consultation response (the / my response) in respect of the application, which was reviewed by my line manager Mrs Jeakins, and sent to Ms Visagie on 24 August 2022.
- 2.5. The response, which is included as Appendix A to this statement, objected to the proposed development. The summary of the response (as found on page 4 of the response), explained the reason for objection as follows:

"The MWPA [Minerals and Waste Planning Authority] is of the view that the proposal does not accord with Policy 16: Consultation Areas of the MWLP, paragraph 187 of the NPPF [National Planning Policy Framework], or Policy 5: Mineral Safeguarding Areas of the MWLP. Consequently, the MWPA objects to this proposal. To overcome this objection, compliance with Policy 5 and Policy 16, and paragraph 187 of the NPPF must be demonstrated. However, the MWPA believes that compliance with Policy 16 and paragraph 187 of the NPPF may be difficult to demonstrate until Phase 7 of the quarry is restored."

- 2.6. South Cambridgeshire District Council subsequently issued a decision refusing planning permission on 5 September 2022 on a total of eight grounds. I was not involved in the drafting of the Delegated Report (as available on the South Cambridgeshire District Council website¹ under case 22/01703/FUL, dated 5 September 2022), (the Delegated Report) or the reasons for refusal as set out in the

¹ <https://applications.greatercambridgeplanning.org/online-applications/applicationDetails.do?activeTab=documents&keyVal=RA10IMDXIKL00>

Decision Notice (as available on the South Cambridgeshire District Council website under case 22/01703/FUL, dated 5 September 2022), (the Decision Notice).

- 2.7. I was contacted by Amy Stocks (of Greater Cambridge Shared Partnership, acting for South Cambridgeshire District Council) on 17 October 2024 requesting my assistance with this appeal. Following discussions, it was confirmed that the County Council could support South Cambridgeshire District Council in respect of two of the reasons for refusal, these reasons are:

“3. The proposed development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF because it has not been demonstrated that the Mitchell Hill Quarry will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the proposed development; dust and noise are of particular concern. The applicant has also failed to demonstrate that the proposed development is compatible with the adjacent quarry.”

“4. In the absence of a statement demonstrating safeguarding of the Sand and Gravel Mineral Safeguarding Area, the proposal is contrary to Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021)”

3. Scope of Evidence

- 3.1. My evidence addresses the topic of minerals and waste policy. Evidence provided by Mrs Jeakins will address the planning permission for the mineral extraction at the Mitchell Hill site and conditions, the impacts from sand and gravel quarries in general and the specifics of the Mitchell Hill quarry operation. Combined, our evidence supports reasons for refusal 3 and 4.
- 3.2. My evidence is structured into the following sections:
- Cambridgeshire Minerals and waste Local Plan (2021) – Policy 16: Consultation Areas.
 - National Planning Policy Framework (2021): Paragraph 187 ‘agent of change’
 - Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) - Policy 5: Mineral Safeguarding Areas

4. Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) - Policy 16: Consultation Areas

- 4.1. Policy 16: Consultation Areas of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP) seeks to protect minerals and waste land uses from encroachment by other incompatible development. It states that development within a Consultation Area will only be permitted where it is demonstrated that the development will (criterion (c)) not prejudice the existing or future use of the area for which the Consultation Area has been designated; and (criterion (d)) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the Consultation Area has been designated. Policy 16 also: places a requirement on the District Councils within Cambridgeshire to consult the County Council; includes additional consideration in respect of development in proximity to water recycling areas, also known as waste water treatment works, (which is not relevant to this case); and refers to the Agent of Change principle set out in the NPPF. A copy of Policy 16 is included as Appendix C to this document.
- 4.2. In my response, I set out that the proposed development is located within the Consultation Area (CA) for the safeguarded quarry known as Mitchel Hill Farm (the Quarry), as identified under Policy 16 (Consultation Areas) of the MWLP. A map showing the quarry, part of MWLP allocation M022: Chear Fen, Cottenham², and consultation area was included in the response; clearly showing the extent of the quarry permission which is adjacent to the appeal site. The response explained the purpose of Policy 16 and the reason that the development as proposed did not comply with the policy.
- 4.3. The Delegated Report States:

² As identified in MWLP Policy 2, MWLP Appendix 1 page 8 and MWLP Policies Map. This allocation is for the extraction of sand and gravel.

“The County Council is of the view that the development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF.

Accordingly, the proposal is considered to be in contrary to Policy HQ/1 of the South Cambridgeshire Local Plan and Section 12 of the NPPF in this instance.”

- 4.4. Reason for refusal number three, as found on page 3 of Decision Notice (and on page 14 of the Delegated Report) is:

“The proposed development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF because it has not been demonstrated that the Mitchell Hill Quarry will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the proposed development; dust and noise are of particular concern. The applicant has also failed to demonstrate that the proposed development is compatible with the adjacent quarry.”

- 4.5. Having reviewed the Delegated Report, it is my professional opinion that South Cambridgeshire District Council:

1. Correctly interpreted the comments of the Minerals and Waste Planning Authority.
2. Correctly interpreted and applied Policy 16 in their determination of planning application 22/01703/FUL and were justified in citing it as a reason for refusal.

- 4.6. Paragraph 211 of the NPPF (2021), (now paragraph 224 of the NPPF December 2024) provides instructions to planning authorities on how to determine planning applications for mineral extraction. Paragraph 7 of the National Planning Policy for Waste (2014) (NPPW), which is relevant in the case of mineral extraction involving the importation of waste for restoration purposes, as is the case with the Mitchell Hill quarry, includes similar instructions. Both paragraphs instruct planning authorities to assess potential amenity issues associated with mineral extraction and waste disposal in proximity to sensitive receptors. In this case those sensitive receptors are the residents of the proposed development.

- 4.7. MWLP Policy 18: Amenity Considerations is relevant to any proposals for minerals and waste development that may give rise to amenity issues. Planning Practice Guidance for Minerals, (last updated 17 October 2014)³ contains specific guidance in relation to noise and dust. The inclusion of such text in the NPPF, NPPW and MWLP Policy confirms that minerals and waste developments give rise to amenity issues with enough frequency to justify having specific policies to addressing the issue, as well as having the potential for affecting human health if not properly controlled.
- 4.8. Prior to the introduction of the National Planning Policy Framework, national planning policy was expressed through a series of Planning Policy Statements and Minerals Policy Statements (MPS) (now withdrawn). These statements, particularly in the case of the MPS included more information than the current NPPF and Planning Practice Guidance. 'MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England' (2005, Office of the Deputy Prime Minister) contains two Annexes, Annex 1: Dust, and Annex 2: Noise. These set out detailed government guidance on both these topics. I highlight these two annexes, not because they are extant guidance, but to illustrate that the topics of dust and noise are, as raised in my response, particularly known issues of concern in relation to development near quarries; and that the assessment of dust and noise are specialist technical areas that expert advice is sought on.
- 4.9. Addressing the matter of dust: In May 2016, the Institute of Air Quality Management published a document called 'Guidance on the Assessment of Mineral Dust Impacts for Planning' which builds upon the existing evidence and good practice. The Institute of Air Quality Management's Guidance (page 12) states:
- "From the experience of the Working Group, adverse dust impacts from sand and gravel sites are uncommon beyond 250 m and beyond 400 m from hard rock quarries measured from the nearest dust generating activities (see Appendix 2).*
- In the absence of other information it is commonly accepted that the greatest impacts will be within 100 m of a source and this can include both large (>30 µm) and small dust particles. The greatest potential for high rates of dust deposition and elevated PM10 concentrations occurs within this distance. Intermediate-sized*

³ <https://www.gov.uk/guidance/minerals>

particles (10 to 30 μm) may travel up to 400 m, with occasional elevated levels of dust deposition and PM10 possible. Particles less than 10 μm have the potential to persist beyond 400 m but with minimal significance due to dispersion.”

