

**Use of land for waste management including a new waste handling building**

**At: Waste Transfer Station (Dawson Plant Hire), Middle Fen Drove, Swavesey CB24 4QJ**

**Applicant: Mick George Ltd**

**Application Number: CCC/21/030/FUL**

To: Planning Committee

Date: 24 February 2022

From: Assistant Director, Planning, Growth and Environment

Electoral division(s): Papworth & Swavesey

Purpose: To consider the above planning application

Recommendation: That permission is granted subject to the conditions set out in paragraph 11.2

Officer contact:

Name: Deborah Jeakins

Post: Principal Enforcement and Monitoring Officer

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# Agenda Plans

1. Location of the site
2. Aerial photograph
3. Existing features at the site
4. Proposed Elevations of waste handling building

## 1. Introduction / Background

- 1.1 As detailed in section 4 below, this site has an extensive planning history commencing in 1985 with the granting of planning permission ref S/0810/85/F for the erection of workshop and stores and culminating with planning permission reference S/00702/11/CW in May 2012 for Proposed change of use to allow the approved extended building to be used for the receipt, sorting and storage of dry inert and non-hazardous household, commercial, industrial, construction, demolition and excavation wastes, excluding putrescible food and kitchen waste. The use of land at Middle Fen Drove as an authorised waste transfer station has been ongoing since at least 2000 and is currently authorised under planning references S/2296/06/CW, S/2297/06/CW and S/00702/11/CW.
- 1.2 The application seeks permission to replace the waste handling building at this pre-existing, authorised waste transfer site with a larger, but lower building. The new building will be used for vehicle maintenance and the sorting and storage of dry inert and non-hazardous commercial, industrial, construction, demolition and excavation wastes (excluding putrescible food and kitchen waste). The application also proposes to raise the land levels utilising available on site crushed hard core and concrete in the area of the site where the new building will be located and an area adjacent to it.
- 1.3 The waste transfer facility has been operating under County Planning permissions for waste uses for many years and this application for operational development at the site presents an opportunity to replace the existing permissions at the site with one new permission which will cover all the permitted waste uses across the entire site.

## 2. The Site and Surroundings

- 2.1 The Site is located approximately 50 metres outside the settlement boundary of Swavesey, a village approximately 12km northwest of Cambridge. The site lies immediately to the southwest of Middle Fen Drove, a private road and public bridleway (no. 225/5) and access to the Site is from Middle Fen Drove.
- 2.2 The existing buildings on site are to the southwest of the site entrance and have a combined footprint of approximately 35 metres x 18 metres. Both buildings are approximately 7 metres high to the ridge. The buildings are a combination of brick construction with a metal roof and roller shutter doors and an open fronted steel frame construction. Adjacent to the northwest elevation of the building is a concrete yard and there is a tarmac car park to the northeast. The remainder of the site is used for the storage and processing of inert waste, top soil, sub soil and aggregates. There are vegetated bunds along most of the Site's boundaries which are, for the most part, not more than 2 metres in height. The nearest residential property is 39 Station Road, which is approximately 50

metres to the southeast, there is a close boarded fence and vegetation between the car park and the garden of 39 Station Road. The rear gardens of a number of other houses on Station Road are within 100 metres of the site boundary.

- 2.3 There are no Sites of Special Scientific Interest (SSSI) within 5 kilometres of the Site. The Site is within a SSSI Impact Risk Zone which, in respect of waste development, only applies to landfill. Swavesey Meadows County Wildlife Site (CWS) is adjacent to the northwest and southwest boundaries of the Site.
- 2.4 Castle Hill earthworks is a scheduled monument covering approximately 5 hectares of land at Church End, Swavesey which is located to the south west of the site, it includes land on both sides of Taylor's Lane. The larger area to the north of Taylor's Lane includes houses, gardens and commercial buildings and land. The north eastern most part of the scheduled monument is adjacent to the southwest boundary of the Site. Priory earthworks lies to the north, west and south of St. Andrew's church and vicarage which are approximately 35 metres from the northeast boundary of the waste management site (Middle Fen Drove).
- 2.5 The Swavesey Conservation Area (SCA) covers the northern part of the village. A small area (approximately 60 square metres) of the Site, which is immediately to the south of the southern corner of the proposed waste handling building, lies within the SCA. The area within the SCA is owned by the applicant but has not been included in this application.
- 2.5 The Site is within flood zone 3 and is not in an area benefiting from flood defences. Turnbridge Drain is a Main River which at its closest point to the Site is approximately 15 metres northeast of Middle Fen Drove.

### 3. The Proposed Development

- 3.1 The applicant proposes the replacement of the existing buildings on site with a new building which will process waste generated by local construction and demolition developments as well as dry inert and non-hazardous household, commercial, industrial, construction, demolition, and excavation wastes (excluding putrescible food and kitchen waste). Vehicle maintenance will also take place within the building, in line with previously approved permissions. It is not proposed that there is any alteration to the existing, authorised waste operations on the site, which are subject to an environmental permit, or any increase in the annual throughput of waste which will remain set at 75,000 tonnes. The 75,000 capacity is made up of 25,000 tonnes of municipal waste, 25,000 tonnes of construction, demolition and excavation waste and 25,000 tonnes of commercial and industrial waste. No hazardous or putrescible waste will be handled at the site. The new building will allow sorting of waste to take place undercover and it is proposed that a separate section of the building will also be used for vehicle maintenance.
- 3.2 The new building will be located in broadly the same area of the site as the existing buildings and its proposed dimensions are 35m in length by 30m width, with a height of 6m. The concrete slab level of the building is proposed at 6.64mAOD, to align with the proposal to raise the land level to the front of the building. The overall footprint of the proposed building is larger than the buildings that are currently on site and will extend further north into the site. The proposed building will be constructed using coated steel cladding in Olive

Green with a Grey roof. There will be grey, UPVC gutters and a downpipe attached to the building.

- 3.3 The waste operations that will continue to take place outside the new building will include the storage, screening and grading of inert material. The heights of the stockpiles of waste stored on the site will not exceed 5 metres. Inert waste including soils and hardcore will be screened on site and any aggregate that is assessed as suitable for recycling will be taken off site for crushing.
- 3.4 The applicant proposes a limited, temporary four week period in which to undertake the crushing of the existing hardcore on site in order to provide the material to raise and level the land . A mobile crusher will be brought onto site for a one-off operation following which there will be no further crushing on site. A 1m buffer zone is proposed between the site boundary and the raised land which will protect the existing, established boundary vegetation.
- 3.5 The number of HGV movements associated with the site have been established as part of the approved use as a waste transfer station, without the movements being restricted or conditioned. The applicant proposes to limit the HGV movements to 80 per day (40 in and 40 out) and to park 5 HGVs and one trailer at the site overnight. The applicant also proposes a limited number of additional LGV vehicles (including those of staff and visitors) using the site.
- 3.6 The applicant has proposed the widening of the site access and has committed to undertake widening and resurfacing of Middle Fen Drove, although it is accepted by both the applicant and the Highway Authority that Middle Fen Drove lies outside of the application site and is therefore not within the control of the applicant. No details of these proposed works have been submitted as part of the application for consideration.
- 3.7 The number of employees based at the site will be 7 and the proposed hours of operation are 08.00 to 17.00 Monday to Friday, with no operations taking place on site on Saturdays, Sundays or on Public and Bank Holidays. The Planning Statement submitted with the application states that although most of the work taking place at the site will take place in daylight, some additional lighting will be required for work during the winter months.

