

## **Cambridgeshire County Council Local Enforcement Plan for Minerals and Waste Development in Cambridgeshire Consultation Response Summary**

The consultation on the Local Enforcement Plan for Minerals and Waste Development in Cambridgeshire has now closed. This document lists all the consultation responses received and the County Council's response as follows:

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## 1. Mineral and Waste Operators

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Mick George Limited</b>	<p>With respect to Section 4 (Monitoring Visits &amp; Fees) we feel it would greatly assist if there was a clear indication as to the timescale for the expeditious delivery of monitoring reports.</p> <p>Given one of the stated objectives of the monitoring visits includes the identification and addressing of ‘.....potential problems before they arise’, then it would appear sensible and not unreasonable for any reports to be produced in a timely fashion and to that end we would suggest a period within 10 working days of any site visit.</p>	Assessment and consideration by Mick George Ltd is welcomed. Officers aim to send monitoring reports to the operator within 10 working days of the visit. However, when officers need to consult with colleagues as part of the peer review, this internal timescale cannot always be met. The timescale for completion of the monitoring report is an internal procedure and does not need to be included within the Plan.
<b>(Quarryplan on behalf of) Omya UK Ltd</b>	Our client generally supports the provisions of the Draft Enforcement Plan and welcomes the Council's approach of explaining how it will seek to achieve planning compliance at mineral and waste management sites within Cambridgeshire.	Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.
	Our client welcomes the Council's key principle as set out at Paragraph 2.1 which is <i>“to support sustainable growth, which takes into account the needs of the environment”</i> . We would however stress and reiterate the point made at Paragraph 2.3 of the Draft Plan which states that each set of circumstances is unique and must be considered on its own merits. We would encourage the Council to take a common sense and collaborative role, working with operators to find solutions to alleged breaches of planning control.	Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.
	In light of the above, we welcome the Council's approach as set out at Paragraph 2.6 which states that <i>“Where a breach of planning control has been confirmed, officers will usually begin by trying to secure compliance with the use of an</i>	Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.

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Omya UK	<p><i>advisory approach</i>". This is considered to be a sensible approach and sustainable approach and allows the operator to remedy any breach of planning control without the need for further action.</p>	
	<p>Paragraph 4.5 states that monitoring visits will serve to:</p> <ul style="list-style-type: none"> <li>· allow the Council to gain an overall impression of the day-to-day operation of the site, chart progress to date, and identify and address potential problems before they arise;</li> <li>· encourage good operational practice rather than punish bad practice;</li> <li>· act as a means of regular liaison with operators; and</li> <li>· provide information to support any site liaison forums.</li> </ul> <p>We welcome the Council's approach to monitoring visits and would ask the Council to remember that mineral extraction operations are an ongoing and ever-changing process. Often matters may be out of the control of operators (e.g. weather, breakdowns, staff sickness etc.) and therefore monitoring visits should be undertaken in the knowledge that the mineral extraction and associated manufacturing and processing of mineral products is a highly regulated process, controlled via a number of different regulatory bodies. The monitoring of operations should therefore seek to avoid any unnecessary duplication of regulatory powers covered by other bodies e.g. the environmental permitting process or health and safety compliance. This will allow for a more streamlined and efficient process which allows for planning matters to be adequately addressed and avoid confusion with other matters which may fall under the remit of other regulatory bodies.</p>	<p>Assessment and consideration by Omya UK is welcomed. No change to the Plan is required.</p>
	<p>Section 5 of the Draft Plan deals with assessing complaints, stating that all complaints will be assessed and prioritised based on the potential severity of the issues raised with the</p>	<p>Further to the assessment of complaints set out in Section 5 of the Plan, Section 6 (at paragraph 6.2) sets out that a desktop investigation is undertaken before a landowner /</p>

