

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

Contact: Matthew Breeze
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Steve Cox,
Executive Director
Place and Economy
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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.

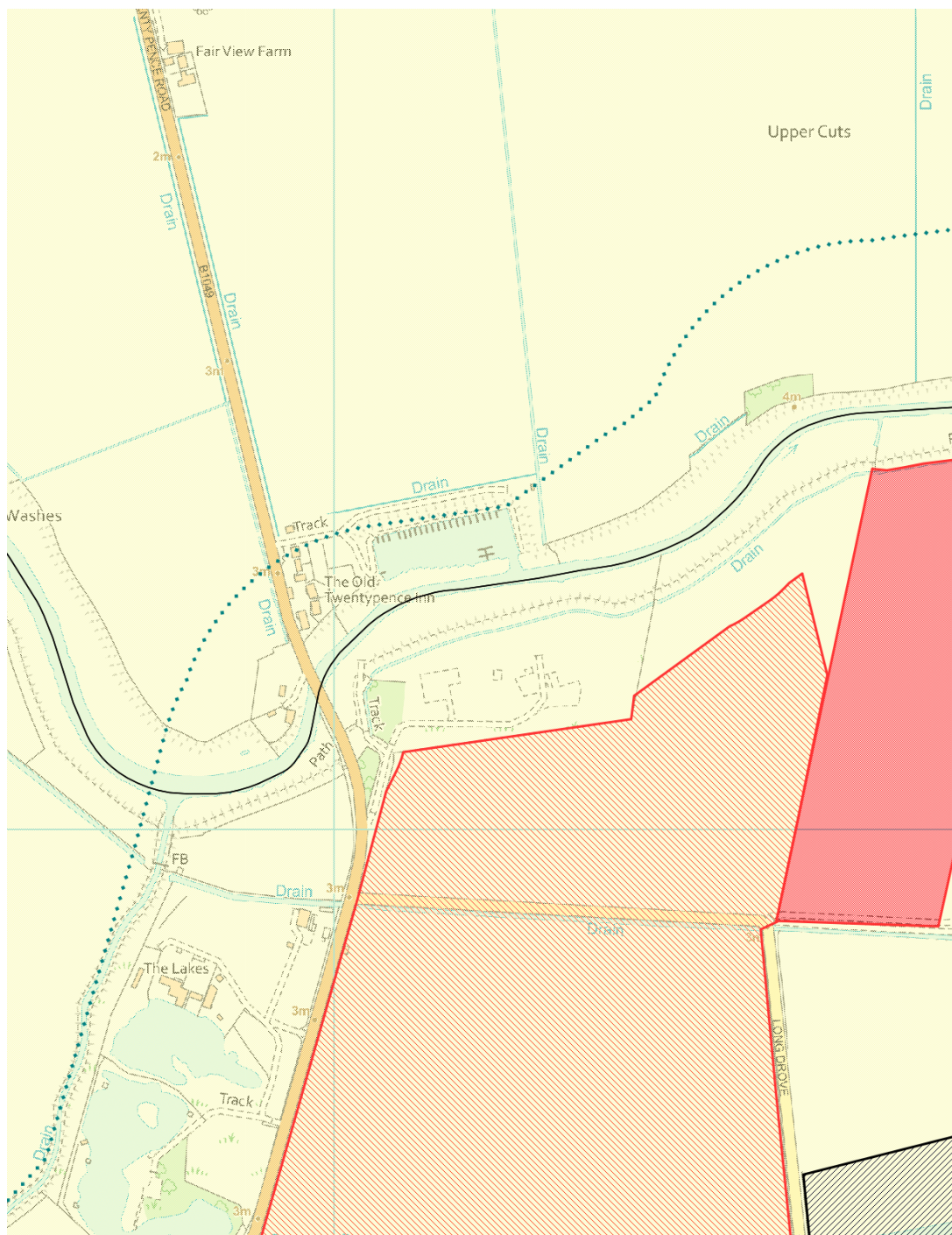
For reference, a full copy of Policies 5, 16, and relevant NPPF extracts can be found at the end of this letter.