## 4. Planning History

- 4.1 The relevant planning history for the site is detailed below.
- 4.2 On 19 April 1985, planning permission reference S/1816/85/F was granted by South Cambridgeshire District Council for Workshop and Stores for Plant Hire at the site.
- 4.3 On 11 September 1985, South Cambridgeshire District Council approved planning reference S/0810/85/F for Erection of workshop and stores. Condition 1 of the permission restricted the use of the site for the maintenance of vehicle owned by the applicant's company, Dawson Plant Hire Ltd.
- 4.4 On 23 March 2000, Cambridgeshire County Council, as the Waste Planning Authority (WPA) refused to issue a Certificate of lawfulness, reference S/00177/00/CW for: The storage and processing of recycled aggregate and inert material for the whole of the site on

the basis that the activities referred to in the application had not been carried on at the site for a period of ten years before the application was submitted.

- 4.5 On 13 September 2000, Cambridgeshire County Council issued a Certificate of Lawfulness, reference S/1436/00/CW for waste uses at a smaller area of the site than that set out in S/00177/00/CW. Certificates of Lawfulness do not have conditions attached to them, however the development that has become lawful is specified in the First and Second Schedules of the Certificate as: 'The storage/stockpiling of inert builders/construction waste and processed material to a maximum height of 5 metres. Stockpiling materials only between the hours of 7.00am until 6pm Mondays to Fridays, until 1pm on Saturdays with access to the site via the existing access off Middle Fen Drove. Screening/grading of inert builders/construction waste for reuse between the hours of 7.00am until 6pm Mondays to Fridays and 8am until 1pm on Saturdays'. The certificate of lawfulness was issued based on evidence supplied, including aerial photographs, that confirmed that the activities detailed above had been taking place on part of the site since 1988.
- 4.6 On 19 June 2001, the County Council approved planning reference S/2251/00/CW for Extension of the approved storage/screening and grading and recycling for the treatment of inert builders and construction waste. The permission was issued subject to planning conditions and the application area comprised the remainder of the site that had not been covered by Certificate of lawfulness reference S/1436/00/CW detailed in paragraph 4.5 above.
- 4.7 On 25 July 2006, planning permission reference S/1257/05/CW was issued for Extension of existing site for the storage and recycling of inert building and construction waste (retrospective) and extension of the existing workshop/storage building.
- 4.8 On 22 October 2007, the County Council approved planning reference S/2296/06/CW for Section 73 application for the removal of restriction occupancy Condition no 1 of planning permission S/810/85/F for part of the site.
- 4.9 On 29 October 2007, the County Council approved planning reference S/2297/06/CW for Section 73 application for the removal of restriction occupancy Condition No 4 of planning permission S/2251/00/CW for the part of the site not covered by the permission set out in paragraph 4.8 above.
- 4.10 On 23 May 2012, the County Council approved planning reference S/00702/11/CW for Proposed change of use to allow the extended building approved under S/01257/05 to be used for the receipt, sorting and storage of dry inert and non hazardous household, commercial, industrial, construction, demolition and excavation wastes, excluding putrescible food and kitchen waste.
- 4.11 Two further planning applications were submitted to the County Council in respect of the use of the site but subsequently withdrawn. S/00133/12/CW for using the recycled building materials to create a new waste sorting building, in the same location as S/00702/11/CW and FMW/092/19 for Use of land for waste management including a new waste handling building (Informative: The proposal includes outdoor screening and grading of inert waste & soils and the use of a mobile crusher for a temporary period).
- 4.12 To summarise, the use of the land at Middle Fen Drove as an authorised waste transfer

station has been ongoing since at least 2000 and is currently authorised under planning references S/2296/06/CW, S/2297/06/CW and S/00702/11/CW.

## 5. Publicity

- 5.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by means of a notice in Cambridge Evening News on 16 August 2021.
- 5.2 Site notices were displayed on the gate of the site and at the junction of Station Road with Middle Fen Drove on 25 August 2021.

## 6. Consultation responses

- 6.1 Greater Cambridge Shared Planning: - no comment.
- 6.2 South Cambridgeshire District Council Environmental Health (EHO): - No objection. It is noted that the application relates to a change of arrangements on the site and despite the physical changes to the site, the activities carried out will remain principally the same. The Noise Assessment prepared by LF Acoustics Ltd on behalf of Mick George Ltd has been reviewed and the EHO is in general agreement with the assessment carried out and the conclusions drawn. As the activities on site will remain principally the same the noise limits specified in Planning Condition 4 of planning reference S/2251/00/CW are still relevant and so recommend this condition is retained.

The use of bunding/noise barriers will assist in ensuring any noise impacts are reduced to a minimum and the new building is likely to provide additional shielding to residential properties to the south/south-east of the site. The noise assessment presents the findings concisely and offers the necessary confidence that operational noise from the site will not cause any unacceptable impacts. Whilst existing nearby residential premises will be exposed to construction noise/dust that will be transitory in nature and the impacts should be considered and controlled by the imposition of conditions.

The concrete crusher is to be used as part of the demolition/construction phase and will not be used on-site on a continued basis. Impacts from dust because from this equipment will usually be minimised/controlled by compliance with the conditions attached to the relevant mobile crusher Environmental Permitting (England and Wales) Permitting Regulations permit, which is issued by the local authority where it is registered.

With regard to HGV movements, it is noted there are currently no restrictions on vehicle numbers. The Transport Statement covers the effects of vehicle movements and their impact on the highway network concluding that the existing access arrangements and vehicle movements will provide a negligible impact on the highway network in and around Swavesey. However, it does not assess the impacts of noise on surrounding roads generated by increases in HGV movements associated with the proposed development. Whilst significant adverse impact is not envisaged, some commentary and screening assessment would be beneficial on potential off-site traffic noise generation. The 'Calculation of Road Traffic Noise' (CRTN) produced by the Department of Transport /

Welsh Office provides a method for the prediction of noise from road traffic. The Highways Agency Design Manual for Roads and Bridges, Volume 11, Section 3, Part 7 Had 213/11 Noise and Vibration, provides guidance on the assessment of noise impacts from roads and contains guidance for assessing the likely impact on amenity of noise generated by road traffic in the Long Term.

The granting of permission and or any permitted development rights does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory nuisance. Should substantiated noise/dust complaints be received in the future (and it is considered a statutory noise nuisance at neighbouring premises) an abatement notice will be served.

6.3 CCC Highways Development Management:- no objection.

The Highway Officer has taken into consideration that this is an existing waste transfer site with associated HGV movements and that there is no proposal to increase the current annual throughput of waste. Officers noted the applicant's offer to restrict the number of daily vehicle movements associated with the site and recommended the imposition of planning condition restricting the number of daily movements of motor vehicles to and from the site to 80 per day (40 in and 40 out). In addition, officers requested a condition is imposed limiting the annual throughput of waste to a total capacity of 75,000 tonnes. Officers also commented that Middle Fen Drove, due to its width and nature, does not have any capacity for the holding of queuing vehicles off the adopted public highway and it would be unacceptable to the Local Highway Authority for any motor vehicle to wait on or within Middle Fen Drove at any point as this would block the Drove, thus impeding the use for all other users of the highway (all modes). The Highways Officer recommended an informative relating to the prevention of queuing of vehicles on the public highway.

6.4 CCC Rights of Way Team: - no objection.

Public Bridleway No. 5 Swavesey is affected by this proposal and the applicant should be aware of the presence of the PRoW, their legal alignment and width which may differ from what is available on the ground. The Highway Authority's Public Rights of Way service acknowledged that despite the physical changes to the site, the activities carried out will remain principally the same. Information on how the proposal will affect vehicular movements on Middle Fen Drove should be provided.

The bridleway has a recorded width of 12ft. The track, as a result of many decades of considerable motor vehicular use is now much wider than the recorded public width. The public has unfettered access along this bridleway and no development should be permitted which would restrict this access either directly or indirectly. This is a popular route and the level of development proposed may constitute an unacceptable level of conflict between non-motorised users and HGVs access the site via Middle Fen Drove. The lack of comparable movement information limits an assessment to be made. There is also a concern that any increase of vehicular movements may alter the character of the route.