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Omya UK	<p>risks associated with the alleged breach determining the timescales for the investigation. The Council will aim to meet the timescales for visiting complaint sites within 3 to 10 working days, depending of the severity of the complaint.</p> <p>No provision appears to be made with regards to notifying the operator that such a complaint has been made. It is considered that following receipt of a complaint which the Council determines should be investigated, that the Council should inform the operator of the complaint immediately, advising them of the nature of the complaint and the timescale for a site visit. This is considered advantageous as it will open dialogue between the Council and the operator, allowing the operator to provide information and an explanation where necessary, allowing the Council to properly prioritise the risk before makes arrangements to visit the site. This is considered to improve Council efficiency and enable the Council to more readily identify and assess the severity of the complaint.</p>	<p>operator is contacted regarding a possible breach, this is necessary to research the relevant planning history to help establish whether a breach has (or has not) taken place. As noted in paragraph 2.3 of the Plan, each set of circumstances is unique and will be treated on its own merits. Whilst there are times where the operator / landowner is contacted about an alleged breach immediately, there are also circumstances where it is necessary to conduct an unannounced visit to the site to collect evidence of what activities are taking place. Therefore, it is not considered necessary to make any amendments to this section of the Plan.</p>
	<p>In terms of the process of investigating complaints, paragraph 6.5 of the Draft Plan states:  <i>“Because breaches of planning control relating to waste and mineral development can have a serious and detrimental impact on local amenity and the environment, it is normal practice for officers to notify the local County Councillor (and occasionally also the Parish Council) when there is a confirmed breach of planning control in the area that they represent”.</i></p> <p>Whilst it is accepted that breaches of planning control can result in a detrimental impact upon local amenity and the environment, this is the same for almost all development types. It appears excessive for local county councillors and</p>	<p>Breaches of mineral and waste planning have the potential to cause serious harm to both local amenity and the environment, in both the short and long term. These breaches are not always undertaken by operators of authorised sites but may relate to sites where no County planning permission is in place. Therefore, it is considered reasonable, necessary and appropriate to notify elected members and Parish Councils of circumstances that affect their area so that they can be a conduit for information for the residents that they represent. For this reason, it is not proposed to alter this section of the Plan.</p>

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Omya UK	<p>the parish council to be notified of confirmed breaches of planning. It is unclear as to why it would be normal practice for planning officer to notify the above parties. No such guidance is set out any national planning practice guidance and we are not aware of any such practice with other Mineral Planning Authorities. This provision appears to be an unnecessary escalation and is considered to unfairly target the mineral and waste operators. Rather, it should either be the case that breaches of planning control for all development types are reported or else none are reported, rather than the proposed cherry picking of minerals and waste developments as set out within the Draft Plan.</p>	
	<p>Conclusion: Our client is largely supportive of the Draft Plan and welcomes its provisions. Our client would however suggest that provision be made in the plan so that on receipt of a valid complaint of an alleged breach in planning control, that the Council is obliged to contact the operator immediately to allow for open dialogue between the Council and the operator, improve Council efficiency and enable the Council to more readily identify and assess the severity of the complaint. Furthermore, the provision in the Draft Plan in relation to notifying Councillors and Parish Councils of confirmed breaches of planning control appears excessive and unnecessary. There is no provision within planning guidance which supports or recommends such a practice as normal practice and the provision should be removed from the plan.</p>	<p>The conclusion provided is acknowledged, and responses in relation to the notification to County Councillors and Parish Councils of confirmed breaches of planning control have been addressed above, so no further response is required.</p>

## 2. County and Unitary Authorities

Consultee	Consultee Comment	Cambridgeshire County Council Response
-	No comments received	N/A

## 3. District and City Councils in Cambridgeshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
-	No comments received	N/A