- 4.10. Whilst the topic of dust is beyond my expertise, my understanding is that this guidance demonstrates that dust spreads for some distance beyond an active quarry, with the distance depending on the type of quarry, and the greatest impacts being within 100 metres of a source of dust within a quarry. For clarity, Mitchel Hill Quarry is a sand and gravel quarry. The appeal site is immediately adjacent to the quarry, with the entirety of the appeal site being at most approximately 100 metres from the quarry. I can confirm that Cambridgeshire County Council does receive complaints in relation to dust at authorised minerals sites. I am aware that during April 2020 the County Council was copied into a complaint made directedly to the operator about dust from this quarry impacting one of the nearby residential properties and solar panels. The complaint included reference to dust in the air and dust settling on cars and impacting the operation of solar panels. I note that the Appellant has provided no expert air quality evidence addressing the matter of dust.
- 4.11. Addressing the matter of noise: The Appellant has, as part of this appeal, submitted a Proof of Evidence prepared by Mr Tim Green, an acoustic consultant, accompanied by a Noise Impact Assessment, dated 24 March 2023, prepared by TGSacoustics. I received a copy the Proof and Noise Impact Assessment on 6 February 2025. Owing to the technical nature of the topic of noise, it is beyond the scope of my evidence to comment on the detail of that report. If the District Council is satisfied with the results of Noise Impact Assessment, this would overcome part of the MWPA's objection, in respect of concerns regarding noise. However, even if the topic of noise is adequately addressed, the topic of dust remains outstanding.
- 4.12. Considering the potential impact of both noise and dust on the amenity of the residents of the proposed development: Noise and dust are likely to affect the amenity of the occupiers of the residences within their residences, particularly if windows are open, and their enjoyment of their outdoor space. In relation to noise, the occupiers of the properties will be subject to the equivalent of construction noise, particularly from heavy machinery such as excavators and large vehicles, which would be ongoing throughout the quarry operations. In relation to dust emissions,

amenity issues will arise from dust settling on surfaces, potentially soiling them, as well as the residents breathing in dust. I cannot speak to the effects of dust on human health, as it is beyond my expertise, but it is a consideration raised in national and local planning policy. As extraction and restoration at the adjacent quarry, is permitted until 31 October 2035, the residents of the development, including children, are likely to experience these impacts over several years.

- 4.13. The test set out in Policy 16 criterion (d) is whether the proposed development will result in unacceptable amenity issues or adverse impacts for human health for the occupiers or users of such new development due to the ongoing or future use of the area for which the Consultation Area, has been designated. In this case the Consultation Area is associated with the active quarry and sand and gravel allocation M022: Chear Fen, Cottenham. As demonstrated above, it is likely that the quarry operation will have an adverse impact on amenity of the residents of the proposed development, and as it has not been demonstrated that it will be acceptable in respect of dust, and depending on the views of the Environmental Health Officer, in respect of noise, criterion (d) has, therefore, not been met.
- 4.14. Criterion (c) of Policy 16 requires a development not prejudice the existing or future use of the area for which the Consultation Area has been designated, in this case the quarry and sand and gravel allocation M022: Chear Fen, Cottenham. Where residents of the appeal site are subject to unacceptable conditions they could raise complaints, for example in relation to dust, noise, vehicle movements, or working hours. Complaints about the impact of the quarry site on the appeal site, may be impossible to address and resolve because the quarry can continue to lawfully operate in line with its planning permission and conditions. However, the quarry operator may also receive complaints directly and could feel pressured into changing their working practices to minimise those impacts, to protect their reputation, thus prejudicing and putting at risk the extraction of minerals and the restoration of the quarry site. I refer to the complaint cited above for example, and the fact that many quarry operators, including this one, hold liaison meetings with the local community and regulatory authorities as they seek to be good neighbours. On this basis, criterion (c) is also not met.

- 4.15. Mrs Jeakins' Proof of Evidence expands on the above with specific reference to amenity. Her knowledge and experience of this specific site makes her better placed than me to speak to this matter. However, it is my professional opinion that, even with the evidence provided by the Appellant, there is insufficient evidence to demonstrate that the proposed development will not result in unacceptable amenity issues or adverse impacts to human health, nor prejudice the quarry as required by criterion (d) and (c) respectively. I also conclude that that South Cambridgeshire District Council's reason for refusal three, in respect of Policy 16, was and remains justified.

5. National Planning Policy Framework (2021): Paragraph 187 'agent of change'

- 5.1. Paragraph 187 of the NPPF (2021), which was in force at the time of the initial determination, states:

"187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

- 5.2. The content of Paragraph 187 of the 2021 NPPF is now under paragraph 200 of the NPPF (Dec 2024), the wording is unchanged.
- 5.3. In my response I stated that paragraph 187 of the then National Planning Policy Framework (NPPF) (2021), would, in my view, be relevant to the determination of the planning application in respect of the potential conflict between the proposed development and the quarry.
- 5.4. The topic of the 'agent of change' is addressed on page 7 of the Delegated Report, where, under the topic of "*Principle of the Development*" it is stated:

5.5. *“The ‘Agent of Change’ principle entrenched in paragraph 187 of the NPPF puts the onus on the developer to ensure that their development will not affect, in this case, the quarry. No assessment has been made to demonstrate that the proposed development is compatible with the adjacent quarry.”*

5.6. Reason for refusal number three, as found on page 3 of Decision Notice (and on page 14 of the Delegated Report) is:

“The proposed development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF because it has not been demonstrated that the Mitchell Hill Quarry will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the proposed development; dust and noise are of particular concern. The applicant has also failed to demonstrate that the proposed development is compatible with the adjacent quarry.”

5.7. Paragraph 187 of the NPPF (2021), as set out above, addresses the topic of introducing sensitive uses in proximity to existing businesses, in this instance, the Quarry. The test by which the ‘agent of change’ is assessed is whether an existing development will have ‘significant adverse effects’ on the proposed development and whether the existing business will have ‘unreasonable restrictions’ placed upon them because of the development.