The PRoW must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it. Note that the activities on site are not proposed to change, that at present there has been intermittently up to a 100 movements per day and proposed limit to daily movements of 40 per day. Swavesey Public Bridleway 5 is a very popular route into the countryside,

recreational and commuting activities using the countryside are increasing and unfettered public access, for pedestrians, cyclists and horse riders, along the Public Bridleway needs to be maintained. This commercial enterprise uses the Public Right of Way for heavy goods vehicle access and farm inspection by the Health and Safety Executive have required the segregation of vehicles and the public. The considerable vehicle movements could affect the Public Bridleway and the safety of the public & safe operation of the site should be addressed through the planning process.

6.5 Environment Agency: - No objection.

Flood Risk - reviewed the Flood Risk Assessment (FRA) and strongly recommend that the mitigation measures are adhered to, particularly that finished floor levels are raised to 6.64m AOD. This will minimise the chance of internal flooding occurring during a flood event. As the site is located within an area considered to be at risk of flooding, recommend that flood resilience measures are incorporated into the design of the development. For more information on flood resilience techniques, see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007" which is available on the following website: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>.

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>. Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

Environmental Permit - Irrespective of planning approval, the application and proposed changes may require a variation to the operators Environmental Permit, ref EAWML 102998, and/or updates to their Environmental Management System (EMS). We offer pre-application advice and further details can be found at <https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>

6.6 CCC Local Lead Flood Authority: - no objection.

The documents demonstrate that surface water from the proposed development can be managed through the use of a swale, restricting surface water discharge to 2.4 l/s. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual. Conditions and informatives recommended.

6.7 CCC Ecology: - no objection.

The County Ecologist initially objected to the proposal on the grounds that it did not deliver biodiversity net gain and that there was insufficient information to be able to determine the level of impact of the scheme on Great Crested Newts, which are a protected species. However, the objection with regard to Great Crested Newt protection was overcome when the operator submitted an Impact Assessment and Compensation Payment Certificate as part of an application to Natural England for a Great Crested Newt District Level Licensing



Certificate. Natural England have accepted that appropriate compensation will be made to them for Great Crested Newt conservation, following the grant of planning permission and to this effect have requested that details of the proposed mitigation measures for protected species during the construction phase, including Great Crested Newts be included in a condition for the submission of the Construction and Environment Management Plan. The objection to the delivery of bio-diversity net gain was overcome by the suggestion that a condition which requires details a detailed landscape scheme and Landscape and Ecological Management Plan which demonstrates a measurable net gain in biodiversity in accordance with policy 20 of the MWLP.

6.8 CCC Historic Environment Team: - no objection.

6.9 Historic England: - no objection.

The waste transfer site is situated in a historic location and is part of a sensitive historic landscape, on the edge of the Swavesey Conservation Area between two important scheduled monuments, Swavesey Castle and Priory respectively. Although the physical risk to the Castle is reduced because the part in the applicant's ownership is outside of the application area, the development remains within the setting of the two scheduled monuments, the church and the conservation area which are all considered as designated heritage assets and the impact on the settings are a consideration in policy terms. The primary considerations are the potential for the development to harm the significance of the castle and potential harm to the significance of the designated assets through development within their setting.

The National Planning and Policy Framework (NPPF) identifies protection of the historic environment as an important element of achieving sustainable development. Attention is drawn to the policy principles relating to the historic environment set out in Chapter 16 of the NPPF, in particular paragraphs 194, 199, 200, 201 and 206.

The waste transfer station has already been established at the site, has operated there for some 20 years or so, and benefits from outstanding permissions. The proposed building is bigger than the existing structure, but the ridge height of the proposed waste handling building will not be higher than the existing one and therefore it is unlikely to change the existing relationship between the development area and the scheduled monuments in any significant way. Whilst there is a residual impact, the application would not result in any additional meaningful harm or to the significance of the designated asset through changes to its setting. The development as a whole will however result in a degree of residual harm during its lifetime, though its close association with the monuments and in this historic location.

The Heritage Statement (HS) included the monument boundary and the addendum to the HS notes that the monument area has been used in the past for dumping of material and there is no record that this facility or the works had scheduled monument consent which would be contrary the terms of section 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The dumped material relates to the previous operators of the site, however given the potential negative impact of the new facility, the residual harm from the increased building size and the continued use for waste processing a small programme of remedial works as set out in the HS would be an enhancement to the monument which would be supported. The HS proposes to take a precautionary approach that allows for the preservation of any surviving archaeology at this location, the waste material will be

removed and a soft landscaping scheme introduced to this part of the site that both demarks and protects the area of the scheduled monument. The HS recommends three specific objectives relating to the management of the site:

- 1) promoting development layouts that avoid the scheduled area;
- 2) removal of waste material from the scheduled monument under archaeological supervision; and
- 3) soft landscaping with shallow rooting plant such as grass and wild flowers, to allow for the demarcation and protection of the scheduled monument.

If consent is granted, a condition be applied to the monument to secure the removal of any material dumped on the area of the monument within the applicants' ownership to the ground level that existed prior to the use of the site as a waste processing facility. In addition, we would want to this condition to secure the future management of the monument as per the recommendations in the HS. This work would also need to be undertaken under archaeological supervision and with scheduled monument consent. Conditions recommended.

#### 6.10 Swavesey Parish Council: - no objection.

The Parish Council (PC) requests a number of planning conditions are imposed, should the application be granted permission. PC acknowledges that the site has existing planning consent for waste handling facilities which was granted many years ago, however the site is located at the north end of the village, at the furthest point from the A14 and A1307, which are the main traffic flow points of access to/from the village. Swavesey village is long and narrow, the roads and footpaths are narrow and a large part of the village has no footpath on the eastern side, meaning residents have to cross the main road at many points. There is no other road access to the MGL site than the main road. The Primary School is located on the main road on the eastern side, as is the Recreation Green and there are no designated crossing points anywhere along the main road. The majority of the shops and services are also towards the older centre of the village which is to the north end and closest to the MGL yard. If this application were for a new waste handling site, Swavesey Parish Council would strongly object. The location would be totally unsuitable for numerous reasons. The village is larger and busier than it was when the original permission was granted. The proposed number of extremely large vehicles accessing the site are totally unsuitable for travelling through Swavesey village on the regular basis being proposed. The location next to residential areas, sensitive areas of conservation and history is considered to be detrimental. PC has received numerous correspondence from local residents with objections and concerns over the proposed increase in activities and lorry movements at the site and supports all comments made. PC comments that should the application be permitted, sufficient mitigation and planning conditions should be in place to ensure activities do not exceed any consent granted and that these will be monitored and enforced. Concerns and requests should permission be granted:

Concrete Crushing - Due to its location close to residential dwellings in Taylors Lane and Station Rd, the noise from concrete crushing on the site would very intrusive and detrimental. A planning condition should confirm that apart from the one-off 3 week maximum crushing operation, no further crushing of materials will take place or be temporarily permitted on the site in the future.

Vehicle Movements - the level of proposed operations has never been this active and the location of the site is totally unsuitable for this type of operation. The majority of the vehicle

movements will be travelling the whole length of the village, passing along narrow roads. The Primary School entrance is onto the main road, the recreation green and many properties front the main road. The large HGVs which will be regularly using the site are wholly unsuitable for this location. The proposal to limit the HGV movements to 80 per day is still 40 HGVs to/from the site, equating to one journey every 6 or so minutes! This is a huge amount for the village roads, other road users, residents and the drove to have to cope with. If it is not possible to set a lower limit then a planning condition should state the maximum HGV movements permitted.

