

PLANNING COMMITTEE



Date: Thursday, 04 October 2018

Democratic and Members' Services

Fiona McMillan

Deputy Monitoring Officer

10:00hr

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Kreis Viersen Room

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

- 1 Apologies for absence and declarations of interest**

Guidance on declaring interests is available at

<http://tinyurl.com/ccc-conduct-code>

- 2 Minutes - 6th September 2018**

to follow

PLANNING APPLICATIONS

- 3 S-0204-16-CW Barrington Quarry, CB22 7RQ**

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ITEMS FOR INFORMATION

- 4 Enforcement Update Report**

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- 5 Summary of Decisions Made Under Delegated Powers**

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The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Ian Gardener (Vice-Chairman)

Councillor Anna Bradnam Councillor Lynda Harford Councillor Peter Hudson Councillor Bill Hunt Councillor Sebastian Kindersley and Councillor Joan Whitehead

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

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**IMPORTATION BY RAIL AND DEPOSIT OF INERT RESTORATION MATERIAL TO
RESTORE FORMER CLAY AND CHALK QUARRY**

AT: Barrington Quarry, Haslingfield Road, Barrington, CB22 7RQ

LPA REF: S/0204/16/CW

FOR: Cemex Materials Ltd

To: Planning Committee

Date: 4 October 2018

From: Assistant Director Environment & Commercial

Electoral division(s): Gamlingay; Sawston & Shelford

Purpose: To consider the above planning application

Recommendation: *That planning permission be granted subject to the completion of a S106 planning obligation and the conditions set out in paragraph 5.1*

<i>Officer contact:</i>	
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1.0 BACKGROUND

1.1 At the meeting on 6 September 2018 the Planning Committee deferred making a decision and invited Cemex to provide further information. The report to the 6 September 2018 meeting is Appendix A to this report.

1.2 Members sought further information from the applicant on the following:

- Signage at Foxton Sidings about locomotive idling times and locations;
- Locomotive idling times;
- Age of locomotives;
- Age of rolling stock;
- Brake squeal;
- Impact on development viability of reducing frequency to 2 train loads per day;
- Feasibility of completing the development in 15 years; and
- Whether the proposed development would affect the provision of the cycleway parallel to railway line.

Members also asked officers to further explore the provision of a temporary noise attenuation barrier for Wilsmere Down Farm.

Cemex's response is Appendix B to this report.

1.3 The parties who spoke at Planning Committee were also invited to submit additional comments. Their responses are appended to this report:

Appendix C - Barrington Parish Council;

Appendix D - Bendyshe Way Residents' Association (BWRA);

Appendix E – Mr Ross Pow and Mrs Rhia Pow

Appendix F – Mr Charles Cook

1.4 The County Council's noise adviser, Gordon Brown of 10dB acoustics, has reviewed the responses and his advice is Appendix G to this report.

2.0 PLANNING CONSIDERATIONS

Signage at Foxton Sidings about locomotive idling times and locations

2.1 Cemex has agreed to erect signs in the sidings informing train crews of the restrictions on operating the train in particular the maximum locomotive idling time and the designated stabling locations X and Y (see Figure 1 below). This could be secured by planning condition (see recommended new condition 15a).

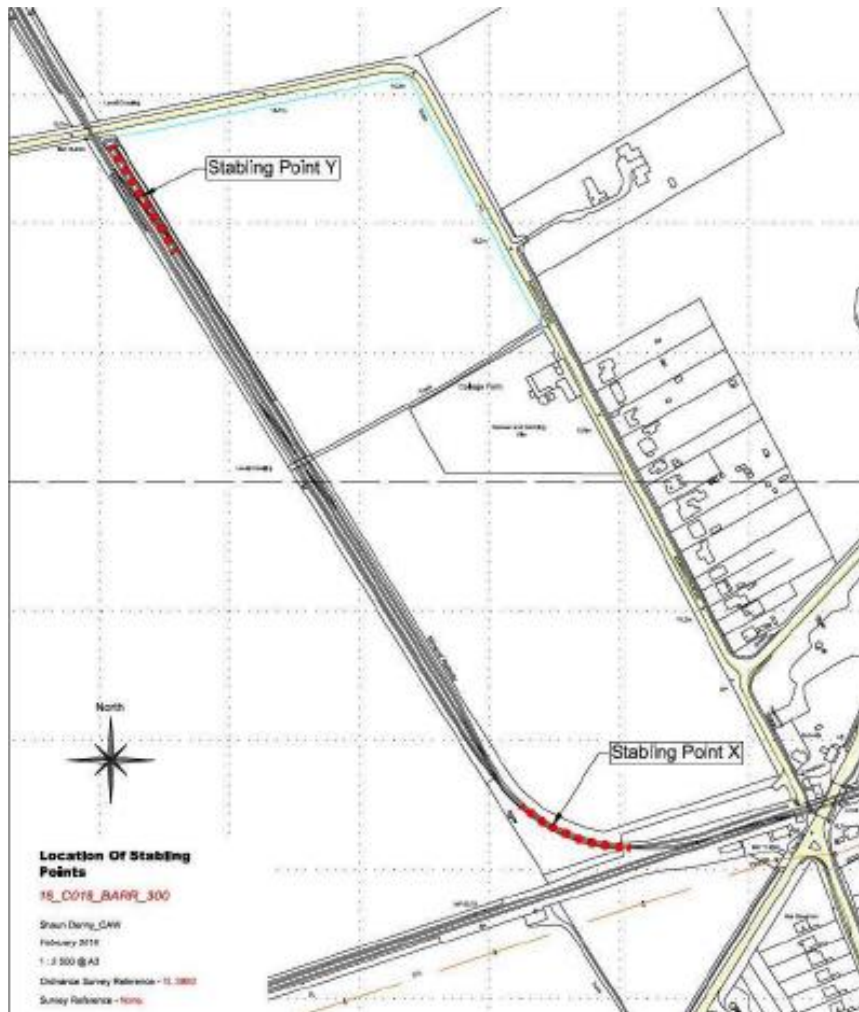


Figure 1: Proposed locomotive stabling points

Locomotive idling times

- 2.2 Cemex consider that 15 minutes is not enough time in all circumstances to allow the train crews to be able to start the locomotives, charge the train braking systems, undertake the required safety checks and build in a small amount of contingency time. As such, Cemex have not agreed to amend the proposed 30 minutes which is in the Barrington Light Railway Operating Manual Issue 2 dated May 2018 (referred to in recommended condition 7). As advised by Gordon Brown (see Appendix G) after 0700 hours a day time noise limit of 55dB LAeq,1h is applicable and this limit will not be exceeded at the boundary of College Farm (Mr and Mrs Pow's house) when a Class 66 locomotive is idling continuously. Older (Class 47) trains could idle for around 30 minutes before 55 dB LAeq,1h is exceeded. The provision of acoustic fencing is not therefore necessary in respect of daytime train movements provided the older locomotives are not used and stabling takes place at points X and Y (see recommended condition 15c). In respect of night time operations (0530 to 0700 hours), acoustic fencing has been suggested as suitable mitigation and this would be taken into account on submission of a scheme to allow train movements before 0700 hours. Such operations would not take place until a suitable scheme has been approved by the council (see recommended condition 17).

- 2.3 One of the reasons for prolonged periods of idling was so that the cab heating system could be used by train crew in cold weather. Cemex proposes installing a small modular mess facility adjacent to the Foxton level crossing and CCTV so that the site supervisor can monitor train activity in the sidings. These could be secured by planning condition (see recommended new condition 15b).

Age of locomotives

- 2.4 Cemex has identified Class 60 (manufactured 1989 – 1993) and Class 66 locomotives (manufactured 1998 – 2015) as being suitable for the task, the Class 66s being the most numerous on the network. Previously Cemex had proposed phasing out pre-1985 locomotives within 12 months of implementing the planning permission. They now propose that no locomotives constructed before 1985 would be used. That would allow the use of Class 59s (manufactured 1985 – 1995). This could be secured by planning condition (see recommended condition 7).

Age of rolling stock

- 2.5 Cemex is unable to specify the age of the rolling stock. However, the noise limits would apply whatever the type of rolling stock. It is therefore considered that the BWRA's request that the age of the wagons is not reasonable.

Brake squeal

- 2.6 Cemex state that locomotive drivers will need to apply the brakes to stop at a level crossing on some occasions. The Barrington Light Railway Operating Manual provides for the Glebe Road crossing to be manned separately from those at Haslingfield Road and Foxton Road. The Operating Manual is referred to in recommended condition 7.

Impact on development viability of reducing frequency to 2 train loads per day

- 2.7 Cemex has stated that reducing the number of trains to 2 loads per day would adversely affect their ability to win contracts for suitable restoration material. It would also extend the time it would take to complete the restoration to 21 years.
- 2.8 Cemex state that their current proposal (maximum of 4 loads per day but an average of 3 per working day over a calendar month) would not result in an overall increase in the number of trains compared to the 2011 permission which permits 3 loads per day. Local residents are clearly of the opinion that 2 loads (4 train movements) per day would significantly improve amenity and their quality of life.
- 2.9 Cemex's 2010 planning application was for 4 loads (8 trains per day) including on Saturdays. Officers considered that in order to mitigate the impact of the development on local residents train movements should be limited to 6 per day (3 loads) and weekdays only. It was noted that the development would take longer to complete. Conditions were framed accordingly and were accepted by Cemex.

Impact on noise of reducing frequency to 2 train loads per day

- 2.10 Gordon Brown's advice on the current application, as considered at the meeting on 6 September 2018, is that judged against the limits given in Planning Practice Guidance Minerals (PPGM), noise from train movements on the branch line is likely to cause a significant adverse noise impact for those dwellings that are adjacent to the line for the duration of the infilling operation, and there will be adverse impacts at other properties. He has reviewed the comments of all parties submitted since the last meeting and considered the impact of reducing the number of train movements from an average of 3 loads (6 trains per day) to 2 loads (4 trains per day).
- 2.11 As the number of train movements will be limited to a maximum of two per hour (see recommended condition 29), limiting the overall number of movements per day would have no effect on any assessment carried out under the terms of PPGM. The effect of reducing the number of loaded trains from a maximum of 4 per day to 2 per day would reduce the overall average noise level by 3dB, which is generally regarded as the smallest change in noise level that can be detected by the human ear. Changing from 3 trains to 2 trains per day would reduce overall noise levels by less than 2dB, which would not be regarded as a significant change in noise level and would be undetectable to the human ear. However, because the train movements are discrete events widely separated in time this is not a satisfactory representation of the actual perceived noise impact and reducing the number of such events would reduce the noise impact on residents.

Impact of on the highway network of 4 train loads per day

- 2.12 The BWRA refers to the inconvenience to road users of waiting for trains to pass at the 3 level crossings on the branch line and on the A10 at Foxton. Mr Cook has reiterated his concerns about the delays at the A10. This matter is dealt with in paragraphs 8.15 – 8.17 of the 6 September 2018 report (Appendix A to this report), reproduced in part below for convenience:

"The County Council's transport assessment team has noted that whilst there may be an additional train movement in a single day the overall average of 3 trains per day will not change and agrees with the findings of the applicant's transport statement which demonstrates that the traffic impact associated with the proposed development would not have a severe impact on the local highway network including on the A10 at the Foxton level crossing."

- 2.13 It remains the officers' view that that there is no highway reason to require the number of trains to be reduced to 2 loads (4 movements) per day.

Feasibility of completing the development in 15 years

- 2.14 Cemex has explained why they believe that the development as proposed would be completed within 15 years (see Appendix B). Cemex's 2010 planning application was to import almost 2 million tonnes of restoration material. On the basis of 4 loads per day 6 days a week this would have been at a rate of 500,000 tonnes per year. The duration of the project was to be 5 years including 20 weeks to reconstruct the branch line and restoration of the imported waste to an agricultural afteruse. The branch line re-building started in July 2014 and the first deliveries of waste by train were on 6 July 2015. Importation of waste ceased on 9 July 2018 by which time

approximately 60% of the permitted void had been filled. Given the reduction in the number of permitted train movements this is broadly in line with Cemex's 2010 proposal. As the BWRA have pointed out, the permitted 3 loads per day rarely occurred.

- 2.15 It is considered that there is no reason not to accept Cemex's assertion that they would be able to complete the proposed development within the proposed 15 year timescale (on the basis of an average of 3 loads per day).

Provision of the cycleway parallel to railway line

- 2.16 Preliminary designs for the pedestrian / cycle link alongside the branch line between Haslingfield Road and Foxton have been submitted to the highway authority. Although the safety audit team has raised a number of concerns, in the opinion of the highway development engineer the developer is likely to be able to respond to them. It is likely that the scheme would be capable of being adopted by the highway authority.
- 2.17 The housing developer, Redrow, support the application made by Cemex and are keen to see the quarry infilled as soon as is practical. In respect of the footpath/cycleway, they are currently working with the County Council to ascertain the best possible solution to the delivery of the connection to Foxton railway station and are awaiting feedback from the Local Highway Authority safety audit team.

Wilsmere Down Farm

- 2.18 Gordon Brown has advised that the improvement in noise level at Wilsmere Down Farm afforded by a temporary barrier is, like with the earth bund, relatively small. The duration of any likely exceedance of noise limits is very limited so may not outweigh the cost and disturbance of installing a barrier.

Restriction on train movements within the quarry

- 2.19 Cemex is concerned that the limiting the number of train movements within the quarry to 2 per hour as set out in recommended condition 35 of the 6 September report could preclude necessary locomotive manoeuvring. It has been agreed, with Gordon Brown's advice, that it would be acceptable to establish a noise limit of 55dB LAeq, 1 hour freefield at the boundary of any residential property. This would be taken into account when the noise mitigation scheme for the new houses is being designed. An amended condition 35 is recommended.

3.0 FALL-BACK RESTORATION

- 3.1 Mr and Mrs Pow have made some observations on an alternative restoration option which they believe better balances the interests of all parties. In order to address them it is considered necessary to set out what the fall-back position would be if the current proposal does not go ahead.
- 3.2 Until the quarry closed in 2008 the mineral extraction operations took place under planning permissions S/00445/92 and S/01240/97. These permissions were due to

be reviewed under the terms of the Environment Act 1995 by 31 December 2013. Cemex did not make the relevant application and under the provisions of the 1995 Act, S/00445/92 and S/01240/97 ceased to have effect except insofar as they relate to the restoration and aftercare of the site.

- 3.3 S/00445/92 relates to the southern part of the quarry including the cement works. Most of the land to which this permission relates is covered either by the planning permission for residential development or Cemex's 2011 permission for partially restoring the western part of the quarry by landfill. There would be a wedge of land, including the line of the railway within the quarry, which falls outside these schemes. The 2011 restoration scheme is included as agenda plan 5.
- 3.4 S/01240/97 relates to the northern part of the quarry and includes the most recently quarried area. The western part will be restored to agriculture at a low level (up to 44 metres AOD - the adjacent land is at 69 metres AOD) as part of the 2011 permission. Completion of the 2011 approved restoration scheme would be dependent on Cemex applying for and being granted permission to extend the duration of the development beyond 31 December 2018.
- 3.5 The northeastern part of the quarry void is approximately 14 metres AOD at its lowest point. This is approximately 50 metres below the nearest unworked land. It would be 30 metres lower than the highest part of the 2011 restoration scheme and is currently the point where water from the worked land collects. The 2011 restoration scheme does not address the safety issues associated with water accumulating in the unfilled quarry. The low points where water collects are outside the 2011 permission area.
- 3.6 The restoration scheme which is referred to in the conditions of the 1997 permission is for an agricultural and geological conservation afteruse to be achieved using cement processing plant and quarry wastes and re-spreading overburden and stored soils. Details of the geological conservation measures and drainage proposals, including arrangements for pumping in perpetuity if necessary, are required.
- 3.7 The 1997 restoration scheme assumed that the mineral would be worked to its full permitted depth across the whole planning permission area. This has not taken place and there is provision in the 1997 conditions for this situation. If the current planning application is not approved, Cemex will need to submit a restoration scheme which relates to the actual quarry void. There is very little soil and overburden on site which could be used for restoration so there is little potential to do anything beyond regrade the quarry faces and ensure that the geological conservation area satisfactorily designed and protected. It is likely that there would be semi-permanent water bodies at the lowest points which may need to be managed by pumping for the foreseeable future.
- 3.8 Mr and Mrs Pow have questioned the value of the restoration scheme which is part of the current proposal as not being significant for the local community and with limited levels of biodiversity. The proposed restoration scheme is supported by Natural England (see paragraph 5.27 of the 6 September 2019 report) and the County Wildlife Trust (paragraph 5.28). It would provide a number of UK and local Biodiversity Action Plan priority habitats, deliver significant biodiversity

enhancements and benefit a number of locally important species. The fall-back position would be low level agricultural grassland in the 2011 permission area and bare chalk faces in the north east of the void which would have limited ecological value.

- 3.9 The fall-back position would not secure access to a supply of clunch for the restoration of historic buildings. This matter was referred to in paragraph 8.6 of the 6 September 2018 report. The clunch is overlain by a significant depth of overburden and other minerals. It was by-product of quarrying for chalk and it is not believed to be economic to remove the overlying material to release new reserves. Planning permission would be needed to do so. No representations about securing a supply of clunch have been made during the recent consultation on the emerging Cambridgeshire and Peterborough Minerals and Waste Local Plan.

4.0 CONCLUSIONS

- 4.1 Cemex has proposed some minor changes to the class of locomotive that would be used and the means of managing their operation to improve the mitigation of impacts on local residents. These are supported by officers and can be secured by planning condition. It is recognised that Cemex's have not agreed to some of the changes that local residents are seeking, principally the reduction in the number of train movements per day from an average of 6 to a maximum of 4.
- 4.2 Gordon Brown's advice is that in the terms of PPGM criteria the effect of reducing the number of train movements per day would be small but would reduce the impact as experienced by local residents.
- 4.3 For the reasons set out in section 3 above and in section 8 of the 6 September 2018 report officers consider that on balance, the proposed scheme represents the best restoration outcome for the site and that this just outweighs the level of disturbance that would be experienced by local residents from the passage of trains.

5.0 RECOMMENDATION

- 5.1 It is recommended that planning permission be granted subject to the applicant entering into a planning obligation to secure the application of planning conditions to the part of the Barrington Light Railway which is outside the application area and the following conditions:

Commencement date

1. The development hereby permitted shall be commenced no later than three years from the date of this decision notice. Within seven days of the commencement the operator shall notify the waste planning authority in writing of the exact commencement date.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act and Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.

Site Area

2. This permission relates to the land outlined in red on drawing no. 16_C018_BARR_002_D Extent of Planning Application Boundary dated December 2016 (received 23 December 2016) and referred to in these conditions as “the site”.

Reason: To define the permission for the avoidance of doubt.

Duration of permission

3. This permission shall be for a limited period expiring on 31 December 2035 by which time the site shall have been restored in accordance with the Written Restoration and Outline Aftercare Scheme – Revision A Dated November 2017 (received 5 June 2018) and the scheme referred to in condition 4. No waste shall be deposited at the site after 31 December 2033.

Reason: To define the timescale for the completion of the development and ensure the restoration of the site to a beneficial afteruse in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS25, CS33 and CS35 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3, NE/4, NE/6 and NE/7.

Approved plans and documents

4. The development hereby permitted shall be carried out in accordance with the application form dated 16 December 2016, Supporting Statement dated October 2016, Environmental Statement dated October 2016 as amended by the Supplementary Submissions dated May 2018 (received 5 June 2018) and in accordance with the following drawings and documents (received 23 December 2016 unless otherwise specified), except as otherwise required by any of the conditions set out in this permission:
- 16_C018_BARR_001 Site Location Plan dated November 2016;
 - 16_C018_BARR_002_D Extent of Planning Application Boundary dated December 2016;
 - 16_C018_BARR_003 Phasing Summary dated 16/12/2016;
 - 16_C018_BARR_004 Proposed Vibration Monitoring Locations dated October 2016;
 - 16_C018_BARR_005_A Proposed Noise Monitoring Locations dated December 2016;
 - 16_C018_BARR_007 Retained Structures dated November 2016;
 - 16_C018_BARR_009 Area of Disturbance dated December 2016;
 - 16_C018_BARR_010 Retention and Protection of Existing Vegetation dated July 2011;
 - 16_C018_BARR_012 Initial Development Phase dated 16/12/2016;
 - 16_C018_BARR_013 Phase 1A dated 16/12/2016;
 - 16_C018_BARR_014 Phase 1B dated 16/12/2016;
 - 16_C018_BARR_015 Phase 1C dated 16/12/2016;
 - 16_C018_BARR_016 Phase 2 dated 16/12/2016;
 - 16_C018_BARR_017 Phase 3 dated 16/12/2016;

- 16_C018_BARR_018 Phase 4 dated 16/12/2016;
- 16_C018_BARR_019 Final Restoration Phase dated 16/12/2016;
- 16_C018_BARR_020 Final Restoration Works 16/12/2016;
- 16_C018_BARR_021 Cross Sections dated 16/12/2016;
- 16_C018_BARR_022 Extent of Clay Seal dated 14/12/2016;
- 16_C018_BARR_023 Combined Noise Exclusion Zones dated 14/12/2016;
- 16_C018_BARR_025 Conceptual Surface water drainage dated 21st November 2016;
- BARRIT15 Rev A Fully Infilled Quarry: Final Restoration Plan dated November 2017 (received 5 June 2018);
- BARRIT17 Rev 0 Fully Infilled and Restored Quarry: Sections A-A' to E-E' dated October 2016;
- BARRIT19 Rev A Fully Infilled Quarry: Composite Restoration Masterplan dated November 2017 (received 5 June 2018);
- BARRIT22 Rev 0 Restoration Plan: Habitat Areas to be Created dated December 2016;
- BARRIT24 Rev 0 Outline Woodland, Shrubby Block and Hedgerow Planting Details plus Conservation Headland Strips dated June 2017 (received 28 June 2017);
- 16_C018_BARR_301_A Location of Potential Noise Attenuation Barrier dated May 2018 (received 5 June 2018);
- P4/1741/6 Siding Details Condition 18 & 36 [of S/01080/10/CW] dated Feb 2013 (received 19 September 2014 and approved by the waste planning authority 20 October 2014);
- Written Restoration and Outline Aftercare Scheme – Revision A Dated November 2017 (received 5 June 2018); and
- [Cemex response to] Comments Received from County Ecology Officer Regarding Planning Application no. S/0204/16/CW (received 28 June 2017)

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS25, CS33 and CS35 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3, NE/4, NE/6 and NE/7.

Maintenance, silencers and reversing alarms

5. All vehicles including locomotives, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with effective silencers that shall be used at all times. All vehicles with the exception of locomotives, that are fitted with reversing alarms shall be fitted with "white noise" type or similar, reversing alarms.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Prevention of pollution of groundwater

6. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed, with no discharge to any watercourse, land or underground strata. The associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be directed to discharge into the bund.

Reason: To prevent pollution in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/8.

Operation of trains on the branch line

7. No development shall take place other than in accordance with The Barrington Light Railway Operating Manual Issue 2 dated May 2018 (received 5 June 2018). No locomotive shall operate on idle for more than 30 minutes. No locomotive manufactured before 1985 shall be used on the Barrington Light Railway branch line.

Reason: In the interests of limiting the effects on local amenity to control the impacts of the development in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise monitoring [scheme with up to date references to be provided by the applicant]

8. No development shall take place other than in accordance with the Noise Monitoring Scheme (dd mm 2018) (received dd mm 2018).

Reason: To monitor whether the noise limits in conditions 19, 20, 25, 42, 43 and 44 are being complied with in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Vibration monitoring [scheme with up to date references and including monitoring new houses to be provided by the applicant]

9. No development shall take place other than in accordance with the Revised Proposed Scheme for Monitoring Groundborne Vibration from the Railway during Operation (Rupert Taylor dd mm 2018) (received dd mm 2018).

Reason: To monitor whether the vibration limit in condition 26 is being complied with in the interests of residential amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July

2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Routeing agreement [plan to be updated with reference to plan no.]

10. The site shall not be operated except in accordance with the Traffic Management Plan dated dd mm 2018 received dd mm 2018).

Reason: In the interests of limiting the effects on local amenity to control the impacts of the development and to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Use of the branch line

11. The Barrington Light Railway shall not be used for any purpose other than the development hereby permitted and site open days and heritage services on no more than 4 days per calendar year.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Ecological mitigation

12. No development shall take place other than in accordance with the Ecological Management Plan for the Restoration of Land at Barrington Quarry, Haslingfield Road, Cambridgeshire, CB22 7RQ (Andrews Ecology December 2017(v.2))

Reason: In the interests of protecting wildlife in accordance with paragraph 175 of the National Planning Policy Framework (July 2018) and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/6.

Replacement planting

13. If within a period of five years from the date of planting any tree or shrub fails, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place in the first available planting season, unless the waste planning authority gives its written consent to any variation.

Reason: In the interests of visual and residential amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS33 and CS34.

Site Liaison Committee

14. Within 3 months of the date of this planning permission a scheme for the

inauguration, implementation and regular convening of a Site Liaison Committee shall be submitted to and approved by the waste planning authority. The approved scheme shall be implemented for the duration of the development hereby permitted.

Reason: To provide a forum in which the operator and representatives of the local community and regulatory bodies can share information relating to the site in accordance with the Cambridgeshire Statement of Community Involvement (adopted March 2014).

School safety training

15. Within 3 months of the date of this planning permission a scheme for the inauguration, implementation and regular undertaking of rail safety training at Barrington Primary School shall be submitted to and approved by the waste planning authority. The approved scheme shall be implemented for the duration of the development hereby permitted.

Reason: To increase awareness of local school children to the dangers of active railway lines.

Area A – Foxton Exchange Sidings (land shown coloured blue on plan CCC1 at the end of this report)

Track signage

- 15a. Within 2 months of the date of this planning permission a scheme for the erection of signs within Foxton Exchange Sidings informing locomotive crews of operational restrictions shall be submitted to, and approved in writing by, the waste planning authority. The scheme shall include a programme of implementation. The approved signs shall be retained and maintained for the duration of the development hereby permitted.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Locomotive crew facility

- 15b. Within 2 months of the date of this planning permission a scheme for the erection of a mess facility for locomotive crew shall be submitted to, and approved in writing by, the waste planning authority. The scheme shall include a programme of implementation. The approved facility shall be retained and maintained for the duration of the development hereby permitted.

Reason: To provide locomotive crew with shelter in cold weather and remove the need for them to leave the engine idling to operate the cab heating system and to protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core

Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Locomotive stabling

- 15c. No locomotives shall be stabled other than at Stabling Point X and Stabling Point Y shown on drawing no. 16_CO18_BARR_300 Location of Stabling Points dated February 2018 (Appendix C to WBM Noise Assessment dated 04 June 2018).

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Restriction on train times

16. No trains shall be operated within the Foxton Exchange Sidings between 2000 hours and 0530 hours.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise mitigation scheme

17. No trains shall enter the Foxton Exchange Sidings between 0530 and 0700 hours until a noise mitigation scheme has been submitted to and approved in writing by the waste planning authority and the approved scheme has been implemented in full. The approved noise mitigation measures shall be maintained for the duration of the development.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Wheel flange lubricators

18. The wheel flange lubricators shall be maintained in an operational condition for the duration of the development.

Reason: To minimise noise emissions in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limit (0530 - 0700 hours)

19. Noise emissions attributable to operations in the Foxton Exchange Sidings between 0530 and 0700 hours shall not exceed 42 dB $L_{Aeq, 1hour}$ free field at the boundary of any residential property.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limit (0700 - 2000 hours)

20. Noise emissions attributable to operations in the Foxton Exchange Sidings between 0700 and 2000 hours shall not exceed 55 dB $L_{Aeq, 1hour}$ free field at the boundary of any residential property.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Plant working hours

21. The operation of mobile plant and powered hand tools shall only be undertaken between 0700 and 1800 hours Mondays to Fridays and between 0700 and 1500 hours on Saturdays. There shall be no Sunday or bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Vehicle loading hours

22. The loading of track materials and rail ballast from either road or rail vehicles associated with track removal shall only be undertaken between the hours of 0700 to 1800 Mondays to Fridays. There shall be no Saturday, Sunday and bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Foxton level crossing

23. The Foxton Road level crossing shall be retained in accordance with the details set out in the document Barrington Quarry – Planning Permission S/0180/10/CW – Submission of level crossing details as required by conditions 19, 30, 40 & 41 (Chris Lewis dated 22 February 2013) which were approved by the waste planning authority on 27 March 2013.

Reason: In the interests of highway safety and local amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/14.

Area B – Foxton Road Level crossing, River Cam viaduct, Glebe Road level crossing to Haslingfield Road level crossing (land shown coloured green on attached plan CCC1)

Plant working hours

24. The operation of mobile plant and powered hand tools for track, bridge and level crossing maintenance, shall only be undertaken between 0700 and 1800 hours Mondays to Fridays. There shall be no Saturday, Sunday and bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limit

25. Noise emissions attributable to train movements shall not exceed 62dBL_{Aeq,1hour} free field at a distance of 10 metres from the head of the nearest rail. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Vibration limit

26. Vibration levels from the operation of the railway line, as measured in accordance with BS6472, shall not exceed a 16 hour daytime vibration dose value (VDV) of 0.4ms^{1.75} (0700-2300hrs) measured either at the position of the building foundation or at the centre of any floor of any residential property adjacent to the line. Where it is not practicable to measure inside dwellings or at foundation positions, measurements may be made at other positions and foundation levels calculated according to the methodology in the scheme for periodic monitoring referred to in condition 9.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Movement of trains (time of day)

27. There shall be no movement of trains before 0700 or after 2000 hours or between 0840 and 0910 hours or between 1510 and 1540 hours between Foxton Road level crossing and Haslingfield Road level crossing. There shall be no movement of trains between Foxton Road level crossing and Haslingfield Road level crossing at any time on Saturdays, Sundays and bank or public holidays except in accordance with condition 11. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per day

28. There shall be no more than 8 train movements in any one day on the railway between Foxton Road level crossing and Haslingfield Road level crossing. There shall be no more than an average of 6 train movements per day per calendar month measured excluding Saturdays, Sundays and bank or public holidays. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per hour

29. There shall be no more than 2 train movements in any 60 minute period on the railway between Foxton Road level crossing and Haslingfield Road level crossing. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Glebe Road level crossing

30. The Glebe Road level crossing shall be retained in accordance with the document Barrington Quarry – Planning Permission S/0180/10/CW – Submission of level crossing details as required by conditions 19, 30, 40 & 41 (Chris Lewis dated 22 February 2013) which were approved by the waste planning authority on 27 March 2013.

Reason: In the interests of highway safety and local amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core

Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/14.

Prevention of unauthorised access

31. The measures to minimise the risk of unauthorised entry of the railway line between points “X” and “Y” on the attached Plan CCC1 set out in the attachment to Keith Frost’s email dated 28 March 2013 and approved by the waste planning authority on 3 May 2013 shall be maintained for the duration of the development hereby permitted.

Reason: In the interests of safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Wheel flange lubricators

32. The automatic wheel flange lubricators outside the cement works by the Haslingfield Road level crossing shall be maintained in an operational condition to grease the curve for the duration of the development.

Reason: To minimise noise emissions in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Area C – Haslingfield Road level crossing to end of quarry railway extension (land shown coloured pink on attached plan CCC1)

Plant working hours

33. The operation of mobile plant and powered hand tools for track and level crossing maintenance, shall only be undertaken between 0700 and 1800 hours Mondays to Fridays. There shall be no Saturday, Sunday and bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per day

34. There shall be no more than 8 train movements in any one day on the railway in Area C. There shall be no more than an average of 6 train movements per day per calendar month measured excluding Saturdays, Sundays and bank or public holidays. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limits (0700 – 2000 hours)

35. Noise levels at the boundary of any residential property shall not exceed either 10dB above the background noise levels specified in the periodic noise monitoring scheme or 55dB LAeq, 1 hour free field whichever is the lower between 0700 and 2000 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 Description and measurement of environmental noise.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Haslingfield Road level crossing

36. The Haslingfield Road level crossing shall be retained in accordance with the document Barrington Quarry – Planning Permission S/0180/10/CW – Submission of level crossing details as required by conditions 19, 30, 40 & 41 (Chris Lewis dated 22 February 2013) which were approved by the waste planning authority on 27 March 2013.