5.8. I set out in the previous section how the proposed development does not meet Policy 16 of the MWLP. As explained in that section, the amenity of the residents of the proposed development will be affected by their proximity to the quarry; and in the absence of evidence demonstrating that those effects will be acceptable, that the refusal on ground three should be maintained. The same logic should be applied in respect of paragraph 187 of the NPPF (2021) (‘agent of change’), i.e. in the knowledge of likely effects, but in the absence of knowledge as to their significance, the refusal on ground three should be maintained. Furthermore, to ensure that no unreasonable restrictions are placed on the quarry, which might arise from complaints being made, it must be first established whether the quarry will be significantly affected, before considering what mitigation could be provided.

Consequently, on the evidence presented, it cannot be demonstrated that the unreasonable restrictions will not be placed on the quarry.

- 5.9. It is, therefore, my professional opinion that, on the current evidence, it has not been demonstrated that there will not be a significant adverse impact on the quarry as a business, and that the proposal does not comply with paragraph 187 of the then NPPF (2021). I, therefore, conclude that that South Cambridgeshire District Council's reason for refusal three, in respect of paragraph 187 of the NPPF, was and remains justified.

6. Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) - Policy 5: Mineral Safeguarding Areas

- 6.1. Policy 5: Mineral Safeguarding Areas of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP) seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out several exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, it then goes on to set out that that development will only be permitted in certain circumstances (criteria (i) – (l)). If the proposal meets any one of the criteria (a) – (l), then it complies with the policy. A copy of Policy 5 is included as Appendix B to this document.
- 6.2. In my response to South Cambridgeshire District Council on the application, I set out how the proposed development is located within a Sand and Gravel Mineral Safeguarding Area, as identified under Policy 5 (Consultation Areas) of the MWLP, and how the proposed development had not met any of the criteria to satisfy Policy 5. The response explains the purpose of Mineral Safeguarding Areas. A map showing mineral safeguarding areas was included in the response, clearly showing the proposed development being within the Sand and Gravel Mineral Safeguarding Areas. A copy of Policy 5 was also included within my response.
- 6.3. My response goes on to explain that, in the view of the Minerals and Waste Planning Authority, *“given the [proposed development sites] proximity of the quarry, the likelihood of a viable mineral resource within the site is quite high. However, based on the extent of the existing quarry, prior extraction of sand and gravel within 50*

metres of the Fourth Sock Drain (watercourse) that runs along the north of the site, and within 100 metres of the Twenty Pence Cottage is not likely to be acceptable.”

- 6.4. During the drafting of this statement, I have reviewed the response and think it would be helpful to clarify that I intended to convey that extraction near the watercourse would be unlikely to be feasible as part of this development, given that a stand-off is often required to ensure the watercourse remains unaffected by any extraction activity. However, the presence of a watercourse does not necessarily preclude future mineral extraction in the future in this area if appropriately engineered.
- 6.5. The topic of the Sand and Gravel Mineral Safeguarding Areas is discussed on page 12 of the Delegated Report under the heading “Safeguarded Sand and Gravel Resource”. The Delegated Report states:
- 6.6. *“Cambridgeshire County Council has advised that the application site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised.*

As the application does not make reference to the safeguarded minerals, criteria (i) – (l) of Policy 5 have not been met. In the circumstances the County Council is not able to support the proposal without a statement that demonstrates compliance with one of the criteria (i), (j), (k) or (l). The County Council is of the view that given the proximity of the quarry, the likelihood of viable resource within the site is quite high.”

- 6.7. The Delegated Report accurately reflected the view of the Minerals and Waste Planning Authority and identified that the proposed development, in the view of the Minerals and Waste Planning Authority, had not demonstrated compliance with criteria (i) through (l) of Policy 5 of the MWLP. The report omits reference to criteria (a) through (h) which are exceptions to the policy, but as set out in my response, it is my view that these criteria are not relevant to this case.
- 6.8. Reason for refusal four states:

“In the absence of a statement demonstrating safeguarding of the Sand and Gravel Mineral Safeguarding Area, the proposal is contrary to Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (June 2021)”

6.9. As part of this appeal the Appellant has submitted a Mineral Resource Assessment, dated 30 January 2025, prepared by the RPS Group. I received a copy of this document on 20 February 2025. This document is a Minerals Resource Assessment (the Assessment) which seeks to address the Mineral and Waste Planning Authority’s comments in respect of Policy 5 of the Minerals and Waste Local Plan (2021). The Assessment considers two scenarios, one where the site has planning permission via a lawful development certificate for the siting of a residential caravan within the site (site with residential use); the other where that permission does not exist and the land was not considered to be in residential use (no residential use). The summary and conclusion are presented in Table 7 within Section 6 of the Assessment. In that table the author uses the term ‘applicable’ or ‘not applicable’ when referring to the criteria, before providing an explanation for why they conclude if the criterion is met or not. For the purposes of my assessment below, I have understood ‘applicable’ in the table to indicate that the author believes the criterion is met. In addressing Policy 5 below I will address both scenarios, and the conclusions contained within the Assessment.

6.10. Working through Policy 5 from the beginning, I first need to consider exemptions (a) - (h) for both scenarios. Criterion (a) exempts “development that falls within a settlement boundary*” The asterisk footnote reads as follows:

*“*a ‘settlement boundary’ is that which is defined on the relevant Policies Map for the area (e.g. a village envelope or urban area boundary). If no such boundary is identified on the Policies Map, it will constitute the edge of the built form of the settlement or, should an edge be defined in words (rather than map form) in a Local or Neighbourhood Plan, then that definition will be used for that local area.”*

6.11. The site is in a rural location and not within or an extension to an existing settlement. It does not fall within an area defined as a settlement boundary on the Policies Map, or areas with a similar purpose, such as the Development Framework area identified under South Cambridgeshire District Local Plan (2018) Policy S/7 which support the

development and redevelopment of unallocated land within these areas and seeks to restrict development outside these areas. It is on this basis that I conclude criterion (a) is not met.

- 6.12. By the nature of the development, which either introduces or intensifies a residential use, it does not meet the remaining criteria: (b) development which is consistent with an allocation in the Development Plan for the area; (c) minor householder development within the immediate curtilage of an existing residential building; (d) demolition or replacement of residential buildings; (e) temporary structures; (f) advertisements; (g) listed building consent; or (h) works to trees or removal of hedgerows.
- 6.13. The Assessment does not address the above exemptions, focusing on the criteria in relation to non-exempt development set out, (i) – (l), one of which must be met for the development to accord with the policy.
- 6.14. Criterion (i) requires that “*The mineral can be extracted where practicable prior to development taking place*”. The Assessment concluded this criterion is not applicable. This is self-evident as prior extraction is not part of the proposed development.
- 6.15. Criterion (j) requires that “*The mineral concerned is demonstrated to not be of current or future value*”. For this criterion to be met, in my professional opinion, it would need to be demonstrated that that either the resource is not present or is of such low quality to not be considered a resource, or has been sterilised and therefore has no value, or there are fundamental constraints that would prevent extraction in the future.
- 6.16. The Assessment identifies a potential quantity of mineral within the site (paragraph 5.1.1) but concludes that owing to the limited size of the resource it is not workable (Table 7, page 22). However, criterion (j) makes no reference to the viability to extract the mineral now or in the future, it only stipulates that it has no present or future value. What may be unworkable today, may be workable in the future. The logic presented in the Assessment leads to the repeated loss of small sites which individual may be unworkable but cumulatively lessens the resource and undermines the intent of the policy which is to protect known mineral resources for the future.