Safety of all throughout the length of the village - there will be a huge increase on traffic movements along the main and only road through the village, with associated safety implications. Much of the road only has footpath on the west side, so there are numerous places where residents need to cross the road. College students use the cyclepath/Safer Route to School along Station Rd which crosses Middle Fen Drove and the main road is full of Primary School children and parents/carers. Request that a safety audit be carried out to highlight the potential concerns around safety, particularly at the Middle Fen Drove junction and along Station Rd and High Street and suggest a planning condition restricting a speed of 20mph for all lorries to and from the site whilst within the village boundary. Request a condition to restrict lorry movements to outside of the hours of 8.30am-9.15am and 2.45pm-3.45pm, which are the Primary School and Village College start and finish times.

Middle Fen Drove Bye-way - This is a private bye-way managed and maintained by the Bye-ways Committee in association with landowners and South Cambridgeshire District Council. The PC fully supports the response from the bye-ways committee and the concerns raised. PC request that a management plan sets out that MGL will maintain the asphalted section of the drove. Many walkers, cyclists and horse riders use this drove and the narrow width and proposed increased in large lorries raises significant safety concerns. PC request that a management plan for the safety of other users of the drove is put in place. PC request that the ability of the sub-base of the drove to withstand HGV movements is investigated. Transport Assessment mentions that the By-way will be widened which will cause greater maintenance and ongoing costs and therefore PC request that a planning condition is imposed relating to resurfacing and a maintenance regime by MGL, to be approved by the Bye-ways Committee. Request a condition making a 5mph a speed limit compulsory on the drove and that additional safety signs are installed warning of large lorries and cyclists/walkers/horses.

Working Hours - Request planning condition limiting working hours.

Noise - Request planning condition to restrict noise to 45 dB as the existing planning condition and conditions to include noise limits for the construction phase and operational phase, in line with the noise impact assessment. PC note that the location and direction of the acoustic buffer proposed does not provide any protection to the majority of residents living close to the site to the south and south-west and request that acoustic fencing is installed around the perimeter to the west and south.

Drainage – PC note that the drainage ditches to the side of the drove are Riparian and should be kept clear of debris, overgrown vegetation and kept free flowing at all times. PC notes that water from wheel washing and surface water runoff currently runs directly out into the drove which is likely to cause significant damage to the drove surface with increased water washing over it. Concerns are also raised regarding the run off of surface

water from the site, considering the amount and type of materials stored and PC queries what safety measures will be put in place to ensure contaminants are not washed into the run off, into the Drove and drainage system, ultimately ending up in the River Gt Ouse. PC supports the comments submitted from the RSPB. The water running onto the drove may flow further along the drove and therefore it is essential that the runoff is kept within the drainage ditches and surface water is and managed appropriately. Swavesey Parish Council supports the two conditions requested by the CCC LLFA.

6.11 Willingham Parish Council (neighbouring Parish): - object.

The proposal is for 80 vehicle movements per day with up to 50% of that traffic potentially travelling through Willingham. Although the existing approval is for unlimited movements, the latest traffic plan shows 40 vehicle movements per day between Over and Willingham. This application could lead to a significant increase in the number of HCVs travelling through the village.

6.12 Over Parish Council (neighbouring Parish): - object

The dangerous lorries will cause health and safety issues especially as they will be using a blind junction as access which will cause visibility issues and impact on the large amount of school children that use this route. The Parish Council are also concerned about the impact that the lorry movements will have on the cycleway. The traffic route is inappropriate as it will cause more traffic to come through Over Village and the existing local infrastructure cannot cope with any further traffic, especially HGV's. The roads are already damaged enough in Over without any more through traffic causing further problems.

6.13 Byeways Committee: – No objection.

The application will increase the amount of large vehicles travelling to/from the yard and using the first section of Middle Fen Drove which is a private Byway under the terms of the Swavesey Byways Act. This Act covers the maintenance of Swavesey Byways through a levy using voluntary labour to ensure an adequate surface for access to agricultural lands. All landowners therefore have access but also responsibilities. The Byways is maintained voluntarily by landowners using loose asphalt planning laid over the original sub-base. The previous owners of Drove Yard transfer site asphalted over the section from the junction of station road to the yard entrance which was agreed with the Byways committee and included a condition that the owner should maintain this section in Asphalt. The Transport Statement states that it is proposed to resurface the existing tarmac section, the Byways committee request that this is a condition of this application. This section should be constructed so that the camber of the surface allows run off into the ditches rather than onto the unasphalted surface of the byway. The asphalted surface should be constructed so that the drove end has a seamless join and is maintained so that it does not form a deep hole over time. The ditches alongside the drove are Riparian responsibility, therefore a condition should be added to ensure that MGL keeps these ditches clear from overgrown vegetation, any falling debris and keep the water flow clear.

With the increase in vehicle movements and size of vehicles, more water will be used to keep the paved areas damp, clean deposits off the road and wash vehicle wheels before leaving the site which will increase in water runoff into the ditches. Provision needs to be made to ensure that run-off does not damage the rest of the drove and make it unusable for other users. There is a possibility that contamination may be washed off the vehicles and into the ditches which feed into the RSPB lakes and the local river.

The widening of the Drove to take larger vehicles and allow vehicles to pass will require greater maintenance and need to be included in the planning conditions. The committee raised concerns about the suitability and future integrity of the byway sub structure with regard to the type and quantity of proposed HGV movements. The reference to a trailer suggests this could be a 44 ton combined combination that can cause significant turn scrub out and degradation to paved areas when loaded. Whilst throughout the document there are references to LGV's and HGV's in varying weights and numbers with a cap on 80 vehicle movement a day, section 3.1.10 seems to add a final caveat that all previous reassured limited numbers and vehicle types could be exceeded according to demand which is concerning to the committee as higher quantities of trailers and 8 wheeled tippers could have significant wear acceleration on the proposed surface and adjacent byway for users as well as adding additional costs to planned maintenance.

- 6.14 RSPB – does not have a formal view on the merits of this application but notes that this development is approximately 50m away from the RSPB Fen Drayton Lakes reserve. RSPB request that if permission is granted, the following conditions are imposed:
1. in line with the recommendations of the Preliminary Ecological Appraisal Report to ensure that a CEMP is drawn up and implemented to ensure no significant construction impacts on ecological interests, and
  2. so that the proposed SUDS swale and filter drain system is implemented and maintained, as set out in the Flood Risk Assessment. This is required to mitigate the risk of pollution events that might adversely affect nearby nature conservation sites, including our RSPB Fen Drayton Lakes reserve.

## 7. Representations

7.1 The following representations have been received

7.2 Forty-nine neighbour representations were received, forty-eight of which objected to the proposal. The concerns raised within the representations can be summarised as follows:

- Close to adjoining properties
- Inadequate access and road infrastructure
- Increase in traffic / HGVs
- Highway safety for pedestrians, cyclists, horse riders and school children
- Impact on the Drove / Public byway
- Vibration
- Increase of pollution, possible contaminants
- Dust and air quality
- Odour issues
- Noise nuisance
- Out of keeping with character of area
- Impact on conservation area and historic environment
- Flood risk
- Possibility of attracting vermin

7.3 A copy of the full representations will be shared with members of Planning Committee one week before the meeting.

## 8. Planning Policy

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 8.5 to 8.8 below. The National Planning Policy Framework updated in July 2021 is also a material consideration as is the Government's Planning Practice Guidance.

8.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At its heart is a presumption in favour of sustainable development (paragraph 11). It states that for decision-taking this means:

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most relevant for determining the application are out of date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.

8.3 The following paragraphs within the NPPF 2021 are also considered to be relevant to this application:

- Paragraph 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- Paragraph 7 - The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible.
- Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- Paragraph 56 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- Paragraph 84 Planning policies and decisions should enable:
  - a) The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings;

- b) The development and diversification of agricultural land and other land-based rural businesses;
  - c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
  - d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- Paragraph 85: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- Paragraph 110 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
  - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Paragraph 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 113 - All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- Paragraph 130 - Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;



e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and  
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- Paragraph 159 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- Paragraph 174 – Planning policies and decisions should contribute to and enhance the natural and local environment by:
  - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Paragraph 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.
- Paragraph 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.