## 4. Parish Councils in East Cambridgeshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Witcham Parish Council</b>	The above consultation document was placed before Witcham Parish Council at its meeting on Wednesday night. The Council had no comments to make	Assessment and consideration by Witcham Parish Council is welcomed. No change to the Plan is required.
<b>Sutton Parish Council</b>	Section 13. To reinforce HCV's to use the CCC freight advisory route as advocated by the Cambs Lorry Management Study, and as stated in the ECDC Transport Strategy.	Assessment and consideration by Sutton Parish Council is welcomed. Consideration of appropriate routeing agreements are assessed as part of the planning application process in line with adopted planning policy and advice provided by the Highway Authority. Section 13 of the Plan deals with Enforcing Planning Obligations so whilst reference is made to routeing agreements, it is not considered necessary or appropriate to make reference to advisory routes in this document, as they will be sought and

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		enforced on a case by case basis. As such, no change to the Plan is required.

## 5. Parish Councils in Fenland

Consultee	Consultee Comment	Cambridgeshire County Council Response
-	No comments received	N/A

## 6. Parish Councils in Huntingdonshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Hilton Parish Council</b>	Hilton Parish Council have resolved that the Council support the draft enforcement plan on the basis that Cambridgeshire County Council will enforce when required.	Assessment and support by Hilton Parish Council is welcomed. No change to the Plan is required.
<b>Earith Parish Council</b>	As the County have planned for enforcement then they should actually enforce different planning applications and particularly those concerned with Minerals.	Assessment and consideration by Earith Parish Council is welcomed. The County Council assesses any breach of planning conditions against the Enforcement Plan and each case is assessed in line with the harm to the environment. Where expedient to take enforcement action the Council will ensure that appropriate action is taken in line with the Plan.
	Persistent applicants who constantly ignore conditions should be monitored closely if they put in any further applications. Earith has a quarry site that has been going for some time in Earith and it recently put in an application for	The concerns around specific planning applications and sites in the area are acknowledged and officers are working with the operator and land owner to ensure that any non-compliances are regularised and address these concerns. It

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<b>Earith Parish Council</b>	<p>an extension of time (FMW/044/19 Colne Fen Quarry) which was subsequently withdrawn. There are several incidents of non-conformance to conditions that have not actually been dealt with in the original application. Please can you consider these comments when you finalise your current plan.</p> <p><b>Additional information from Cllr Steve Criswell</b> The Colne Fen Quarry site is the subject of intensive negotiations at the moment, with enforcement being one of the key issues actively being pursued. Myself, Emma Fitch and Deborah are involved as well as Helen Wass as planning officer. Earith PCs comments about applicants who persistently fail to meet their obligations is a valid one and causes great frustration, however the planning permission invariably relates to the site, not the owner or applicant.</p>	<p>is not necessary to amend the Plan to reflect this, but your concerns have been noted.</p>
<b>Hemingford Grey Parish Council</b>	<p>Hemingford Grey Parish Council considers that the document is well thought through, having policies in place and following national guidelines. It would however, would (sic) like to comment on clause 6.5, which it suggests should be altered after the words County Councillor, to read, <i>“and should inform the Parish Council and any adjacent parish councils if the boundary is within 500 metres of the breach.”</i></p>	<p>Assessment and support by Hemingford Grey Parish Council is welcomed. The comments and suggested change is noted. Depending on the circumstances and likely impact of the breach, officers will aim to notify adjoining Parish Councils of confirmed breaches especially where their boundary is within 500 metres of that breach; provided that the potential harm is likely to impact across any Parish boundary. The same will be true for areas close to the boundaries of County Councillors. However, as these decisions will be taken on a case by case basis, it is not considered necessary to amend the Plan.</p>
<b>Godmanchester Town Council</b>	<p>Godmanchester Town Council supports the need for a clear and up to date enforcement plan. It suggests a few minor changes.</p>	<p>Assessment and consideration by Godmanchester Town Council is welcomed.</p>
	<p>The document should not be written in two columns, rather in a single block as a book, to enable easier reading on-line.</p>	<p>The comments on the column design within the Plan are acknowledged and appreciated when viewed on-line. To ensure that the document is as easy to read as possible,</p>