Reason: In the interests of highway safety and local amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/14.

Movement of trains (time of day)

37. There shall be no movement of trains before 0700 and after 2000 hours in Area C. There shall be no movement of trains in Area C at any time on Saturdays, Sundays and bank or public holidays except in accordance with condition 11. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Area D – Existing worked quarry area including lake, haul routes and plant repair workshop (land coloured yellow on attached plan CCC1)

Prevention of dirt on public highway

38. The surface of the sealed access road at the entrance into the site from the Haslingfield Road shall be kept free of dirt and debris by regular cleaning by mechanical sweeping as necessary for the duration of the use.

Reason: In the interests of highway safety and the amenity of local residents in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

HGV movements (restriction of hours)

39. The delivery of no more than 1,200 tonnes of restoration materials by road and the export by road of materials for re-use, recycling or disposal (including leachate) shall only take place between 0700 and 1800 hours on Mondays to Fridays. There shall be no HCV movements on Saturdays, Sundays, bank or public holidays.

Reason: To minimise any disturbance in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Means of delivery of waste

40. No waste shall be imported into the site for the purposes of this development other than by rail except a maximum of 1,200 tonnes of restoration material.

Reason: In the interests of local amenity and highway safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Dust

41. No development shall take place other than in accordance with the dust control measures set out in Cemex letter dated 9th July 2015 (Appendix E of the Supporting Statement dated October 2016 (received 23 December 2016)).

Reason: To minimise the risk of fugitive dust emissions from the site in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE16.

Noise limits (0600 – 0700 hours)

42. Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed 42dB_LAeq, 1 hour between 0600 and 0700 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 *Description and measurement of*

environmental noise.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limits (0700 – 1900 hours)

43. Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed either 10dB above the background noise levels specified in the periodic noise monitoring scheme or 55dB LAeq, 1 hour free field whichever is the lower between 0700 and 1900 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 *Description and measurement of environmental noise.*

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limits (1900 – 2200 hours)

44. Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed 10dB above the background noise levels specified in the periodic noise monitoring scheme from 1900 to 2200 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 *Description and measurement of environmental noise.*

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Working hours

45. The unloading of trains, transport of waste to the receptor areas, land levelling, soiling and initial cultivation shall only take place between 0600 and 2200 hours Mondays to Fridays and between 0600 and 1300 on Saturdays. There shall be no Sunday or bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Waste types

46. Only inert waste arising from construction and demolition shall be imported to and deposited at the site.

Reason: To define the nature of acceptable wastes to be deposited in the former quarry area in the interests of the prevention of pollution and residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS9, CS34 and CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/8.

Surface water drainage

47. No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Technical Note: MicroDrainage modelling results June 2017 reference CMP 16/06/207 and the Flood Risk Assessment prepared by JBA Consulting (ref: 2015s3432 Final Report V3) dated 20 December 2016 and inclusive of a scheme to treat and remove suspended solids from surface water run-off during the development, has been submitted to and approved in writing by the waste planning authority. The approved scheme shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development and to prevent the contamination of surface water that will be discharged into the River Rhee/Cam in accordance with National Planning Policy Framework paragraphs 163 and 165; the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS2 and CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/11. This is a pre-commencement condition because the surface water drainage arrangements need to be agreed before construction work starts.

Leachate management

48. No development shall take place other than in accordance with the leachate management scheme Arup ref BAR DOP001 Draft 1 12 November 2012 approved by the waste planning authority on 30 August 2013.

Reason: To prevent pollution of surface and in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS3 and CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/8.

Pumps

49. All fixed pumping apparatus shall be electrically powered.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan

Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Geological exposure

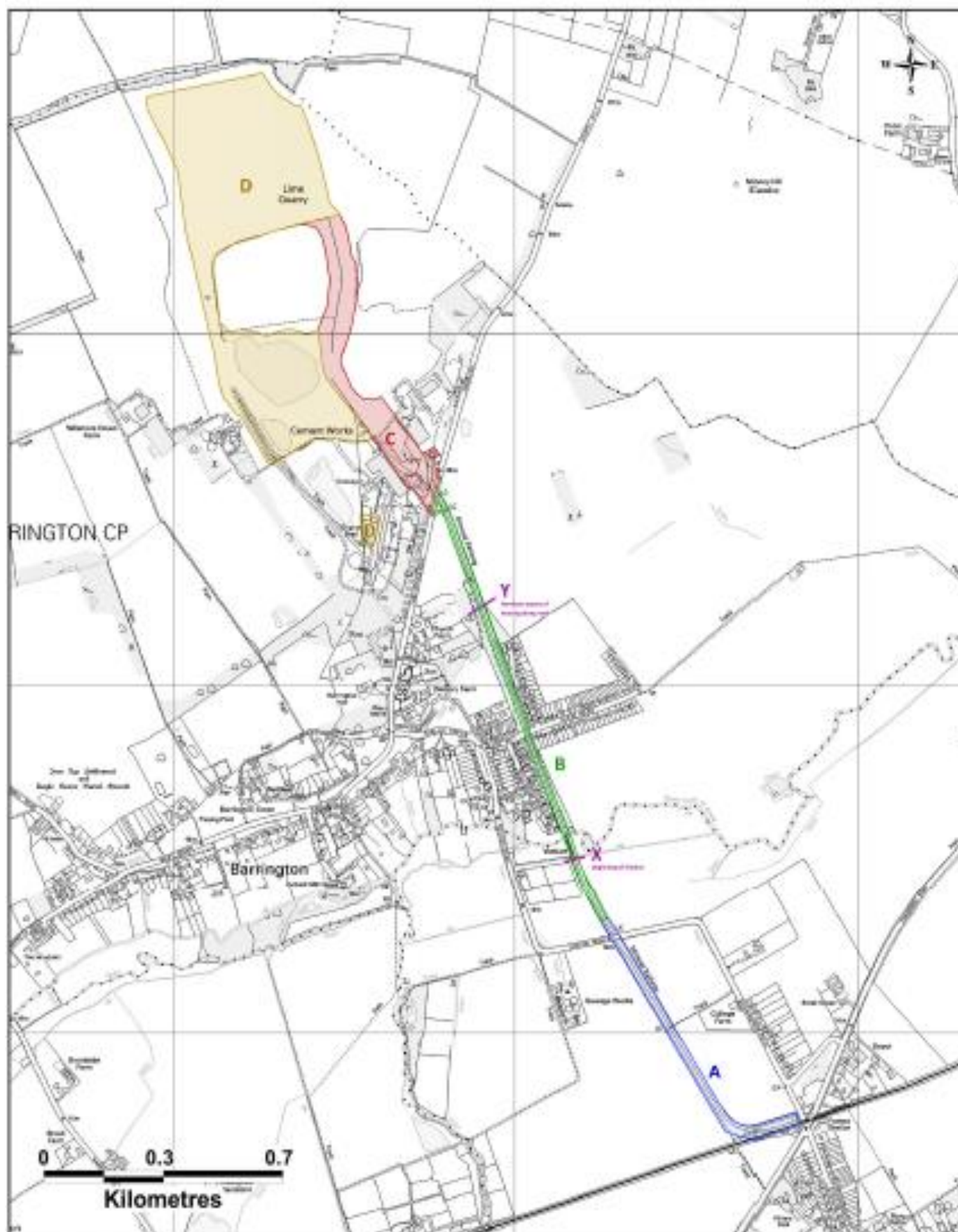
50. No waste shall be deposited in the area shown in yellow as Active fill area for phase on drawing no. 16_CO18_BARR_017 Phase 3 dated 16/12/2016 until detailed proposals for re-establishment of geological exposures, drainage and access arrangements have been submitted to and approved in writing by the waste planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protection of the geological interest of the site in accordance with paragraph 170 of the National Planning Policy Framework (July 2018) and South Cambridgeshire Development Control Policies DPD (July 2007) policy NE/7.

Unexpected cessation of development

51. Should for any reason the infilling cease for a period in excess of 12 months the developer shall upon written request from the waste planning authority submit a revised scheme for the restoration of the site, including a schedule of timings, provision of soiling, grass, shrub and tree planting in similar manner to that referred to in the aforementioned conditions. All work of restoration shall be completed within two years of the date of cessation of infilling in accordance with the revised scheme which shall have been agreed in writing by the waste planning authority. The approved revised scheme shall be implemented in full.

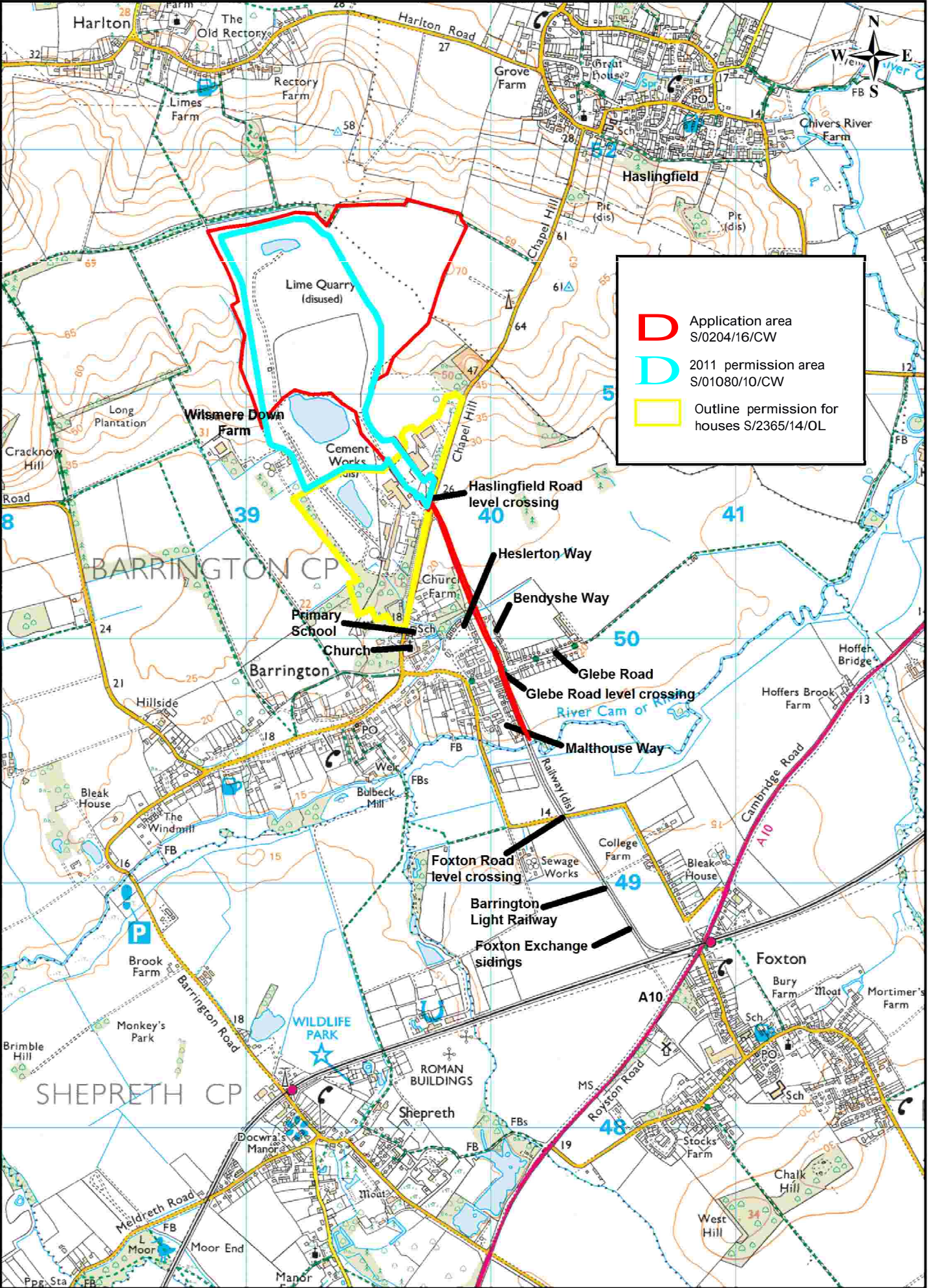
Reason: To define the timescale for the completion of the development and ensure the restoration of the site to a beneficial afteruse in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS25, CS33 and CS35 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3, NE/4, NE/6 and NE/7.



Scale (at A3): 1:10000
 Date: 18/03/11 V2
 By: sp484

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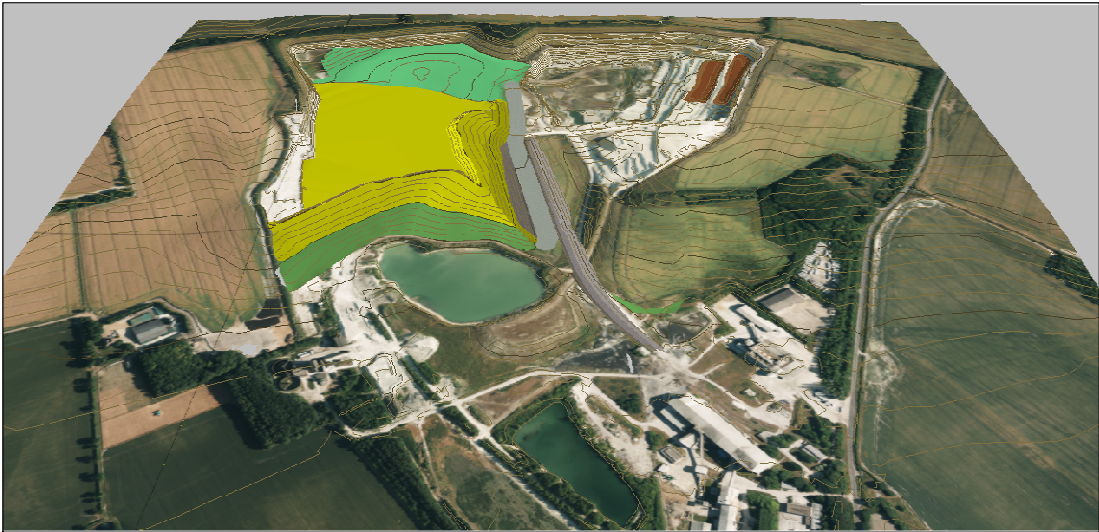
Site Survey (October 2015)



Initial Preparatory Phase (2 months)



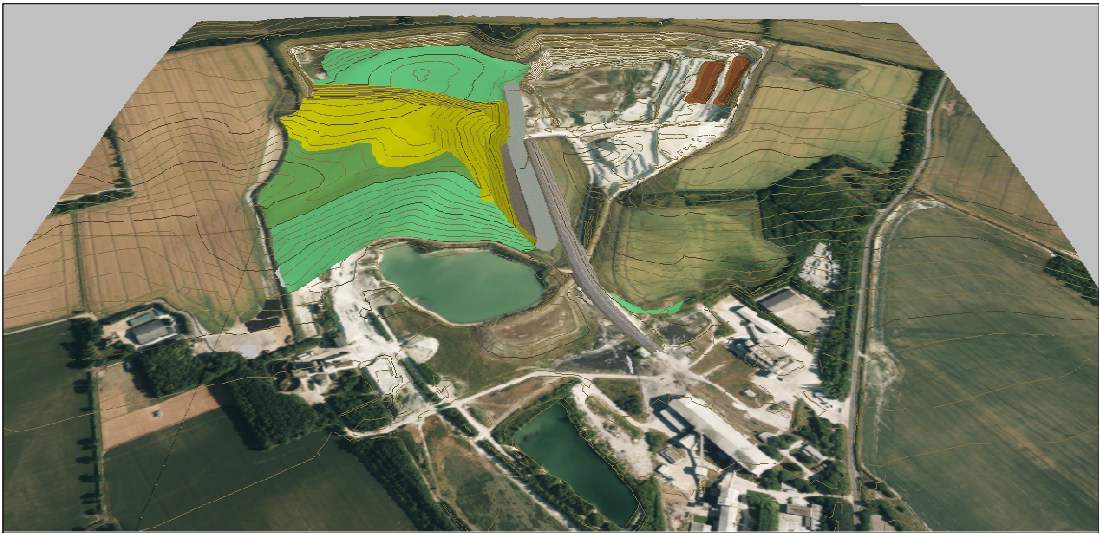
Phase 1A (1 year; 10 months)



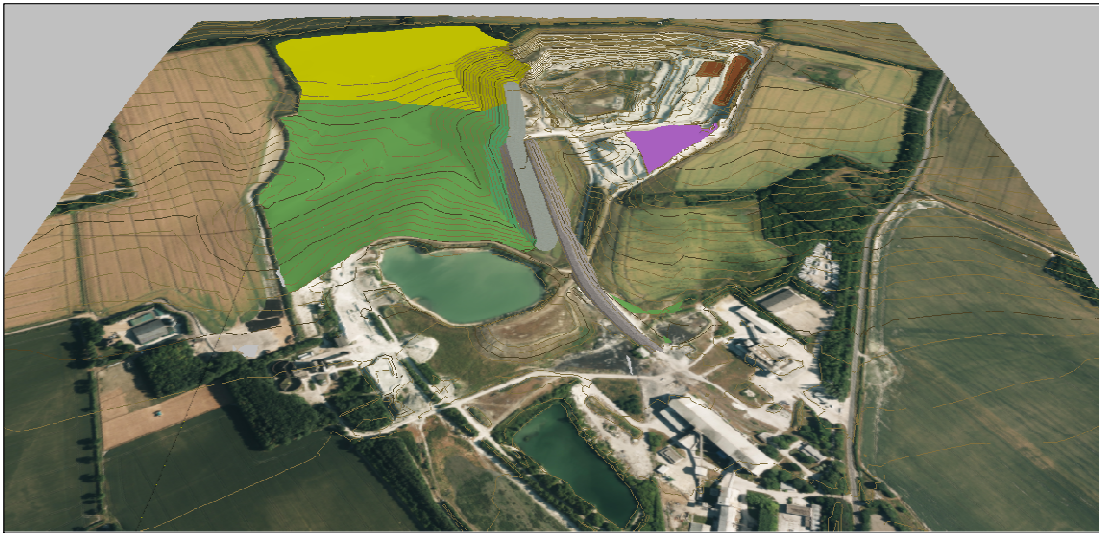
Phase 1B (2 years; 11 months)



Phase 1C (4 years; 10 months)



Phase 2 (8 years; 5 months)



Phase 3 (13 years; 2 months)



Phase 4 (13 years; 11 months)



Final Restoration Phase (14 years; 2 months)




Site Restored (15 years)



Legend

- Active infilling during phase
- Active restoration during phase
- Restored

UK National Reserves Dept.
CEMEX UK Operations Limited
Wolverhampton Road, Oldbury
Warley, West Midlands
B69 4RJ



Site Barrington
Quarry Project
Proposed Restoration Scheme

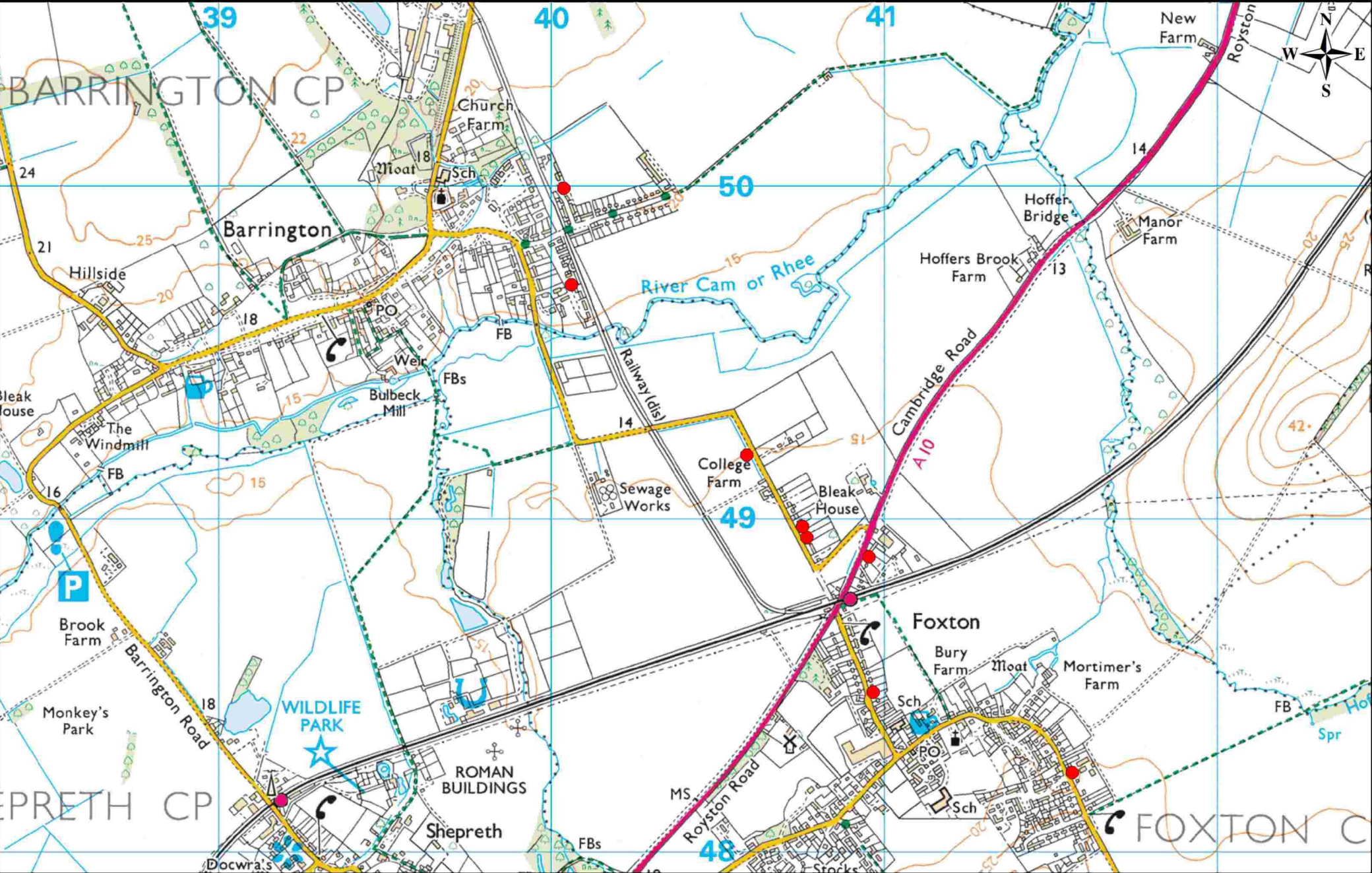
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Number
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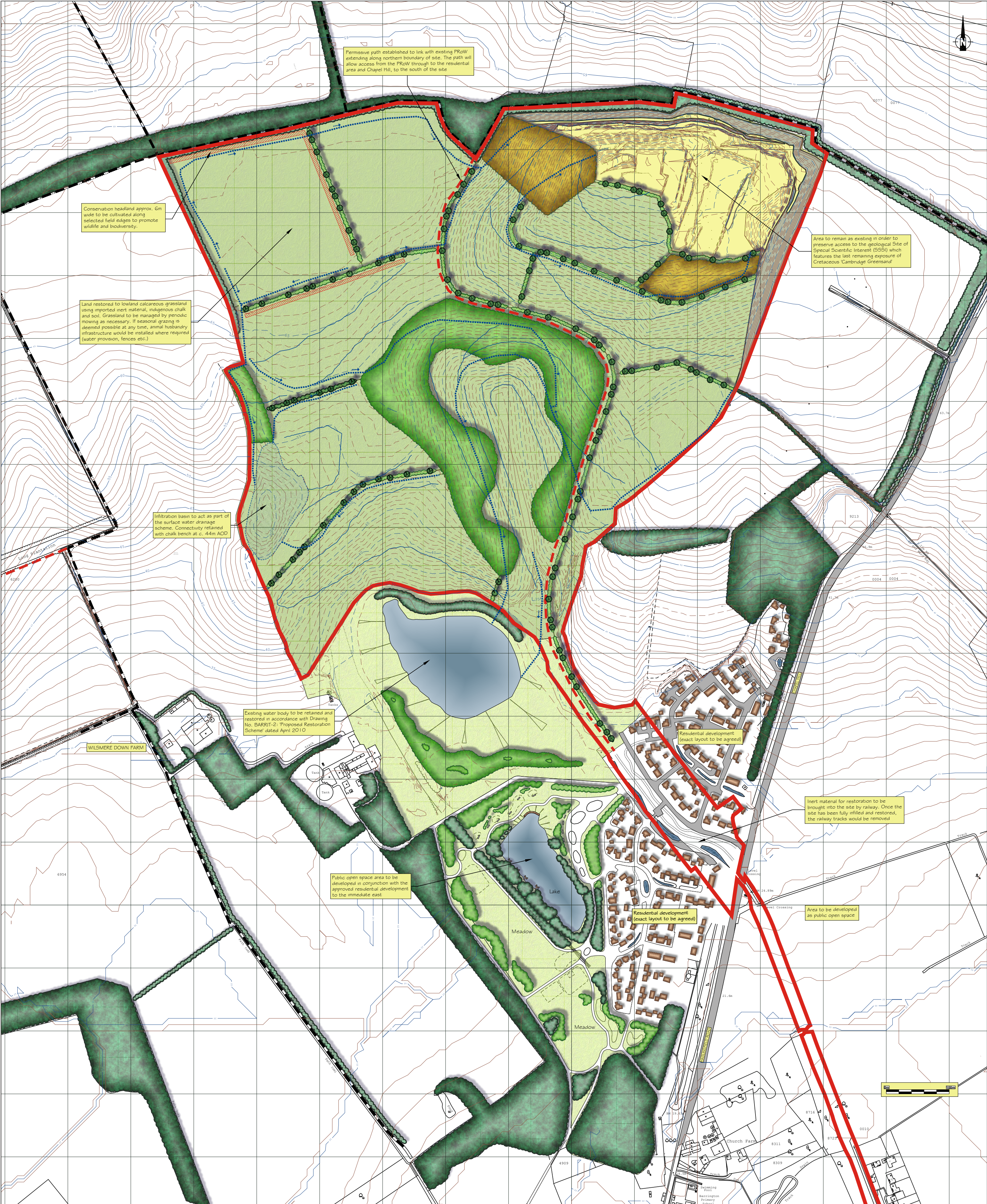
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Plotted from: n/a
Base Surveys: n/a

Date: 16/12/2016
Drawn by: S Hopkins (steven.hopkins@cemex.com; tel. 0121 569 7466)

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Agenda Plan 3 • Barrington Quarry Individual Representatives





Key

	PLANNING APPLICATION BOUNDARY		PROPOSED LOWLAND CALCAREOUS GRASSLAND		PROPOSED SCRUBBY PLANTING BLOCK		GEOLOGICAL SSSI AREA TO BE LEFT UNRESTORED TO ALLOW PERMANENT ACCESS FOR STUDY
	EXISTING CONTOURS (1m intervals)		AMENITY/MEADOW GRASSLAND		PROPOSED NATIVE HEDGEROWS WITH TREES		
	PROPOSED RESTORATION CONTOURS (1m intervals)		CONSERVATION HEADLAND APPROX. 6m WIDE TO PROMOTE WILDLIFE AND BIODIVERSITY		PROPOSED DRAINAGE GULLY		
	EXISTING PUBLIC RIGHT OF WAY		EXISTING WOODLAND AND HEDGEROWS		PROPOSED DRAINAGE DITCH		
	PROPOSED TRACK AND PERMISSIVE PATH		PROPOSED WOODLAND PLANTING		WATER BODY		

Client **CEMEX**

Site **BARRINGTON QUARRY**

Project **INERT INFILL PLANNING APPLICATION**

Drawing Title **FULLY INFILLED QUARRY: COMPOSITE RESTORATION MASTERPLAN**

Date **NOVEMBER 2017**

Scale **1:4,000 @ A2**

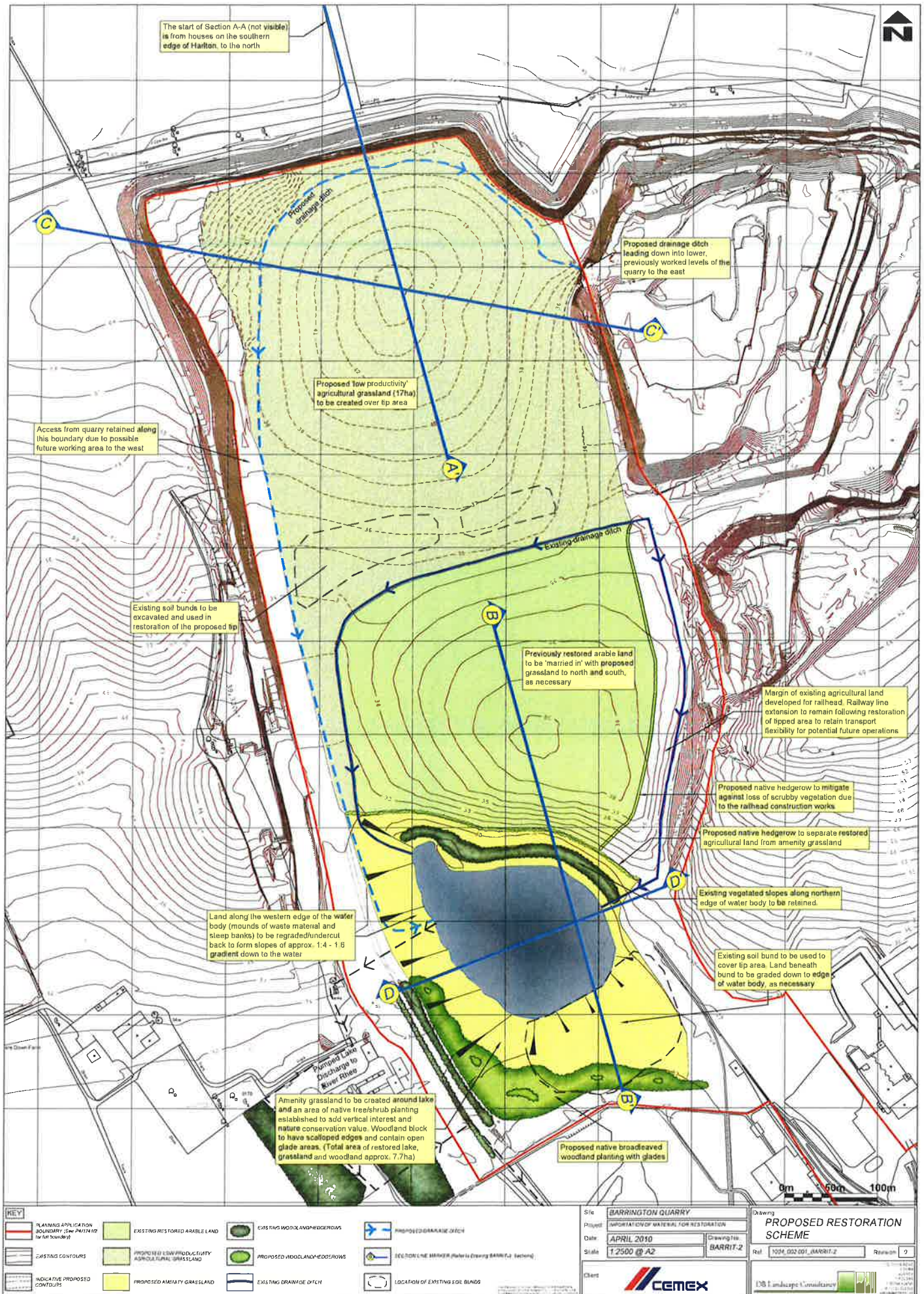
File Ref **1711_002.001_BARRIT19Rev.A**

Revision **A**

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PROPOSED RESTORATION OF BARRINGTON QUARRY, CAMBRIDGESHIRE

ENVIRONMENTAL STATEMENT REVIEW

Client: Ms Emma Fitch, Minerals and Waste Planning, Cambridgeshire County Council,
Shire Hall, Castle Hill, Cambridge, CB3 0AP

Brief: To examine the submitted Environmental Statement in respect of noise
and

Site: Cemex, Barrington Quarry, Cambridgeshire.