- 6.17. For the first scenario, where the land is deemed to have a residential use, the Assessment concludes that the use would prejudice the future mineral extraction at the site. Given that under this scenario there would be a lawful residential use of this site and on the assumption that the use is likely to be continuous, it is reasonable to consider the mineral in the immediate vicinity has been sterilised and therefore of no value. This approach of considering residential land and its immediate curtilage as sterilised is reasonable and is in the spirit of the exemptions set out in the Policy. On this point I agree with the Assessment's conclusion that criterion (j) would be met in this case.
- 6.18. For the second scenario, where there is no residential use, I disagree with the Assessment's conclusion that criterion (j) is met. As set out above, the Assessment has demonstrated that resource is present and has value, whether it is not workable today owing to its small area is not relevant to the criterion.
- 6.19. Criterion (k) requires that "*The development will not prejudice future extraction of the mineral*". As per criterion (l), for the first scenario (site in residential use), I agree with the report's conclusion in that the material would be considered sterilised, and future extraction would no longer be a possibility. For the second scenario (no residential use), the Assessment argues that the development is a temporary development as the use involves mobile homes and little permanent infrastructure. I disagree with this conclusion. The planning permission is not for a limited time, nor conditioned to be one. The Assessment states in paragraph 1.2.1 "*the planning application (ref. 22/01703/FUL) is for the permanent stationing of nine mobile homes for residential occupation*". And, whilst the resource may not be affected by the development, should planning permission be granted for residential use and occupied, the likelihood of the site changing to a use that would allow for the possibility of mineral extraction in the future is, in my opinion, highly unlikely.
- 6.20. Criterion (l) requires that "*There is an overriding need for the development (where prior extraction is not feasible) **.*" The ** (double star) footnote of Policy 5 explains that overriding need is to be considered in terms of the overall planning balance. As set out above, in my response I was satisfied that prior extraction was unlikely to be feasible. However, the matter of need is for the determining authority, which in this

case was South Cambridgeshire District Council, and therefore this is beyond the scope of my evidence.

- 6.21. The Assessment concluded that criterion (l) is not applicable, and no further explanation was provided.
- 6.22. In conclusion: The application site is within a Sand and Gravel Mineral Safeguarding Area. The Appellant as part of this appeal has presented a Minerals Resource Assessment. This Assessment considered two scenarios for the site. The first scenario being one where the site has a lawful residential use, the second where it does not. Under the first scenario (residential use), I agree with the Assessment's conclusion in the report that criteria (j) and (k) of Policy 5 would be satisfied. Under the second scenario (no residential use), for the reasons set out above, I disagree with the Assessment's conclusions that it would meet Policy 5 criteria (j) and (k), and that criterion (l) is not applicable. For the reasons set out above, it is my professional opinion, that under the second scenario criteria (i), (k) and (k) cannot be met; and that prior extraction is unlikely to be feasible. Consequently, if the determining authority is of the view that there was an overriding need for the development (in the planning balance), then criterion (l) would be met. Failing that, the proposal would not accord with Policy 5 and the refusal on ground four should be maintained.
- 6.23. In the absence of this information, in my professional opinion, South Cambridgeshire District Council are justified in refusing the application on ground four as set out above.

7. Summary

- 7.1. I, Matthew Breeze, as a suitably qualified person, submitted a consultation response (included as Appendix A to this statement), in my role as a Principal Planning Officer of Cambridgeshire County Council, in relation to planning application reference 22/01703/FUL being determined by South Cambridgeshire District Council. I made the response acting within the County Council's remit of Minerals and Waste Planning Authority and with the correct authorisation to do so. In that response the County Council principally objected on the grounds that the development did not comply with Policy 5: Mineral Safeguarding Areas and Policy 16: Consultation Areas of the MWLP, as well as highlighting to the District Council the likely relevance of the

'agent of change' principle as set out in, what was then, paragraph 187 of the NPPF 2021, which is now found under paragraph 200 of the NPPF 2024.

- 7.2. South Cambridgeshire District Council, as the determining planning authority in this case, subsequently refused planning permission for reasons set out in the decision notice. Reasons for refusal three and four relate to Policy 16 and paragraph 187 of the NPPF 2021, and Policy 5 of the MWLP respectively.
- 7.3. The Appellant has, as part of this appeal, submitted two documents in relation to Policy 16 and Policy 5 of the MWLP: a Proof of Evidence prepared by Mr Tim Green, an acoustic consultant, accompanied by a Noise Impact Assessment, dated 24 March 2023, prepared by TGSacoustics; and a Mineral Resource Assessment, dated 30 January 2025, prepared by the RPS Group.
- 7.4. In respect of reason for refusal three, within my scope of expertise of minerals and waste policy, it is my professional opinion that, even with the additional information provided by the Appellant, there is insufficient evidence to demonstrate that the proposed development will not result in unacceptable amenity issues or adverse impacts to human health, nor prejudice the quarry as required by criterion (d) and (c) of Policy 16 of the MWLP respectively. Furthermore, it has not been demonstrated that there will not be a significant adverse impact on the quarry as a business, and that the proposal does not comply with paragraph 187 of the then NPPF (2021). I conclude that that South Cambridgeshire District Council's reason for refusal three, in respect of Policy 16 and paragraph 187 of the NPPF, was and remains justified.
- 7.5. In respect of reason for refusal four, I reach two conclusions depending on what is determined to be the existing use of the site. Policy 5: Mineral Safeguarding Areas of the MWLP contains several criteria ((a) – (l)), one of which must be met for the proposal to accord with the policy. The Minerals Resource Assessment submitted by the Appellant presents two scenarios, one where the site has planning permission via a lawful development certificate for the siting of a residential caravan within the site; the other where that permission does not exist and the land is not considered to be in residential use. Under the first scenario, I agree with the conclusion in the Assessment that criteria (j) and (k) of Policy 5 would be satisfied, and consequently Policy 5 as a whole. Under the second scenario, for the reasons set out in my

evidence, I disagree with the Assessment's conclusions that it would meet Policy 5 criteria (j) and (k), and that criterion (l) is not applicable. It is my professional opinion, that under the second scenario criteria (i), (j) and (k) cannot be met; and that prior extraction is unlikely to be feasible. Consequently, if there was an overriding need for the development (in the planning balance), then criterion (l) would be met. Failing that, the proposal would not accord with Policy 5. It is on this basis and the context of the submitted information that, I conclude under the first scenario (residential use) that reason for refusal number four would be no longer justified; but under the second scenario (no residential use), that reason for refusal number four was and remains justified.