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Godmanchester Town Council		particularly on-line, the necessary changes to the format of the Plan will be made ahead of finalising for publishing.
	<p>Complaints  <i>5.2 Anonymous complaints or complaints that appear to be vexatious in nature will not normally be investigated, unless they allege a serious breach of planning control that is capable of being verified by a Council Officer.</i></p> <p>Complainants should be able to remain anonymous to the perpetrator (link to GDPR). This is the only section that references anonymous complaints and seems specific to vexatious complaints. We consider all complainants should have the right to be anonymous to the perpetrator.</p>	All complainant details are kept confidential (see paragraph 6.1) and not shared with the alleged contravener. This paragraph relates to complainants who refuse to provide contact details to the Council as this is usually necessary for evidential and audit purposes. For the avoidance of doubt, the reference to vexatious complainants is a separate matter, which is why reference is made to 'or' within the statement, so the two are different matters.
	<p>Notifying parish councils of breaches  <i>6.5 Because breaches of planning control relating to waste and mineral development can have a serious and detrimental impact on local amenity and the environment, it is normal practice for officers to notify the local County Councillor (and occasionally also the Parish Council) when there is a confirmed breach of planning control in the area that they represent.</i></p> <p>CCC to always notify Parish Council if there are problems.</p>	The Council receives complaints and allegations about matters that, after investigation, are not confirmed as breaches of planning control. Therefore, it is not reasonable to advise Parish Councils until such time as a breach is confirmed and as such this section of the Plan does not need to be amended.
	<p>Taking legal action  <i>8.3 Although the Council would prefer to negotiate a satisfactory outcome, in some cases formal enforcement action may be considered necessary.</i></p> <p>If the breach cannot be resolved by negotiation and co-operation the Council will, where necessary, take legal advice on enforcing the relevant clause of the planning</p>	Planning legislation requires that the local planning authority demonstrates that it is necessary and expedient to take formal enforcement action. Taking formal action without properly considering the strength of the evidence, expediency and the right of appeal could present a reputational and / or financial risk to the Council, to state that action will be taken is to fetter the Council's discretion. Therefore legal advice is always obtained and followed. No

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<b>Godmanchester Town Council</b>	obligation (i.e. delete <u>advice</u> and replace by <u>take action</u> where necessary)	change to the Plan is required.
	<p><b>Notifying parish council if enforcement taken</b></p> <p><i>12.8 National legislation provides the Council with a number of enforcement tools, which can be used to address breaches of planning control. These include: Planning Contravention Notice, Section 215 Notice of the Town and Country Planning Act 1990, Breach of Condition Notice, Enforcement Notice, Stop Notice, Temporary Stop Notice, Prosecution, Default Action, Injunctive relief, Planning Enforcement Order</i></p> <p>CCC to notify the Parish Council if an enforcement tool has been used/issued in their Parish.</p>	The quarterly Enforcement and Monitoring report that is presented to the Council's Planning Committee includes updates on formal enforcement action. Parish Councils are notified if there are any updates in the report that relate to sites within their Parish.

## 7. Parish Councils in South Cambridgeshire

Consultee	Consultee Comment	Cambridgeshire County Council Response
<b>Longstanton Parish Council</b>	Longstanton Parish Council considered the plan at their meeting on Monday 9 <sup>th</sup> March. They have no comments to make and feel the plan is appropriate.	Assessment and consideration by Longstanton Parish Council is welcomed. No change to the Plan is required.
<b>Waterbeach Parish Council</b>	A question we will be discussing is how "odour" complaints will be handled. The document does not mention odour and it is not clear whether the repeated complaints on this issue relate to low, medium or high risk to human health and safety.	Assessment and consideration by Waterbeach Parish Council is welcomed. The Parish Council has been advised that odour issues are not a planning matter but can be reported to the Environment Agency and / or the relevant District Environmental Health department. No change to the Plan is required.