Dates: This report 3 July 2018

Author Gordon Brown MCIEH, FIOA

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1	OBJECTIVES.....
2	ADVICE FROM
3	ASSESSMENT OF NOISE CHAPTER (APPENDIX A OF
4	ASSESSMENT OF VIBRATION CHAPTER (APPENDIX B OF ES)
5	CONCLUSIONS.....

1. OBJECTIVES

- 1.1. Cambridgeshire County Council has granted planning consent for importation by rail of restoration material to infill an existing quarry void and the operators of the site, CEMEX, have applied to extend the period for restoration and increase the amount of
- 1.2. The application includes an Environmental Statement (ES) that contains noise and vibration assessments, the purpose of this report is to review these assessments and advise the County Council regarding their content.

2. ADVICE FROM COUNSEL

- 2.1. Following the submission of the ES comments were made and passed to the authors of the Noise Chapter, WBM, discussions were held and a final response to those comments was provided dated 4 June 2018. In view of concerns regarding the interpretation and applicability of the current guidance relating to this type of development the County Council has sought advice from Counsel and this has been taken into account in this review. It should be noted that the comments from Counsel
- 2.2. In this regard it is appropriate to note that since the original consent was granted for this site the planning guidance system has changed radically and the standards used in assessing that application have either been withdrawn or changed. Furthermore, information has emerged from a recent planning appeal in respect of fracking in Lancashire (Department for Communities and Local Government, Cuadrilla Bowland Ltd and Cuadrilla Elswick Ltd) giving advice on noise standards for minerals planning
- 2.3. In view of its importance in clarifying the current position regarding guidance and standards the advice from Counsel is considered first, followed by an examination of
- 2.4. The points that Counsel was requested to clarify are as follows;
- Whether the Planning Practice Guide Minerals (PPGM) applies to this site and development.
 - Whether BS4142:2014 'Methods for rating and assessing industrial and commercial sound' was relevant to the assessment of some noise aspects of this application.
 - What is the correct interpretation of the noise limits contained in the PPGM in the context of an Environmental Statement?

- What guidance is available on what would constitute an “unreasonable burden” as applied to the provision of noise mitigation?
 - What degree of evidence should be provided if a claim of “unreasonable burden” is made based on financial impact?
- 2.5. The first three points are of critical importance in determining what noise limits should be applied to certain activities, in particular noise from quarry infill operations affecting existing and proposed residential receptors, and noise from operations at
- 2.6. The last two points relate particularly to the provision of physical mitigation in respect of the area near to Wilsmere Down Farm and potentially to Foxton Sidings.
- 2.7. **Whether the Planning Practice Guide Minerals (PPGM) applied to this site and development** – the advice from Counsel may be summarised as follows. Firstly, provided that what is applied for comprises “normal operations” significant weight should be given to the PPGM. It is clear that this is National Guidance from the Government on noise standards for minerals applications.
- 2.8. Secondly, in the recent decision on fracking in Lancashire this guidance was central to setting of the appropriate night time noise level. The Secretary of State clearly adopted the Inspector’s analysis in the decision letter. The Inspector gave considerable weight to the PPGM guidance in arriving at his “*Conclusions on the appropriate night-time noise limit*”.
- 2.9. Thirdly, the only use of the Foxton Sidings is for the restoration of the quarry and thus it is absolutely part of the operations of the restoration, and the importation by rail is preferable than by road for good planning reasons.
- 2.10. **Whether BS 1 2:201 “Methods for rating and assessing industrial and commercial sound” was relevant to the assessment of some noise aspects of this application** – the

original application for infilling at the quarry was determined in 2011, prior to the

publication of the current version of 854142, which was released in 2014. There are significant differences between the two versions and in respect of this application it is important to note that paragraph 1.3 (h) of 854142:2014 states that, *The standard is not intended to be applied to the rating and assessment of sound from: h) Other sources falling within the scopes of others standards or guidance.* This limitation was not contained in 854142:1997, which was used in determining the original

- 2.11. It was this section that led the Inspector in the Lancashire Fracking decision to give

The scope of this British Standard is set out in section 1 of the document. It describes methods for rating and assessing sound of an industrial and/or commercial nature. The methods described use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident. It states that the standard is not intended to be applied to the rating and assessment of sound from sources falling within the scopes of other standards or guidance.I conclude that, although BS 4142 highlights some useful concepts which may assist in the assessment of likely noise impacts, its specific application to the proposed development should be viewed with some caution and all

- 2.12. This reasoning was endorsed by the Secretary of State in the Decision Letter.

- 2.13. **What is the correct interpretation of the noise limits contained in the PPGM in the context of an Environmental Statement?** – Counsel has advised that the correct interpretation of the 42dB L_{Aeq,1h} night time noise limit is that it is an upper longstop limit, not one that will be acceptable in all cases. The reasons for this are as follows.

- 2.14. Firstly the wording of the PPGM paragraph 21 is consistent with this meaning. That is why it speaks of reducing to a minimum any adverse impacts. If 42dB was always acceptable that would not make sense.
- 2.15. Secondly the last sentence of paragraph 21 suggests that 42dB will not always be the correct limit. The sentence says *“Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed...”*
- 2.16. Thirdly this accords with the fracking decision endorsed by the Secretary of State.
- There the Inspector clearly set this out in analysis that was accepted by the Secretary of

However, it seems to me that the in any event level of 42dB(A) LAeq,1h ;free field at a noise sensitive property is plainly an upper limit or a ceiling. Indeed, this is how Dr Hiller describes it in para 5.45 of his proof of evidence. Subject to the issue of unreasonable burdens, para 21 of PPGM requires that noise limits are set to reduce to a minimum any adverse impacts. I concur with LCC that that must refer to significant adverse impacts and other adverse impacts within the noise hierarchy. In terms of the noise hierarchy, adverse impacts cease to arise only below the threshold of the LOAEL (Lowest Observable Adverse Effect Level).

Having regard to para 21 as a whole, it is clear that this upper limit or ceiling cannot reasonably be regarded as representing a LOAEL. Its drafting reflects the assumption that, in principle, adverse effects can occur below 42dB(A) LAeq, 1h (free field). If it were otherwise, then no requirement to reduce to a minimum below that level would have been imposed. Furthermore, the noise hierarchy table set out PPGM, para 5, makes it clear that the requirement to mitigate and reduce to a minimum applies to the observed adverse effects which occupy the ground between the LOAEL and the SOAEL (Significant Observed Adverse Effects Level). It is below the SOAEL that the requirement

the view that 42dB(A) LAeq, 1h (free field) should be regarded as the LOAEL in this

- 2.17. The analysis then goes on in that decision to set out a lower level than 42dB for the LOAEL of 39dBA. That was after considering the particular characteristics of the noise in that case and, in addition, the World Health Organisation (WHO) Night-time Noise Guidance.
- 2.18. The fracking decision also set out some helpful guidance that the *“minimum adverse impacts”* level can be equated with the LOAEL. This is set out in paragraph 12.244 which provides that, *“PPGM in respect of night-time noise requires compliance with noise limits set to ‘reduce to a minimum any adverse impacts...’ . This poses the question as to what might amount to a minimum adverse impact in this case. I agree with LCC (Lancashire County Council) that it seems logical to equate the minimum*
- 2.19. This is again a passage that was endorsed in the Decision letter.
- 2.20. **What guidance is available on what would constitute an “unreasonable burden” as applied to the provision of noise mitigation?** –although the costs of barriers have been provided by WBM in their response dated 23 May 2017, no other financial information relating to the project has been provided. In the Lancashire Fracking case costs were provided for a barrier that would reduce the number of residents that would experience noise levels of 40dB from 3 to 0 and above 35dB from 22 to 6. Although the costs of the barrier, £1.46 million, was provided the Inspector did not regard this as disproportionate, and the Inspector did not think the costs were very meaningful in the absence of the overall scheme construction, operational costs and
- 2.21. Although the WBM response of 23 May 2017 contains estimated costs of barriers, no overall scheme value is given to set that against and it is therefore not possible to give

any consideration to whether or not those costs would be unreasonable. There is also little or no consideration of the effectiveness of other potential mitigation options, such as the provision of a short fence to shield noise from waiting engines, or limiting/prohibiting the early morning arrivals of trains and what that would do to the length of construction time. Counsel has therefore concluded that it would be surprising if the evidence submitted so far would be sufficient to suggest getting to the

3. ASSESSMENT OF NOISE CHAPTER (APPENDIX A OF ES)

3.1. The ES revised by WBM and dated 4 June 2018 is examined in some detail below.

3.2. **1 Introduction** – no comments.

3.3. **2 Relevant Policy and Guidance Documents** – this section copies current planning guidance and the current planning conditions relating to noise. Section 2.5 considers the issue of train noise and I am not convinced that guidance for the control of noise from a high speed train line which is part of a major national infrastructure project is relevant to this application. Although the noise may be from trains, it is likely to be of a significantly different character and the Barrington application is not one of national significance. However, this may be a moot point in terms of limits and is clearly a point

3.4. **3 Existing Planning Permission and Noise Limits** – the existing planning conditions are described and proposals made for limits to apply to the various activities and receptors associated with the current proposal.

3.5. Although the limit relating to daytime train movements on the branch line (62dB $L_{Aeq,1hr}$) is quoted as representing the Lowest Observable Adverse Effect Level (LOAEL) it should be noted that when this level was set in the original planning consent it was

acknowledged that noise from trains would be very significant at existing residential

properties and the limit was in excess of both the World Health Organisation noise limits and the limits in MPS2 (the minerals guidance in force at that time). The limit therefore does not represent LOAEL, it is at the very least the Significant Observable Adverse Effect Level (SOAEL). I would also point out that in the original application for this site I was very concerned that predicted railway noise levels at existing houses would exceed SSdB LAeq,1h and this exceedance was not in my view acceptable. The decision to allow the 62dB level was against my advice and was made on the basis that any consent granted for the operation would be limited to S

- 3.6. WBM have indicated that a limit for train movements at the permitted residential

development will be SSdB LAeq,1hr and that train movements through Barrington will be assessed by considering the suggested hourly limit of SS dB LAeq,1h and also the HS2

- 3.7. Much of section 3.3 is given over to discussion of why the original noise limit for

Foxton Sidings was incapable of being met; I do not intend to consider this in detail other than to point out that the limit was based on WBMs own response to the Regulation 19 request and that it was not anticipated that this would require some form of extended consideration and interpretation of train noise variation not

- 3.8. Again, this is something of a moot point, it is my view that the advice given by counsel Richard Ground should be taken; the sidings are part of the quarry operation and as the guidance has changed since the original consent was granted the PPGM limits therefore apply and this limit coincides with that suggested by WBM, 42dB LAeq,1h. However, I am concerned that achieving this limit relies upon the locomotive being stabled at particular positions and the engine being switched off until 07:00. This requires the cooperation of third party organisations and individuals (drivers) and I am

indicates that train operators are often reluctant to switch off engines for relatively

short durations. The issue of mitigation at Foxton Sidings is considered in detail later in

- 3.9. **4 Site Description** - This section describes the site and the proposal. The previous consent was for an infilling of the quarry over a 5 year period, this proposal is to infill
- 3.10. The proposed hours of operation are identical to those in the previous consent.
- 3.11. The applicants are seeking to vary the current permission in respect of the number of trains using the branch line, increasing this to a maximum of 4 loaded and 4 empty trains per day but maintaining an average of 3 loaded and 3 empty trains per working day over a calendar month.
- 3.12. No trains will enter Foxton Siding prior to 05:30 and the applicants are currently proposing that no trains will enter the sidings until a noise mitigation scheme is submitted and approved.
- 3.13. **5 Baseline** – baselines are considered for both the permitted new housing and existing dwellings. Measurements have been made by WBM in respect of the permitted housing development and the results of these used to propose site noise limits.
- 3.14. **5.1 Permitted Housing** - In respect of the daytime noise affecting the permitted new housing the proposal is to regard 45 dB $L_{Aeq,1h}$, which is considered to be the representative daytime background noise level +10dB, as the Lowest Adverse Effect Level (LOAEL) and 55 dB $L_{Aeq,1h}$ as the Significant Observed Adverse Effect Level (SOAEL). The suggested limits for evening and night time quarry noise are both 42dB $L_{Aeq,1h}$.

- 3.15. The proposal to use background +10dB as LOAEL and 55dB LAeq,1h as SOAEL for daytime noise are considered reasonable, as is the proposal to use background +10dB as the evening limit.
- 3.16. **5.2 Existing Housing** - The proposed evening noise limits for existing dwellings are

where the proposal is to increase the evening noise limit from LAeq,1h to 44dB 42dB
- 3.17. **5.3 Foxton Sidings** – Measurements of background and ambient noise have been made near to College Farm, which is representative of properties in the vicinity of Foxton Sidings. Background noise levels have been reviewed for the period from around 5.30am to 7am. The baseline background noise levels during this period ranged

median value is 40 LA90,15min and the modal value is 39 LA90,15min. The baseline ambient noise levels in this period range from 40 dB to 58 dB LAeq,5min. The logarithmic average of the samples is 52 dB LAeq,5min.
- 3.18. **5.4 Train Noise** - Train noise is also considered and results of measurements given.

These indicate that current noise levels from 2 trains per hour could be between 56 and 62 dB LAeq,1h, at 14m and 10m distance respectively. It should be noted that where brake squeal has occurred during measurements, noise levels may be up to 67dB
- 3.19. **6 Impact Assessment** – This section gives details of the type of activity taking place on the site and the methods of calculating the noise impact of these activities. I have checked the detail of the example calculation given and am broadly satisfied with the methodology and input data.
- 3.20. Paragraph 5.3 contains a table of calculated noise levels affecting existing housing and in general these are within the limits given in the current consent. However, the levels

predicted for Wilsmere Down Farm are significantly higher than the current consent

limits, but it should be noted that the exceedance only occurs when site activity

- 3.21. Noise levels will exceed 44dB $L_{Aeq,1h}$ (i.e. more than 10dB above the quoted background noise level) at Wilsmere Down Farm when infill activity is taking place relatively close to the dwelling, but Cemex advise that the overall duration of activity daytime SOAEL of 55 $L_{Aeq,1h}$, and will only occur when activity is carried on in relatively small area, the impact is not significant.
- 3.22. The issue of mitigation for Wilsmere Down Farm is considered in more detail later in this report.
- 3.23. **6.4 On-Site Activities Affecting Permitted Housing** - Noise impacts have been calculated for the permitted new housing and without mitigation night time and evening noise levels will exceed the proposed noise limits at all assessed
- 3.24. In their 2014 report on noise likely to affect the residential development Jacobs derived the following noise limits from their measured background noise levels and these were used in the outline application Environmental Statement to assess the residential development.

Table 8.24: Background levels and limits for restoration operations

Period	Limit	Average Background level measured in September 2014	Limit adopted for this assessment
Early Morning (0600 - 0700)	42 dB $L_{Aeq,1hour}$ (condition 51)	-	42 dB $L_{Aeq,1hour}$
Daytime (0700 - 1900)	Either 10 dB above the background noise levels specified in the periodic noise monitoring scheme or 55 dB $L_{Aeq,1h}$ free field whichever is the lower (condition 52)	32 dB L_{Aeq}	42 dB $L_{Aeq,1hour}$
Evening (1900 - 2200)	10 dB above the background noise levels specified in the periodic noise monitoring scheme (condition 53)	29 dB L_{Aeq}	39 dB $L_{Aeq,1hour}$

- 3.25. It should be noted that the outline application did not consider any levels in excess of those given above in their assessment of noise impact and the ES noise chapter contains the following statement regarding Significance Criteria;

Planning conditions 51, 52, and 53 set out noise limits to be achieved during the restoration activities, and these are consistent with the limits for minerals working set out in the Technical Guidance to the NPPF. These limits have been adopted as thresholds of significance for the purpose of this assessment. If noise levels at proposed properties exceed these levels, then a significant effect has been deemed to occur.

- 3.26. The later measurements carried out by WBM indicate that the representative background noise levels are higher than those used by Jacobs and the proposal is to use a limit of 45dB $L_{Aeq,1hr}$ for daytime noise, and the suggested limits for evening and

- 3.27. In the report to the South Cambridgeshire planning committee the comments of the Environmental Health Officer are reported as follows;

The restoration activities associated with the quarry (county planning reference

against noise if the two were to co-exist. Recommend refusal unless a Grampian style condition or 5106 is imposed preventing the commencement of any residential development until the county minerals permission for restoration activities have been completed in full or additional noise mitigation measures to address activities is agreed. These measures would indicate siting of earth bunds/acoustic fences, operational noise management plan, reduction in hours when restoration permitted and dust mitigation and management strategy.

- 3.28. The planning officer's assessment of that was;

The Council's environmental health officer advises that without mitigation the restoration activities associated with the quarry would result in an unacceptable impact on the living conditions of future residents. The quarry is within the control of the applicants and subject to mitigation measures such as installing earth bunds, acoustic fences, controlling hours of restoration no harm arises through noise

- 3.29. In respect of mitigation for train unloading and infilling activities the Jacobs report

If the residential development is to be occupied during restoration activities, Cemex

would implement a programme of noise mitigation aimed at reducing noise levels associated with rail unloading and earth moving operations such that the limits specified in conditions 51, 52, and 53 attached to permission 5/1080/10/CM are met at

This programme of mitigation would be submitted to accompany the information submitted to discharge condition 49 attached to permission 5/1080/10/CM, when the detailed design information relating to the rail/road transfer facility is determined.

With a suitably designed programme of mitigation in place, it is considered that the planning limits specified in conditions 51, 52, and 53 attached to permission

- 3.30. Condition 17 decision notice for the residential development states;

No development shall commence until a detailed noise insulation scheme or noise mitigation strategy to address noise associated with Barrington Quarry Minerals Permission 5/01080/10/CW has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details

- 3.31. It should also be noted that in respect of daytime noise Minerals Permission

*Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed either 10 dB above the background noise levels specified in the periodic noise monitoring scheme or 55 dB LAeq,1h free field **whichever is the lower** between 0700 and 1900 hours. Levels may be measured directly or derived from a combination of measurements and calculation using propagation corrections. All measurements shall be carried out in accordance with the*

- 3.32. The condition therefore appears to be based on the premise that there was no reason why the LOAEL in respect of quarry infill operations, background plus 10dB, could not be met at all residential properties.

- 3.33. Clearly the South Cambridgeshire District Council will in due course determine a reserved matters application for the residential development, but it is unclear what effect the application considered in this report (S/0204/16/CW) will have in this

basis of one set of noise limits being met, but the current application to extend the

period for restoration and increase the amount of material to be placed in the quarry void over a larger area considers the noise impact on the permitted residential

- 3.34. There is an overlap of responsibility in respect of noise from infill activities affecting

the permitted housing, the County Planning Authority having responsibility for determining the current application for infill activities and potentially imposing conditions to control noise, whilst the South Cambridgeshire District Council has the responsibility for determining any reserved matters application for

- 3.35. As a reserved matters application has not yet been submitted it is not possible to give any firm indication of the noise levels that are likely to be acceptable to SCDC. It should be borne in mind that even if the levels proposed by WBM are accepted as being satisfactory by the minerals planning authority there is no guarantee that the same

- 3.36. **6.5 Train Noise on Branch Line** - Train noise levels at Barrington are currently generally within the limits given in Condition 25 of the permission for the existing site but changes are proposed to the operation of the trains and the effects of these changes are considered. Measurements of train noise at Barrington undertaken by WBM indicate that this limit is currently being achieved for 1 train event per hour, provided brake squeal does not occur.

- 3.37. Due to the nature of the railway line it is not possible to operate more than 2 trains in any one hour and allowing for a maximum of 2 train events per hour, the noise limit of 62 dB LAeq,1h at 10m from the head of the nearest rail would still be achieved. Allowing 4 trains per day would still result in a maximum of 2 trains in any one hour, therefore this change would not result in a breach of the current noise limits. Based upon monitoring results this conclusion is correct.

- 3.38. The current permission allows for a maximum of 3 loaded trains and 3 empty trains in any one day on the branch line between 7am and 8pm. This is an upper limit per day.
- 3.39. CEMEX are seeking permission to increase this to up to 4 loaded trains and 4 empty trains on the branch line between 7am and 8am, but with an overall limit of 3 loaded trains and 3 empty trains per day as a calendar monthly average.
- 3.40. Operating 4 loaded trains and 4 empty trains on the track would not give rise to any breach of the current noise limits, based on monitoring results, but the overall noise emission level over the period from 07:00 to 20:00 would increase by approximately 1dB. Such an increase in noise level would normally be regarded as insignificant.
- 3.41. If this change is permitted it is essential that the averaging period is carefully defined as the use of a calendar monthly average is open to interpretation. I would prefer the averaging to be made over the **working days** contained in any calendar month to avoid any ambiguity.
- 3.42. It must be recognised that although consent was granted for the operation of the railway line in conjunction with the original quarry infilling scheme, it was acknowledged at that time that the noise from the trains passing through Barrington would represent a significant adverse noise impact, as assessed against the guidance in force at that time, Minerals Planning Statement 2 (MPS2). It should be noted that the daytime and night time noise limits in the PPGM and MPS2 are effectively identical. The only difference between the two guidance documents in this respect
- 3.43. Counsel has indicated that as the only use of the Foxton Sidings, and by inference the railway line, is for the restoration of the quarry they are thus absolutely part of the operations of the restoration. This means that the guidance given in the PPGM will apply to the railway line and Foxton Sidings.

- 3.44. Given that the predicted daytime noise from the operation of the railway line exceeds the PPGM upper limit of $L_{Aeq,1h}$ at existing houses immediately adjacent to railway line the conclusion must be that the noise associated with the operation of the Foxton to Barrington railway is likely to have a significant adverse impact on a number of residential premises. This conclusion was reached in respect of the original infilling application and remains the same for the current application. However, the current application, if approved, would allow the significant adverse impact to continue over a very much longer period, potentially 15 years. However, the options for mitigation are very limited and it is clear that there are other planning considerations to be taken into
- 3.45. Without mitigation the noise impact of train noise on the permitted dwellings may exceed the PPGM upper limit of $SSdB L_{Aeq,1h}$ at some new dwellings, but WBM consider
- 3.46. **6.5 Train Noise at Foxton Exchange Sidings** – The train noise limits proposed by WBM in respect of the Foxton Sidings area are $L_{Aeq,1hr}$ prior to 07:00 with no train 42dB $L_{Aeq,1hr}$ during daytime. These would apply at the facade of any dwelling in respect of night time noise and at the boundary of any residential property during daytime. These noise limits accord
- 3.47. The calculations carried out by WBM indicate that without mitigation the limits may be exceeded under some circumstances, dependent upon the type of train and duration of idling when stationary.
- 3.48. **7 Proposed Mitigation Measures** – This section considers potential mitigation measures to reduce the noise impact of the proposed development. In considering mitigation it is essential that the aims of the National Planning Policy

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established (subject to the provisions of the Environmental Protection Act 1990 and other relevant law); and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

3.49. The Planning Practice Guidance Minerals expands upon this concept as follows;

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations

For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not

- 3.50. One of the critical issues in considering noise limits is whether or not mitigation is required and if it is, whether requiring such mitigation would be an unreasonable burden on the mineral operator. Minerals Planning Authorities are required to take a view on whether or not to impose the requirement for mitigation but can only do so if they are provided with sufficient information on which to
- 3.51. WBM have provided costings for the provision of barriers in respect of both Barrington and Foxton Sidings but without information from Cemex regarding the overall scheme construction, operational costs and budget it is difficult to place these into context. Although there are obvious commercial sensitivities in this respect, this clearly makes it difficult for the local planning authority to make an informed judgement on this
- 3.52. **7.1 On site Activity Affecting Existing Dwellings** - In this instance it is clear that noise levels at Wilsmere Down Farm will exceed the LOAEL of 10dB above background for at least some portion of the life of the development and under those circumstances mitigation must be considered in order reduce the adverse impact.
- 3.53. WBM have calculated that the noise from infilling operations would exceed the noise limits when working occurs within approximately 85m of the working edge and this time taken to complete the works within this distance would be approximately 27 working days. However, the noise levels would still be below 55dB $L_{Aeq,1hr}$, which is the
- 3.54. The provision of a 2m bund along the boundary would reduce the exceedance to 1dB, which is regarded as a minor issue, but obviously the construction of the bund would generate relatively high noise levels for a significant period. Temporary works such as bund construction are subject to a higher PPGM noise limit of $L_{Aeq,1hr}$ and this higher noise impact must be offset against the extent of mitigation provided by the

- 3.55. WBM have proposed a schedule of operational controls that would avoid adverse noise impacts during the more sensitive evening and night time periods. On balance I am of the view that given the relatively short duration of the potential daytime noise limit exceedance, the construction of the bund may cause more disturbance than
- 3.56. **7.2 On site Activity Affecting Permitted Dwellings** – the proposed mitigation, comprising barriers and operational controls, is described in detail in the ES chapter. However, the mitigation has been assessed against the limit levels proposed by WBM, which differ from the limits used in the outline consent assessment. At present the views of the SCDC planning authority regarding these proposed limits are not
- 3.57. The mitigation options discussed comprise limitations on the setback distances for working at specified times and the provision of earth bunds at the infill edge. WBM have calculated that by using the proposed mitigation there should be no adverse impacts during the evening or night time. There will be some adverse impact during Phase 3 operations close to the infill boundary at one location, but this is not predicted to exceed the PPGM upper noise limit of 55dB LAeq,1hr and physical
- 3.58. Overall, the mitigation proposed by WBM in respect of the permitted dwellings appears to be satisfactory.
- 3.59. **7.3 Train Noise on Branch Line** - No physical mitigation is proposed in respect of train noise affecting existing dwellings in Barrington, however this issue was considered in respect of Barrington when the original infill application was determined, and the following is an extract from the committee report submitted at that time;

Consideration has been given to the desirability of erecting noise barriers between the single track railway and the adjacent housing. To be effective such barriers would have

to be located on both sides of the track and be approximately 5 metres in height. The erection of the barriers would have a severe impact on the outlook from adjacent housing and could result in shading of gardens. On balance, it is considered that any beneficial impacts on amenity from reduction to noise is not outweighed by the significant visual impact of such structures especially given the occasional nature of the train movements recommended. Clearly it would not be feasible to erect any noise

- 3.60. These concerns are likely to be relevant to the current application, and WBM have considered the effect of a 2m high barrier. Such a barrier would be ineffective against noise from the locomotive due to the noise source height but would provide
- 3.61. Costings have been provided for a 2m barrier but these need to be put into the context of the overall scheme construction, operational costs and budget, which have not been provided. WBM have indicated that they consider the noise from train passbys in Barrington as not constituting a significant adverse noise impact. However, as indicated in paragraphs 3.42 to 3.44 of this report, the noise levels from train movements exceeds the SSdB $L_{Aeq,1hr}$ overall limit specified in PPGM and in this context does constitute a significant adverse noise impact.
- 3.62. **7.4 Train Noise at Foxton Exchange Sidings** – Mitigation is discussed comprising a mix of operational controls and barriers but WBM are suggesting that this may be approved following the grant of any consent for the project, and the mitigation is presented in the form of examples of what may be employed.
- 3.63. Night time controls that have been suggested include a time restriction with no trains entering the sidings prior to 05:30, specific operational requirements for any train arriving between 05:30 and 07:00, and physical mitigation in the form of a barrier. The result of these controls would allow trains arriving prior to 07:00 to meet

limit of 42dB $L_{Aeq,1hr}$. The provision of the barrier means that there is significantly less reliance on third party operatives turning off the locomotive after arrival.

- 3.64. During daytime if a Class 66 locomotive is allowed to idle within the sidings the noise levels is predicted to be below the noise limit of 55dB $L_{Aeq,1hr}$ but older locomotives (to be phased out within 12 months) will exceed the limit if allowed to idle for more than 30 minutes.
- 3.65. The proposal to erect a barrier to mitigate noise prior to 07:00 is welcome but I am concerned that this presented as an example of mitigation and not a firm commitment. This aspect requires clarification and confirmation that it will be included in the mitigation package.
- 3.66. **8 Residual/Secondary Impacts** – this section begins by stating that there are no impacts at or above SOAEL, which I do not agree with as the noise impact of train movements within Barrington is above the 55dB $L_{Aeq,1hr}$ limit given on PPGM. However, it is for the planning authority to determine if this exceedance is allowable in the circumstances taking into account the need to achieve other planning
- 3.67. There will be further residual impacts at Wilsmere Down Farm and the permitted housing development, the extent of the latter depending upon the final site layout and
- 3.68. **9 Summary and Conclusions** – this sections summarises the ES Chapter and I have no comments to make in respect of it as all points have been covered elsewhere in this report. However, I remain concerned that the issue of physical mitigation at Foxton Sidings is merely suggested as a possibility and not a commitment.