- 7.6. For the reasons above, it is my professional opinion that the refusal should be upheld, and planning permission not granted for this development.

Appendix A: Letter to Greater Cambridge Shared Partnership

[Attachment: Letter to Greater Cambridge Shared Partnership dated 24 August 2022]

My ref: 2022\Cottenham - Twentypence Road, Chear
Your ref: 22/01703/FUL
Date: 24 August 2022

Contact: Matthew Breeze
E Mail: PlanningDC@cambridgeshire.gov.uk



Steve Cox,
Executive Director
Place and Economy
Planning Growth & Environment

Box No ACL2613
New Shire Hall
nery Crescent, Enterprise Campus
Alconbury Weald
PE28 4YE

Izindi Visagie c/o Michael Allen
Greater Cambridge Shared Planning
planning@greatercambridgeplanning.org
cc. izindi@ivylegal.co.uk
by e-mail only

Dear Ms. Visagie,

**22/01703/FUL – CHANGE OF USE OF LAND THROUGH INTENSIFICATION
TO THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES,
NINE DAYROOMS AND THE FORMATION OF HARDSTANDING
ANCILLARY TO THAT USE. AT LAND TO THE SOUTH OF CHEAR FEN
BOAT CLUB TWENTYPENCE ROAD COTTENHAM CAMBRIDGESHIRE**

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

It is noted that alongside the application above, South Cambridgeshire District Council are also considering a lawful development certificate application (22-01574-CL2PD) for two caravans that currently occupy the site.

Proximity to Mitchell Hill Farm Quarry

The proposed development is located within the Consultation Area (CA) for the safeguarded quarry known as Mitchel Hill Farm, as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP). This is a sand and gravel quarry that is to be restored to low level agriculture using inert waste. The proposed development is located immediately adjacent to the quarry, with permitted operations being located to the south and the east of the proposed development. The planning permission for the quarry is for a limited time as set out under Condition 3 of S/0088/18/CM (the primary planning permission for the quarry permitted by Cambridgeshire County Council,) extraction and complete restoration of the

quarry is required by 31 October 2035. A map showing an extract from MWLP Policies Map showing the extent of the quarry, and a list of relevant planning permissions can be found below.

Quarrying at Michel Hill Farm is being undertaken in a phased manner. A copy of the Phase 7 Plan from planning permission S/0088/18/CM, which shows the different phases of working, can be found below. This permission is subject to a condition which requires that the current phase of extraction be no further than three phases ahead of the last restored phase. For example, extraction in Phase 7 may only take place once Phase 4 has been restored. At the time of writing this letter, the quarry is currently extracting from Phase 3 and restoring Phase 2.

As depicted in the Phase 7 Plan, Phase 6 is immediately adjacent to the south the proposed site and Phase 7 is adjacent to the east. No bunding or mitigation is proposed along most of the northern boundary of phase 6, nor is there any bunding proposed along the western edge of Phase 7 that is adjacent to the proposed development site. In those areas the Quarry is permitted to extract up to the red line of the planning permission.

Policy 16 seeks to safeguard minerals facilities, such as quarries. It states that development within a CA will only be permitted where it is demonstrated that the development will not prejudice the existing or future use of the area, i.e. the quarrying (and restoration) operation for which the CA has been designated; and not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.

The application documentation makes no reference to the quarry, and at this time it has not been demonstrated that it will not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the proposed development. Given the proximity of the site to the Quarry and the nature of quarrying operations, demonstrating the above is likely to prove difficult until the Phase 7 has been fully restored. Dust and noise are of particular concern, but there may be other factors that require consideration.

The Planning Authority will also wish to consider the 'Agent of Change' principle as set out in paragraph 187 of the National Planning Policy Framework (2021) (NPPF), which puts the onus on the developer to ensure that their development will not affect, in this case, the quarry. It should be noted that where the operation of an existing business or community facility could have a significant adverse effect on new development, the applicant should be required to provide

suitable mitigation before the development has been completed. Given that no assessment to demonstrate that the proposed development is compatible with the adjacent quarry has been provided, it is not possible to identify what mitigation is required.

Consequently, the MWPA is of the view that the development does not accord with Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan nor paragraph 187 of the NPPF.

Safeguarded Sand and Gravel Resource

The application site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable, none of which relevant in this case. It then goes on to set out that that development will only be permitted in certain circumstances:

Development within MSAs which is not covered by the above exceptions will only be permitted where it has been demonstrated that:

(i) the mineral can be extracted where practicable prior to development taking place; or

(j) the mineral concerned is demonstrated to not be of current or future value; or

(k) the development will not prejudice future extraction of the mineral; or

*(l) there is an overriding need for the development (where prior extraction is not feasible) **.*

The application documentation does not appear to make any reference to the safeguarded minerals, nor Policy 5. Consequently criteria (i) – (l) have not been demonstrated. The MWPA is, therefore, not satisfied that the proposal accords with Policy 5 of the MWLP at this time. The MWPA, is not able to support this proposal without a statement that demonstrates compliance with one of the criteria above (i), (j), (k), or (l).

Note, the MWPA is of the view that given the proximity of the quarry, the likelihood of viable resource within the site is quite high. However, based on the

extent of the existing quarry, prior extraction of sand and gravel within 50 metres of the Fourth Sock Drain (watercourse) that runs along the north of the site, and within 100 metres of the Twenty Pence Cottage is not likely to be acceptable.

Contaminated Land

The MWPA is aware that various waste (some potentially hazardous) was deposited on the site in the past, the exact dates of deposition are not known but the importation took place over 10 years ago. The MWPA was asked to investigate recent works at the site to reprofile the unauthorised bunds around the application area which had brought the in-situ waste to the surface. The Environment Agency (EA) were advised of the potential for the waste to include asbestos and other contaminants and responded (in an email dated 21 July 2022) that the deposit of the waste on the land was an illegal act. The EA further advised that the waste needs to be removed, lawfully and the responsibility wholly lies with the new owner(s). The Planning Authority will wish to ensure the site is fit for human habitation. To this end paragraphs 183 and 184 of the NPPF, which places the onus on the developer to ensure that sites and suitable and address any land contamination issues, are also relevant.

Summary

The MWPA is of the view that the proposal does not accord with Policy 16: Consultation Areas of the MWLP, paragraph 187 of the NPPF, or Policy 5: Mineral Safeguarding Areas of the MWLP. Consequently, the MWPA **objects** to this proposal. To overcome this objection, compliance with Policy 5 and Policy 16, and paragraph 187 of the NPPF must be demonstrated. However, the MWPA believes that compliance with Policy 16 and paragraph 187 of the NPPF may be difficult to demonstrate until Phase 7 of the quarry is restored.