- Paragraph 185 - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

  - mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- Paragraph 186 - Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- Paragraph 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.
- Paragraph 188 – The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- Paragraph 194 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is

proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- Paragraph 195 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- Paragraph 199 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.4 The National Planning Policy for Waste (NPPW) (October 2014) sets out the national planning policies for waste development and is to be read in conjunction with the NPPF. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

- Paragraph 5 of the NPPW sets out that Waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria:
  - the extent to which the site or area will support the other policies set out in the NPPW;
  - physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan;
  - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and
  - the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.
- Paragraph 7 of the NPPW sets out specific considerations to be taken into account in determining waste planning applications, which include:
  - expecting applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
  - only expecting applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan;
  - considering the likely impact on the local environment and on amenity against the locational criteria set out in Appendix B; and

ensuring that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

8.5 The development plan comprises the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) (the MWLP) and the South Cambridgeshire Local Plan (Adopted September 2018) (the SCLP).

8.6 Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP)

On 28 July 2021 Cambridgeshire County Council and Peterborough City Council adopted a Minerals and Waste Local Plan which sets the framework for all mineral and waste developments until 2036. The following policies are considered relevant in relation to this proposal:

Policy 1: Sustainable Development and Climate Change

Policy 4: Providing for Waste Management

Policy 16: Consultation Areas (CAS)

Policy 17: Design

Policy 18: Amenity Considerations

Policy 22: Flood and Water Management

Policy 23: Traffic, Highways and Rights of Way

8.7 South Cambridgeshire Local Plan 2018 (SCDC Local Plan)

The following policies are considered relevant in relation to this proposal:

S/2 Objectives of the Local Plan

S/3 Presumption in Favour of Sustainable Development

CC/1 Mitigation and Adaptation to Climate Change

CC/6 Construction Methods

CC/7 Water Quality

CC/8 Sustainable Drainage Systems

CC/9 Managing Flood Risk

HQ/1 Design Principles

NH/2 Protecting and Enhancing Landscape Character

NH/4 Biodiversity

NH/6 Green Infrastructure

NH/7 Ancient Woodlands and Veteran Trees

NH/14 Heritage Assets

SC/9 Lighting Proposals

SC/10 Noise Pollution

SC/12 Air Quality

SC/14 Odour and Other Fugitive Emissions to Air

TI/2 Planning for Sustainable Travel

8.8 The following Supplementary Planning Documents and Planning Guidance are also relevant:

Cambridgeshire Flood and Water SPD (2017);

Biodiversity SPD (2009);

District Design Guide SPD (2010);

Trees and Development Sites SPD (2009); and  
Location and Design of Waste Management Facilities SPD (2012)

## 9. Planning Considerations

### Principle of development

- 9.1 The application proposes the continued use of the land as a waste transfer facility including the erection of a replacement waste handling building. The acceptability and lawfulness of the use of the land as a waste transfer station is already established through previous planning approvals and the MWLP recognises the site as a Waste Management Area and, in accordance with Policy 16 of the MWLP, the site lies within a Waste Consultation Area. The proposal therefore only seeks approval for the replacement of the existing buildings on site and for an engineering operation to raise the land levels on part of the site in connection with the building construction. Whilst it is acknowledged that the existing use of the site as a waste transfer station is permitted and could continue to operate in accordance with the extant planning permissions for the site, if planning permission is granted for the current proposal, it would bring the entire site under the control of one single planning permission for its continued operation as a waste transfer station. This then affords the rationalisation of the current consented operations and the imposition of planning conditions relating to the use of the site as a waste transfer station. It must be noted however, that the planning conditions proposed must not result in requirements that are more onerous on the operator than those imposed on the extant permissions for the site.
- 9.2 The proposal seeks to replace the existing buildings on site with one purpose-built building for waste handling which would streamline the activities on site so that waste is handled more efficiently and sustainably and allow the processing of the waste, thus moving up the waste hierarchy. The MWLP Policy 4 and Objective 2 of the MWLP actively encourage and support the sustainable management of waste, encouraging the movement of waste as far up the waste hierarchy as possible whilst also ensuring net self-sufficiency over the Plan area. Therefore, the proposal to improve the existing waste management facilities on site accords with paragraphs 11 and 38 of the NPPF, Paragraphs 5 and 7 of the NPPW, Policies 1 and 4 of the MWLP and Policy S/3 of the SCDC Local Plan.
- 9.3 Whilst the principle of the development is acceptable in planning policy terms, this must be balanced alongside other material planning considerations. The principal material planning considerations are considered to be: Transport and highways (which incorporates access, road infrastructure, increase in traffic / HGVs, highway safety for pedestrians, cyclists, horse riders and school children and the impact on the Drove / Public byeway); residential amenity (including noise and vibration, dust and air quality, odour issues, increase of pollution and possible contaminants); the Historic Environment, Flood and Water Management, Ecology and Biodiversity and Landscape and Visual Impact. Each of these issues will be considered in paragraphs 9.4 to 9.23 below.

### Transport and Highways

- 9.4 It is acknowledged that there are currently no restrictions on vehicle movements in connection with the permitted operations at this site. Limited information is available to assess the average daily vehicle movements associated with the previous and current operation of the site as a Waste Transfer Station. The applicant has submitted a Transport Statement setting out the anticipated needs of the business in terms of ongoing vehicle movements, the effects of vehicle movements and their impact on the highway network and

concluded that the existing access arrangements and vehicle movements will provide a negligible impact on the highway network in and around Swavesey.

- 9.5 The applicant has proposed a cap to the daily number of HGV and LGV movements, works to Middle Fen Drove and the imposition of a voluntary 5 mph speed limit on all HGV's using the PRoW, supplemented by appropriate signage warning drivers of the potential presence other users along the bridleway and vice versa. The Highway Officer has considered the proposal and the Transport Statement and responded that the access to the site, road infrastructure, HGV traffic and highway safety are matters that could be addressed through appropriately worded planning conditions.
- 9.6 The Environmental Health Officer has commented that the Transport Statement does not assess the impacts of noise on surrounding roads generated by increases in HGV movements associated with the proposed development. They acknowledge that significant adverse impact is unlikely but suggest that some commentary and screening assessment would be beneficial on potential off-site traffic noise generation. As stated above, it must be acknowledged that there are currently no restrictions on daily HGV movements in connection with the permitted Waste Transfer Station and therefore this proposal presents the opportunity for a limitation on vehicle movements which could represent a reduction from the daily vehicle movements previously associated with this site. The EHO acknowledges that potential noise impact from vehicle vibration is unlikely to be significant and the proposal represents a limitation and potential reduction in permitted daily vehicle movements and therefore it is considered that the submission of the suggested calculations of road traffic noise is not required in this instance. The proposed development is therefore considered to be in accordance with Policies HQ/1, SC/10 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policies 18, 21 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Residential Amenity

- 9.7 In relation to the amenity impacts on local residents, a number of concerns have been raised in representations about issues including noise, dust and air quality, vibration from HGV movements, the increase of pollution, possible contaminants, odour issues and the potential for vermin. Members are requested to have regard to the fact that the majority of these issues do not directly relate to the development proposed in this application (i.e. the erection of a replacement WTS building and engineering operations to raise the land level for the development), the concerns are addressed below in paragraphs 9.8 to 9.16 below.
- 9.8 Noise: The permitted sorting of dry inert and non-hazardous, commercial, industrial, construction, demolition, and excavation wastes which previously could take place in the open, is now proposed to only take place inside the waste handling building and conditions can be attached to the planning permission limiting where each of the processes can be carried out at this site such that it is only the storage of waste and the screening /grading of inert waste and soils that will take place outside.
- 9.9 South Cambridgeshire District Council Environmental Health were consulted on the application and the Environmental Health Officer (EHO) reviewed and was in broad agreement with the Noise Assessment submitted with the application. Noting that the activities on the site will remain principally the same, the EHO concluded that the noise limits specified in the existing planning permission for the site are still relevant and recommended that the planning condition restricting noise limits is retained.