4. ASSESSMENT OF VIBRATION CHAPTER (APPENDIX B OF ES)

- 4.1. The submission in respect of Vibration is technically complex, extremely comprehensive, and is considered to be satisfactory in its entirety.
- 4.2. In respect of existing residential receptors in Barrington the only change that would be brought about by the application proposal in comparison to the current railway operation is that the maximum number of trains permitted in a day would be increased from 3 each way to 4 each way, with a limitation that the average number of trains in any calendar month would not exceed 3 each way. Even with the increase in the number of train movements on a single day from 6 to 8 the current daily VDV (16-hour) limit would be met.
- 4.3. The chapter considers the potential effects of groundborne vibration on buildings and on occupiers, and from groundborne noise on occupiers. The conclusions are that the level of vibration would be below recommended limit levels in respect of even minor damage to buildings and that there would be no significant effects on occupiers from either groundborne vibration or groundborne noise.
- 4.4. The combined effects of internal airborne noise with groundborne noise and with groundborne vibration have also been examined and the conclusion is that the internal airborne noise levels would not be significantly increased by the predicted groundborne noise levels. It was also concluded that the noise level equivalent to the vibration level in terms of annoyance did not result in any significant increase in the
- 4.5. With regard to the permitted residential development the Chapter contains a brief consideration of the potential for vibration to have an adverse effect on buildings and future occupiers. The original 2010 ES included a Chapter on Vibration and this indicated the relevant vibration limit values could be achieved at the property with the

the permitted housing development states that the nearest housing would be

approximately 20m from the railway, and it is reasonable to assume that groundborne vibration level would be lower at the increased distance. The operating manual for the Barrington Light Railway, submitted with the application, imposes a speed restriction for trains within the works sidings of 5mph, whereas where trains pass the existing housing on the branch line speeds of up to 15mph are permitted. It should be noted that Mr Taylor quotes speed limits of 8 km/h and 15 km/h in his report, the first value is a direct conversion of 5mph to km/h, but the second figure is incorrect and

- 4.6. The conclusion that may be drawn from consideration of these factors is that the

vibration limits in force for the current infilling operation are likely to be met in respect of the permitted housing development. However, the scope of the existing vibration monitoring scheme should be extended to include the permitted housing development

S. CONCLUSIONS

- 5.1. Following the advice of Counsel it is clear that the noise impact of the quarry site should be judged against the standards in PPGM, as the guidance used in assessing the
- 5.2. Comparing the predicted noise levels with the limits contain in the PPGM it is concluded that the noise impact of activities within the quarry is not likely to result in significant adverse impacts to the majority of existing dwellings. One property, Wilsmere Down Farm, is likely to experience adverse noise impacts from infilling activity for at least part of the restoration scheme, but this will be for a limited duration and it is likely that the construction of a mitigation bund would cause a
- 5.3. The issue of noise affecting the permitted residential development requires consideration by the SCDC planning authority as they will determine the reserved matters application.
- 5.4. Judged against the limits given in PPGM, noise from train movements on the branch line is likely to cause a significant adverse noise impact for those dwellings that are adjacent to the line for the duration of the infilling operation, and there will be adverse impacts at other properties.
- 5.5. Activities at Foxton Sidings during the night have the potential to cause adverse impacts and require control.
- 5.6. Groundborne vibration levels will increase to a marginal extent if the maximum number of trains using the railway line is increased from 6 to 8, but the limits imposed in the original infilling consent will be met. As these limits are based on a current British Standard they are considered to be the correct limits for this

**IMPORTATION BY RAIL AND DEPOSIT OF INERT RESTORATION MATERIAL TO
RESTORE FORMER CLAY AND CHALK QUARRY**

AT: Barrington Quarry, Haslingfield Road, Barrington, CB22 7RQ

LPA REF: S/0204/16/CW

FOR: Cemex Materials Ltd

To: Planning Committee

Date: 6 September 2018

From: Assistant Director Environment & Commercial

Electoral division(s): Gamlingay; Sawston & Shelford

Purpose: To consider the above planning application

Recommendation: *That planning permission be granted subject to the completion of a S106 planning obligation and the conditions set out in paragraph 9.1*

<i>Officer contact:</i>	
Name:	Helen Wass
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1.0 BACKGROUND

- 1.1 The cement works at Barrington was established in 1918 and the plant substantially extended in 1962. The Barrington Light Railway (BLR), built to connect the cement works to the main line at Foxton opened in 1927. Land to the north of the cement works was for many years quarried for chalk for use in the cement manufacturing process. Planning permission for quarrying the chalk was first granted in 1948 with planning permissions for extensions in 1950 and 1957. The quarrying permissions were subject to conditions imposed following statutory reviews in 1993 and 1997 and are only extant insofar as they include restoration obligations. Parts of the quarry void have been infilled with cement production wastes, capped by overburden (rock or soil which overlay the mineral deposit) and soils with two areas now restored to arable agricultural use.
- 1.2 Cement manufacture and associated quarrying stopped in November 2008 when the applicant company decided to concentrate its UK production at other sites. Small amounts of chalk known as clunch were still being quarried for use in building restoration projects.
- 1.3 In August 2011 planning permission ref. S/01080/10/CW (the 2011 permission) was granted for the importation by rail of inert and non-hazardous restoration material to partially infill the void to provide for the restoration of the western part of the quarry to a combination of agriculture and nature conservation (see agenda plan 1). The permission also allowed the refurbishment of the BLR. The development was to be completed within 5 years and the planning permission will expire on 31 December 2018. Cemex had estimated that it will take until September 2019 to achieve the restoration profiles approved under the 2011 permission. However, due to the short remaining duration of the current planning permission Cemex are finding it difficult to secure contracts and operations were suspended in mid-July.
- 1.4 In October 2016 South Cambridgeshire District Council (SCDC) granted outline planning permission (ref. S/2365/14/OL) for the demolition of the cement plant and buildings and the redevelopment of the cement works site to provide up to 220 residential units and associated works including a cycle and pedestrian link alongside the BLR to Foxton station. It is proposed that houses will be built on both sides of the railway line within the former cement works area (see agenda plan 1). Applications for the approval of the reserved matters are currently being considered by SCDC.

2.0 THE PROPOSAL

- 2.1 It is proposed to import only inert construction and demolition material to the site by rail, to provide a source of material to complete the restoration of the quarry (see agenda plan 4). The scheme includes most of the 2011 permission area and would extend the area that would be filled across most of the remaining quarry void. The 2011 scheme would have restored the western part of the quarry to some way below original ground level. The current application proposes that the pre-quarrying contours would be reinstated and the land restored primarily to chalk downland with, amenity/meadow grassland, woodland and hedgerows. A small area at the northeasternmost part of the quarry would remain in its existing condition to preserve

access to the geological Site of Special Scientific Interest (SSSI) which features the last remaining exposure of Cretaceous “Cambridge Greensand”. The railway tracks would be removed.

2.2 Infilling the quarry with imported inert construction, demolition and excavation waste

- Site area: 69.3 hectares (171 acres)
- Void space: 8.5 million cubic metres
- Annual throughput of waste: 1.08 million tonnes
- Duration of importation of waste: 15 years + 2 years restoration
- Transport: by rail via the BLR
- Rail wagon off-loading: by excavator into dump truck between 0600 – 2200 Monday to Friday (excluding bank and public holidays)
- Infilling operations and restoration work: 0600 – 2200 Monday to Friday (excluding bank or public holidays)
- Phased working with progressive restoration starting north of North Pit, working clockwise and finishing at the end of railway line (see agenda plan 2)

2.3 Train movements

- Maximum 4 in and 4 out of the quarry per day (not weekends or bank or public holidays)
- Average no more than 3 in and 3 out per day (calculated over working days in a calendar month)
- No trains enter Foxton sidings from the mainline at any time before 0530 hours
- No trains enter Foxton sidings from the mainline between 0530 and 0700 hours until noise mitigation measures have been agreed with the WPA
- No locomotives older than Class 59 (1985 – 1995) will enter Foxton sidings before 0700 hours
- 0700 to 2000 hours Monday to Friday (except bank holidays) trains will use the BLR
- 2000 to 2200 hours – trains may not use the BLR but may leave Foxton sidings to enter the mainline
- After 2200 hours – No train movements
- The locomotive will not operate on idle for more than 30 minutes

2.4 Quarry Restoration

- Importation by road of 1,200 tonnes (60 HGV loads) of organic restoration material
- Completed within 2 years of cessation of importation of waste
- Creation of 43.4 hectares (107 acres) of calcareous grassland
- Creation of 7.1 hectares (17.5 acres) of native woodland and 2.6 hectares (6.42 acres) of scrubby woodland
- Creation of 3,210 metres (3,510.5 yards) of hedgerow
- Aftercare for 20 years
- New permissive footpath to link the proposed Barrington to Foxton cycleway with existing public footpath along the northern boundary of the quarry
- Retain geological SSSI exposure to provide access for future study

3.0 **PROCESS AND PUBLICITY**

- 3.1 The application was submitted on 23 December 2016. The scale, location and potential impacts of the proposed development are such that it is environmental impact assessment (EIA) development and the application was accompanied by an environmental statement (ES) under the Town and Country Planning Environmental Impact Assessment Regulations 2011. 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 the Cambridge News on 16 January 2017 and 5 notices erected around the site. The occupants of the houses closest to the site and BLR were notified by letter.
- 3.2 During 2017 the applicant addressed concerns raised by consultees relating to surface water drainage, ecology and noise and on 5 June 2018 submitted further information on those aspects of the proposed development. This information was advertised in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2011 by means of a notice in the Cambridge News on 15 June 2018 and notices in the same 5 locations around the site. Organisations and individuals who had commented on the original proposal were invited to give their views.

4.0 THE SITE AND ITS LOCATION

- 4.1 The village of Barrington is 10 kilometres (6.21 miles) southwest of Cambridge between the A603 and the A10. The eastern edge of the village forms part of the outer boundary of the Cambridge Green Belt. The village is within the East Anglian Chalk Countryside Character Area. The quarry is to the north of the village. It is a large site, the area that was covered by the planning permissions for mineral extraction being 135 hectares (334 acres). The former cement works is situated at the south east of the site but the northernmost quarry faces are closer to the villages of Harlton and Haslingfield than Barrington. The cement works and quarry void are surrounded by agricultural land. There are public footpaths along the northern and western perimeters of the quarry.
- 4.2 Access to the site is from the C class Haslingfield Road. The village of Barrington is served by C class roads from the A603 at Orwell and the A10 at Shepreth and Foxton. The quarry and cement works have been served by the BLR, which has linked the site to the main line at Foxton, since 1927. For part of its 2 kilometre (1.24 mile) length the BLR is bordered by the houses on Bendyshe Way, Malthouse Way, Heslerton Way and Glebe Road. There are level crossings at Haslingfield Road, Glebe Road and Foxton Road and a viaduct carries the railway over the river Rhee which is the boundary between the parishes of Barrington and Foxton.
- 4.3 The closest existing residential property to the proposed development area is Wilsmere Down Farm, 230 metres (251.53 yards) to the south west of the first phase of proposed landfill. The houses on Haslingfield Road north of the church are approximately 900 metres (984.25 yards) from the southernmost areas of proposed landfill. The closest of the proposed new houses would be approximately 200 metres (218.72 yards) from the nearest (final) phase of the proposed landfill.
- 4.4 The Eversden and Wimpole Woods Special Area of Conservation (SAC) is approximately 3.6 kilometres (2.24 miles) west of the proposed development area.

The northern part of the quarry and adjacent land to the west and east is designated as the Barrington Chalk Pit SSSI. The River Rhee which is crossed by the BLR is a County Wildlife Site (CWS). The northernmost part of the Barrington Conservation Area is around the church and Barrington Hall some 900 metres (984.25 yards) from the proposed landfill area. There are 8 listed buildings in this part of the conservation area including Barrington Hall, the church and the war memorial. The closest scheduled monuments are in Haslingfield, north of Harlton and between Foxton and Harston.

5.0 CONSULTATIONS

South Cambridgeshire District Council (Environmental Health) (9 August 2018)

- 5.1 Since originally commenting on this application there have been a number of clarifications to the standards to be applied with regard to establishing noise limits applicable to the operation of the quarry infilling and operation of the trains associated with this work. It has now been established that the Planning Practice Guidance Minerals (PPGM) applies to the site and development. As such it is now confirmed that BS4142: 2014 does not apply and is expressly excluded by the Standard itself.
- 5.2 The use of the HS2 train noise limits are not considered suitable to be used for this site as the noise from train passes is likely to be of a different character and frequency (dictated by the speed) and not comparable. There remains concern about the reliance on operational controls, such as turning off locomotive engines at the sidings and these mitigation options cannot be relied upon.
- 5.3 The use of the noise limits proposed in Section 5.1 of Appendix A of the ES for the permitted housing i.e. 45 dB LAeq 1 hr as the Lowest Observed Adverse Effect Level and 55 dB LAeq 1 hr as the Significant Observed Adverse Effect Level is agreed. The evening and night time quarry noise limits are 42 dB LAeq 1 hr.
- 5.4 It has been shown that the impacts from train noise now affecting existing housing are within existing limits except for Wilsmere Down Farm, which are significantly higher although this will be for a limited duration and only when activities are occurring near the boundary of the site. It is accepted that the provision of a bund to screen from the noise may introduce more issues due to its construction compared to the actual impacts likely to be experienced at this location in the long term.
- 5.5 The comments made in the 10dB Acoustics, Environmental Statement Review dated 3rd July 2018 produced by Gordon Brown regarding the significance of impact from the proposal as a result of the branch line are noted and supported. This is in line with previous correspondence provided by SCDC. Claims of "unreasonable burden" have not been adequately demonstrated in relation to the provision of the screening or cost benefit of other mitigation required, to provide protection to nearby residential properties as a result of train movements at the Foxton sidings.
- 5.6 Without mitigation significant noise impacts will also result at the proposed housing development. The applicant's noise assessment makes reference to the proposed housing development and assumes the initial development and Phase 1A of the

extended infill will be completed prior to the occupation of the nearest houses. However, there is no guarantee this will occur in reality. SCD C is concerned that adequate mitigation cannot be provided for the permitted housing development and therefore about the practicality of allowing the residential development to be occupied whilst the quarry infill activities are still ongoing. The layout of the houses has not been decided. Cemex state that they will collaborate with the housing developer and suggest that the required noise levels will be met. However, there is a “chicken and egg” situation developing where it is also suggested that the proposed layout will be dependent upon the noise levels and mitigation required for the railway noise.

- 5.7 In view of the above, there is concern over this proposal particularly given the length of time this activity is proposed to last i.e. 15 years. This will impact on existing residential properties and also the proposed housing development once occupied.

Barrington Parish Council (20 July 2018)

- 5.8 Barrington Parish Council considers that:

- Current planning conditions that apply to the rail operations between Foxton Siding, through Barrington and to the site should be properly enforced and future conditions in relation to noise should be no less onerous and should have a view to preserve the amenity of residents along the track. Reaching the SOAEL [significant observed adverse effect level] is unacceptable.
- Strict adherence to the agreed number of movements, no stopping alongside residential properties, adherence to speed limits, and adherence to air quality and noise standards is required.
- The negative impact of planned operations upon the amenity of Barrington residents and likely future residents at the Redrow housing site on Haslingfield Road is a major concern. Consideration should be given to further restricting, not relaxing the timing and number of train movements.
- The viability of the applicant / operator’s proposed long-term approach to restore the former quarry and the need for a re-assessment. Consideration should be given to reviewing the agreed timescale for restoration. In other words, a longer, but better planned and operated filling and restoration may be required.
- BPC recognises the importance of the quarry as a local, regional and national resource. The County Council should ensure that it secures access to a supply of clunch for local restoration works on significant historic buildings.

Foxton Parish Council (27 June 2018)

- 5.9 No objections to this application but make the following comments. The CCC Planning Officer has stated that this application does not include proposals to increase the number of trains beyond that proposed when planning application S/0204/16/CW was initially submitted. Currently the quarry is restricted to accepting no more than three loaded trains per day. The Company does not, as part of the

development proposed, seek to deviate from this as a calendar monthly average, but does seek to accept no more than four trains per day on any given day. This additional flexibility will allow the Company to better manage peaks and troughs in demand. Will the 4th train be running outside of peak hours i.e. 22.00 to 0600?

Haslingfield Parish Council (26 January 2017)

- 5.10 Are concerned about the proposal for the following reasons:
- The proposal to run waste water directly into the River Cam could possibly raise the water levels in the low-lying areas of Haslingfield, particularly affecting the houses off Harston Road that back onto the river. Could this also pollute the river?
 - The timing and frequency of the trains was a concern, and allowances must be made for Haslingfield villagers using this route to get to, particularly, Foxton, Shepreth and Royston Railway stations during commuter times.
 - That 1,200 tonnes of topsoil are to be brought in by road rather than rail.
 - Dust control proposals which only cover the internal haul road but not the actual tipping and spreading of waste.
 - The nature of what 'inert restoration materials are.

Harlton Parish Council (no comments received)

Environment Agency (24 January 2017 & 25 June 2018)

- 5.11 Has no objection in principle to the proposed development but has the following recommendations and informatives.
- 5.12 *Flood risk* - As this site is located entirely in Flood Zone 1 there is no objection, in principle, to this proposal on flood risk grounds. However, the applicant should be aware that a Flood Risk Activity Permit will be required for the installation of a larger outfall (physical structure or flow rate m3) into the River Cam/Rhee, and may be required for other works near the river. Under the terms of the Environmental Permitting Regulations (EPR), a permit may be required from the Environment Agency for any proposed works or structures within the floodplain or in, under, over or within 8 metres (8.75 yards) from the top of the bank of the River Cam, which is designated a 'main river'.
- 5.13 *Environment Management* - Any new discharge of surface water from settlement ponds to the watercourse may require an environmental permit or need to be incorporated into the existing environmental permit for the site. The issue of water quality from the discharge can be considered as part of the pre-app discussion relating to the permit and the site boundary. The following condition is recommended:
- Condition 1. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 5.14 *Conservation* - It should be ensured that the December 2016 Restoration and Outline Aftercare Scheme is followed. This should include ecological monitoring to

ensure that wildlife is thriving and appropriate action to be taken if any issues are found. Connectivity between the site and the wider countryside should be ensured where possible. This will create wildlife corridors encouraging species to move through the countryside and allowing populations to expand. Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats and promote the expansion of biodiversity. Further opportunities for habitat creation and enhancement should also be sought. The National Planning Policy Framework paragraph 109 [now at paragraph 170 of the July 2018 NPPF] recognises that the planning system should aim to conserve and enhance the local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 5.15 The assessment of the discharge of water into the River Cam does not take into account potential effects on the fish present in the river. The fish species include brook lamprey, brown trout and eels. Although if the discharge water is clear of suspended solids, as required, there may not be adverse effects on these species. They should still be considered and assessed in the ecological impact assessment.
- 5.16 *Installations* - The proposed activity is an extension of that already being undertaken to restore the site which includes an environmental permit for the importation and deposit of inert waste material by landfilling. The planning application boundary, as submitted, exceeds the current permit boundary. The proposed activity will require either a variation to the existing permit to accommodate the additional area of landfill or a new separate permit to cover this area.
- 5.17 *Groundwater* - The applicant should be aware that appropriate Construction Quality Assurance (CQA) proposals, supervision and validation will be required for construction of the new phases and restoration. The Applicant is advised that the CQA plan should include details which will need to be approved by the Environment Agency of the methodology to demonstrate the physical and chemical suitability including chemical testing for all material to be reused (i.e. overburden) or imported before placement onto the site, particularly in the construction of the artificial geological barrier.
- 5.18 *Waste Planning* - The use is for imported inert material consisting of non-hazardous [whilst the 2011 permission allowed the importation of non-hazardous waste, the current proposal is for inert waste only] construction and demolition material, currently sourced from North London. It is to be used in the restoration of the quarry to create a chalk down land landscape, whilst retaining and enhancing a section of full quarry face exposure as is stated in the consultation. The Company is already importing inert restoration material by train to effect the partial restoration of the former quarry (planning permission ref. S/01080/10/CW).
- 5.19 If the applicant is successful in their application it is imperative that the use of imported inert waste should not contain contaminants that can cause environmental harm. It is noted that the applicant has stated that the customer will need to sign a form declaring that the material is suitable for use. Therefore the inert waste should be subject to testing to ensure that it is fit for purpose and that the sources of waste are from legal sites and transported by licensed waste carriers. Records should be maintained so as to log all sources. The applicant has stated that samples will be

taken from the receiving waste and any unsuitable material will not be accepted and the material removed for disposal at an appropriate facility. They have also stated that they will take no more loads from that source until further testing has been undertaken. To this end it is essential that all loads should be monitored and checked with contaminated loads being rejected and removed off site to permitted disposal sites. The applicant should be aware of the Duty of care with regard to waste materials and should ensure that they would fully comply with this.

Natural England (1 February 2017, 19 June 2018 & 15 August 2018)

- 5.20 *European sites – Eversden and Wimpole Woods Special Area of Conservation (SAC)* - Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Eversden and Wimpole Woods Special Area of Conservation and has no objection to the proposed development. Eversden and Wimpole Woods is designated as a SAC under the EC Habitats Directive (as amended) as it supports a maternity roost of barbastelle bats, an Annex II species. Barbastelles are known to forage up to 20 kilometres (12.43 miles) from their roosts, hence any impacts on suitable foraging habitat must be considered in the context of the potential for this to provide supporting habitat to SAC species. The EclA (Andrews Ecology, December 2016) has considered the net effect of the proposed infilling and restoration scheme on potential suitable bat foraging habitat, based on previous bat survey work carried out for this proposal. This has identified no residual negative impact in respect of barbastelle and the Eversden & Wimpole Woods SAC & SSSI, noting an overall net gain of 2.99 hectares (7.39 acres) foraging habitat for the species.
- 5.21 *Barrington Chalk Pit Site of Special Scientific Interest* - The site is notified for its nationally important geological interest, being the last remaining exposure of the famous Cretaceous 'Cambridge Greensand'. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Natural England is generally satisfied with the proposals for the geological features as these reflect details of discussions with the applicant in 2015. An extensive and physically accessible exposure will remain after restoration, and a stockpile of Cambridge Greensand will also be available. Detailed proposals for re-establishment of geological exposures, drainage and access arrangements should be submitted and agreed though a suitably worded planning condition.
- 5.22 The Geological Conservation Issues report (Richard Small, 11 November 2016, for CEMEX) notes the need for a groundwater sump within the conservation void. The report states that it may be feasible to sustainably pump out such ponded water, by utilising solar and/or wind power generation. It is clear from section 9.3 (Hydrogeology) that groundwater levels will rise since de-watering will have ceased. The need for pumping is also recognised at 4.2 of Appendix G. Given the apparent ambiguity with regard to the proposed treatment of any significant ingress of water from groundwater sources within the conservation void, we advise that you request further detail from the applicant to clarify how this will be satisfactorily addressed.
- 5.23 *Wider biodiversity* - The EclA has been used to inform Chapter 8 Flora and Fauna of the ES and draws on previous detailed survey work undertaken for this proposal. It

provides a generally quantitative assessment focusing on habitat losses and gains and this is used to assess the likely impact of the proposal on species associated with those habitats. The EclA is based on 'reasoned assessment' rather than detailed ecological surveys as it is believed that the presence of species can be managed within the scheme proposed. Given the potential for adverse impacts on a number of protected species, Natural England advises that the applicant be required to submit further detail regarding proposed mitigation measures.

- 5.24 The EclA suggests there will be some direct negative impact (mortality/injury) on bat roosts (in addition to foraging habitat), badger, nesting birds and other species. Detailed measures to address impacts have not been provided hence it cannot be determined whether these can be adequately mitigated. Natural England advises that the applicant be requested to submit detailed mitigation measures, including details of any licensing requirements, sufficient for your authority to determine that the development will not have an adverse effect on protected species. This information should be sought prior to the application being determined.
- 5.25 A number of surveys have been undertaken for Red Data Book species, including fairy shrimp, a Wildlife and Countryside Act 1981 (as amended) Schedule 5 species. The surveys did not record the presence of these species within the site hence the need for further consideration has been scoped out of the EclA.
- 5.26 It is acceptable that details of all ecological mitigation, compensation and enhancement are to be provided through the Ecological Management Plan (EMP), prior to commencement, as stated in the ES. Natural England advises that this should include a detailed programme of ecological monitoring. The Ecological Management Plan (Andrews Ecology, December 2017) appears to include adequate safeguards, including requirements for pre-commencement survey /mitigation, to ensure no adverse impact to bats, badger, nesting birds and other species. It is helpful to know that the Council's ecology officer is satisfied that wider biodiversity measures have been satisfactorily addressed.
- 5.27 Natural England is generally supportive of the proposed restoration scheme detailed in the submitted plans and the Restoration and Outline Aftercare Scheme (December 2016). Creation and restoration of a number of UK and local BAP priority habitats, including chalk grassland, will deliver significant biodiversity enhancements and benefit a range of locally important species. However, the scale and nature of this proposal should aim to deliver greater benefits for ecology and should seek to provide net biodiversity gain in accordance with paragraph 109 of the NPPF [now paragraph 170]. The applicant should consider how the proposed development can contribute additional areas of priority habitat creation and connectivity to off-site habitat, to further benefit people and wildlife. We advise that the applicant be requested to provide an extended aftercare programme for the site, beyond the currently proposed five year period. Confirmation of the site's long-term contribution towards a high quality environment for people and wildlife should be sought. Details of the revised restoration scheme, aftercare strategy, ecological monitoring scheme and long-term management should be provided and agreed with relevant parties through an appropriately worded planning condition.

County Wildlife Trust (8 February 2017 & 15 August 2018)

- 5.28 The thorough quantitative assessment of habitat losses and gains and impacts on protected species in the EclA report is welcomed as are the restoration proposals including the creation of large areas of priority habitat. The Restoration Outline Aftercare Scheme is supported in general and there are no specific comments on protected species or habitat creation methods.
- 5.29 The proposed 5 years of aftercare management currently proposed is not long enough. It is noted that restoration of the adjacent area to agricultural grassland was approved with a 5 year aftercare plan. However, research shows that significantly more time is required in order to create high quality priority habitats that will persist in the long term. For example, a summary in the Defra technical paper on biodiversity offsetting (March 2012, see appendix 2) states that timescale to restore chalk grassland is 50 -100 + years (as compared to 1-20 years for eutrophic, i.e. agricultural, grasslands). As existing areas of priority and locally important habitats would be lost through the proposals, a robust aftercare scheme with clear management, monitoring and reporting arrangements will be required to ensure the new habitat creation is successful and to ensure the proposals deliver a net gain in biodiversity, in line with local and national planning policy. We therefore suggest a fully funded aftercare scheme (including management, monitoring and reporting arrangements) covering 25 years, is secured through the use of appropriate planning conditions and if necessary a S106 planning agreement.

Network Rail (21 February 2017)

- 5.30 No objection or further observations to make.

University of Cambridge (No comments received)

Cambridge Airport (No comments received)

10dB Acoustics (independent noise and vibration consultant for CCC) (3 July 2018)

- 5.31 *Conclusions* - Following the advice of Counsel it is clear that the noise impact of the quarry site should be judged against the standards in PPGM, as the guidance used in assessing the original application for infilling has either changed or been superseded.
- 5.32 Comparing the predicted noise levels with the limits contained in the PPGM it is concluded that the noise impact of activities within the quarry is not likely to result in significant adverse impacts to the majority of existing dwellings. One property, Wilsmere Down Farm, is likely to experience adverse noise impacts from infilling activity for at least part of the restoration scheme, but this will be for a limited duration and it is likely that the construction of a mitigation bund would cause a greater degree of disturbance.
- 5.33 The issue of noise affecting the permitted residential development requires consideration by the SCDC planning authority as they will determine the reserved matters application.

- 5.34 Judged against the limits given in PPGM, noise from train movements on the branch line is likely to cause a significant adverse noise impact for those dwellings that are adjacent to the line for the duration of the infilling operation, and there will be adverse impacts at other properties.
- 5.35 Activities at Foxton Sidings during the night have the potential to cause adverse impacts and require control.
- 5.36 Groundborne vibration levels will increase to a marginal extent if the maximum number of trains using the railway line is increased from 6 to 8, but the limits imposed in the original infilling consent will be met. As these limits are based on a current British Standard they are considered to be the correct limits for this development.

The full report prepared by Gordon Brown of 10dB Acoustics is included as Appendix 1.

CCC Transport Assessment Team (24 July 2017)

- 5.37 This application is for extending the importation of restoration material at Barrington Quarry for an additional 15 years. The application shows that there may be an additional train movement, up to 4 per day instead of the existing maximum of 3. However the overall average of 3 trains per day per month will not change. The TA looks at the associated traffic impact and demonstrates that this will not have a severe impact on the local highway network.
- 5.38 This application must not prevent or hinder the construction of the pedestrian/cycle route from the approved 220 dwelling application site. This route is under the terms of the Section 106 Agreement to be provided prior to the first occupation of any dwelling and its construction and use is a key element in the process of making the proposed housing development acceptable on sustainability grounds.
- 5.39 In conclusion having reviewed the transport assessment information attached to the application there is no objection to this development subject to the above.

CCC Highways Development Management (11 January 2017)

- 5.40 The Highway Authority seeks that within the application documentation that it is made explicit that the proposed importation of material over the fifteen year period will not prevent or hinder the construction of the pedestrian/cycle route from the approved 220 dwelling application site. This route is under the terms of the Section 106 Agreement to be provided prior to the first occupation of any dwelling and its construction and use is a key element in the process of making the proposed housing development acceptable on sustainability grounds.
- 5.41 No details of why the last 1,200 tonnes of organic material cannot be imported by rail is given and such information should be provided.

Peterborough City Council Wildlife Officer (27 July 2018)

- 5.42 The Environmental Management Plan (December 2017 v.2), Final Restoration Plan (November 2017) and Aftercare Scheme (Rev A November 2017) adequately address concerns previously raised including those raised by Natural England relating to wider biodiversity. The development should be carried out in accordance with these documents and with drawing no. BARRIT24 "Outline Woodland, Shrubby Block and Hedgerow Planting Details Plus Conservation Headland Strips" (June 2017) along with the supporting document in respect of the benefits to Turtle Dove, detail of plant species lists, clarification on the volume of restoration material, and a commitment to a longer 20 year aftercare period.
- 5.43 It will also be important to ensure there is a mechanism in place to require an annual ecology meeting with the applicant (November is suggested in the EMP) to agree all protected species measures required in the coming year, and that any revisions to the EMP are submitted to the planning authority for approval prior to their implementation the following year.
- 5.44 It is noted that water discharge into the River Cam CWS will be monitored in accordance with the Environment Agency discharge permit and based on this fish are unlikely to be negatively affected by the development.

CCC Flood and Water Team (28 June 2017 & 18 June 2018)

- 5.45 With the submission of additional details to clarify the drainage proposals the applicant has addressed the matters raised on 8 February 2017. The discharge rate to the River Cam has been reduced to an acceptable rate, infiltration testing has been undertaken at Catchment 5 and all modelling has been updated to incorporate a 40% climate change allowance. Based on the above there is no objection. The following condition is recommended.

Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Technical Note: MicroDrainage modelling results June 2017 prepared by CEMEX UK Operations Limited in addition to the Flood Risk Assessment (FRA) prepared by JBA Consulting (ref: 2015s3432 Final Report V3) dated 20th December 2016, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

CCC Historic Environment Team (24 January 2017)

- 5.46 The site has been previously worked and no archaeological assets will survive within the development area.

Bendyshe Way Residents' Association (BWRA) – (14 August 2018)

- 5.47 Object to the application on the grounds of noise. They:
- challenge some of the data provided by WBM for Cemex;
 - agree with most of 10dB Acoustics' analysis and his conclusion that the residents of dwellings adjoining the railway line will continue to be subjected to Significant

Observable Adverse Effect Levels (SOAEL) unless some form of mitigation is applied;

- question why mitigation is proposed for Wilsmere Down Farm but not the Bendyshe Way area;
- consider that train activity which commenced in July 2016 has been a distressing experience for residents of Bendyshe Way and, now that the period sought is essentially unlimited, greater consideration should be given to reducing the hourly limit to below the SOAEL, or to reducing the frequency of occasions on which SOAELs take place.
- consider careless shunting activities to be the principal cause of brake squeal and consequent noise levels far above those envisaged by CCC;
- believe that CCC should apply some sort of recourse against incidents which produce excessive noise. The affected residents are willing to keep a log of extreme events and to report them to officers directly. Such a log would note both braking events and also excessive speed;
- believe that the project will not be complete in the proposed 15 years;
- ask that the project be limited to 2 loads per day to reduce the number of occasions on which the trackside residents of Bendyshe Way are subjected to SOAEL events and the number of occasions when vehicles travelling on the A10 at Foxton will be subject to the delays caused by the freight train movements; and
- ask that either the allowable hourly noise is reduced to WHO recommendations or the number of occasions on which residents are subjected to SOAELs is reduced.

- 5.48 The BWRA has submitted a petition signed by all 27 households on Bendyshe Way, 44 households on Glebe Road, 8 households on Heslerton Way and 5 households on Malthouse Way strenuously opposing the proposal to increase the number of train movements to a maximum frequency of 8 per day under any circumstances.

Individual representations

- 5.49 Representations have been received from 8 local households, the locations of which are shown on agenda plan 3. One included a petition signed by 6 further households on Barrington Road (one of which has also made separate representations). The greatest concern is about disturbance from trains arriving at Foxton sidings before 7 am and then sitting with the locomotive engine running for long periods. There is also concern that increasing the number of trains will result in additional delays to traffic on the A10 at the level crossing. Residents also report unacceptable levels of noise in the Glebe Road area particularly when the train stops at the level crossing instead of being able to pass non-stop into and out of the quarry. Odour from emissions has also been raised as a problem.
- 5.50 A copy of the full representations will be placed in the Members' lounge one week before the date of the meeting.

6.0 PLANNING HISTORY

- 6.1 The principal historical permissions are set out below. There are many others for ancillary buildings etc.