The MWPA has evidence that the site has been subject to the deposit of waste, and that there is the allegation that the waste includes asbestos, and therefore the Planning Authority will wish to ensure that the topic of land contamination is adequately addressed in respect of paragraphs 183 and 184 of the NPPF. The MWPA will defer to the Environment Agency and the Environmental Health Officer in respect of the topic of contaminated land.

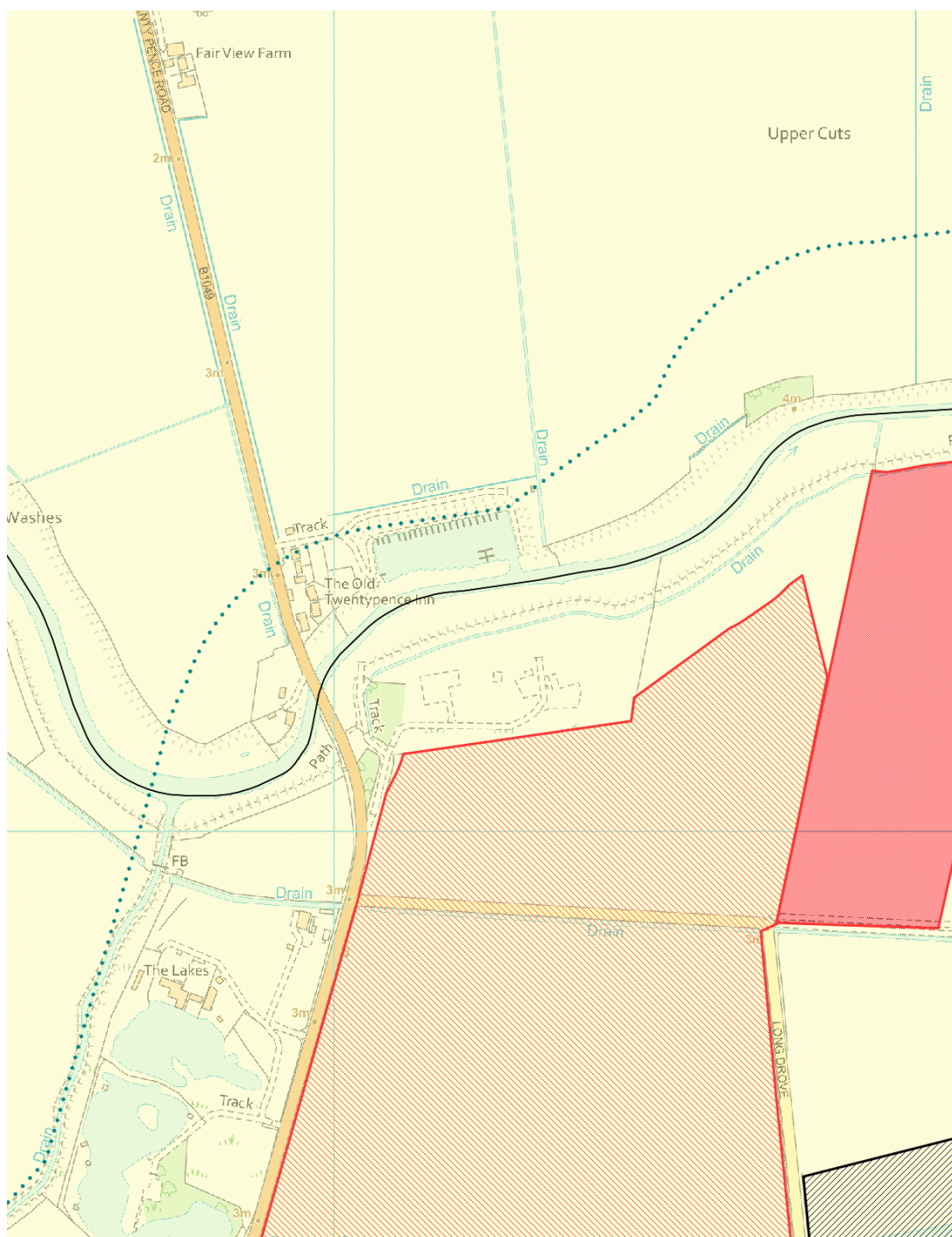
For reference, a full copy of Policies 5, 16, and relevant NPPF extracts can be found at the end of this letter.

If you have any questions regarding this response, please contact me on the details above.

Yours sincerely

Matthew Breeze
Principal Planning Officer

Extract from Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies Map



Minerals Allocation Area: Allocation M022 – Dark Red

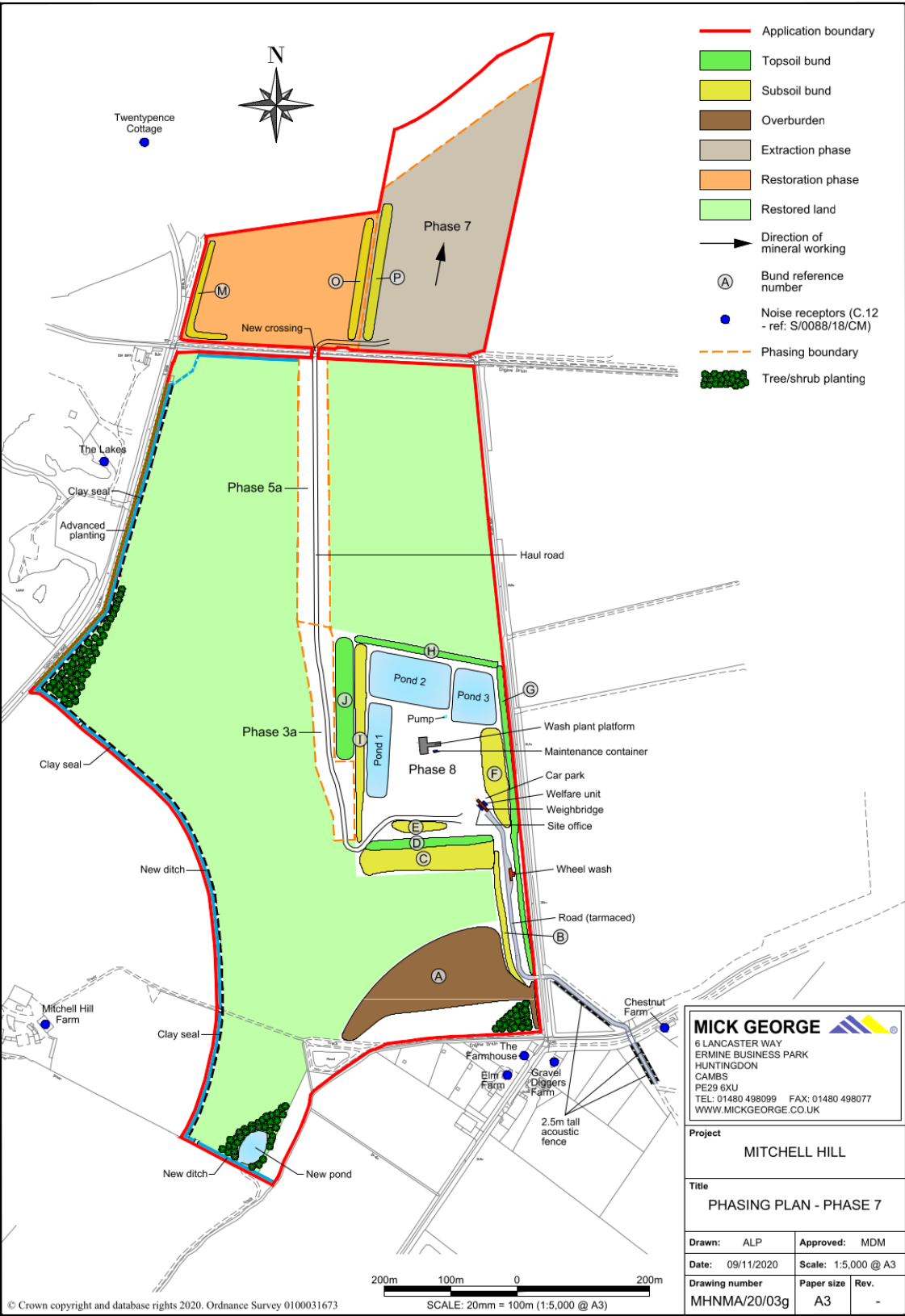
Minerals Development Area: Mitchell Hill Farm (Existing Permitted Minerals Site) – Light Red