- 9.10 In relation to the proposal for the temporary crushing of material for a limited time, the EHO commented that the proposed use of bunds and noise barriers will assist in ensuring any noise impacts are reduced to a minimum and that the Noise Assessment offers the necessary confidence that operational noise from the site will not cause any unacceptable impacts. The EHO also requested a condition requiring the provision of a Construction and Environmental Management Plan to be approved prior to any construction works taking place on site and it is considered that the recommended conditions relating to noise, dust and air quality, site layout and parking will adequately protect amenity during the period of demolition and construction.
- 9.11 A condition should be imposed that restricts working hours on the site to 08:00 to 17:00 hours Monday to Friday and not at all on Saturdays, Sundays or Bank or Public Holidays in accordance with the hours of operation proposed by the applicant. It is acknowledged that the proposed working hours are a reduction in the working hours currently approved and therefore, it is considered that the proposal accords with Policies SC/6 and SC/10 of the SCDC Local Plan and Policy 18 of the MWLP.
- 9.12 Dust and Air Quality: The application proposes the construction of a replacement building and, as noted in paragraph 9.5 above, the only operations that will continue to be carried out in the open site area are waste storage and the screening /grading of inert waste and soils, thereby reducing the impact from dust, noise, and litter produced by the waste handling operations. The applicants' Planning Statement sets out a number of measures that will be employed to minimise dust being emitted from the site, and the EHO has recommended that a condition be imposed requiring the submission and approval of a scheme to minimise the spread of dust arising both from operations at the site and dust monitoring during the period of demolition and construction.
- 9.13 Policy SC/2 of the SCDC Local Plan requires a Health Impact Assessment (HIA) to be submitted for developments with 1,000m<sup>2</sup> or more floorspace. However, given that the site is currently operating as a permitted waste handling facility which is controlled by an Environmental Permit and the EHO has raised no objection to the continued use of the site for the permitted operations, it is considered that the imposition of an appropriately worded condition covering the reduction and suppression of dust emissions will mitigate any negative impacts from the construction of the new building and consequently, the proposed development will comply with Policies CC/6 and SC/12 of the SCDC Local Plan and Policy 18 of the MWLP.
- 9.14 Increase of pollutants and possible contaminants: The site benefits from existing planning permissions and is also regulated by the Environment Agency (EA) who, have raised no objection or any specific concerns in respect of these matters. The principle of the operation of the site as a Waste Transfer Facility is established and the matters for consideration in this application must be restricted to the suitability of the proposed replacement building and the associated groundworks. The applicant is proposing no amendments to the types or quantities of materials accepted at the site or the operations undertaken and therefore these matters do not constitute material planning considerations in this instance and it is therefore considered that the proposed development does not conflict with Policy SC/14 of the SCDC Local Plan or Policy 18 of the MWLP.
- 9.15 Odour issues and potential for vermin: Planning legislation does not control odour emission or the control of pests. However, as noted above, the proposal does not seek to change the

existing, authorised use of the site as a waste transfer station, only to construct a replacement building with associated groundworks. The construction of a dedicated building for waste handling will ensure that the sorting of dry inert and non-hazardous, commercial, industrial, construction, demolition, and excavation wastes will take place within the confines of the building which should reduce any potential effect on local amenity caused by odour. The EA and SCDC EHO, who represent the pollution control authorities responsible for monitoring these matters and addressing any nuisance arising, were consulted on the application and raised no concerns in respect of these issues and therefore, it is considered that the proposed development does not conflict with Policy 18 of the MWLP.

- 9.16 Vibration: a number of representations have been received raising concerns regarding the vibration from the movements of HGVs through Swavesey and the surrounding villages. This application relates to the replacement of a building on an existing waste transfer site which will not in itself result in any alteration to vehicle movements. The applicant has volunteered, as mentioned in para 3.5 above, a limitation on HGV movements which could result in an improvement from the current unrestricted level of vehicle movements meaning that amenity could be improved and consequently it is considered that this proposal does not conflict with Policy 18 of MWLP.

#### Historic Environment

- 9.17 Although the site is situated in a historic landscape between the scheduled monuments of Swavesey Castle and Priory, the physical risk of any effect on the Castle is reduced by its separation from the operational site. This land is in the ownership of the applicant and lies outside of the application area and is not impacted by the proposed development.
- 9.18 It is appropriate to consider the impact of the construction of the proposed replacement building on the setting of the scheduled monuments and the designated heritage assets of the church and the conservation area. The proposed building is larger in floor area than the existing buildings on the site, but its ridge height will be lower and the building is constructed to modern standards using coated steel cladding in Olive Green with a Grey roof. It is considered that the relationship between the existing development and the scheduled monuments will not change in any significant way and the proposed development will not result in any additional meaningful harm to the significance of the designated asset through changes to its setting. The applicant proposes to remove the waste that the previous site operator had placed within the area of the Scheduled Monument that is within their ownership and conditions are recommended requiring the programme of remedial works to be taken under archaeological supervision to remove the waste and enhance the monument, and to secure the future management of the monument. Therefore, the proposed development will not have any detrimental impact on the heritage assets and this accords with Paragraphs 194, 195 and 199 of the NPPF, Policy NH/14 of the SCDC Local Plan and Policy 17 of the MWLP.

#### Ecology and Biodiversity

- 9.19 The proposal to replace the existing buildings within the site of the pre-existing waste transfer station will not, in itself, result in any loss of habitat or biodiversity. However, the level of impact of the scheme on Great Crested Newts, which are a protected species has been assessed and a compensation payment Natural England's Great Crested Newt District Level Licensing scheme has been agreed. As the site already operates as a waste transfer station, there is little scope to increase the biodiversity across the site. However, a



condition will be imposed requiring the applicant to provide a detailed landscape scheme and Landscape and Ecological Management Plan. In addition, the requirement for a Construction Environmental Management Plan (CEMP) will include mitigation measures for protected species during the construction phase. The existing trees on the site will be retained and protected during the demolition and construction with appropriate tree protection measures secured by planning condition. The impact of replacing the existing buildings with a new building will be minor and with the additional measures that can be secured by condition, the development will be in accordance with Paragraph 174 of the NPPF, Policy 20 of the MWLP and Policies NH/4, NH/6 and NH/7 of the SCDC Local Plan.

#### Flood and Water Management

- 9.20 The proposed development affords an opportunity to improve the existing waste site by providing a modern, replacement building for waste handling operations. The site lies within Flood zone 3 and the Flood Risk Assessment that has been submitted with the application indicates that flood risk can be avoided or managed and the planning statement sets out how this will be achieved. The site does not handle any hazardous materials and the proposed drainage scheme includes Sustainable Drainage Systems (SuDS) with filtration using filter strips and swale and controlled discharge of clean surface water to adjacent water courses. This, alongside rainwater harvesting and permeable surfaces, will ensure that surface water is managed close to the source. Planning conditions will be imposed to ensure that water management and the quality of water discharged from the site are handled appropriately and therefore this development will provide an improvement to the current position and accord with Paragraph 174 of the NPPF, Policy 22 of the MWLP and Policies CC/7, CC/8 and CC/9 of the SCDC Local Plan.