1948 Winning and working of chalk marls and clay

- SC/50/104 The working of minerals
- SC/57/36 Excavation of chalk marl for the purposes of cement manufacture
- SC/55/25 Erection of new kiln and chimney
- SC/57/174 Erection of 1,756 foot replacement chimney
- SC/62/118 Extension of cement works
- S/0245/75 Disposal of domestic refuse & restoration to amenity use – granted 27-11-1975 but not implemented
- S/0696/87 Landfilling with controlled waste & restoration to agricultural use – granted 02-12-1987 but not implemented
- S/00445/92 New conditions on 1948 permission granted 17-09-1993
- S/01240/97 New conditions on 1950 & 1957 permission granted 06-11-1997

- 6.2 S/01080/10/CW - Importation by rail of suitable restoration material over a period of 5 years to partially infill an existing quarry void to provide for the restoration of the western and north-western areas of Barrington Quarry to a combination of agriculture and nature conservation after-uses and all associated works including railway refurbishment and the retention and continued use of existing weighbridge, office and workshop. Granted 5 August 2011. Expires 31 December 2018.
- 6.3 S/2365/14/OL – Demolition of all existing buildings and structures and redevelopment to provide up to 220 residential units, formal and informal open space including allotments, car parking for Barrington Primary School, new pedestrian and cycle links to Barrington village and Foxton Station, and associated works. Outline permission granted by SCDC 27 October 2016. Reserved matters applications currently being considered by SCDC.

7.0 PLANNING POLICY

- 7.1 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 policies from the development plan are set out in paragraphs 7.3 – 7.5 below.
- 7.2 The National Planning Policy Framework (July 2018), the National Planning Policy for Waste (October 2014) and Planning Practice Guidance (PPG) are also material planning considerations.
- 7.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (the MWCS)
 - CS2 Strategic Vision and Objectives for Sustainable Waste Management Development
 - CS9 The Scale and Location of Future Chalk Marl Extraction
 - CS14 The Scale of Waste Management Provision
 - CS15 The Location of Future Waste Management Facilities
 - CS20 Inert Landfill
 - CS22 Climate Change
 - CS23 Sustainable Transport of Mineral and Waste
 - CS24 Design of Sustainable Minerals and Waste Management Facilities

CS25 Restoration and Aftercare of Mineral and Waste Management Sites
 CS26 Mineral Safeguarding Areas
 CS27 Mineral Consultation Areas
 CS29 The Need for Waste Management Development and the Movement of Waste
 CS32 Traffic and Highways
 CS33 Protection of Landscape Character
 CS34 Protecting Surrounding Uses
 CS35 Biodiversity and Geodiversity
 CS39 Water Resources and Water Pollution Prevention
 CS41 Ancillary development

7.4 Cambridgeshire and Peterborough Minerals and Waste Development Plan Site Specific Proposals Development Plan Document (adopted February 2012) (the MWSSP)

SSP M4 Chalk
 SSP T2 Transport Safeguarding Areas

7.5 South Cambridgeshire LDF Development Control Policies DPD (adopted July 2007) (the SCDPD)

DP/1 Sustainable Development
 DP/3(2) Development Criteria
 DP/6 Construction Methods
 GB/3 Mitigating the Impact of Development Adjoining the Green Belt
 NE/4 Landscape Character Areas
 NE/6 Biodiversity
 NE/7 Sites of Biodiversity or Geological Importance
 NE/8 Groundwater
 NE/11 Flood Risk
 NE/15 Noise Pollution
 NE/16 Emissions
 SF/8 Lord's Bridge Radio Telescope

7.6 Supplementary Planning Documents

The Location and Design of Waste Management Facilities Supplementary Planning Document (adopted July 2011)

South Cambridgeshire LDF

Trees and Development Sites SPD (adopted January 2009)
 Landscape in New Developments SPD (adopted March 2010);
 Biodiversity SPD (adopted July 2009)

7.7 Emerging South Cambridgeshire Local Plan 2011- 2031: Submission of Local Plan (SCLP)

The Inspector's Report on the Local Plan is expected imminently at the time of drafting this report. Once the Inspector's report is published, the policies in the

emerging Local Plan should then be accorded considerable weight. An update will be provided on an Amendment Sheet/at Committee. The following planning policies are of relevance to this planning application:

Policy S/2	Objectives of the Local Plan
Policy S/7	Development Frameworks
Policy NH/2	Protecting and Enhancing Landscape Character
Policy NH/4	Biodiversity
Policy NH/5	Sites of Biodiversity or Geological Importance
Policy NH/8	Mitigating the Impact of Development in and Adjoining the Green Belt
Policy CC/7	Water Quality
Policy CC/8	Sustainable Drainage Systems
Policy CC/9	Managing Flood Risk
Policy SC/11	Noise Pollution
Policy SC/15	Odour and other fugitive emissions to air
Policy TI/7	Lord's Bridge Radio Telescope

8.0 PLANNING CONSIDERATIONS

8.1 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.*

Principle of development

8.2 The development proposal is for the importation of inert construction waste by rail and its deposit in a void created by quarrying which ceased in 2008 and is highly unlikely to resume; to do so would require planning permission. It is a waste disposal operation which would result in the full restoration of the quarry. The application should, therefore, be assessed against policies relating to waste management although those relating to the restoration of mineral extraction sites also have some relevance.

8.3 National waste policy seeks to drive the management of waste up the hierarchy of reduction, re-use, recycling and composting, energy recovery and as a last resort, disposal. The proposed development is for disposal by landfill so is at the bottom of

the hierarchy. On the other hand the NPPF (at paragraphs 204 and 205) emphasises the need for mineral sites to be restored to a high standard at the earliest opportunity.

- 8.4 The proposed development, if completed, would result in the restoration of the quarry void to approximately pre-quarrying ground levels with the exception of an area in the north east corner that would be left to preserve access to the geological SSSI. The proposal would take 15 years to import the waste and further 2 years to complete the restoration. It must therefore be considered whether the case for importing waste to achieve the proposed restoration of most of the quarry void to near original ground levels is acceptable in planning policy and environmental terms.

Inert landfill

- 8.5 The application was advertised as being for development which does not accord with the provisions of the development plan. The proposal is the landfill of inert waste imported from major construction projects in London and potentially elsewhere such as HS2. MWCS policy CS14 sets out the scale of waste management provision and identifies a need for 12.09 million cubic metres of inert landfill void to in order to meet Cambridgeshire and Peterborough's need over the Plan period i.e. to 2026. To achieve this an allocation was made at Block Fen / Langwood Fen of which 8.4 cubic metres would be available to 2026 in MWCS policy CS20. CS20 states that to deliver the remaining 3.69 cubic metres capacity will be made at mineral extraction sites requiring restoration and that the sites will be identified through the Site Specific Proposals Plan. MWSSP policy SSP W2 allocates sites for inert waste landfill and does not include Barrington Quarry.

Future mineral extraction

- 8.6 When the MWCS was being developed Barrington Quarry had significant reserves but due to a chemical imbalance in the permitted reserves policy provision (policy CS9) was made for around 10 hectares (24.7 acres) of chalk marl on land adjacent to Barrington Quarry for the production of cement. MWCS policy CS10 deals with minerals for specialist uses but does not include the clunch at Barrington Quarry. This is referred to in the supporting text (paragraph 6.57) as being worked in association with the chalk marl extraction and not as a standalone mineral (because of the significant depth of overburden that would need to be removed to expose it).
- 8.7 MWSSP policy SSP M4 makes an allocation at Barrington Quarry containing approximately 20 million tonnes of chalk marl. The permitted reserves and the allocation are protected by a mineral safeguarding area (MSA). The purpose of the MSA is to ensure that proven resources are not needlessly sterilised by non-mineral development. MWCS policy CS26 states that development will only be permitted where it has been demonstrated to the mineral planning authority that one of 4 criteria are met. This matter was raised with SCDC when Cemex submitted the application for residential development in 2014. At that time it was Cemex's view that decommissioning the cement plant means that the mineral is no longer of any economic value. The 1993 and 1997 quarrying permissions are only extant insofar as they include restoration obligations. Further mineral extraction would therefore need a new planning permission. In 2006 Cemex was considering replacing the

cement plant and creating a new access road from the A603. This project was not pursued and Cemex have been withdrawing from the site since the cement work closed and quarrying ceased almost 10 years ago. They have sold the cement works site to housing developer Redrow who have started to demolish it and the land to the west of the quarry void which contained much of the permitted reserve is now no longer in the company's ownership.

- 8.8 It is considered that there is little likelihood of the quarrying of chalk marl and cement manufacture being resumed within the current application area. If in the future there was an overriding need for cement and a source of mineral to make it, it would probably be possible, subject to planning permission, for the resource to the west and northwest of the current void to be worked as a new quarry with new access arrangements. For these reasons it is considered that at least one of the criteria in MWCS policy CS26 has been met.
- 8.9 Barrington Quarry and the allocation area are subject to a mineral consultation area (MCA). MWCS policy CS27 has a similar theme to CS26 and states that development will only be permitted where it is demonstrated that this will not prejudice existing or future mineral extraction. For the reasons given in paragraph 8.8 above, it is considered that the proposed development would comply with CS27.

Transport of waste

- 8.10 MWCS policy CS2 encourages the long distance movement of waste by rail. CS23 states that "Sustainable transport of mineral and waste by rail, conveyor and pipelines will be encouraged" and that "Transport Zones will be defined and they will be protected through the designation of Transport Safeguarding Areas shown in the Site Specific Proposals Plan and defined on the Proposals Map. SSPT2 identifies a Transport Zone and Transport Safeguarding Area at Barrington Cement Works railhead. It is, therefore, the County Council's intention that the BLR be protected for future use for the transportation of minerals and / or waste from or to the quarry. It is considered that the proposed development, which is to import waste by rail, would comply with MWCS policies CS2 and CS23.
- 8.11 The potential for rail freight movements to cause disturbance to nearby residents is acknowledged. In the current case the potential disturbance has been identified by both the technical assessment of the County Council's independent noise adviser (see paragraphs 5.30 – 5.36 above and Appendix 1), by the environmental health officer (see paragraphs 5.1 – 5.7 above) and by the concerns raised by residents themselves as set out in paragraphs 5.47 and 5.49. The County Council as waste planning authority must, therefore, consider whether, with the proposed mitigation measures, the identified adverse effects of the proposed use of the BLR would have an unacceptable impact on the amenity of local residents. If it would, the waste planning authority will need to consider if there are any other material considerations which should be given more weight in the decision-making process.
- 8.12 The following aspects of the project need to be considered: the impact of running the trains and the landfill operation itself.

Traffic and highways

- 8.13 MWCS policy CS32 states that minerals and waste development will only be permitted where:
- a. it is demonstrated that opportunities for the use of alternative methods of transport have been evaluated and the most appropriate pursued where practicable;
 - b. access and the highway network serving the site are suitable or could be made suitable and able to accommodate any increase in traffic and / or the nature of the traffic associated with the development;
 - c. any associated increase in traffic or highway improvements would not cause unacceptable harm to the environment, road safety or residential amenity; and
 - d. binding agreements covering lorry backloading, routeing arrangements and HCV signage for mineral and waste traffic may be sought. In Cambridgeshire this will be informed by the Cambridgeshire Advisory Freight Map.
- 8.14 The waste would be imported by rail which would be in accordance with MWCS policy CS32 (a). It is proposed that 1,200 tonnes of organic restoration material would be brought to the site by road. This would amount to 60 loads (120 HGV movements) and due to the phasing of the restoration works would be needed in years 4, 8, 13 and 15. The 15 loads would be likely to occur over about one week at a rate of 2 (4 HGV movements) per day. The organic restoration material would be different in nature to the inert waste that would be imported to fill the void. It would come from different sources and it would not be practicable or economic to deliver such small quantities by rail. It is considered that this low level of HGV traffic would be accommodated safely on the highway network and if subject to an agreement that they use the A10 the proposal would comply with MWCS policy CS32 (b-d).

Impact on A10 Foxton Station Level Crossing

- 8.15 The arrival and departure of waste-carrying trains will increase the total duration of time that the level crossing is closed for the passage of trains. This has been raised as a matter of concern by Barrington Parish Council and some local residents. Network Rail has been consulted on the proposals and has no objections to the proposal.
- 8.16 The applicant's transport statement included the results of a survey of traffic queuing on the A10 at the Foxton level crossing. It acknowledges that the barrier closures associated with a train serving Barrington Quarry are typically longer than for National Rail services so theoretically should result in longer queues of traffic. However, they have found no evidence of increased vehicle queuing to accommodate the Barrington Quarry trains. The maximum queuing is when the peak period for passenger trains combines with the peak period for road traffic. It is unlikely that there would be rail capacity for an additional train at peak periods.
- 8.17 The County Council's transport assessment team has noted that whilst there may be an additional train movement in a single day the overall average of 3 trains per day will not change and agrees with the findings of the applicant's transport statement which demonstrates that the traffic impact associated with the proposed

development would not have a severe impact on the local highway network including on the A10 at the Foxton level crossing. Using survey data from early 2016, i.e. less than 3 years old, is considered acceptable to the transport assessment team.

Train operations on the BLR

- 8.18 Historically the train operations on the BLR were dictated by the operational needs of the cement works; trains were used in the importation of fuel for the cement kilns, receiving supplies of minerals for admixture in the manufacture of cement and the onward transport of finished cement in powder or bagged form. However, in more recent years, the railway was primarily used for the importation of fuel (petroleum coke) for the rotary cement kilns. Fuel deliveries by rail were not continuous, no more than approximately one train of fuel per week.
- 8.19 The 2011 permission allowed the BLR to be upgraded to a standard that could accommodate mainline locomotives with up to 23 wagons. It restricts train movements on the branch line between the Foxton Road and Haslingfield Road level crossings to no more than 3 loaded trains in and 3 empty trains out per day between 0700 and 2000 hours Mondays to Fridays. Train speeds are limited to 10mph in Foxton exchange sidings, 15mph on the branch line and 5mph within the quarry.
- 8.20 Manually operated level crossing gates were provided at Glebe Road crossing and new active road warning signs (flashing lights) were provided at Foxton Road and Haslingfield Road level crossings. There is an operational protocol involving “shunters” who open the level crossing gates so that the trains can pass from the Foxton sidings to the quarry or vice versa without sounding the warning horn or stopping when passing through the residential area.
- 8.21 The current application proposes that the frequency of deliveries of waste be increased to a maximum of 4 trains per day i.e. 8 train movements but that over a calendar month the average would not exceed 3 trains (6 movements) calculated on working days. There would therefore be no overall increase in the total number of train movements per month.

Foxton Exchange Sidings

- 8.22 The 2011 permission allows trains to enter the sidings from the mainline before 0700 hours which is counted as night time for the purposes of setting a noise limit. A noise limit was set based on Cemex’s consultant’s measurements of the background noise level at representative locations near houses closest to the sidings. Monitoring has shown that this limit has been exceeded and complaints have been received from local residents who have had their sleep disturbed by trains in the sidings, particularly when the engines are left idling for periods in excess of the 15 minutes that is specified in the BLR Management Plan which forms part of the S106 agreement.
- 8.23 The current application proposes a higher more realistic noise limit for the period before 0700 hours which could be complied with if the locomotive is stabled at specific points with the engine switched off until 0700 hours. Cemex also propose that no trains would enter the sidings before 0530 hours and trains would not be

accepted between 0530 and 0700 hours until noise mitigation measures are in place. Stabling locations have been identified for use during the day depending on whether the engine is at the front or rear of the train.

- 8.24 Whilst mitigation measures could be required by condition, the condition must be reasonable and the waste planning authority must consider its enforceability, two of the tests of a planning condition. Some of the proposed mitigation measures are operational controls and would rely on the management of third party train operators. A 5 metre high, 60 metre long acoustic barrier at locomotive stabling point X (shown on Figure 1 below) has been proposed by Cemex as a mitigation option. This would provide a barrier between the sidings a short distance from the mainline and the properties on Foxton Road. Figure 2 below is an example of what an acoustic fence could look like.



Figure 1: Proposed locomotive stabling points



Figure 2: Example of an acoustic fence alongside a railway line

- 8.25 The mitigation relates to trains received into the siding between 0530 and 0700 hours. Cemex is proposing that no trains would be received prior to 0700 without the submission, approval and implementation of mitigation measures. It is considered that this be secured by a condition precluding the acceptance of any train into Foxton Sidings before 0700 hours unless a noise mitigation scheme has been submitted and fully implemented.

Foxton Road level crossing to Haslingfield Road level crossing

- 8.26 This is the area where houses on Glebe Road, Bendyshe Way, Malthouse Way and Heslerton Way abut the BLR. The 2011 permission is subject to a noise limit for daytime train movements on the branch line of 62dB LAeq,1hr. Train noise levels are currently generally within the limits given in the 2011 permission but changes are proposed to the operation of the trains and the effects of these changes have been considered. Measurements of train noise at Barrington undertaken by Cemex's noise consultants, WBM, indicate that this limit is currently being achieved for 1 train event per hour, provided brake squeal does not occur.
- 8.27 Due to the nature of the railway line it is not possible to operate more than 2 trains engaged in delivering waste in any one hour and allowing for a maximum of 2 train events per hour, the noise limit of 62 dB LAeq,1h at 10 metres (10.94 yards) from the head of the nearest rail would still be achieved. Allowing 4 trains per day (i.e. 8 train events) would still result in a maximum of 2 trains in any one hour, therefore this change would not result in a breach of the current noise limits.
- 8.28 The current permission allows for a maximum of 3 loaded trains and 3 empty trains in any one day on the branch line between 0700 and 2000 hours. This is an upper limit per day. Cemex are seeking permission to increase this to up to 4 loaded trains and 4 empty trains on the branch line between 0700 and 2000 hours but with an overall limit of 3 loaded trains and 3 empty trains per day as a calendar monthly average. If this change is permitted the averaging should be made over the working days contained in any calendar month to avoid any ambiguity. Operating 4 loaded trains and 4 empty trains on the track would not give rise to any breach of the current noise limits, based on monitoring results, but the overall noise emission level over the period from 0700 to 2000 would increase by approximately 1dB. Such an increase in noise level would normally be regarded as insignificant.
- 8.29 When the 2011 permission was being considered it was acknowledged that noise

from trains would be very significant at existing residential properties and the limit was in excess of both the World Health Organisation noise limits and the limits in MPS2 (the minerals guidance in force at that time). The limit therefore does not in the opinion of the council's acoustic adviser, Gordon Brown, represent the lowest observed adverse effect level (LOAE) as suggested by the applicant's noise consultants; it is at the very least the significant observable adverse effect level (SOAEL). In 2011 Gordon Brown and the SCDC environmental health officer were very concerned that predicted railway noise levels at existing houses would exceed 55dB LAeq,1h and this exceedance was not in their view acceptable. The decision to allow the 62dB level was made on the basis that any consent granted for the operation would be limited to 5 years and the County Council specified the limit in order to exercise some control over the train activity.

- 8.30 Meeting the 62dB level is dependent on the train being operated in accordance with the BLR Management Plan which requires there to be 2 "shunters" to ensure that the level crossing gates at Foxton Road, Glebe Road and Haslingfield Road are open so that the train can pass along the branch line without stopping. The noise of braking worsens the impact on local residents and has resulted in the 62dB noise limit being exceeded, 67dB having been measured.
- 8.31 Given that the predicted daytime noise from the operation of the railway line exceeds the PPGM upper limit of 55dB LAeq,1h at existing houses immediately adjacent to the railway line the conclusion must be that the noise associated with the operation of the Foxton to Barrington railway is likely to have a significant adverse impact on a number of residential premises. This conclusion was reached in respect of the original infilling application and remains the same for the current application. However, the current application, if approved, would allow the significant adverse impact to continue over a very much longer period, potentially 15 years. The options for mitigation are very limited.
- 8.32 The provision of noise barriers between the railway track and the existing adjacent houses was considered in 2011. To be effective such barriers would have to be located on both sides of the track and be approximately 5 metres (16.4 feet) in height. The erection of the barriers would have a severe impact on the outlook from adjacent housing and could result in shading of gardens. On balance, it was considered that any beneficial impacts on amenity from reduction to noise would not outweigh the significant visual impact of such structures especially given the occasional nature of the train movements being proposed. Clearly it would not be feasible to erect any noise barriers across Glebe Road in any event.
- 8.33 The passage of full length main line trains along the branch line has the clear prospect of causing noise and disturbance to people living close to the railway, albeit that the duration of such exposure will be limited to a few minutes potentially up to a maximum of eight times during the daytime on weekdays only. It needs to be considered whether these impacts are sufficient to justify refusing planning permission or whether there are other planning considerations to be taken into account which would carry more weight. This "planning balance" will be discussed later in this report.

Proposed houses on the cement works site

- 8.34 WBM have considered the impact of the proposed infilling of the quarry on the occupiers of the permitted houses, some of which could be approximately 200 metres (218.72 yards) from the closest waste deposition area. The mitigation options discussed comprise limitations on the setback distances for working at specified times and the provision of earth bunds at the infill edge. WBM have calculated that by using the proposed mitigation there should be no adverse impacts during the evening or night time. There would be some adverse impact during Phase 3 operations close to the infill boundary at one location, but this is not predicted to exceed the PPG Minerals upper noise limit of 55dB LAeq,1hr and physical mitigation is not likely to be effective.
- 8.35 In Gordon Brown's opinion, overall, the mitigation proposed by WBM in respect of the permitted dwellings appears to be satisfactory. It is noted that the SCDC environmental health officer has concerns about the compatibility of the new houses and the landfill operations (see paragraphs 5.6 and 5.7 above. It is also noted that the housing developer, Redrow, has not made any comments on the application to extend the landfill operation. It would ultimately be for the environmental health officers to advise their colleagues when SCDC is considering the reserved matters application for a noise insulation and mitigation scheme for the new houses.

Wilsmere Down Farm

- 8.36 Wilsmere Down Farm is the closest existing residential property to the proposed development area, 230 metres (273.4 yards) to the south west of the first phase of proposed landfill. It has been calculated that noise levels at Wilsmere Down Farm would exceed the LOAEL of 10dB above background for at least some portion of the life of the development so mitigation must be considered in order reduce the adverse impact.
- 8.37 WBM have calculated that the noise from infilling operations would exceed the noise limits when working occurs within approximately 85 metres (92.96 yards) of the working edge and this time taken to complete the works within this distance would be approximately 27 working days. However, the noise levels would still be below 55dB LAeq,1hr, which is the overall limit given in PPGM. The provision of a 2 metre high bund along the boundary would reduce the exceedance to 1dB, which is regarded as a minor issue, but the construction of the bund would itself generate relatively high noise levels for a significant period. Temporary works such as bund construction are subject to a higher PPGM noise limit of 70dB LAeq,1hr and this higher noise impact must be offset against the extent of mitigation provided by the bund.
- 8.38 WBM have proposed a schedule of operational controls that would avoid adverse noise impacts during the more sensitive evening and night time periods. On balance, given the relatively short duration of the potential daytime noise limit exceedance, the construction of the bund may cause more disturbance than it mitigates and it is considered that the provision of operational controls is sufficient.

Vibration

- 8.39 The waste planning authority has received complaints from occupiers of houses close to the Glebe Road level crossing that vibration from trains has caused

structural damage to their properties. Monitoring in accordance with the approved scheme has shown that vibration from the trains was well below both the limit set out in the planning condition and the level at which even cosmetic damage would occur.

- 8.40 The submission for the current application in respect of vibration considers the potential effects of groundborne vibration on buildings and on occupiers, and from groundborne noise on occupiers. The conclusions are that the level of vibration would be below recommended limit levels in respect of even minor damage to buildings and that there would be no significant effects on occupiers from either groundborne vibration or groundborne noise. Even with the increase in the number of train movements on a single day from 6 to 8 the current daily vibration dose value (VDV) (16-hour) limit would be met.
- 8.41 The vibration limits in force for the current infilling operation are likely to be met in respect of the permitted housing development. However, the scope of the existing vibration monitoring scheme should be extended to include the permitted housing development if any are to be occupied during the operation of the railway line.

Air quality

- 8.42 It is acknowledged that the use of mainline locomotives on the BLR gives rise to exhaust fumes and that there will be an impact on air quality for short periods during passage of the train. The S106 agreement linked to the 2011 permission requires Cemex to use reasonable endeavours to source "low emission" locomotives. These would be Class 66 (built 1998 – 2015) or more modern. Cemex has proposed that no locomotives older than Class 59 (built 1985 – 95) would be accepted after 12 months of the implementation of a new planning permission.
- 8.43 Whilst it is acknowledged that residents close to the railway line experience emissions from the trains, the exposure is for a few minutes and would be for a maximum of 8 times per weekday. The impact on air quality is therefore unlikely to be significant.
- 8.44 The most likely source of dust is from the transportation of waste by dump truck on the internal haul road. A dust mitigation scheme was approved for the 2011 permission and could be secured by condition for any new permission. Principally this involves the use of a water bowser on haul roads and limiting vehicle speeds. Haslingfield Parish Council is concerned that the dust mitigation measures are limited to the haul roads. Dust from the waste deposition area would be regulated by the Environment Agency through the environmental permit. With this mitigation in place it is considered that the proposed development would be compliant with MWCS policy CS34 and SCDPD policies DP/3(2) and NE/16.

Flood risk and risk of pollution

- 8.45 MWCS policy CS39 seeks to protect the quantity and quality of ground and surface water; the quantity and quality of existing water abstraction; and the flow of groundwater. NPPF paragraph 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 8.46 Some concerns have been raised about the nature of the waste and the risk of pollution to surface and groundwater. The application is to import only inert waste. This can be controlled by planning condition (recommended no. 46) and is also regulated by the Environment Agency through the environmental permit. It is, therefore, considered that the risk of pollution to the water environment is very low and that the proposal is in accordance with MWCS policy CS39 and SCDPD policy NE/8.
- 8.47 The Lead Local Flood Authority has asked that the detailed design of the surface water drainage scheme be secured by condition (see recommended condition 47). This would ensure that the development would comply with NPPF paragraph 163 and SCDPD policies NE/9 and NE/11.

Lord's Bridge radio telescope

- 8.48 The northern part of the application site is within the Lord's Bridge Restricted Area referred to in SCDPD policy SF/8 which states that planning permission will only be granted for development that would not result in any risk of interference to the Mullard Radio Astronomy Observatory at Lord's Bridge. It is also within Lord's Bridge Consultation Area 1 which requires consultation with the University of Cambridge on development proposals which could adversely affect the operation of the observatory. The proposed development is not dissimilar to the quarrying which previously took place in terms of the plant and machinery which would be used. No concerns were raised when the 2011 proposal was being considered and no comments have been received from the University of Cambridge on the current proposal.
- 8.49 For the reasons given in the previous paragraph it is considered that the proposed development would not have an adverse impact on the operation of the Mullard Radio Astronomy Observatory at Lord's Bridge so would comply with SCDPD policy SF/8.

Historic environment

- 8.50 The NPPF requires planning authorities to consider the impact of the proposed development on designated and non-designated heritage assets. The heritage setting of the proposed development site is describe in paragraph 4.4 above. The site has been previously worked and no archaeological assets will survive within the development area. The proposed development is sufficiently separated from the village to impact on the Barrington Conservation Area or the listed buildings within it for there to be no harm to the designated heritage assets. It is considered that the proposed development complies with MWCS policy CS36 which seeks to protect the historic environment and with the NPPF.

Visual impact

- 8.51 The NPPF at paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;

- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- 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; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land.

- 8.52 MWCS policy CS33 requires mineral and waste management development to be assimilated into its surroundings and local landscape character. SCDPD policy N/4 states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located. The site is within the National Character Area: East Anglian Chalk, positioned on the side of a hill, with a southerly aspect. The most prominent features in the landscape are the cement works, particularly the chimney. These buildings and structures are outside the current application area and will be demolished to allow the redevelopment of the land for housing. It is proposed that the works would be undertaken in a phased manner, working from south to north which would screen most of the operations from views from the south and the proposed new residential area.
- 8.53 Most of the landfilling operation within the quarry void would not be readily visible from publicly accessible viewpoints outside the application area. When the works are undertaken at higher levels and during the restoration phase they would be more apparent. The landfill and restoration activities would be similar visually to quarrying activities at the same land level.
- 8.54 The environmental statement was accompanied by a landscape and visual impact assessment. It concludes that there would not be a significant adverse effect on landscape features, landscape character or visual amenity during the landfilling and restoration operations. This is not disputed. It also concludes that there would be significant beneficial effects on landscape character, landscape features and visual amenity from restoration of the site as proposed in that “the landform would be vastly improved by the infill works so that it would marry in with the surrounding topography”. The site if restored as proposed would create 43.4 hectares (106 acres) of lowland calcareous grassland together with woodland/scrubby blocks, hedgerows with trees dividing the fields, drainage gullies and ponds. In the applicant’s opinion, the positive contrast between the proposed restoration landscape with the current large, unrestored quarry void would be immediately obvious and would also offer many benefits to biodiversity and nature conservation.
- 8.55 It is considered that the proposed development whilst being undertaken would not have a significant impact on the landscape and that the restored site would be assimilated into its surroundings and local landscape character area having a positive impact on the landscape. For these reasons it is considered that the proposal complies with the NPPF, MWCS policy CS33 and SCDPD policies NE/4 and DP/3(2).

Cambridge Green Belt

- 8.56 The northern boundary of the quarry and current application area is adjacent to the Cambridge Green Belt. SCDPD policy GB/3 requires account to be taken of any adverse impact on the Green Belt. For the reasons set out in paragraph 8.55 above it is considered that the proposed development would not have an adverse impact on the Green Belt so complies with policy GB/3.

Ecology

- 8.57 MWCS policy CS35 states that minerals and waste development will only be permitted where it has been demonstrated that there will be no likely significant adverse impact on sites of local nature conservation, such as County Wildlife Sites. SCDPD policies NE/6, NE/7 and DP/3 (2) also seek to protect sites of local importance.
- 8.58 The Wildlife Officer is satisfied that the conservation interests of River Rhee (Cam) CWS will be protected by the discharge permit. The applicant's supplementary ecological information has addressed concerns raised by the Wildlife Officer and Natural England. Provided the mitigation measures set out in the Ecological Management Plan are secured by condition it is considered that the development would comply with MWCS policy CS35 and SCDPD policies NE/6, NE/7 and DP/3 (2).

Designated sites

- 8.59 The Eversden and Wimpole Woods SAC is approximately 3.6 kilometres (2.24 miles) west of the proposed development area. Based on the advice of Natural England (see paragraph 5.20 above) it is considered that the proposed development will not have significant effects on the SAC. The requirements of the Habitat Regulations have therefore been met.
- 8.60 As well as paragraph 170 (referred to in paragraph 8.49 above) the NPPF at paragraph 175 states that when determining planning applications, amongst other things:
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted; and
 - opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.61 MWCS policies CS2, CS25 and CS35 promote the enhancement of landscapes and biodiversity. SCDPD policy NE/6 states that development should aim to maintain, enhance, restore or add to biodiversity. NE/7 seeks to protect sites of biodiversity or geological importance, in this case the Barrington Chalk Pit SSSI.
- 8.62 The northern part of the quarry and adjacent land to the west and east is designated as the Barrington Chalk Pit SSSI. Natural England is generally satisfied with the proposals for the geological features and concludes that the proposed development

would not damage or destroy the interest features for which the SSSI has been notified. However, they consider that more detail should be sought in respect of access and drainage. This could be sought by condition (see recommended condition 50 and would ensure that the proposed development would comply with paragraph 170 of the NPPF and SCDPD policies NE/6 and NE/7.9

Restoration of the quarry

- 8.63 The County Council has a duty to seek to further protect and enhance the conservation of designated sites and priority species under the Natural Environment and Rural Communities Act 2006 and the Countryside and Rights of Way Act 2000 (as amended).
- 8.64 Natural England considers that the proposed restoration scheme would create and restore a number of UK and local Biodiversity Action Plan priority habitats, including chalk grassland and would deliver significant biodiversity enhancements and benefit a number of locally important species. This would be in accordance with the NPPF, MWCS policies CS2, CS25 and CS35 and SCDPD policies DP/3(2), NE/4, NE/6 and NE/7. In addition, the proposed permissive path linking the northern end of the site with the southern end would be a positive addition to the local public right of way network. This would be in accordance with MWCS policy CS37.
- 8.65 Whilst the restoration outcome would comply with national and development plan policies relating to landscape character and biodiversity so is on the face of it desirable, it would not meet the NPPF policy that mineral sites should be restored at the earliest opportunity. There is material within the site which could be used to restore the base of the quarry albeit to a different landform from what is proposed and which could be achieved a lot quicker than 17 years. It is likely that this option would require water from the base of the void to be pumped in perpetuity. It would be difficult to argue that the proposal which is the subject of the current application is the *only* practical option for achieving a beneficial afteruse.
- 8.66 In purely landscape terms it is considered that, on balance, restoring the majority of the quarry to pre-development contours would in the long term be a better outcome than partially filling the void with imported waste in accordance with the 2011 permission or using the material on site to restore effectively only its base. Both these options would leave the quarry face to a greater or lesser degree as a backdrop to the former quarry and the proposed new houses although this is not an uncommon situation elsewhere in the country where hard rock quarries are abundant. The proposed restoration would, as has already been noted, deliver significant biodiversity benefits which may not be achievable with restoration at a lower level. It would also remove the need for ongoing pumping of water so would be more sustainable in that respect.
- 8.67 If Barrington Quarry is to be restored to approximately the original contours there are a number of factors that lend weight to it being done now rather than revisited at a later date:
- There are a number of current and planned national infrastructure projects that would generate material of a suitable nature i.e. inert and in sufficient quantities to make transport by rail viable which may not be the case in the future;

- The BLR was upgraded under the 2011 permission to enable it to be used by modern locomotives. If not used it would either be taken up or there is a risk that it would not be maintained. Importing 8.5 million cubic metres of waste by road would be unacceptable; and
- If the proposed scheme is not implemented a low level restoration scheme would be carried out under the terms of the 1993 and 1997 mineral permissions which high level restoration would destroy.