Sand and Gravel Mineral Safeguarding Area – Yellow (Covers entire map)

Consultation Area – Outside marked by dotted line 250m from Minerals Development Areas and Minerals Allocation Areas.

Planning Permission S/0088/18/CM - Phase 7 (CP/FRIM/MH/03g Rev b Nov 2018) Plan
Superseded by MHNMA/20/03g, dated 09/11/2020 (CCC/20/088/NMA) (also included below)





Key Relevant Planning Permissions

CCC/20/088/NMW	Non-Material Amendment Minerals & Waste	Approve	Mitchell Hill Farm Quarry, Twentypence Road, Cottenham, Cambridge, Cambridgeshire, CB24 8PP	Extraction of sand and gravel, restoration using inert material and inert waste recycling
CCC/20/034/DCON	Discharge of Condition	Approve	Mitchell Hill Farm, Twentypence Road, Cottenham, Cambridge, Cambridgeshire, CB24 8PP	Extraction of sand and gravel, restoration using inert material and inert waste recycling. Condition no 16 Noise Management, condition 20 Dust Suppression, condition 33 Mineral Processing Plant, condition 39 Screening Bund Maintenance, condition 45 [...]
S/0088/18/CM/C2	Discharge of Conditions Mineral & Waste	Approve	Mitchell Hill Farm, Twentypence Road, Cottenham, Cambridge, CB24 8PP	Extraction of sand and gravel, restoration using inert material and inert waste recycling. Condition No. 7: Crossing of Long Drove, Condition No. 9 & 10: Cultural Heritage - Archaeology and Condition No. 19: Dust Suppression
S/0088/18/CM/C1	Discharge of Conditions Mineral & Waste	Approve	Mitchell Hill Farm, Twentypence Road, Cottenham, Cambridge, CB24 8PP	Extraction of sand and gravel, restoration using inert material and inert waste recycling. Condition No. 13 Noise Management

				and mitigation plan, Condition No. 26 Surface Water drainage and pollution control scheme, Condition No. 35 Ecological management [...]
S/0088/18/CM	Full Application Minerals & Waste	Approve	Mitchell Hill Farm, Twentypence Road, Cottenham, Cambridge, CB24 8PP	Extraction of sand and gravel, restoration using inert material and inert waste recycling

Policy 5: Mineral Safeguarding Areas (MSAs)

Mineral Safeguarding Areas (MSAs) are identified on the Policies Map for mineral resources of local and/or national importance. The Mineral Planning Authority must be consulted on all development proposals in these areas except:

- (a) development that falls within a settlement boundary*;
- (b) development which is consistent with an allocation in the Development Plan for the area;
- (c) minor householder development within the immediate curtilage of an existing residential building;
- (d) demolition or replacement of residential buildings;
- (e) temporary structures;
- (f) advertisements;
- (g) listed building consent; and
- (h) works to trees or removal of hedgerows.

Development within MSAs which is not covered by the above exceptions will only be permitted where it has been demonstrated that:

- (i) the mineral can be extracted where practicable prior to development taking place; or
- (j) the mineral concerned is demonstrated to not be of current or future value; or
- (k) the development will not prejudice future extraction of the mineral; or
- (l) there is an overriding need for the development (where prior extraction is not feasible) **.

*a 'settlement boundary' is that which is defined on the relevant Policies Map for the area (e.g. a village envelope or urban area boundary). If no such boundary is identified on the Policies Map, it will constitute the edge of the built form of the settlement or, should an edge be defined in words (rather than map form) in a Local or Neighbourhood Plan, then that definition will be used for that local area.

** within (l), 'overriding need' will need to be judged in the planning balance when any planning application is assessed, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy. That judgement should also consider the cost of, and scope for, developing outside the MSA, or meeting the need for it in some other way. By 'not feasible' in (l), this could include viability reasons.

Policy 16: Consultation Areas (CAS)

Consultation Areas (CAs) are identified on the Policies Map, as a buffer around Mineral Allocation Areas (MAAs), Mineral Development Areas (MDAs), Waste Management Areas (WMAs), Transport Infrastructure Areas (TIAs) and Water Recycling Areas (WRAs). The Mineral and Waste Planning Authority must be consulted on all planning applications within CAs except:

- (a) householder applications (minor development works relating to existing property); and
- (b) advertisements.

Development within a CA will only be permitted where it is demonstrated that the development will:

- (c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated*.

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would:

- (e) be buildings regularly occupied by people; or
- (f) be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).

In instances where new mineral development, waste management, transport infrastructure or water recycling facilities of significance have been approved (i.e. of such a scale that had they existed at the time of writing this Plan it could reasonably be assumed that they would have been identified as a MDA, WMA, TIA or WRA), the policy principle of a CA around such a facility is deemed to automatically apply, despite such a CA for it not being identified on the Policies Map.

When considering proposals for non-mineral and non-waste management development within a CA, then the agent of change principle will be applied to ensure that the operation of the protected infrastructure (i.e. MAA, MDA, WMA, TIA or WRA) is not in any way prejudiced. Any costs for mitigating impacts on or from the existing minerals and/or waste related uses will be required to be met by the developer. It is

for the developer to demonstrate that any mitigation proposed as part of the new development is practicable, and the continued use of existing sites will not be prejudiced.

*Where development is proposed within a CA which is associated with a WRA, the application must be accompanied by a satisfactory odour assessment report. The assessment must consider existing odour emissions of the WRC at different times of the year and in a range of different weather conditions.