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

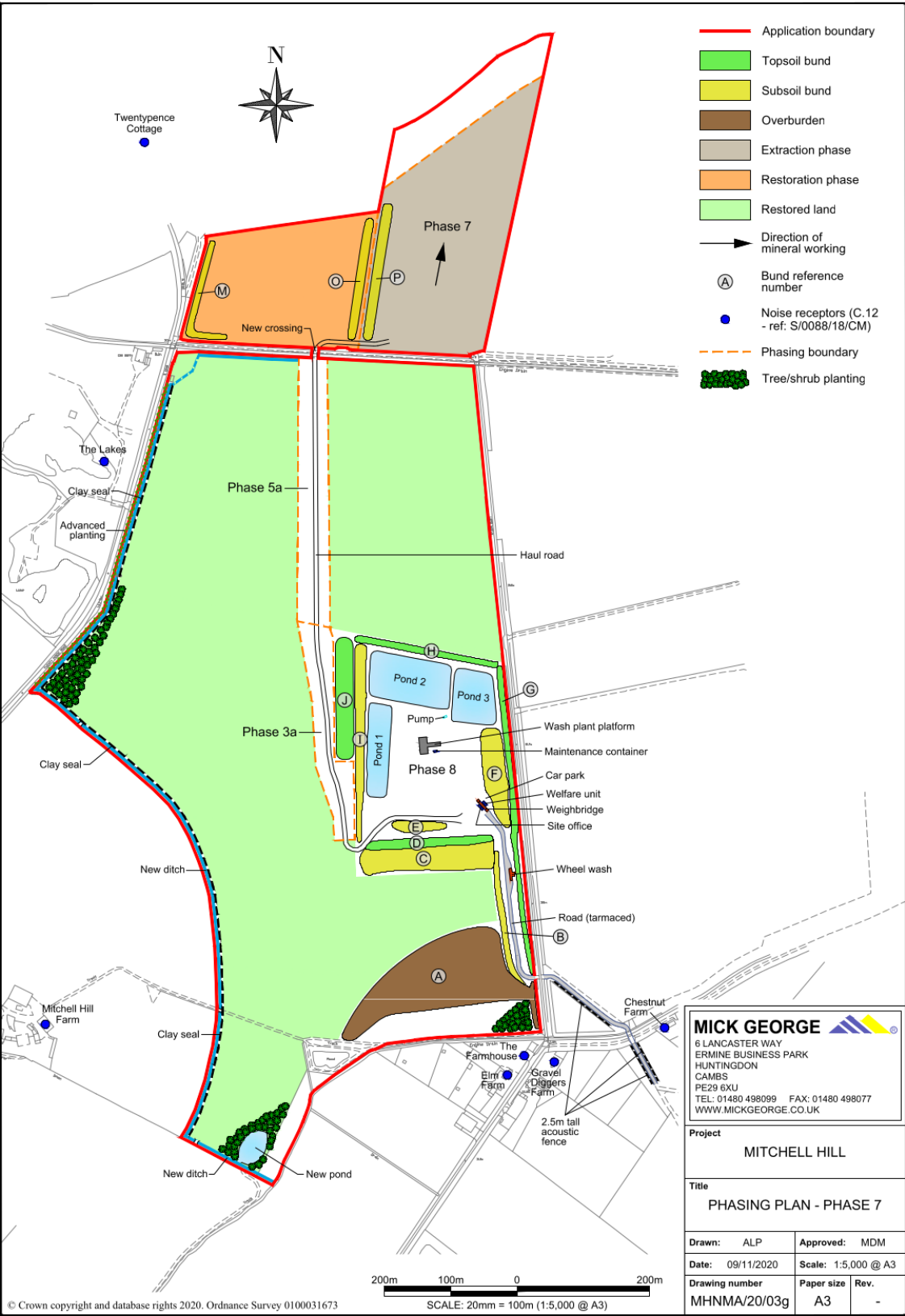
Minerals Development Area: Mitchell Hill Farm (Existing Permitted Minerals Site) – Light Red

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.