Conclusions

- 8.68 If it is accepted that the proposed restoration of the quarry by importing 8.5 million cubic metres of inert waste is desirable, the benefits of this outcome need to be weighed against the impacts of doing so on the local community, particularly those living close to the railway line.
- 8.69 As discussed in paragraphs 8.22 – 8.33 above the passage of trains along the BLR is likely to cause noise and disturbance to people living close to the railway, albeit that the duration of such exposure will be limited to a few minutes up to a maximum of eight times a day on weekdays between 0700 and 2000 hours. The noise from idling trains, if not satisfactorily mitigated, could be experienced for up to 30 minutes.
- 8.70 In respect of activities in the Foxton Exchange Sidings it is considered that the proposed night time noise limit is realistic and appropriate and would be complied with if the proposed mitigation measures are put in place as described in paragraphs 8.23 -8.25 above. Principally these would limit the hours during which trains could use the sidings and potentially erecting an acoustic barrier at engine stabling point X if trains were to be accepted before 0700 hours. It is considered that these measures would satisfactorily mitigate the impact of trains using the sidings on the residents on Barrington Road.
- 8.71 There is evidence that operation of the railway over the last 3 years has caused disturbance to residents living near the Glebe Road level crossing and on Barrington Road from activities in the Foxton Exchange Sidings. The concerns about damage caused by vibration are not substantiated by monitoring which shows that the operation of the trains complies with the limit set in the planning condition and is well below a level that would cause even cosmetic damage to property. On the other hand there is evidence that the 62dB noise limit has been exceeded because of brake squeal when trains stop at the level crossing instead of passing along the whole branch line unimpeded which is a requirement of the BLR Management Plan.
- 8.72 Whilst the past performance of a developer should not be taken into account because the planning permission would go with the land not a specific operator, there is no escaping the fact that a noise limit of 62dB is above the upper limit of 55dB LAeq,1h set out in the PPGM. The erection of noise barriers has been considered (see paragraph 8.32 above). The 2011 permission was granted on the basis that the importation of waste would be completed and therefore train movements would be cease within 5 years. The current proposal is for 15 years which is significantly longer.
- 8.73 It therefore needs to be considered whether the benefits of restoring the quarry as

proposed in landscape and biodiversity terms outweigh the disturbance to those living alongside the BLR for a period of 15 years. The trains would pass along the BLR between 0700 and 2000 hours on weekdays only which should not affect the sleep of most people. The number of train passes in any one day would be between none and eight depending on the nature of Cemex's contract. The trains would not run to a timetable so it would be difficult for people to know with any certainty when one was due. It is considered that if trains are not operated in accordance with the BLR Management Plan and need to stop at the Glebe Road level crossing, the resulting noise (from brake squeal) would be an annoying and intrusive disturbance. If the trains are operated in accordance with the BLR Management Plan and pass along the branch line without stopping it is acknowledged that the noise they generate would be clearly noticeable and therefore affect the quality of life of some local residents to a greater or lesser degree depending on their location, lifestyle and sensitivity to the noise.

- 8.74 The past performance of a developer or operator is not a material planning consideration therefore it should be assumed that the trains would be operated in accordance with the BLR Management Plan. The level of noise that a continuously passing train would generate has been noted in the context of PPG Minerals advice. This would be for a maximum of 8 occurrences of a short duration on a single weekday and for an average of no more than 6 occurrences per working day over a calendar month.
- 8.75 The proposed restoration scheme is considered to be the best outcome for the site in terms of the final landform and its assimilation into the landscape. It would also achieve Biodiversity Action Plan targets and protect the geological interest of the SSSI. It would, once established be relatively low-maintenance with a sustainable surface water drainage scheme.
- 8.76 On balance, officers consider that overall the proposal is in line with the general principles of the NPPF and the objectives of both local and national policy. It is considered that the benefits of the proposed restoration of the quarry by importing inert waste using the BLR over a period of 15 years just outweigh the level of disturbance that would be experienced by local residents from the passage of trains.

9.0 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted subject to the applicant entering into a planning obligation to secure the application of planning conditions to the part of the Barrington Light Railway which is outside the application area and the following conditions:

Commencement date

1. The development hereby permitted shall be commenced no later than three years from the date of this decision notice. Within seven days of the commencement the operator shall notify the waste planning authority in writing of the exact commencement date.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act and Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.

Site Area

2. This permission relates to the land outlined in red on drawing no. 16_C018_BARR_002_D Extent of Planning Application Boundary dated December 2016 (received 23 December 2016) and referred to in these conditions as “the site”.

Reason: To define the permission for the avoidance of doubt.

Duration of permission

3. This permission shall be for a limited period expiring on 31 December 2035 by which time the site shall have been restored in accordance with the Written Restoration and Outline Aftercare Scheme – Revision A Dated November 2017 (received 5 June 2018) and the scheme referred to in condition 4. No waste shall be deposited at the site after 31 December 2033.

Reason: To define the timescale for the completion of the development and ensure the restoration of the site to a beneficial afteruse in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS25, CS33 and CS35 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3, NE/4, NE/6 and NE/7.

Approved plans and documents

4. The development hereby permitted shall be carried out in accordance with the application form dated 16 December 2016, Supporting Statement dated October 2016, Environmental Statement dated October 2016 as amended by the Supplementary Submissions dated May 2018 (received 5 June 2018) and in accordance with the following drawings and documents (received 23 December 2016 unless otherwise specified), except as otherwise required by any of the conditions set out in this permission:
 - 16_C018_BARR_001 Site Location Plan dated November 2016;
 - 16_C018_BARR_002_D Extent of Planning Application Boundary dated December 2016;
 - 16_C018_BARR_003 Phasing Summary dated 16/12/2016;
 - 16_C018_BARR_004 Proposed Vibration Monitoring Locations dated October 2016;
 - 16_C018_BARR_005_A Proposed Noise Monitoring Locations dated December 2016;
 - 16_C018_BARR_007 Retained Structures dated November 2016;
 - 16_C018_BARR_009 Area of Disturbance dated December 2016;
 - 16_C018_BARR_010 Retention and Protection of Existing Vegetation dated July 2011;
 - 16_C018_BARR_012 Initial Development Phase dated 16/12/2016;

- 16_C018_BARR_013 Phase 1A dated 16/12/2016;
- 16_C018_BARR_014 Phase 1B dated 16/12/2016;
- 16_C018_BARR_015 Phase 1C dated 16/12/2016;
- 16_C018_BARR_016 Phase 2 dated 16/12/2016;
- 16_C018_BARR_017 Phase 3 dated 16/12/2016;
- 16_C018_BARR_018 Phase 4 dated 16/12/2016;
- 16_C018_BARR_019 Final Restoration Phase dated 16/12/2016;
- 16_C018_BARR_020 Final Restoration Works 16/12/2016;
- 16_C018_BARR_021 Cross Sections dated 16/12/2016;
- 16_C018_BARR_022 Extent of Clay Seal dated 14/12/2016;
- 16_C018_BARR_023 Combined Noise Exclusion Zones dated 14/12/2016;
- 16_C018_BARR_025 Conceptual Surface water drainage dated 21st November 2016;
- BARRIT15 Rev A Fully Infilled Quarry: Final Restoration Plan dated November 2017 (received 5 June 2018);
- BARRIT17 Rev 0 Fully Infilled and Restored Quarry: Sections A-A' to E-E' dated October 2016;
- BARRIT19 Rev A Fully Infilled Quarry: Composite Restoration Masterplan dated November 2017 (received 5 June 2018);
- BARRIT22 Rev 0 Restoration Plan: Habitat Areas to be Created dated December 2016;
- BARRIT24 Rev 0 Outline Woodland, Shrubby Block and Hedgerow Planting Details plus Conservation Headland Strips dated June 2017 (received 28 June 2017);
- 16_C018_BARR_301_A Location of Potential Noise Attenuation Barrier dated May 2018 (received 5 June 2018);
- P4/1741/6 Siding Details Condition 18 & 36 [of S/01080/10/CW] dated Feb 2013 (received 19 September 2014 and approved by the waste planning authority 20 October 2014);
- Written Restoration and Outline Aftercare Scheme – Revision A Dated November 2017 (received 5 June 2018); and
- [Cemex response to] Comments Received from County Ecology Officer Regarding Planning Application no. S/0204/16/CW (received 28 June 2017)

Reason: To ensure the development is carried out in accordance with the approved plans and to define the site and preserve the character, appearance and quality of the area in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS25, CS33 and CS35 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3, NE/4, NE/6 and NE/7.

Maintenance, silencers and reversing alarms

5. All vehicles including locomotives, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with effective silencers that shall be used at all times. All vehicles with the exception of locomotives, that are fitted with reversing alarms shall be fitted with "white noise" type or similar, reversing alarms.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Prevention of pollution of groundwater

6. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed, with no discharge to any watercourse, land or underground strata. The associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be directed to discharge into the bund.

Reason: To prevent pollution in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policy CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/8.

Operation of trains on the branch line

7. No development shall take place other than in accordance with The Barrington Light Railway Operating Manual Issue 2 dated May 2018 (received 5 June 2018). No locomotive shall operate on idle for more than 30 minutes. No locomotive older than Class 59 shall be accepted after 12 months of the implementation this planning permission.

Reason: In the interests of limiting the effects on local amenity to control the impacts of the development in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise monitoring [scheme with up to date references to be provided by the applicant]

8. No development shall take place other than in accordance with the Noise Monitoring Scheme (dd mm 2018) (received dd mm 2018).

Reason: To monitor whether the noise limits in conditions 19, 20, 25, 42, 43 and 44 are being complied with in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Vibration monitoring [scheme with up to date references and including monitoring new houses to be provided by the applicant]

9. No development shall take place other than in accordance with the Revised Proposed Scheme for Monitoring Groundborne Vibration from the Railway during Operation (Rupert Taylor dd mm 2018) (received dd mm 2018).

Reason: To monitor whether the vibration limit in condition 26 is being complied with in the interests of residential amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Routeing agreement [plan to be updated with reference to plan no.]

10. The site shall not be operated except in accordance with the Traffic Management Plan dated dd mm 2018 received dd mm 2018).

Reason: In the interests of limiting the effects on local amenity to control the impacts of the development and to comply with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Use of the branch line

11. The Barrington Light Railway shall not be used for any purpose other than the development hereby permitted and site open days and heritage services on no more than 4 days per calendar year.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Ecological mitigation

12. No development shall take place other than in accordance with the Ecological Management Plan for the Restoration of Land at Barrington Quarry, Haslingfield Road, Cambridgeshire, CB22 7RQ (Andrews Ecology December 2017(v.2))

Reason: In the interests of protecting wildlife in accordance with paragraph 175 of the National Planning Policy Framework (July 2018) and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/6.

Replacement planting

13. If within a period of five years from the date of planting any tree or shrub fails, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place in the first available planting season, unless the waste planning authority gives its written consent to any variation.

Reason: In the interests of visual and residential amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS33 and CS34.

Site Liaison Committee

14. Within 3 months of the date of this planning permission a scheme for the inauguration, implementation and regular convening of a Site Liaison Committee shall be submitted to and approved by the waste planning authority. The approved scheme shall be implemented for the duration of the development hereby permitted.

Reason: To provide a forum in which the operator and representatives of the local community and regulatory bodies can share information relating to the site in accordance with the Cambridgeshire Statement of Community Involvement (adopted March 2014).

School safety training

15. Within 3 months of the date of this planning permission a scheme for the inauguration, implementation and regular undertaking of rail safety training at Barrington Primary School shall be submitted to and approved by the waste planning authority. The approved scheme shall be implemented for the duration of the development hereby permitted.

Reason: To increase awareness of local school children to the dangers of active railway lines.

Area A – Foxton Exchange Sidings (land shown coloured blue on plan CCC1 at the end of this report)

Restriction on train times

16. No trains shall be operated within the Foxton Exchange Sidings between 2000 hours and 0530 hours.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise mitigation scheme

17. No trains shall enter the Foxton Exchange Sidings between 0530 and 0700 hours until a noise mitigation scheme has been submitted to and approved in writing by the waste planning authority and the approved scheme has been implemented in full. The approved noise mitigation measures shall be maintained for the duration of the development.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan

Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Wheel flange lubricators

18. The wheel flange lubricators shall be maintained in an operational condition for the duration of the development.

Reason: To minimise noise emissions in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limit (0530 - 0700 hours)

19. Noise emissions attributable to operations in the Foxton Exchange Sidings between 0530 and 0700 hours shall not exceed 42 dB L_{Aeq, 1hour} free field at the boundary of any residential property.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limit (0700 - 2000 hours)

20. Noise emissions attributable to operations in the Foxton Exchange Sidings between 0700 and 2000 hours shall not exceed 55 dB L_{Aeq, 1hour} free field at the boundary of any residential property.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Plant working hours

21. The operation of mobile plant and powered hand tools shall only be undertaken between 0700 and 1800 hours Mondays to Fridays and between 0700 and 1500 hours on Saturdays. There shall be no Sunday or bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Vehicle loading hours

22. The loading of track materials and rail ballast from either road or rail vehicles associated with track removal shall only be undertaken between the hours of 0700 to 1800 Mondays to Fridays. There shall be no Saturday, Sunday and bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Foxton level crossing

23. The Foxton Road level crossing shall be retained in accordance with the details set out in the document Barrington Quarry – Planning Permission S/0180/10/CW – Submission of level crossing details as required by conditions 19, 30, 40 & 41 (Chris Lewis dated 22 February 2013) which were approved by the waste planning authority on 27 March 2013.

Reason: In the interests of highway safety and local amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/14.

Area B – Foxton Road Level crossing, River Cam viaduct, Glebe Road level crossing to Haslingfield Road level crossing (land shown coloured green on attached plan CCC1)

Plant working hours

24. The operation of mobile plant and powered hand tools for track, bridge and level crossing maintenance, shall only be undertaken between 0700 and 1800 hours Mondays to Fridays. There shall be no Saturday, Sunday and bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limit

25. Noise emissions attributable to train movements shall not exceed 62dBL_{Aeq,1hour} free field at a distance of 10 metres from the head of the nearest rail. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Vibration limit

26. Vibration levels from the operation of the railway line, as measured in accordance with BS6472, shall not exceed a 16 hour daytime vibration dose value (VDV) of $0.4\text{ms}^{-1.75}$ (0700-2300hrs) measured either at the position of the building foundation or at the centre of any floor of any residential property adjacent to the line. Where it is not practicable to measure inside dwellings or at foundation positions, measurements may be made at other positions and foundation levels calculated according to the methodology in the scheme for periodic monitoring referred to in condition 9.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Movement of trains (time of day)

27. There shall be no movement of trains before 0700 or after 2000 hours or between 0840 and 0910 hours or between 1510 and 1540 hours between Foxton Road level crossing and Haslingfield Road level crossing. There shall be no movement of trains between Foxton Road level crossing and Haslingfield Road level crossing at any time on Saturdays, Sundays and bank or public holidays except in accordance with condition 11. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per day

28. There shall be no more than 8 train movements in any one day on the railway between Foxton Road level crossing and Haslingfield Road level crossing. There shall be no more than an average of 6 train movements per day per calendar month measured excluding Saturdays, Sundays and bank or public holidays. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per hour

29. There shall be no more than 2 train movements in any 60 minute period on the railway between Foxton Road level crossing and Haslingfield Road level crossing.

For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Glebe Road level crossing

30. The Glebe Road level crossing shall be retained in accordance with the document Barrington Quarry – Planning Permission S/0180/10/CW – Submission of level crossing details as required by conditions 19, 30, 40 & 41 (Chris Lewis dated 22 February 2013) which were approved by the waste planning authority on 27 March 2013.

Reason: In the interests of highway safety and local amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/14.

Prevention of unauthorised access

31. The measures to minimise the risk of unauthorised entry of the railway line between points “X” and “Y” on the attached Plan CCC1 set out in the attachment to Keith Frost’s email dated 28 March 2013 and approved by the waste planning authority on 3 May 2013 shall be maintained for the duration of the development hereby permitted.

Reason: In the interests of safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Wheel flange lubricators

32. The automatic wheel flange lubricators outside the cement works by the Haslingfield Road level crossing shall be maintained in an operational condition to grease the curve for the duration of the development.

Reason: To minimise noise emissions in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Area C – Haslingfield Road level crossing to end of quarry railway extension (land shown coloured pink on attached plan CCC1)

Plant working hours

33. The operation of mobile plant and powered hand tools for track and level crossing maintenance, shall only be undertaken between 0700 and 1800 hours Mondays to Fridays. There shall be no Saturday, Sunday and bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per day

34. There shall be no more than 8 train movements in any one day on the railway in Area C. There shall be no more than an average of 6 train movements per day per calendar month measured excluding Saturdays, Sundays and bank or public holidays. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Number of trains per hour

35. There shall be no more than 2 train movements in any 60 minute period on the railway in Area C. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Haslingfield Road level crossing

36. The Haslingfield Road level crossing shall be retained in accordance with the document Barrington Quarry – Planning Permission S/0180/10/CW – Submission of level crossing details as required by conditions 19, 30, 40 & 41 (Chris Lewis dated 22 February 2013) which were approved by the waste planning authority on 27 March 2013.

Reason: In the interests of highway safety and local amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/14.

Movement of trains (time of day)

37. There shall be no movement of trains before 0700 and after 2000 hours in Area C. There shall be no movement of trains in Area C at any time on Saturdays, Sundays and bank or public holidays except in accordance with condition 11. For the avoidance of doubt a light engine movement (i.e. a locomotive with no wagons) shall be classed as a movement for the purposes of this condition.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Area D – Existing worked quarry area including lake, haul routes and plant repair workshop (land coloured yellow on attached plan CCC1)

Prevention of dirt on public highway

38. The surface of the sealed access road at the entrance into the site from the Haslingfield Road shall be kept free of dirt and debris by regular cleaning by mechanical sweeping as necessary for the duration of the use.

Reason: In the interests of highway safety and the amenity of local residents in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

HGV movements (restriction of hours)

39. The delivery of no more than 1,200 tonnes of restoration materials by road and the export by road of materials for re-use, recycling or disposal (including leachate) shall only take place between 0700 and 1800 hours on Mondays to Fridays. There shall be no HCV movements on Saturdays, Sundays, bank or public holidays.

Reason: To minimise any disturbance in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Means of delivery of waste

40. No waste shall be imported into the site for the purposes of this development other than by rail except a maximum of 1,200 tonnes of restoration material.

Reason: In the interests of local amenity and highway safety in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS32 and CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policy DP/3.

Dust

41. No development shall take place other than in accordance with the dust control measures set out in Cemex letter dated 9th July 2015 (Appendix E of the Supporting Statement dated October 2016 (received 23 December 2016)).

Reason: To minimise the risk of fugitive dust emissions from the site in the interests of residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE16.

Noise limits (0600 – 0700 hours)

42. Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed 42dBLAeq, 1 hour between 0600 and 0700 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 *Description and measurement of environmental noise*.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limits (0700 – 1900 hours)

43. Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed either 10dB above the background noise levels specified in the periodic noise monitoring scheme or 55dB LAeq, 1 hour free field whichever is the lower between 0700 and 1900 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 *Description and measurement of environmental noise*.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Noise limits (1900 – 2200 hours)

44. Noise levels at the boundary of any residential property attributable to quarry infill operations shall not exceed 10dB above the background noise levels specified in the periodic noise monitoring scheme from 1900 to 2200 hours. Levels may be measured directly or derived from a combination of measurement and calculation using propagation corrections. All measurements shall be carried out in accordance with the requirements of BS7445 *Description and measurement of environmental noise*.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Working hours

45. The unloading of trains, transport of waste to the receptor areas, land levelling, soiling and initial cultivation shall only take place between 0600 and 2200 hours Mondays to Fridays and between 0600 and 1300 on Saturdays. There shall be no Sunday or bank or public holiday working.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Waste types

46. Only inert waste arising from construction and demolition shall be imported to and deposited at the site.

Reason: To define the nature of acceptable wastes to be deposited in the former quarry area in the interests of the prevention of pollution and residential amenity in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS9, CS34 and CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/8.

Surface water drainage

47. No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Technical Note: MicroDrainage modelling results June 2017 reference CMP 16/06/207 and the Flood Risk Assessment prepared by JBA Consulting (ref: 2015s3432 Final Report V3) dated 20 December 2016 and inclusive of a scheme to treat and remove suspended solids from surface water run-off during the development, has been submitted to and approved in writing by the waste planning authority. The approved scheme shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development and to prevent the contamination of surface water that will be discharged into the River Rhee/Cam in accordance with National Planning Policy Framework paragraphs 163 and 165; the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS2 and CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/11. This is a pre-commencement condition because the surface water drainage arrangements need to be agreed before construction work starts.

Leachate management

48. No development shall take place other than in accordance with the leachate management scheme Arup ref BAR DOP001 Draft 1 12 November 2012 approved by the waste planning authority on 30 August 2013.

Reason: To prevent pollution of surface and in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policies CS3 and CS39 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/8.

Pumps

49. All fixed pumping apparatus shall be electrically powered.

Reason: To protect the amenities of occupiers of nearby properties in accordance with the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (July 2011) policy CS34 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3 and NE/15.

Geological exposure

50. No waste shall be deposited in the area shown in yellow as Active fill area for phase on drawing no. 16_CO18_BARR_017 Phase 3 dated 16/12/2016 until detailed proposals for re-establishment of geological exposures, drainage and access arrangements have been submitted to and approved in writing by the waste planning authority. The development shall be carried out in accordance with the approved details.

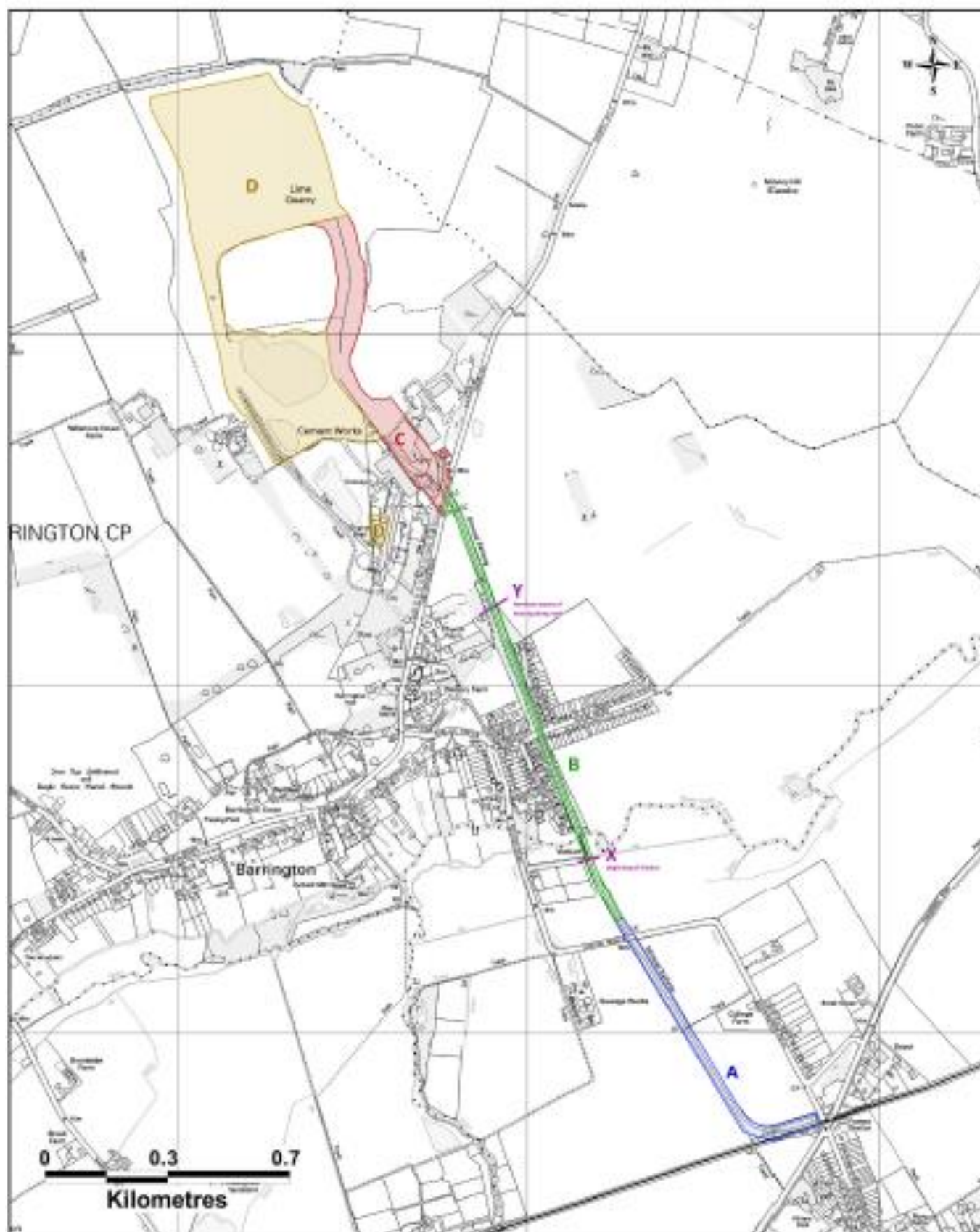
Reason: To protection of the geological interest of the site in accordance with paragraph 170 of the National Planning Policy Framework (July 2018) and South Cambridgeshire Development Control Policies DPD (July 2007) policy NE/7.

Unexpected cessation of development

51. Should for any reason the infilling cease for a period in excess of 12 months the developer shall upon written request from the waste planning authority submit a revised scheme for the restoration of the site, including a schedule of timings, provision of soiling, grass, shrub and tree planting in similar manner to that referred to in the aforementioned conditions. All work of restoration shall be completed within two years of the date of cessation of infilling in accordance with the revised scheme which shall have been agreed in writing by the waste planning authority. The approved revised scheme shall be implemented in full.

Reason: To define the timescale for the completion of the development and ensure the restoration of the site to a beneficial afteruse in accordance with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011) policies CS2, CS25, CS33 and CS35 and South Cambridgeshire Development Control Policies DPD (July 2007) policies DP/3, NE/4, NE/6 and NE/7.

Source Documents	Location
<p>Link to the National Planning Policy Framework 2018: https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to the South Cambridgeshire Local Development Framework (2007) https://www.scambs.gov.uk/categories/local-development-framework</p> <p>Link to the Emerging South Cambridgeshire Local Plan 2011- 2031: Submission of Local Plan https://www.scambs.gov.uk/services/emerging-local-plan</p>	



Scale (at A2): 1:10000
 Date: 18/03/11 V2
 By: sp484

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Planning Application No. S/0204/16/CW – Importation by Rail and Deposit of Inert Restoration Material to Restore Former Clay and Chalk Quarry – Barrington Quarry, Haslingfield Road, Barrington, Cambridgeshire

Matters for the Deferral of Consideration of Planning Application, Planning Committee 6th September 2018

Members of the Planning Committee at their meeting of the 6th September 2018 resolved to defer consideration of the above application pending further discussions between officers and the applicant regarding the following issues: -

- signage (presumably at Foxton Sidings regards idling times and locations);
- age of locomotives;
- age of rolling stock;
- brake squeal;
- the impact on development viability of reducing frequency to 2 trains per day;
- a further consideration of locomotive idling times;
- the feasibility of completing the development in 15 years, and;
- whether or not any of the above will impinge on the feasibility of Redrow providing the cycleway parallel to railway.

The following is the applicant's response to the issues raised by Planning Committee members.

Signage

CEMEX is happy to erect signage within Foxton Exchange Sidings advising train crews of restrictions regards locomotive idling times and the appropriate stabling locations. The nature and location of such signage could form part of a mitigation scheme to be submitted to officers within 3 months of the date on which the permission is issued.

Age of Locomotives

CEMEX is advised by train operators accessing the site that there are only four modern classes of locomotive suitable to haul trains accessing the application site; these are Classes 59, 60, 66 and 70. Classes 67 and 68 are not considered suitable due to their limited tractive effort. Classes 60 and 66 are by far the most numerous locomotives and can be considered to be the mainstay of rail freight operations in the UK. Were CEMEX unable to accept locomotives within these classes due to their age, the pool of locomotives considered suitable would shrink to the extent that the Company's ability to obtain appropriate haulage would be compromised.

Age of Rolling Stock

CEMEX is unable to stipulate the age of the rolling stock used in accessing the application site but there is no direct correlation between rolling stock age and brake squeal; the key issue is the application of the train brakes. The Company cannot

give an undertaking that no trains will need to brake or stop at any of the level crossings. Unforeseen circumstances arise where this is the only safe course of action; nevertheless trains should not be stopping or braking as a matter of course, rather this should be the exception rather than the rule. One means to achieve this is to ensure that the Glebe Road crossing is manned separately from those at Haslingfield and Foxton Roads. The Company has committed to this via the submitted Barrington Light Railway Operating Manual.

Impact of reducing train number

A reduction in train numbers into the application site will have a negative impact on CEMEX's ability to win contracts for suitable restoration material, especially from large scale works such as HS2. This is because this type of contract requires the accommodation of material in a set timeframe that is governed by the speed at which becomes available. If a potential reception site cannot accommodate the volume of material required within the timeframe it is likely to be generated the site becomes less attractive to the generator of the material, placing Barrington at a disadvantage.

Reducing the number of trains to two per day would, given the same assumptions made regards the rate of fill that underpin the current application, would extend the life of the development to 21 years. CEMEX does not seek to increase the number of trains overall, this will remain three per day as an average. For every day that four trains are accepted this will mean a day later in that month where only two trains will be permitted.

Locomotive Idling Times

It is accepted that it is proposed to extend the permitted idling time from 15 to 30 minutes as part of the proposed development. 30 minutes is not a target however, it is a maximum, and is proposed on the basis of experience gained in from the operation of the branch line; 15 minutes is not always sufficient for the train crews to be able to start the locomotive, charge the train braking systems, undertake the required safety checks and a small amount of contingency that is sometimes needed to accommodate small delays that can occur between the crew being notified by Network Rail staff they can enter the mainline network and the signal actually changing to green. The submitted noise assessment of the 4th June concludes that a locomotive idling for 30 minutes at point Y as illustrated by drawing no.