National Planning Policy Framework (2021) (Extracts of)

Ground conditions and pollution

183. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

[...]

187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Appendix B: Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) - Policy 5: Mineral Safeguarding Areas (Policy Text Extract)

CAMBRIDGESHIRE AND PETERBOROUGH | MINERALS AND WASTE LOCAL PLAN | ADOPTED JULY 2021

4. MINERALS DEVELOPMENT SPECIFIC POLICY

MINERAL SAFEGUARDING AREAS (MSAS)

- 4.1 Mineral Safeguarding Areas (MSAs) are identified in order that known locations of specific mineral resources of local and/or national importance are not needlessly sterilised by non-mineral development. The purpose of MSAs is to make sure that mineral resources are adequately taken into account in all land use planning decisions. They do not automatically preclude other forms of development taking place, but flag up the presence of important mineral so that it is considered, and not unknowingly or needlessly sterilised.
- 4.2 MSAs are identified on the Policies Map. They constitute the extent of known reserves plus a 250m buffer. During the preparation of this Plan, more detail was set out on their identification in a document entitled 'Methodology for Identifying MSAs (January 2019)'.
- 4.3 In applying the policy below, applicants and decision makers may also find useful the Minerals Safeguarding Practice Guidance (April 2019), produced by the Mineral Products Association and Planning Officers' Society.

POLICY 5: MINERAL SAFEGUARDING AREAS (MSAS)

Mineral Safeguarding Areas (MSAs) are identified on the Policies Map for mineral resources of local and/or national importance. The Mineral Planning Authority must be consulted on all development proposals in these areas except:

- (a) development that falls within a settlement boundary*;
- (b) development which is consistent with an allocation in the Development Plan for the area;
- (c) minor householder development within the immediate curtilage of an existing residential building;
- (d) demolition or replacement of residential buildings;
- (e) temporary structures;
- (f) advertisements;
- (g) listed building consent; and
- (h) works to trees or removal of hedgerows.

Development within MSAs which is not covered by the above exceptions will only be permitted where it has been demonstrated that:

- (i) the mineral can be extracted where practicable prior to development taking place; or
- (j) the mineral concerned is demonstrated to not be of current or future value; or
- (k) the development will not prejudice future extraction of the mineral; or
- (l) there is an overriding need for the development (where prior extraction is not feasible)**.

*a 'settlement boundary' is that which is defined on the relevant Policies Map for the area (e.g. a village envelope or urban area boundary). If no such boundary is identified on the Policies Map, it will constitute the edge of the built form of the settlement or, should an edge be defined in words (rather than map form) in a Local or Neighbourhood Plan, then that definition will be used for that local area.

** within (l), 'overriding need' will need to be judged in the planning balance when any planning application is assessed, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy. That judgement should also consider the cost of, and scope for, developing outside the MSA, or meeting the need for it in some other way. By 'not feasible' in (l), this could include viability reasons.

MINERAL DEVELOPMENT AREAS (MDAS) AND MINERAL ALLOCATION AREAS (MAAS)

- 4.4 Mineral Development Areas (MDAs) are specific sites identified on the Policies Map. They consist of existing operational sites and committed sites (i.e. sites with planning permission but which are not yet operational or are dormant). Areas not yet consented but allocated in this Plan for the future extraction of mineral are identified as Mineral Allocation Areas (MAAs). These sites also include existing, planned and potential sites for:
- concrete batching, the manufacture of other coated materials, other concrete products; and
 - the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- 4.5 Please note that Policy 16: Consultation Areas (CAs), which should be read in conjunction with the Policy below, also covers proposals which fall within a MDA or MAA as well as within 250m of their boundaries. The following policy focuses only on development within MDAs and MAAs themselves.

Appendix C: Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) - Policy 16: Consultation Areas (Policy Text Extract)

CAMBRIDGESHIRE AND PETERBOROUGH | MINERALS AND WASTE LOCAL PLAN | ADOPTED JULY 2021

the improvement or extension to existing sites, will be supported in principle, particularly where it is required to meet wider growth proposals identified in a Development Plan.

CONSULTATION AREAS (CAS)

- 6.4 Consultation Areas (CAs) are buffers around Mineral Allocation Areas (MAAs), Mineral Development Areas (MDAs), Waste Management Areas (WMAs), Transport Infrastructure Areas (TIAs) and Water Recycling Areas (WRAs).
- 6.5 They are designated to ensure that such sites are protected from development that would prejudice operations within the area for which the buffer is identified, or to protect development that would be adversely affected by such operations (for example residential development being located close to a waste site and subsequently suffering amenity issues).
- 6.6 Buffers are typically 250m around the edge of a site (400m in the case of WRAs). In defining CAs, each site is considered individually, and if circumstances have suggested the typical buffer from the edge of any site should be varied (e.g. due to mitigation proposals) then this has been taken into account.
- 6.7 CAs are designed to alert prospective developers and decision takers to development (existing or future) within the CA to ensure adjacent new development constitutes an appropriate neighbouring use and that any such permitted development reflects the agent of change principle. New neighbouring development can impact on certain mineral and waste management development and associated infrastructure, making it problematical for them to continue to deliver their important function. In line with the agent of change principle any costs for mitigating impacts on or from the existing minerals and/or waste-related uses will be required to be met by the developer.

POLICY 16: CONSULTATION AREAS (CAS)

Consultation Areas (CAs) are identified on the Policies Map, as a buffer around Mineral Allocation Areas (MAAs), Mineral Development Areas (MDAs), Waste Management Areas (WMAs), Transport Infrastructure Areas (TIAs) and Water Recycling Areas (WRAs). The Mineral and Waste Planning Authority must be consulted on all planning applications within CAs except:

- (a) householder applications (minor development works relating to existing property); and
- (b) advertisements.

Development within a CA will only be permitted where it is demonstrated that the development will:

- (c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated*.

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would:

- (e) be buildings regularly occupied by people; or
- (f) be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).

In instances where new mineral development, waste management, transport infrastructure or water recycling facilities of significance have been approved (i.e. of such a scale that had they existed at the time of writing this Plan it could reasonably be assumed that they would have been identified as a MDA, WMA, TIA or WRA), the policy principle of a CA around such a facility is deemed to automatically apply, despite such a CA for it not being identified on the Policies Map.

When considering proposals for non-mineral and non-waste management development within a CA, then the agent of change principle will be applied to ensure that the operation of the protected infrastructure (i.e. MAA, MDA, WMA, TIA or WRA) is not in any way prejudiced. Any costs for mitigating impacts on or from the existing minerals and/or waste-related uses will be required to be met by the developer. It is for the developer to demonstrate that any mitigation proposed as part of the new development is practicable, and the continued use of existing sites will not be prejudiced.

*Where development is proposed within a CA which is associated with a WRA, the application must be accompanied by a satisfactory odour assessment report. The assessment must consider existing odour emissions of the WRC at different times of the year and in a range of different weather conditions.