#### Climate change

- 9.21 The new building that is proposed will be purpose built and adapted to the impacts of climate change. In addition to the implementation of SuDS that are detailed above, water runoff from the roof will be used for onsite processes and dust suppression which will reduce the stress upon the wider water network and is an efficient use of natural resources. The plant and machinery that is used on site will be to modern design standards and specifications, with the HGVs used by the site operator complying with Euro 6 emission standard which will ensure energy efficiency and that carbon emissions are within approved standards. The materials from the existing structures that are being replaced will be reused on site or recycled off site, minimising the amount of waste exported from the site and reducing the number of HGV movements associated with this operation. Therefore, the proposed development complies with Policy 22 of the MWLP and Policies CC/1 and CC/6 of the SCDC Local Plan.

#### Landscape and visual impact

- 9.22 The proposed new waste handling building will be located in broadly the same area as the existing buildings, with proposed dimensions of 35m in length by 30m width and a height of 6m, which is lower than the current buildings on site and will align with the proposed raised land levels at the entrance. The lower height of the new building means that it will continue to be screened by the trees and vegetation on the site (that will be protected and retained) and it will be less visible than the current structure. The building has been designed in accordance with the Location and Design of Waste Management Facilities SPD and the use of coated steel cladding in Olive Green with a Grey roof, grey, UPVC gutters and a downpipe means that it will not be obtrusive or cause unacceptable harm to visual amenity. The application proposes the introduction of some lighting onto the site to facilitate

working within the hours of operation in winter months when it is dark in the afternoon. The details of the proposed lighting are that it will be downward facing and concentrate light on the immediate operational areas and floodlights will be limited to a height of 5 metres. The type, position and luminosity of lighting can be secured with an appropriately worded condition to ensure that light spillage and glare are minimised. Overall, the impact of the new building will be less than the existing building on the site and therefore the proposal accords with Paragraph 185 of the NPPF, Policy 18 of MWLP and Policies NH/2, HQ/1 and SC/9 of the SCDC Local Plan.

Public Sector Equality Duties (PSED).

- 9.23 Section 149 of the Equalities Act 2010 places a statutory duty on all public bodies to consider the needs of all individuals in their day-to-day work, including those with protected characteristics. The protected characteristics under PSED are: disability, gender reassignment, pregnancy, maternity/ paternity, race, religion or belief (including non-belief), sex and sexual orientation. The Council, in the exercise of the planning functions, must have due regard to the need to the following aims in their decision-making: eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; foster good relations between people who share a relevant protected characteristic and those who do not share it; and advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. Furthermore, consideration must be given to removing or minimising disadvantages suffered by people due to their protected characteristics; meeting the needs of people with protected characteristics; and encouraging people with protected characteristics to participate in public life or in other activities where their participation is low. The proposed development is to replace a building on an operational Waste Transfer site with a lower, longer more efficient building which will enable more of the site activities to be carried out inside thereby reducing opportunities for noise, dust and odour nuisance. It is considered unlikely therefore that this particular development would have any negative impact on those with protected characteristics and there would be no known implications of the proposal in relation to the council's PSED duties under the 2010 Act.

## 10. Conclusion

- 10.1 The principle of replacing the existing structures with a replacement purpose-built building at this authorised waste site would be in accordance with the requirements of the NPPF and the development plan to allow this established rural business to continue operations in this location and is based on business need.
- 10.2 There are two principal areas of concern that have been expressed strongly by third parties which are potential pollution matters arising on the site and vibration from HGV's travelling through the neighbouring villages. The Environment Agency and the EHO have not raised any objection and pollution matters will continue to be controlled through the existing Environmental Permit. The Highway Engineer has confirmed that appropriately worded conditions will be sufficient to address the impact of the proposed development on Middle Fen Drove.
- 10.3 Parish councils, organisations and many individuals have raised objections on the grounds that the additional HGV traffic would compromise highway safety and increase already high levels of air and noise pollution. There are currently no restrictions on vehicle numbers and as discussed in paragraph 3.5 above, the proposal includes a capping on daily vehicle

movements which could represent a reduction in daily HGV movements. The applicant has also confirmed that the HGVs used by the site operator complying with Euro 6 emission standard which will ensure energy efficiency and that carbon emissions are within approved standards thereby minimising the potential impact from vehicle movements.

- 10.4 The known and potential impacts of the proposed development which have been addressed in detail in section 9 of this report have been balanced against the suggested benefits which are the provision of purpose built fit for purpose building maximising the existing waste activities that can be undertaken indoors and the capping of vehicle movements and reduction in operating hours reducing the potential impact of the existing facility for neighbouring occupiers and residents of surrounding villages. It is considered that the proposed development would, subject to conditions, comply with the relevant national and development plan policies and in this instance the benefit is considered to outweigh other material considerations and so should be supported.
- 10.5 This recommendation takes into account the Highway Authority's advice in respect of off-site vibration and the County Ecologist's advice in respect of the provision of Biodiversity Net Gain. Therefore, based on the planning balance undertaken by officers, it is considered that, when material considerations are taken into account, the proposal meets the principles of the NPPF (2021), the policies in the MWLP and the SCDC Local Plan.

## 11. Recommendation

### 11.1 Advisory Note

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Conditions 5 and 21 require further information to be submitted, and is therefore attached as pre-commencement conditions. The developer may not legally commence development on site until this condition has been satisfied.

### 11.2 It is recommended that planning permission is granted subject to the following conditions:

Timescale of permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

Approved Plans

2. The development shall not proceed unless in accordance with the details set out in the application form dated 15 July 2021, supporting statement received on 14 July 2021 (dated July 2021) and the following drawings, except as otherwise required by any of the following conditions set out in this planning permission:

Location Plan, D/103/19/101 Rev A, dated 26/07/2019 received 4 March 2021;

Proposed Site Layout, D103/19/103 Rev G, dated 23/09/2019, received 8 July 2021;  
and  
Proposed Shed Elevations, D103/19/104 Rev B dated 19/08/2019, received 4 March 2021.

Reason: To define the permission and protect the character and appearance of the locality in accordance with Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan 2018 and Policies, 1, 17 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Construction working hours

3. No construction or demolition work shall be carried out other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Demolition and Construction Deliveries

4. There should be no collections / from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Construction and Environmental Management Plan (CEMP)

5. No development, other than the temporary crushing operations referred to in Condition 14, shall commence until details of the following have been submitted to and approved in writing by the Waste Planning Authority:
  - a) Contractors' access arrangements for vehicles, plant and personnel;
  - b) Contractors' site storage area(s) and compounds(s);
  - c) Parking for contractors' vehicles and contractors' personnel vehicles; and
  - d) mitigation measures for protected species during the construction phase, including Great Crested Newts.

Development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties and highway safety during the construction period in accordance with Policies CC/6, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018 and Policies 17 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Vehicle Movements

6. Motor vehicle movements to and from the site shall be restricted to 80 per day (40 in and 40 out). A daily record of lorries and their movements shall be kept and made available to the waste planning authority within 7 days of a written request.

Reason: In the interests of the amenity of the occupiers and users of land and premises accessed from Middle Fen Drove and Station Road in accordance with the requirements of Policies HQ/1, SC/10 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policies 18, 21 and 23 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Widening of access

7. Prior to the occupation of the development hereby approved, details of the proposed widening of the access shall be submitted to and approved in writing by the waste planning authority.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Building construction and design

8. The building hereby approved shall be constructed in accordance with approved drawing reference Proposed shed elevations D103/19/104 Rev B dated 19/08/2019, received 4 March 2021 and will be constructed using coated steel cladding in Olive Green with a Grey roof, with grey, UPVC gutters and a downpipe.