16_C018_BARR_300 would not result in a breach of the noise limit at Foxton Exchange sidings proposed by officers. This contrasts with the extant situation at Foxton sidings where there are no noise limits between the hours of 0700 and 2300. Any departing locomotive will be required to stable at point Y as illustrated by drawing no. 16_C018_BARR_300, as far away from College Farm as is possible; this requirement will be reinforced by signage as discussed above and incorporated into driver induction. No trains will be accepted into the sidings prior to 0700 without

the submission, approval and implementation of additional mitigation measures, and none will be accepted after 2000.

Having discussed the issue of train crew welfare with the trains crews it is proposed to erect a small modular mess facility adjacent to Foxton Level Crossing, removing the need for them to leave their locomotive idling to maintain the cab heating system. CCTV will also be installed so the Site Supervisor can monitor train activity in the sidings.

The Company has investigated the alleged instances of extended idling that Monitoring Officers have brought to its attention. These instances have been due to exceptional network conditions such as poor weather damaging the overhead power lines or other network disruption beyond the control of both CEMEX and the train operator. CEMEX will make every endeavour to advise local residents when it becomes aware of such situations and the extent to which it may result in extended locomotive idling.

Development Timescale

The assumptions made in calculating the lifespan of the proposed development are somewhat conservative in order to provide a degree of contingency. It is assumed that the site will be available to accept trains for 240 days a year, in fact in 2018 site availability will be 248 days. Using an assumption of 248 working days per year the predicted life of the development reduces to just over 14 years. Additionally, although Phase 4 is the last phase that requires the importation of restoration material, it also requires the restoration of the loading platform which would preclude the acceptance of further trains. Applying current assumptions, the operation of the branch line is likely to cease 13.5 years after any permission is first implemented, with the remaining 1.5 years used to reprofile and restore restoration material on site. Assuming a 248 working day year, this is reduced to 13 years.

Appendix D of the Supporting Statement is an assessment of the likely availability of a suitable of feedstock to supply the proposed restoration. It concludes that due to a lack of future capacity, recent case law and a number of development projects in the South East, either proposed or underway there remains a demonstrable need for the facility CEMEX proposes. The proposed restoration scheme allows CEMEX to offer potential customers security of availability which the current scheme does not, which will boost its ability to secure the long term contracts that the site is most suited to.

Cycleway

None of the above will impede the ability for the proposed cycleway to be constructed parallel with the branch line in the Company's view.

Proposed Hours of Operation

Although not specifically referred to by Members of the Committee it is opportune to clarify what is being proposed by CEMEX: -

Operation	Current Permitted Hours of Operation	Proposed Permitted Hours of Operation
Restoration including train unloading	0600 - 2200	0600 to 2200, but with restrictions on the nature of operations at certain locations between 0600 and 0700 and 2000 and 2200 in relation to both Wilsmere Down Farm and the proposed new housing
Rail Operation within the Quarry	0600 - 2200	0700 – 2000
Operation of the branchline between Haslingfield and Foxton Roads Level Crossings	0700 - 2000	0700 - 2000
Foxton Exchange Sidings	No Restrictions	0700 – 2000, although in exceptional circumstances trains may leave the sidings for the mainline up to 2200. Trains may be accepted into the sidings from 0530 if a noise mitigation scheme is submitted to and approved by the Waste Planning Authority, and fully implemented by the operator.

To summarise: -

- CEMEX is happy to implement a signage scheme within Foxton Exchange sidings to remind train crews of the requirements of operating within the sidings, and to agree the details with officers;
- The pool of what might be seen as ‘modern’ freight locomotives suitable to work Barrington trains is small and would be likely to render the project unviable. CEMEX undertakes to bar access to any locomotive constructed prior to 1985, with the majority of the locomotives visiting the site likely to be drawn from Class 66 (as they are by far the numerous of the remaining suitable classes), built between 1998 and 2015;
- CEMEX is not able to stipulate the age of the rolling stock used by the train provider, but age is not a guarantee of minimal brake squeal. It is prepared to

continue to operate the branch in such a way as to minimise instances of brake squeal, primarily by deploying the resourced necessary to ensure that trains can pass through all the level crossings with needing to stop or brake, except in emergency situations;

- Reducing the number of trains to two per day will extend the life of the project to 21 years, with trains operational for just over 20 years;
- The 30 minutes idling time is not a target and contains a degree of contingency to accommodate minor unforeseen delays. The noise assessment that forms part of the Environmental Statement demonstrates that noise conditions officers propose for Foxton Sidings can be complied with accounting for up 30 minutes idling. A train crew mess facility will be provided for train crews to use in the winter in order that the locomotive does not have to left running for an extended period to provide heating;
- The anticipated 15 year development life contains within it both a degree of contingency and conservative assumptions regards site availability. The final 18 month of the restoration requires reprofiling of the material on site and the restoration of the train unloading platform, so no trains could be accepted. It is anticipated, therefore, that the operational life of the branch would extend to no more than 13.5 years from commencement;
- CEMEX has no reason to think that any of the above measures would comprise the provision of the cycleway, and;
- No trains will be accepted into Foxton Exchange Sidings before 0700 until a noise mitigation scheme has been submitted to and approved by the Waste Planning Authority, and fully implemented by CEMEX. Pursuant to the current permission there is no restriction on when trains can be accepted into the sidings.

17th September 2018

Deferred Planning Application S/0204/16/CW

1.0 Introduction

Barrington Parish Council understands that the above application by Cemex to fill the Haslingfield Road Quarry was deferred so that further consideration could be given to a number of issues of concern raised by councillors.

BPC welcomes the opportunity to provide a further response in relation to the issues raised.

2.0 BPC's submission re the application

2.1 Barrington Parish Council originally responded to the application with several points including:

- *Current planning conditions that apply to the rail operations between Foxton Siding, through Barrington and to the site should be properly enforced and future conditions in relation to noise should be no less onerous and should have a view to preserve the amenity of residents along the track. Reaching the SOAEL is unacceptable.* (para 6.1.1)
- *The negative impact of planned operations upon the amenity of Barrington residents and likely future residents at the Redrow housing site on Haslingfield Road is a major concern. Consideration should be given to further restricting, not relaxing the timing and number of train movements.* (para 6.1.3)

3.0 Officer's Assessment and Interested Parties' Issues

At the Committee Meeting on 6th September, the Committee were given a presentation on the application by the County's planning officer (Assistant Director Environment and Commercial).

Following this Cllr Kemp pointed out that the County Council Officer's own assessment was that:

"It is considered that the benefits of the proposed restoration of the quarry by importing inert waste using the BLR over a period of 15 years **just** outweigh the level of disturbance that would be experienced by local residents from the passage of trains." (para 8.76 – emphasis added)

Cllr Kemp pointed out that this phrasing ("just") was uncommon and therefore under the circumstances the balance of the decision depended upon key conditions regarding noise and amenity being met. Also, that while past performance of the operator was not a material consideration, the effectiveness of conditions to be applied to a consent was a matter for consideration by the Committee.

4.0 County Councillors' Discussion

In discussion, County Councillors concerns related to:

- Number of train movements (there was a debate as to whether a maximum of 4 train movements was really needed and whether Cemex had demonstrated a commercial need or not for the requested number of movements)

- Number of train movements per hour
- Timing of train movements, generally, but especially in the arrival / departure times at Foxton Sidings
- Noise abatement – generally but specifically:
 - Limiting the time allowed for engine Idling at Foxton Road
 - Signage for drivers / shunters to remind them of those limits
 - Engine specification – especially in relation to using more modern, less polluting engines
 - Truck specification
- Enforcement of conditions with respect to complying with the Barrington Light Railway Operating Manual – specifically to avoid stopping between Foxton Sidings and Haslingfield Road
- How the agreed cycleway along the route of the railway between Haslingfield Road and Foxton is to be guaranteed (and done safely).
- Noise abatement for the New Redrow Development residents and
- Alternative noise abatement possibilities for Wilsmere Down Farm

5.0 Views of other Interested Parties

BWRA is strongly of the view that four movements a day (2 in and 2 out) is the maximum that is tolerable to residents and is understood to have already obtained a petition from residents alongside the track in Bendyshe Way and Malthouse way to that effect.

The corollary of this is that the quarry will take longer to fill but there is evidence that BWRA residents accept that because they do not believe Cemex would fill the quarry within its current proposed timeline anyway.

Mr and Mrs Pow have argued for similarly reduced numbers of trains, stricter control over timing of access to and from Foxton sidings, and strict control over idling of engines.

6.0 Observations

- 6.1 BPC understands that under the 2011 permission the development was to be completed within 5 years and the planning permission expires on 31 December 2018. Cemex had estimated that it will take until September 2019 to achieve the restoration profiles approved under the 2011 permission. However, due to the short remaining duration of the current planning permission Cemex have indicated that they are finding it difficult to secure contracts. Cemex suspended operations in mid-July.
- 6.2 The current proposal is to extend the area and length of operations out to 15 years plus 2 years restoration. BPC has seen the BWRA calculations and argument that Cemex is unlikely to fill the void (and thereby comply with the planning permission) within the 15 years requested.

7.0 Barrington Parish Council Response to Issues Raised by County Councillors

- 7.1 BPC agrees with the County Planning Officer's assessment that the decision is finely balanced.
- 7.2 In such circumstances, the balance can only be improved to the benefit of affected residents, and thereby made tolerable, by having effective conditions attached to the permission.
- 7.3 Planning conditions need to be reasonable and enforceable, but it must also be "reasonably foreseeable" that they *will be* both effective and enforceable. If planning conditions are felt unlikely to be effective and enforceable, then the balance shifts back against permitting the development.
- 7.4 The only conditions that will *definitely* reduce the negative impact upon the amenity of Barrington residents (Area B in Figure 1) relate to the reducing the cause of the harm – i.e. the number of daily train movements. If this view is accepted, then the allowed number of daily train movements needs to be reduced.
- 7.5 BPC notes that it is *the duration of the permission* period that is referred to as a constraint by the County Council Officers at para 1.3 of their report, not the *rate* by which inert waste can be accepted.
- 7.6 BPC have seen no detailed economic or viability arguments from Cemex to the effect that their contracts are constrained by the daily / monthly / quarterly or annual *rate of disposal* into the Quarry.
- 7.7 Some practical, physical measures such as noise abatement screening and bunding *may* be viable at certain locations but these are "second order" improvements that do not aid the Barrington residents most affected currently. Physical measures along the Bendyshe Way – Malthouse Way section (Area B) are not feasible. Noise abatement screening at Foxton sidings / Barrington Road (Area A), bunding for Wilsmere Down farm and bunding or other physical measures as appropriate for the new housing development at the Redrow site (Area C) may be feasible.
- 7.8 "Third order" conditions that go to reducing the negative impact on amenity relate to the behaviour of the operator.
- 7.9 Acceptable behaviour relates to the timing, speed, management of train movements, restriction on idling engines, and setting standards for the age and condition of engines and rolling stock. This depends upon the Barrington Light Railway (BLR) Operating Manual being followed and enforced. However, the reliability for such conditions having an effect on the balance between benefit and harm is questionable.
- 7.10 In other words BPC is not of the view that "third order" planning conditions guarantee good operator behaviour, even with improved monitoring to check and report upon adherence to said conditions. Indeed, it is reasonably foreseeable that "third order" planning conditions restricting BLR operations will in fact fail and will be very difficult to enforce.

Dear Ms Wass

Ref S/0204/16/CW

Thank you for your invitation to the BWRA to add some additional comments after the deferment of the decision on the Cemex application.

Amenity damage

1 The BWRA's principal concern remains the damage to our amenity caused by the passage of the trains. Notwithstanding the observations in para 5.5 made by SCDC about mitigation measures, we recognise that, for the houses alongside the line in Bendyshe Way and Malthouse Way, acoustic screens are not an option as they would damage the amenity even more.

2 The cause of the most noise is a change in the train's speed along the quiet zone. Either a gradual one as the train accelerates under load from the 5mph speed at which the engine passes Glebe Road up the incline to the works, or a drastic one as the train applies the brakes either just slowing down to the 5mph over the crossing, or because the gates are not open and it brakes hard to come to a complete standstill and then sets off again.

3 Another cause of noise originates from the physical condition of the locomotive and the rolling stock. Residents noticed that, in the current contract when the new wagons were operating, the noise level was diminished. We would ask that you specify an age limit to be put on both engine and wagons.

Enforcement of conditions

4 Despite the signage along the track and the conditions imposed by the BLR Operating Manual, residents closest to the Glebe Road crossing report frequent disregard of the permitted speeds and the run through.

All residents of affected roads are made forcibly aware of forbidden braking events. It is impossible to police these behaviours adequately and the threat to the amenity of nearby residents is always present.

5 The most reliable way to minimise the threat to the amenity is to reduce the number of train movements.

6 Your para 5.48 cites the petition raised by BWRA from residents in Bendyshe Way, Glebe Road, Malthouse Way and Heslerton Way objecting to 8 movements a day back when S/01080/10/CW was being considered. At that time BWRA asked for four movements a day and that remains our position today, now fortified by the experience of the current planning permission.

Argument in favour of four movements

7 The reduction from six to four movements a day clearly represents a significant saving of the amenity of residents of the affected roads, and also for the convenience of road users at the Glebe Road, Haslingfield Road and Foxton Road crossings, and also of the A10 at Foxton.

8 Its cardinal advantage however is that it is the most effective way of achieving lower numbers of SOAEL events and a lower impact on the local amenity.

Inevitability of a request for extension

9 Cemex claim that the annual load capacity of the railway is 1.08 million tonnes. The BWRA calculates the capacity of loads per year to be $50T \times 23 \text{ wagons} \times 3 \text{ loads} = 3,450 \text{ Tonnes per day}$, multiplied by 271 = 935,000 tonnes per year, a reduction of 14% on Cemex's claim. Cemex

have not provided details other than “inert construction, demolition and excavation waste” but if the density is too high (e.g. excavated boulder clay or solid chalk) more trains will be needed and the assumptions on filling the quarry will be severely compromised.

10 Our experience over the life of the existing contract has been that only very rarely were more than two full trains run in a day and, whilst we recognise that future operations cannot be held to ransom by previous shortcomings, Cemex’s failure to exploit the opportunities afforded by the planning permission seems to suggest that infill material is hard to come by and sporadic in its availability. Cemex are recognising this fact by requesting an opportunistic fourth train.

11 The consequence of the inevitable failure to run three trains **every single working day** for 15 years will be the need to request a time extension to the project if it is to continue in its present form.

12 We see nothing in the conclusions (para 8.68 *et seq.*) that suggests that time to fill the quarry is of the essence. According to the Cemex presentation at the Planning Committee hearing, and para 2.4, the proposal is to return the majority of the quarry void to calcareous grass land. While the BWRA has no objection to this proposal, it fails to see any compelling reason why it should be completed in 15 + 2 years rather than in a longer period. In other words: “what’s the hurry?”

Advantage of four movements

13 The BWRA asserts that it is more desirable to run two trains a day for a longer period and we enclose the results of a petition which asks whether more trains or a longer fill period is preferable. Residents who live within aural range of the railway line were canvassed. Almost unanimously (two preferred the shorter period - one on Heslerton Way and one on Glebe Road) they choose to have less trains now rather than shorter time to completion in the future. The BWRA interprets this as evidence that even the experience of 4 train movements has compromised the enjoyment of these residents’ amenity.

14 Two trains per day will enable the construction of the new houses to proceed with less interruption, and also provide less damage to the amenity of the residents of the new houses.

Conclusion

15 In their conclusion the planners state that the benefits of importing inert waste over a 15 year period “just outweigh the level of disturbance that would be experienced...” The assumption that the planners make is that their conditions will be adhered to; the BWRA asserts that, in its experience, these have proved impossible to control in the past as they rely on unsupervised subcontractors operating outside their own interests.

16 Therefore the BWRA requests in the strongest terms a reduction of permitted movements from six on average per working day in a month to four.

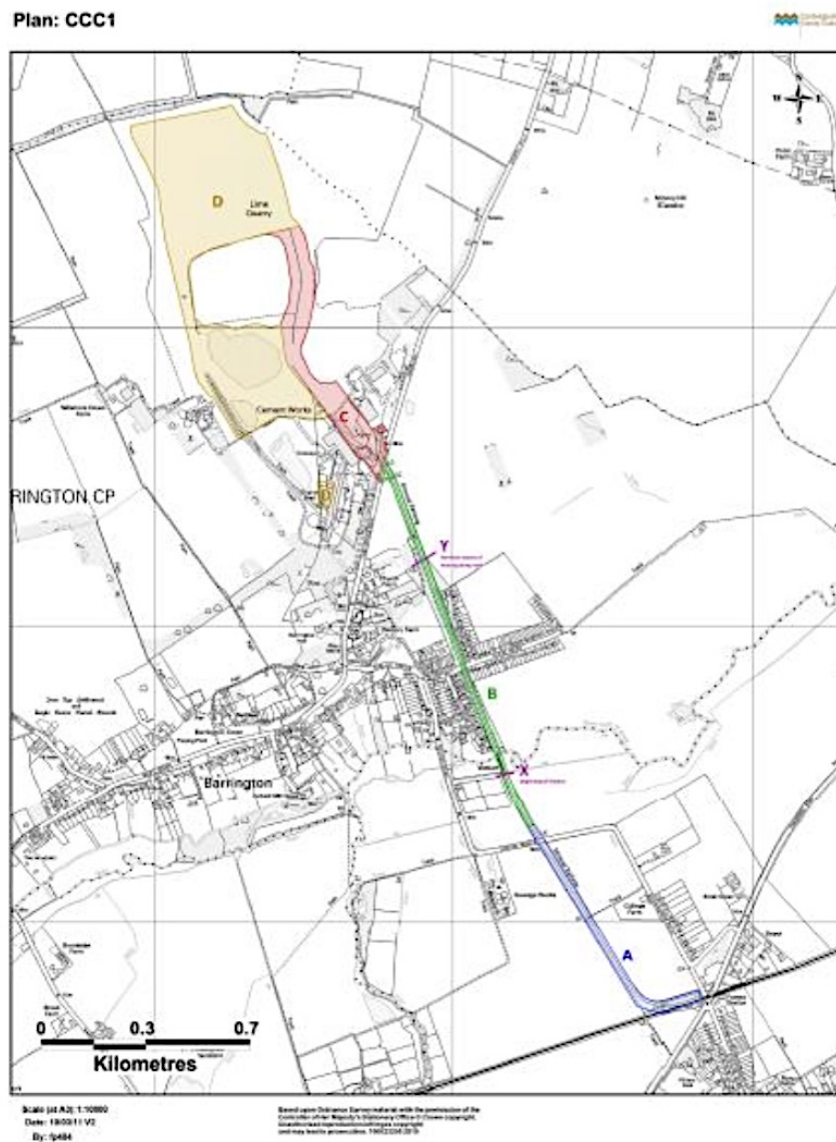
Yours sincerely

Peter Bird
Chairman
Bendyshe Way Residents’ Association

Dated 17th September 2018

**Representation from Ross and Rhia Pow, College Farm, Barrington Road,
Foxton, CB22 6SJ**

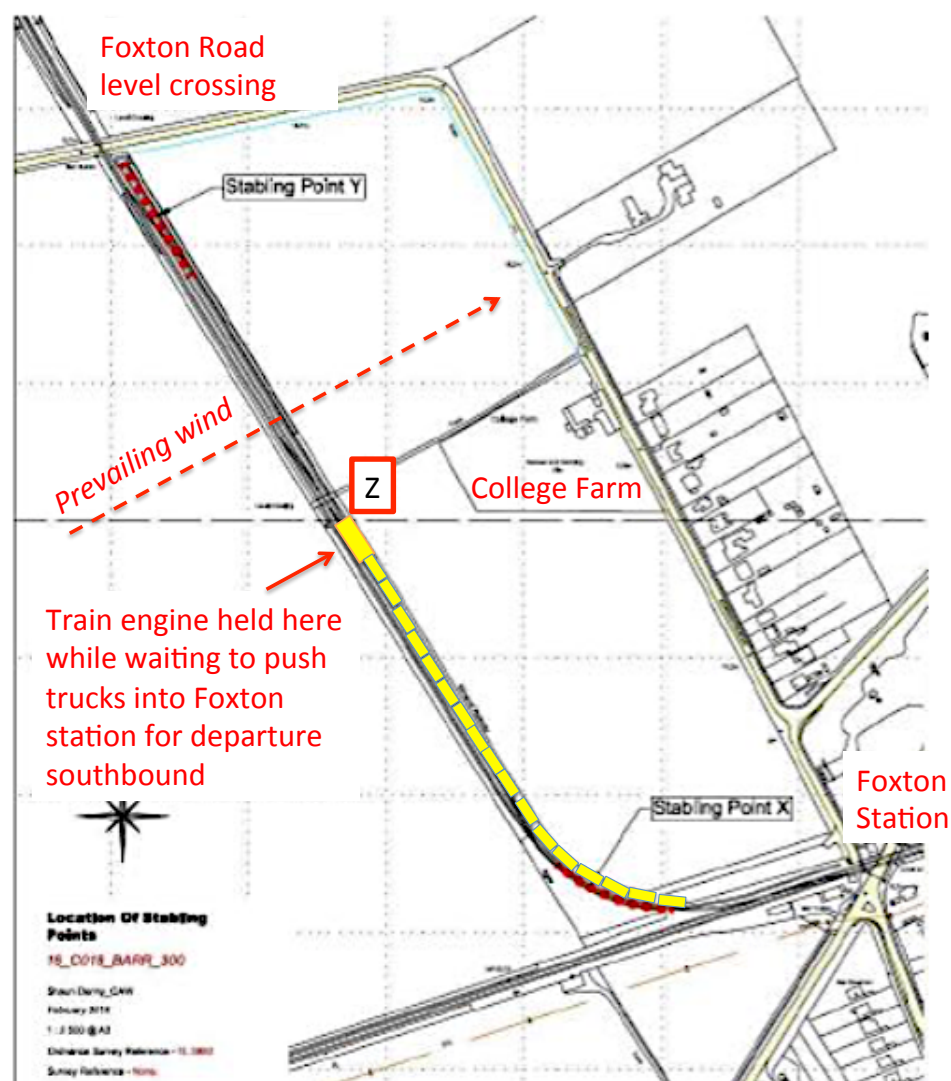
We live at College Farm on Barrington Road (section A on the Barrington Light Railway map). Foxton sidings are directly behind our house.



As we demonstrated at the Planning Committee meeting, the particular nature and intensity of the noise from the trains has had a very detrimental effect on the enjoyment of our home and garden. We have had to endure a mix of long periods of incessant engine throbbing, regular revving and the squeal from the wheels and brakes.

As the Sidings are used to run the engine round from the front of the trucks to the rear (and vice versa) and also to await departure before entering Foxton mainline station to return south, this can total up to six hours of noise per day.

The impact is especially intense when the engine is held stationary right behind our property (point Z on the map below), which is where they sit as they await departure southbound on their return journey with the empty trucks.



2. The initial 2011 planning approval was marginal and placed conditions to protect residents from adverse noise impacts which it has not been possible to enforce

It was recognised that the proposal represented an enormous increase in the use of the Barrington Light Railway, both in terms of the number of hours trains would be running but also in upgrading the line to be able to operate mainline engines instead of small shunters. Prior to 2011, the Sidings were used for a maximum of 30 minutes per week (and are actually shown as 'disused' on the Council map!).

Taking this into account, the recommendation of the officer for the initial infill application in 2011 was marginal: "The balance just lies in favour of the proposal" and "the impacts of intensifying the use of the railway can be kept to an acceptable level by planning obligations."

The last three years, however, have demonstrated that such planning conditions and obligations to control noise from the trains do not work and cannot reasonably be expected to be effective or enforceable within Foxton Sidings. Examples include:

- trains running outside of the permitted hours
- excessive squealing from the wheels and brakes
- engines idling for hours
- exceeding the decibel limits the applicant itself proposed.

At the heart of this is the difficulty that any owner of the quarry will face in controlling the train sub-contractors it must use to deliver the infill. To quote Cemex: "One of the problems is that we do not have control of the contractor once the train has left site." And from another of their emails: "Our discussions with the train operator asking for a change in behaviour appear to have yielded little in practice."

The eventual issuing of a Planning Contravention Notice in May 2017 did not substantially change any of these problems and the situation only improved in recent months when Cemex was unable to continue running the trains because of problems with sourcing sufficient contracts for suitable infill materials.

The Council's own Environmental Health officer and noise consultant both confirm that operational controls of contractors cannot be relied upon to mitigate noise and both warn of the adverse impact on existing residents, especially given the 15-year length of the application.

The impact on us will be heightened because trains are being allowed to arrive in Foxton from 0530 in the morning compared with 0700 at Barrington. While some physical mitigation measures are suggested, none of these will tackle the problem of the train engines when they are positioned directly behind our house. Our daughter and grandson, both of whom live with us, will therefore be subjected to the noise for the entirety of his growing up.

3. If approval is given to proceed with full restoration of the quarry over the proposed duration (15 years and potentially more), we request a strengthening of the conditions to mitigate the negative noise impacts

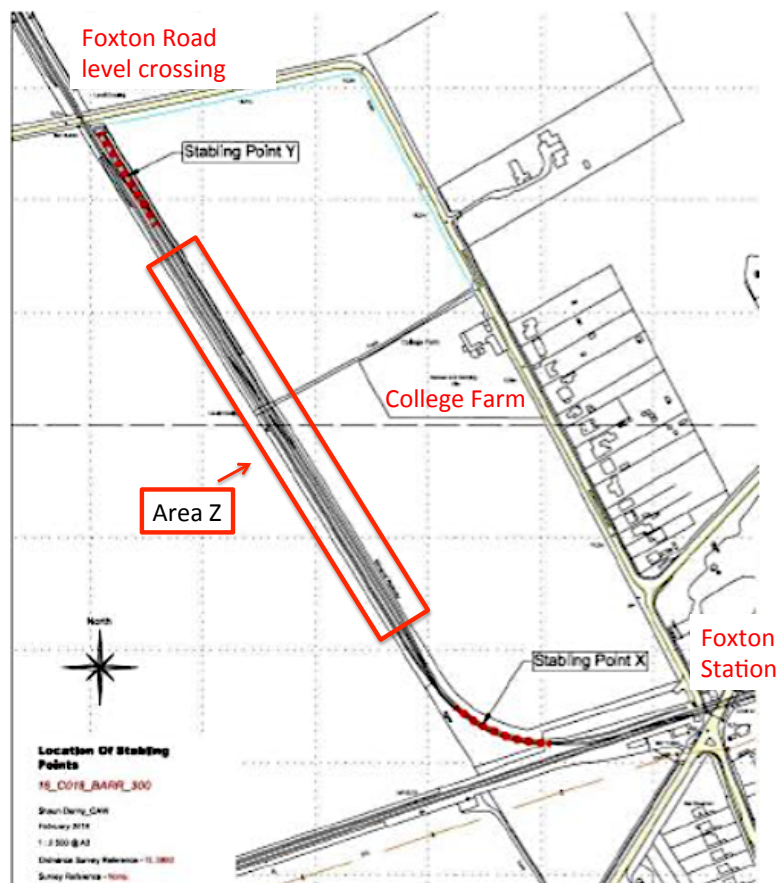
The only reliable ways to minimise the harms to amenity are to limit the number of trains allowed per working day and to constrain the hours of operation. We therefore request that if approval is given to proceed with the full restoration of the quarry over the proposed duration (15 years or more), that:

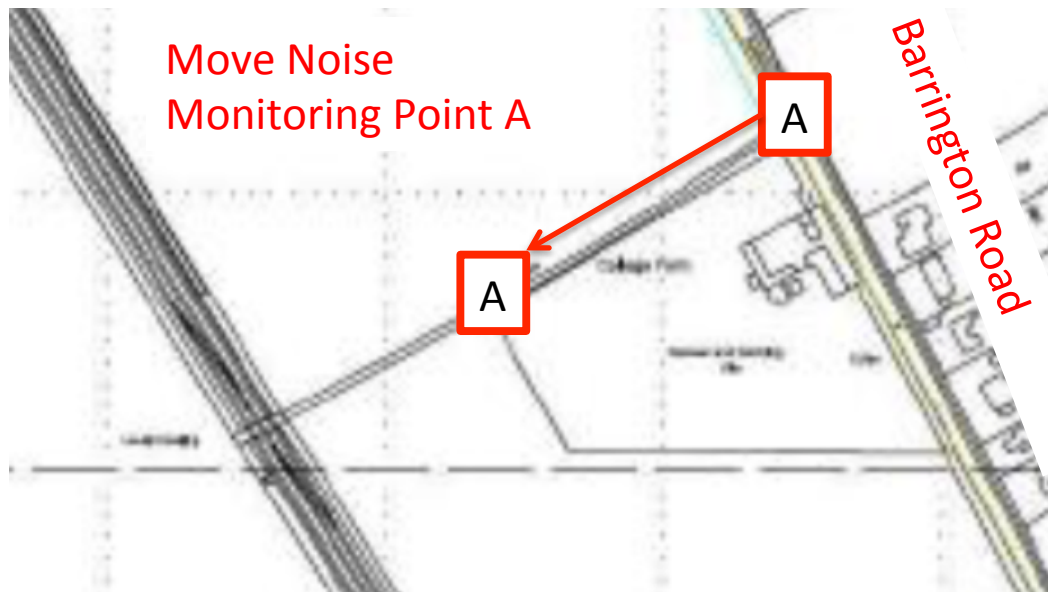
1. A maximum of two trains / 4 train movements per day will be permitted.
2. No trains will be allowed to operate in Foxton Sidings before 0700 and after 2000, affording Foxton residents that same protections as provided to those in Barrington (this request has previously been supported by a petition of Barrington Road residents delivered to the Council).

In addition, to mitigate and monitor the noise impacts in Foxton Sidings, the following additional conditions are also requested:

3. An obligation to erect engine sheds (our preference) and/or acoustic grade fencing at the stabling points X and Y on the map below.
4. A requirement for all engines and rolling stock to be of a maximum age and minimum quality (of a similar nature to the types of conditions placed on the Cambridge Guided Bus contract). This should include all engines to have Auto Engine Stop-Start capability.

5. No temporary period to be allowed to run older or poorer quality engines and rolling stock (eg for 12 months after the planning approval as is the current proposal).
6. A regular requirement (eg every five years) to review the age and quality of engines and rolling stock being used.
7. A 15-minute limit on engine idling time (ie maintain the same as specified in the 2011 approval and not increase this to 30 minutes as proposed).
8. No engine to be held stationery directly behind College Farm (suggested as Area Z on the map below).
9. Clear signage to direct drivers on idling times, use of stabling points and avoidance of being stationery in Area Z.
10. Quarterly monitoring of noise levels for both arriving and departing trains. We also request that the 'point A' for noise monitoring on Barrington Road is moved as shown on the map below in order to better measure the noise at the boundary edge of the property, so avoiding reliance on estimates and calculations to assess whether noise levels exceed the daytime 55dB LAeq,1h limit (the quarry operator and its contractors use this track in order to access the railway lines).





4. A alternative quarry restoration option is available that better balances all the interests concerned

A number of Councillors at the Planning Committee asked questions about the relative merit of doing a full restoration of the quarry rather than completing the partial restoration that was approved in 2011.

We believe that reverting to a proposal that completes the partial restoration is, in fact, the best overall option that balances the needs of all stakeholders. So, rather than bringing in material for 15 or more years for a complete restoration, the proposal could be redesigned to bring in just enough external material to complete the partial restoration.

The arguments in favour of this are:

1. The partial infill approved in 2011 should deal with all the safety and hazard issues (eg water accumulation) of the unfilled quarry.
2. The shorter duration for infilling would reduce the burden on existing local residents.
3. The potential amenity harms to residents in the new housing would be minimised.
4. Some additional income could still be generated from the quarry infill.

5. The ecological and amenity assessments of a full restoration are not that significant for the local community (the land mostly being restored to a mix of farmland and grass with limited levels of bio-diversity).
6. This approach secures access to a supply of clunch for local restoration works on significant historic buildings.
7. There should be less potential impact on construction of the cycle path.

Planning application no. S/0204/16/CW - Barrington Quarry

Text taken from an e-mail received from Mr C.G. Cook on 16 September 2018 timed at 17:28:

Dear Ms Wass,

Thanks for email.

Items I would like taken into account in relation to Barrington Quarry planning application:-

How much are Cemex being paid to dispose of the tunnel waste? Barrington has been selected because of its rail connection still remaining. There are still hundreds of other abandoned quarries in U.K. that are not subject to so-called restoration.

Each disposal train means that four closures of the A10 rail crossing take place...

Each train is approximately twice as long as a passenger train on this service and only proceeds through the crossing at a very slow rate in comparison.

Delays at this level crossing to road traffic could be up to twenty minutes.

Congestion on the A10 is costly to road users and has increased recently because of more frequent and longer passenger trains. There are also ongoing discussions relative to the possibility of routing the proposed Cambridge/Oxford service to connect with this line.

Cemex could remove their contribution to the congestion completely by alteration of the direction of entry of their rail connection to the main line.

C.G. Cook

10dB acoustics

Gordon Brown MCIEH, FIOA

10dB Acoustics, The Old School, Gosbeck, Suffolk IP6 9SN

Tel:- 01449 760689 Mobile:- 07880 715228 E-mail:- gordon@10db.co.uk

Ms Helen Wass

Cambridgeshire County Council

Shire Hall

Castle Hill

Cambridge

CB3 0AP

20 September 2018

Dear Ms Wass

Re: Barrington Quarry, Cambridgeshire

Comments on representations in respect of planning application

Further to our discussions I have read the representations from the Barrington Parish Council, Bendyshe Way Residents Association and Mr & Mrs Pow and would make the following comments. I have no comments to make in respect of the letter from Cemex, which I consider to be self explanatory.

As advised by counsel, the Planning Policy Guidance Minerals (PPGM) is the relevant guidance in respect of this development and the limits contained in that document relate to 1 hour LAeq levels and not an average over a day, although WBM have referenced daily limits in their submission. As you have indicated that a limit on train movements of a maximum of two per hour is to be incorporated in the draft conditions, limiting the overall number of movements per day would have no effect on any assessment carried out under the terms of PPGM.

The effect of reducing the number of trains from a maximum of 4 per day to 2 per day would reduce the overall average noise level by 3dB, which is generally regarded as the smallest change in noise level that can be detected by the human ear. Changing from 3 trains to 2 trains per day would reduce overall noise levels by less than 2dB, which would not be regarded as a significant change in noise level and would be undetectable to the human ear. However, it is important to note that because the train movements are discrete events widely separated in time this is not a satisfactory representation of the actual perceived noise impact and obviously reducing the number of such events would reduce the noise impact on residents to some extent. I am unaware of any substantive research that would quantify this effect and the reduction in daily noise impact would also need to be judged in the context of an extended infilling programme.

With regard to the concerns expressed by Mr and Mrs Pow, it would appear that their primary concern is that engines are idling at point Z, which is directly opposite College Farm. It is important to note that counsel's opinion is that the Planning Practice Guide Minerals (PPGM) applies to this site and development and the daytime noise limit contained in this guidance is 55dB LAeq,1h. The calculations provided by Cemex indicate that this limit will not be exceeded at the boundary of College Farm when a Class 66 locomotive is idling continuously at point Z. However, Cemex state that "the noise from a train with 2 Class 47 locomotives was found to be around 58 dB LAeq,5min when idling prior to departure to the branch line. At this magnitude, idling can only occur for around 30 minutes before 55 dB LAeq,1h is exceeded at Location A, which is representative of the dwelling. Within the garden, which is closer to the sidings, noise levels will be higher."

I have already suggested that a condition be attached to any consent granted that idling of locomotives must only take place at stabling points X and Y in order to mitigate against adverse noise impacts, and this suggestion is to be incorporated in the draft conditions document. The phasing out of older locomotives will also assist in mitigation.

The provision of acoustic fencing is not necessary in respect of daytime train movements as the calculations indicate that train noise levels will be within the PPGM limits with no further mitigation required, provided the older locomotives are not used and stabling takes place at points X and Y. In respect of night time operations, such fencing has been suggested by WBM as suitable mitigation and this would be taken into account on submission of a scheme to allow night time operations. Such operations would not take place until a suitable scheme has been approved by the council.

The issue of the age and condition of locomotives and rolling stock is to a large extent out of the control of Cemex and it may be that this aspect cannot be conditioned. I am aware that some Class 66 locomotives (used by DB Schenker) have been fitted with Auto Engine Stop-Start but I do not know how widespread this practice is among the other operators.

It is usual to locate monitoring positions at publicly accessible locations in order that anyone can check noise levels and reproduce monitoring exercises without the need to move onto private land. I have already indicated to Cemex and WBM that their monitoring may be carried out on any land they have access to.

With regard to the issue of Wilsmere Down Farm and the provision of noise protection, any form of barrier with relatively modest noise reduction would be suitable provided it is the same height and length as the originally proposed bund. However, the improvement in noise level afforded is relatively

small and the duration of any likely exceedance of noise limits is very limited. The additional cost of constructing an alternative barrier is not known at this stage but may be significant.

Should you require any further assistance please let me know.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Gh.', with a stylized flourish extending to the left.

Gordon Brown

Costs Decision

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 August 2018

Costs application in relation to Appeal Refs:

Appeal A: APP/E0535/C/17/3190818, 3190819

Appeal B: APP/E0535/C/18/3203601, 3203602, 3203603

Withdrawn Appeal: APP/E0535/C/17/3190824, 3190825

Land at East Anglian Resources Ltd, Unit 1, Benwick Road Industrial Estate, 35 Benwick Road, Whittlesey, Cambridgeshire PE7 2HD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322A and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Bobby Tribe and Mr James Tribe (East Anglian Resources Limited) and Mr Andrew Millar for a full award of costs against Cambridgeshire County Council
 - The application is in connection with appeals against enforcement notices issued by the Council in respect of non-compliance with condition No. 6 of planning permission Ref: F/2008/16/CW and condition No. 5 of planning permission Ref: F/2009/16/CW.
-

Decision

1. The application for an award of costs is refused.

The application

2. The application for costs and the positions of both parties are set out in their written submissions and need not be repeated here.

Reasons

3. Irrespective of the outcome of an appeal the National Planning Practice Guidance (2014) (PPG)¹ advises that costs may only be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
4. Unreasonable behaviour may be in respect of procedural matters, in relation to the process, or substantive matters relating to the issues arising from the merits of the appeal.
5. The applicants seek a full award of costs in respect of both procedural and substantive matters.

¹ Paragraph 030 ref 16-030-20140306

Substantive matters

6. Two enforcement notices (EN1 and EN2) were issued in November 2017. The Council's identical reason for issuing each of the notices is set out within them at Section 4. One of those notices (EN2) was later withdrawn during the appeal process following the issue of a third notice (EN3) issued in May 2018.
7. As far as substantive matters are concerned the Council's reason for issuing each of the notices was the same. It related to harm to the residential amenity of occupiers of nearby residential properties resulting from HGV movements outside of permitted hours, as described in the alleged breach of planning control at Section 3 of each notice.
8. As set out in the related appeal Decision, it has been determined that no further action is taken regarding the applicants' appeals. Hence, the detailed merits of the evidence submitted by the Council and the appellants in respect of each ground of appeal have not been considered. However, as part of the appeal process the Council in making its case is required to produce evidence to substantiate its reasons for issuing the notices. Such evidence should not be based on vague, generalised or inaccurate assertions unsupported by any objective analysis.
9. With regard to the applicants' immunity assertion that 'Yard 2' was not covered by the planning permissions and had been operating as a HGV yard for in excess of 10 years, I am mindful of the fact that for all of the legal grounds² of appeal the burden of proof, tested on the balance of probability, lies with the appellants and not the Council. In terms of the Council's own evidence, they submitted a comprehensive Statement of Case, a Proof of Evidence and numerous appendices in the form of documents and photographs. It includes evidence obtained from third parties as well as evidence gathered from investigation by the Council's officers.
10. Notwithstanding that the applicants dispute the veracity and quality of the Council's evidence, I consider that taken as a whole it substantiates the reasons for issuing the enforcement notices, and is very far from being vague or generalised, or that it is based on inaccurate assertions unsupported by any objective analysis.
11. For these reasons I find that unreasonable behaviour has not been demonstrated with regard to substantive matters.

Procedural matters

12. The applicants refer to a number of matters which I summarise as follows:-
 - (i) Failure to engage with the applicants
 - (ii) Inadequate investigation and expediency
 - (iii) Issue of enforcement notice EN3 and withdrawal of notice EN2
 - (iv) Lawfulness of the enforcement notices subject of the appeals/failure to withdraw them
13. These matters are addressed in the same order in the following paragraphs.

² Grounds (b) (c) (d) and (e)

(i) *Failure to engage with the applicants*

14. The applicants allege³ that the Council's officer failed to engage with them and their representatives, and failed to provide information to them on various occasions. Also that no opportunity was offered to resolve the issues in dispute other than by way of proceeding to appeal.
15. However, there is no convincing evidence before me which demonstrates that the Council failed to engage properly with the applicants. There is also no evidence of the particular information referred to that the applicants say they sought from the Council, and which was not provided, such that it would demonstrate unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process.
16. Additionally, it is not clear to me what alternative opportunities may have resolved the issues in dispute between the parties, particularly given the Council's position that there was a breach of planning control and they sought a prompt remedy to the alleged harm to amenity. In such circumstances I can find no procedural error or unreasonable behaviour by the Council in issuing the enforcement notices. The correct procedure for challenging the notices was by way of appeal as has been the case.

(ii) *Inadequate investigation and expediency*

17. As I have described previously, the Council's evidence included a fully detailed Statement of Case, a Proof of Evidence and numerous appendices in the form of documents and photographs. It incorporates evidence obtained from third parties as well as evidence gathered from investigation carried out by the Council's officers. That includes the issue of a Planning Contravention Notice and records of emails and telephone conversations with EARL.
18. Given the accumulation of evidence from the Council it seems to me that they carried out a reasonable investigation in response to complaints they had received. While I acknowledge that the applicants dispute the findings and outcome of the Council's investigations, I am unable to reach a conclusion that it was inadequate, or that further investigation would have led to the appeals being avoided.
19. Given the nature of the alleged breaches of planning control and resulting harm to amenity, together with the investigation of the matter that the Council has evidenced, it appears to me that the issue of the enforcement notices was a logical and expedient course of action for the Council to take. However, that notwithstanding, case law⁴ has established that there is no jurisdiction for an Inspector to determine whether or not a local planning authority has complied with its obligation in terms of exercising expediency when issuing an enforcement notice. That is a matter which can only be challenged through the Courts by way of a Judicial Review.

(iii) *Issue of enforcement notice EN3 and withdrawal of notice EN2*

20. The applicants hold the view that notice EN2 was issued without proper authorisation, and refer to the time spent in their consideration of this matter and their related correspondence. The Council, although they withdrew notice

³ Paragraph 6.3.2 of Appellants Statement of Case

⁴ *Britannia Assets v SSCLG & Medway Council* [2011] EWHC 1908 (Admin)

EN2, maintained their position that it did have such proper authority for its issue.

21. The question of whether the Council had such proper authority may or may not have led to the quashing of notice EN2, but given that it was withdrawn it ceased to be a matter to be determined with regard to the appeals.
22. That aside, for the purposes of this application for costs, and taking the applicants' best case scenario, the following factors are relevant. Enforcement notice EN3 duplicated notice EN2 in all respects other than being issued at a later date. Hence it raised no new grounds of appeal or arguments beyond those already advanced in respect of EN2. Therefore, even if it had been determined that EN2 was issued without proper authority, I consider that the amount of time spent on this matter by the applicants' representatives is negligible in the context of the appeals taken as a whole. If anything, the withdrawal of EN2 following the issue of EN3 reduced the overall amount of time that would have been expended by the applicants at the scheduled Inquiry.

(iv) Lawfulness of the enforcement notices subject of the appeals/failure to withdraw them

23. The Inspectorate communicated to both parties that the appeal Inquiry was scheduled to take place after the relevant planning permissions expired, and hence the conditions alleged to be in breach would no longer be capable of compliance or enforcement. Thus, from 30 June 2018, the notices no longer had any effect. Given these circumstances the parties were invited to either withdraw the appeals, or to withdraw the notices. In the event neither party did so.
24. Although an enforcement notice may no longer have any effect, there is no legal requirement for it to be withdrawn by the local planning authority. Not doing so does not therefore amount to unreasonable behaviour.
25. That no further action was taken on the appeals does not prevent the applicants from applying, should they wish to do so, for a Certificate of Lawful Development to establish that either before or at the date the notices were issued the use of the land referred to as 'Yard 2' was lawful as a HGV Yard due to the passage of time (10 years). Such an application should be made to the Council in the first instance.

Conclusion

26. For these reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Thomas Shields

INSPECTOR

ENFORCEMENT UPDATE REPORT 2018

To: **Planning Committee**

Date: **4 October 2018**

From: **Assistant Director of Environment & Commercial Services**

Electoral division(s): **N/A**

Purpose: **To consider the following report**

Recommendation: **The Planning Committee is requested to note the content of this report.**

<i>Officer contact:</i>
Name: Deborah Jeakins
Post: Principal Enforcement and Monitoring Officer, County Planning, Minerals and Waste
Email: Deborah.Jeakins@cambridgeshire.gov.uk
Tel: 01223 715544

1 INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Environment and Commercial service.
- 1.2 The Enforcement update report is usually prepared and presented to members quarterly. The last full report was presented in May and a short update on two key enforcement cases, which did not cover the wider work of the team, was presented to members on 17 July. The September 2018 Planning Committee had a very full agenda and so the Chairman agreed to postpone the preparation and presentation of the regular update report until this Committee. Therefore, this report covers the work of the team in the period 1 May 2018 to 21 September 2018 (to account for the date of publication of the report), which is a four month reporting period.
- 1.3 The Enforcement and Monitoring team consists of the Principal Enforcement and Monitoring Officer, a Monitoring and Control Officer and a Senior Compliance Officer whose time is shared with the Flood and Biodiversity team.
- 1.4 Paragraphs 2 to 5 of the report summarise the following information:
- Complaints received and their current status;
 - Notices served;
 - Appeals;
 - Number of ongoing investigations;
 - Ombudsman complaints received.
- 1.5 Paragraph 6 of this report details site monitoring visits undertaken between 1 May 2018 and 21 September 2018 along with the chargeable income expected from chargeable visits during this financial year.
- 1.6 Paragraphs 7 to 14 of the report provide updates on a number of key ongoing Enforcement investigations.

2 COMPLAINTS RECEIVED

- 2.1 23 new complaints were received between 1 May 2018 and 21 September 2018. Table 1 summarises the status of these complaints at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
Under investigation	6
Breach established and resolved	2
Breach established. Investigation on-going	3
No breach established, case closed	8
Not a county matter	4
Total	23

- 2.2 At the time of writing, of the 23 complaints received between 1 May 2018 and 21 September 2018:
- 14 cases have been investigated and closed;
 - 9 cases remain open and under investigation;
 - 21 pre-existing complaints (received before 1 May 2018) also remain under investigation.

3 NOTICES SERVED

- 3.1 No new Enforcement Notices (EN) or Breach of Condition Notices (BCNs) have been served in this period.
- 3.2 No new Planning Contravention Notice (PCN) have been served in this period.

4 APPEALS

- 4.1 **Appeal site: East Anglian Resources Limited (EARL), Whittlesey**
On 7 November 2017 and 4 May 2018, Enforcement Notices were served on East Anglian Resources Limited (EARL) wood waste processing yard at Benwick Road, Whittlesey for the breach of planning conditions restricting hours of operation at the site. The breach that was the subject of the Notices was the overnight movement of HGVs to and from the site, which was having a detrimental effect on residential amenity.
- 4.2 EARL and the owner of the land appealed the service of the Notices to the Planning Inspectorate (PINS) on a number of grounds and a Public Inquiry was scheduled for 10 July 2018 to hear the evidence relating to the Appeal.
- 4.3 The planning permissions that the Notices related to expired on 30 June 2018 and on 23 May 2018, EARL submitted new planning applications to extend the life of the wood waste development for a further 5 years until June 2023 which are under consideration.
- 4.4 The Inspector, having taken into account the fact that the planning permissions to which the Notices relate expired before the date set for the Public Inquiry (and therefore the recipients could not be made to comply with the conditions), decided to cancel the Inquiry and proceed to a written decision.
- 4.5 On 29 August 2018 PINS issued the written appeal decision. The Inspector declined to take any further action in respect of the appeals against service of Enforcement Notices because the relevant permissions and conditions had expired and therefore the Notices were no longer in force. However, PINS fully rejected the appellants' claim for costs and confirmed that the Council had acted reasonably in bringing the enforcement action. A copy of the Inspector's decision on costs is attached as Appendix 2 to this report.
- 4.6 The principle of wood waste development being an acceptable land planning use of the site has been established and therefore the site is being allowed to continue to operate without an active permission whilst the new applications are being considered. Officers continue to receive complaints about the overnight HGV

movements associated with the site as well as issues with working hours in general, dust and stockpile heights and these will be investigated and, if necessary pursued, once the applications have been determined.

- 4.7 The Environment Agency have been investigating breaches of the permit at the site and have suspended any further wood waste being brought on until the other issues at the site have been resolved.
- 4.8 The Council's Emergency Planning team have also been made aware of the height of the stockpiles and possible risk to the surrounding properties in the event of a fire.

5 OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman (LGO) complaints were received during the period 1 May 2018 and 21 September 2018.

6 SITE MONITORING VISITS 1 MAY 2018 – 21 SEPTEMBER 2018

- 6.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites. The Authority levies fees for these visits, which are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The national fees for conducting the visits are currently:

- Actives sites £397
- Inactive or dormant sites £132

- 6.2 The amount of chargeable monitoring visits scheduled to be conducted within each financial year is agreed in advance and all operators are notified of the proposed number of visits.
- 6.3 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited by officers in order to assess compliance with the conditions set out in the grant of planning permission. However, the cost of these visits is borne by the Authority.
- 6.4 A summary of the number and type of chargeable monitoring visits, non-chargeable monitoring visits and complaint site visits carried out during the monitoring period is set out in Table 2 below.

Table 2 – Chargeable Site visits by type 1 May 2018 and 21 September 2018

Site Type	Visits
Landfill	8
Quarries	17
Non chargeable sites	6
Complaint site visits	10
Total	41

- 6.5 Chargeable site visits have priority as they generate a small but significant income stream for the Council.
- 6.6 The total income for the scheduled chargeable monitoring visits for the 2018 to 2019 financial year is £23,946.00.

7 ENFORCEMENT CASES

- 7.1 There are currently 3 active enforcement cases where formal enforcement action has been taken and monitoring is on-going. A summary of each case is set out in Appendix 1.
- 7.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking formal enforcement action.

8 MILL ROAD, FEN DRAYTON

- 8.1 On 5 October 2017 the appeal to the Planning Inspectorate against the Council's refusal to grant a Certificate of Lawful Development for use of the above land for the processing of inert waste was withdrawn. The Council had refused to grant a previous Certificate application for a similar waste planning use on the land in 2015.
- 8.2 The enforcement team made contact with the agent for the site about the ongoing breach of planning control. In March 2018 the agent acting for the landowner submitted an enquiry about the possibility of obtaining pre application advice relating to a new Certificate application in respect of the ongoing waste use on the land. Officers advised that although it would be possible to deal with such an application, two previous Certificate applications had been refused and they were not aware of any material change(s) in circumstances that might be likely to lead to a different opinion.
- 8.3 Notwithstanding the above, the agent for the application has advised that a new Certificate application is being prepared. Noting the Council's refusal to grant the two previous Certificates, officers have advised that they now intend to serve a Planning Contravention Notice in preparation for initiating enforcement action in respect of the unauthorised waste uses that continue to take place on the land.

9 LAND ADJACENT TO ROYSTON RECYCLING CENTRE

- 9.1 In February 2015 approximately 20,000 bales of refuse derived fuel (RDF) waste was deposited on the above land. A multi-agency approach produced an emergency plan taking into account of the site's proximity to the Cambridgeshire and Hertfordshire county border, the fire risk associated with the stored waste and the possible implications that the amount and type of waste had on the presence of an aquifer.
- 9.2 A topographic survey showed that approximately 13,952 tonnes of waste material had been deposited, raising the level of the land across roughly two thirds of the site. A condition survey, drilling of boreholes and modelling work were undertaken

to inform the standard of clean up required by the Environment Agency (EA) to minimise the risk to groundwater. The operator provided the EA with a remediation proposal which did not target all of the waste deposits buried across the site.

- 9.3 On 25 May 2017 the EA served a Section 161A Works Notice under the Water Resources Act 1991 (the Notice) requiring the operator to remediate the land in 16 stages, with full compliance to be achieved by 11 April 2018. This deadline was not met.
- 9.4 At the time of writing this report, officers are waiting for an update from the EA on what action they intend to take in respect of the failure to comply with the Notice as well as an update on their prosecution of the land owner, Winters Haulage Limited, and one of its Directors for the alleged deposition and storage of controlled waste in or on land.

10 FIELD 6184 / BLACK BANK, LITTLE DOWNHAM

- 10.1 The Enforcement and Monitoring team has been investigating the alleged importation of waste onto agricultural fields at First Drove and Black Bank, little Downham for a number of years.
- 10.2 An Enforcement Notice was served in relation the unauthorised importation of waste on to land at First Drove in 2012, the details of which can be found in Appendix 1 below. The Notice was not fully complied with but legal advice was that without evidence of the original land levels a prosecution for failure to comply with the Notice was unlikely to be successful. The land owner ceased the importation of waste on to that piece of land. However, in 2015 concerns were raised that the importation of waste had now transferred onto land at Black Bank, Little Downham which is within the same agricultural unit and ownership as First Drove.
- 10.3 Noting that the service of the Enforcement Notice had not remedied the breach of planning control at First Drove, the Council sought advice from Counsel on how to address the ongoing unauthorised importation of waste on to the agricultural unit. Following legal advice, in February 2018 the County Council submitted an application to the High Court for a prohibitory injunction which, if granted, would make it a criminal offence to import any further waste material onto any part of the agricultural unit.
- 10.4 A two day hearing took place at the Royal Courts of Justice on 23 and 24 July 2018. The Judge did not rule on the County Council's application for an Injunction at the hearing because the Defendants (the landowners and tenant farmer) agreed to a High Court Order instead. The Order states that the defendants must not import any waste onto the land or undertake any engineering operations (such as the creation of bunds) without fresh planning permission or the written consent of the County Council. The Order is drafted in the same terms as an Injunction and a confirmed breach could result in contempt of court proceedings just as if it were an Injunction.
- 10.5 The Order states that landowner must notify the Council if they wish to import waste or undertake engineering operations on the land and detail the anticipated volume of waste required. Once notified, the Council has six weeks to agree or object to the proposed importation and if the Council fails to respond then the works can take

place without being in breach of the Order. However, if the Council refuses consent and the landowner wants to dispute this then he will need to apply to the County Court for them to rule on whether the waste is legitimately required for permitted development works on the land.

- 10.6 The defendants were ordered to pay 75% of the Council's legal costs which the Judge commented reflects the fact that the Council was successful in bringing the proceedings before the Court. The Council is in final negotiations with the defendants to agree the costs issue and hope that the final amount will be agreed and paid without the need for any further action.

11 COTTENHAM SKIPS, HISTON ROAD, COTTENHAM

- 11.1 Throughout 2017 and 2018 officers investigated a number of allegations that material and debris from the Cottenham Skips waste transfer station was escaping from the site and detrimentally affecting the condition of the Cottenham to Histon cycle path.
- 11.2 As a result of the complaints, officers visited the site to monitor compliance with the planning permissions and noted that Condition 14 of S/00795/11/CW which required the phased implementation of hard standing across the site had not been fully implemented which could be contributing to the problem with the debris escaping on to the highway.
- 11.3 Officers now intend to serve a Planning Contravention Notice on Cottenham Skips to gather formal evidence in relation to their failure to complete the hardstanding on site and will consider whether this has any impact on the condition of the highway.
- 11.4 Prior to 2018, the Waste Planning Authority (WPA) had also received regular complaints about dust emanating from the site and had worked closely with the EA to try to get this resolved. The EA recently requested that a sprinkler system was installed on the site as a dust suppression measure and the WPA has not received any complaints regarding dust since this measure was implemented.
- 11.5 In August 2018, a local Councillor reported a concern to the WPA about the accumulation of waste material in an adjacent drainage ditch to the north east of the site and the environmental risk from the amount of waste escaping the site and landing in adjacent fields. Officers passed evidence of these issues on to the Environment Agency and will liaise closely with them to address the issue.

12 BLOCK FEN

- 12.1 The upgrading of Block Fen Drove to make it suitable to accommodate all the mineral and waste traffic associated with sites in the area has been an ongoing issue for a number of years. Appendix 1 details formal enforcement action that had been taken previously to try to resolve this issue.
- 12.2 A formal Section 278 (S278) agreement from the Highway Authority was required for the works to improve the highway and the application for the agreement needed to be accompanied by 50% of the application fee. In September 2016 the sharing of

the costs for the scheme was agreed and all the operators sent in their share of the formal S278 agreement application fee.

- 12.3 In May 2018 planning permission reference F/2000/17/CW was approved for the continuation of landfill and a number of other waste uses at the Witcham Meadlands quarry within Block Fen, operated by Mick George Limited. The S278 designs for the improvements were at an advanced stage and, as a consequence, a pre commencement condition was imposed on the permission relating to the Highway improvements. The condition requires that no development shall take place until the improvements have been made to Block Fen Drove.

13 SAXON PIT, PETERBOROUGH ROAD, WHITTLESEY

- 13.1 In January 2018 the Environment Agency (EA) received a number of odour complaints associated with inadequate waste acceptance procedures taking place at Saxon Pit as part of filling the excavation void which is covered by a County Council waste planning permission.
- 13.2 Investigations undertaken by the EA have revealed a large scale problem regarding the acceptance and depositing of nonconforming material containing shredder residue and trommel fines mixed with clay and lime covering a large area down to an approximate depth of 2 metres.
- 13.3 The EA are leading on this investigation because there are multiple breaches of the operator's environmental permit including the mixing and blending of waste. All work on site has stopped whilst the operator voluntarily comes up with a remediation strategy to be agreed by EA. The EA are keeping County Planning updated on progress with their investigation and the remediation.
- 13.4 The net result of the unauthorised activity is that the stabilisation project will not be completed by November 2018 as originally intended. Therefore, it is likely that a S73 application will be submitted to extend permission for the development by one year and the operator is still preparing a planning application to buttress the southern face of the old quarry.

14 RECYPLAS, WIMBLINGTON

- 14.1 In July 2017 officers received an allegation that work was taking place at the Recyplas site on a Sunday, outside of hours of operation restricted by condition 7 of planning permission reference F/2010/16/CW. The operator confirmed that work to clean machinery did sometimes take place on a Sunday and so officers advised, in writing, that if machinery was turned on to undertake this task then they considered that this was a breach of the condition.
- 14.2 In August and September 2017 the complainant submitted further allegations regarding a breach of condition 7 of F/2010/16/CW at Recyplas, this time relating to work taking place after 7pm. On 11 October 2017 officers undertook unannounced out of hours monitoring of the site and found no work taking place on site. The complainant was advised accordingly.

- 14.3 The complainant has continued to allege that work is regularly taking place in the evenings and overnight at the site and on 22 March 2018 officers undertook further unannounced out of hours monitoring of the site which confirmed that machinery was being operated outside of the permitted working hours and that a breach of condition was taking place.
- 14.4 A Planning Contravention Notice (PCN) was served on 25 April 2018 to gather further evidence in relation to land ownership and the breaches of planning control.
- 14.5 Officers have undertaken further out of hours monitoring of the site since the service of the PCN and there has not been any evidence that further breaches of condition have taken place at the site.
- 14.6 Recyplas have submitted a Section 73 planning application which seeks to vary the condition on operating hours to allow for 24/7 working which is being considered by the WPA.

APPENDIX 1 – ENFORCEMENT CASES WHERE NOTICES HAVE BEEN SERVED AND MONITORING IS ONGOING

KEY: RED = HIGH PRIORITY AMBER = MEDIUM PRIORITY GREEN = LOW PRIORITY

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. GREEN Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p>Condition 6 No development shall commence until a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 has been submitted to and approved in writing by the MWPA in consultation with the local highway authority. The submitted scheme shall include a programme of implementation and shall be fully completed by 5 August 2012.</p>	Mepal Quarry Block Fen Drove Mepal	BCN 06/01/14	<p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>A new application has been approved for the continuation of the waste uses at the site and it contains a pre commencement condition requiring the highway improvements to take place before the development can proceed. Once implemented, the new permission, reference F/2000/17/CW will replace the permission and the BCN will fall away.</p> <p>See section 12 on Block Fen in the main body of the report for a further update.</p>
<p>2. GREEN Failure to comply with condition 7 of planning permission S/01556/10/CW regarding surfacing of the site.</p>	Long Acre Farm Fen Road Chesterton Cambridge	BCN 08/10/13	A joint visit with the EA in May 2015 confirmed that the majority of the waste had been removed from the site, the hardcore and soils that remained on site did not represent a pollution risk. The site was not operational for most of 2017 and has recently been taken over by Ely Skips who have cleared the site and resumed the sorting of waste but only within the buildings.
<p>3. AMBER Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.</p>	First Drove Little Downham Ely	EN 17/01/12	An EN for unauthorised change of use was served in 2012 and upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field. Topographical surveys of the land confirmed that the EN had not been fully complied with. Counsel has advised that the case did not meet the public interest test for a prosecution. But advice received in 2017 in respect of the larger agricultural unit led to the High Court action detailed in section 10 above.

Summary of Decisions Made Under Delegated Powers

To: **Planning Committee**

Date: **4th October 2018**

From: **Head of Growth and Economy**

Electoral division(s): **All**

Purpose: **To consider the above**

Recommendation: **The committee is invited to note the report**

<i>Officer contact:</i>	
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1.0 INTRODUCTION

- 1.1 At the committee meeting on 31 January 2005 it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning under delegated powers would be provided.
- 1.2 The Scheme of Delegation set out in Part 3D of the Council's Constitution describes the extent and nature of the authority delegated to the Executive Director: Economy, Transport and Environment to undertake functions on behalf of Cambridgeshire County Council. The delegations are made either by the Full Council or one of its committees. The Executive Director, has considered it necessary and expedient, to authorise the Head of Strategic Planning (now Head of Growth and Economy) to undertake functions on his behalf. These authorisations are included within a written schedule of authorisation published on the Council's website which is available at the following link:
<https://www.cambridgeshire.gov.uk/council/council-structure/council-s-constitution/>.

2.0 SUMMARY OF DECISIONS

- 2.1 Two applications have been granted planning permission under delegated powers during the period between 27/08/18 and 21/09/18 as set out below:

1. **H/5013/18/CC** – Erection of 246 metres of 3m high green powder coated steel mesh fencing

Location: Samuel Pepys School, Cromwell Road, St Neots PE19 2EZ

Decision granted 30/08/2018

For further information please contact Tracy Rockall on 01223 699852

2. **S/0093/18/CC** – Erection of a single-storey rear extension to provide 5 new classrooms (net increase of 2 classrooms providing capacity for 60 additional permanent pupil spaces), group learning, circulation space and ancillary facilities, landscaping and associated external works including scooter and vehicle parking.

Location: The Bellbird Primary School, Link Road, Sawston, CAMBRIDGE, CB22 3GB

Decision granted 12/09/2018

For further information please contact Will Laing on 01223 706731

Source Documents	Location
Applications files	SH1315, Shire Hall, Cambridge, CB3 0AP