Reason: protect the character and appearance of the locality in accordance with Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan 2018 and Policies 1, 17 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Annual Throughput

9. The annual throughput of waste material imported to the site shall be limited to a total capacity of 75,000 tonnes capacity comprising no more than 25,000 tonnes of municipal waste, 25,000 tonnes of construction, demolition and excavation waste and 25,000 tonnes of commercial and industrial waste. Records shall be kept by the operator of all imports of waste to the site, which shall be made available to the Waste Planning Authority within seven days of a request.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Waste types

10. No waste other than dry inert and non-hazardous household, commercial, industrial, construction, demolition, and excavation wastes (excluding putrescible food and kitchen waste) will be stored or sorted on site.

Reason: To protect public amenity and the historic and natural environment, in accordance with Policies NH/2 and NH/4 of the South Cambridgeshire Local Plan 2018 and Policies 4 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Use of building

11. The sorting of dry inert and non-hazardous household, commercial, industrial, construction, demolition, and excavation wastes (excluding putrescible food and kitchen waste) shall only take place within the confines of the waste handling building.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

12. The maintenance of vehicles will only take place within the confines of the building shown on Proposed Shed Elevations, D103/19/104 Rev B dated 19/08/2019, received 4 March 2021.

Reason: to ensure that the primary use of the site remains as a waste transfer station and to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

13. Only vehicles that are registered as operating from the site shall be maintained at the site.

Reason: to ensure that the primary use of the site remains as a waste transfer station and to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

14. Hours of operation

No operations, including the delivery and removal of materials shall take place outside of the hours of 08:00 to 17:00 Monday to Friday. No operations shall be undertaken on Saturdays, Sundays, or Public/Bank Holidays

Reason: protect the character and appearance of the locality in accordance with Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Temporary crushing

15. The operator will give the Waste Planning Authority at least 7 days notice prior to the commencement of the crushing of material on site. The crushing of material can only take place for a limited four week period and no other crushing of materials shall take place on the site at any time.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

16. The temporary crushing period set out in condition 15 can only take place on site between 0800 and 1700 Monday to Fridays and not at all on Saturdays, Sundays or Public Holidays.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

17. Throughout the temporary, limited period that crushing takes place on site, a 2.5m height acoustic fence will be installed on top of a 2.5m height bund around the screen as shown on plan reference, D103/19/103 Rev G dated 23/09/2019

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

18. Noise emitted from the use of plant and machinery for the purposes of crushing of materials in connection with the construction of the development hereby approved shall not exceed 60dba (1 hour) as measured at point 'X' shown on the plan contained on page 6 of Noise Assessment provided by LFA Acoustics, dated March 2021 and submitted to the Waste Planning Authority on 4 March 2021.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

#### Noise

19. Noise emitted from the use of plant, machinery or other activities on the site shall not exceed 45 LAeq (fast) (one minute) between 0700 and 1700 hours Monday to Friday, as measured at point 'X' shown on the plan contained on page 6 of Noise Assessment provided by LFA Acoustics, dated March 2021 and submitted to the Waste Planning Authority on 4 March 2021.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

20. No reverse bleeper or warning device shall be fixed to or used by mobile plant unless it is a white noise reversing alarm or intelligent alarm.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

21. All HGVs and mobile plant will be maintained to the manufacturers' instructions and serviced regularly.

Reason: to protect the amenity of local residents and minimise the impact on the surrounding area, in accordance with Policies HQ/1 and NH/2 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Dust and air quality

22. No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the Waste planning authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties in accordance with Policies HQ/1 and SC/14 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

23. No burning of waste shall take place on site.

Reason: To protect the amenity of nearby properties in accordance with Policies HQ/1 and SC/14 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Stockpile heights

24. The storage / stockpiling of waste and processed material shall not exceed 5metres in height.

Reason: To protect the amenity of nearby properties in accordance with Policies HQ/1 and SC/14 of the South Cambridgeshire Local Plan 2018 and Policy 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

Surface water

25. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Sustainable Drainage Strategy prepared by MTC Engineering (2337 – FRA & DS – Rev C – Feb 2021) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to use of the building commencing.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018 and Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

26. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Waste Planning Authority prior to the first occupation of the building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework, Policy CC/8 of the South Cambridgeshire Local Plan 2018 and Policy 22 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.



## Ecology

27. Prior to the occupation of the development hereby approved, a detailed landscape scheme and Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:
- Details of habitat creation and enhancement set out in the Biodiversity Net Gain document
  - Landscape and Ecological Management Plan, detailing habitat maintenance and monitoring of BNG delivery, for a minimum of 30 years, including any remedial actions
  - Demonstrate how the scheme will deliver measurable biodiversity net gain
- The Landscape and Ecological Management Plan should be implemented in full, for a minimum of 30 years.

Reason: to provide an increase in Biodiversity net gain in accordance with Policies NH/2 and NH/4 of the South Cambridgeshire Local Plan 2018 and Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

28. The trees shown on the Proposed Layout, plan reference, D103/19/103 Rev G dated 23/09/2019 shall be retained.

Reason: to protect and enhance the natural environment in accordance with Policies NH/2 and NH/4 of the South Cambridgeshire Local Plan 2018 and Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

29. The calculated Root Protection Areas and fencing shown on the Proposed Layout, plan reference D103/19/103 Rev G dated 23/09/2019, shall be adhered to at all times

Reason: to protect and enhance the natural environment in accordance with Policies NH/2 and NH/4 of the South Cambridgeshire Local Plan 2018 and Policy 20 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

## Lighting

30. Prior to the installation of any lighting at the site, details of the number, position, angle and luminance of the lighting shall be submitted to the Waste Planning Authority for approval.

Reason: to protect the character and appearance of the locality in accordance with Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan 2018 and Policies 17 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

## Protection of scheduled monument

31. Within 3 months of the commencement of development, a scheme shall be submitted to the Waste Planning Authority for approval detailing how the removal of waste that has been deposited within the area of the scheduled monument will be undertaken. The scheme should include, but not be limited to: how the works will ensure the preservation of any surviving archaeology at this location; how the waste material will be removed and to what land level; the archaeological supervision of the works; and, the provision of a soft landscaping scheme with shallow rooting plants to demark and protect the area of the scheduled monument.

Reason: to protect and enhance the historic environment in accordance with Policy NH/14 of the South Cambridgeshire Local Plan 2018 and Policies 17 and 18 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.

## Informatives

### Environment Agency

As the site is located within an area considered to be at risk of flooding, we recommend that flood resilience measures are incorporated into the design of the development. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007" which is available on the following website: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>.

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

### Environmental Permit

Irrespective of planning approval, the application and proposed changes may require a variation to the operators Environmental Permit, ref EAWML 102998, and/or updates to their Environmental Management System (EMS). We offer pre-application advice and further details can be found at <https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>

### Highways and Access

The highway at Middle Fen Drove, due to its width and nature, does not have any capacity for holding and queueing of vehicles, and to have any motor vehicle waiting on or within Middle Fen Drove at any point waiting for access to the site should be avoided as this would block the Drove and impede the use for all other users of the highway (all modes). The applicant should therefore ensure that wherever possible vehicles associated with the development hereby approved are not required to queue on the highway at any time.

### Local Lead Flood Authority regarding Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain

times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

#### Rights of Way

Public Bridleway No. 5 Swavesey must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

Developers should follow the County Council's guidance on boundary treatment to ensure it does not result in obstruction and maintenance problems, available online at [www.cambridgeshire.gov.uk/definitivemap](http://www.cambridgeshire.gov.uk/definitivemap).

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

The applicant did not seek pre-application advice. The County Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. The applicant has responded positively to the advice and recommendations provided and amendments have been made (where required) to satisfy concerns raised. All land use planning matters have been given full consideration, which resulted in overall support for the development proposal from statutory consultees.

### Source Documents

[Link to National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Link to South Cambridgeshire Local Plan adopted September 2018](#)

[Link to Minerals and Waste Local Plan Adopted July 2021.pdf](#)

[Link to Location and Design of Waste Management Facilities SPD](#)