

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for development of a single carriageway road south of the existing A605 (Peterborough Road) from a point 480 metres west to 435 metres east of the current King's Dyke level crossing passing south of the commercial properties taking the new A605 road over the rail line on a bridge, also including two new 3 arm roundabout junctions (one with Funtham's Lane and one with the brickworks access), two underpasses maintaining private access requirements, a shared footway/cycleway along the full length of the link road, two surface water drainage/soakage ponds, a surface water attenuation ditch, street lighting, safety fencing, signage, landscaping/planting, a site compound and a temporary access to the brickworks

AT: Land to the south of the A605 (Peterborough Road) from a point 480 metres west to 435 metres east of the King's Dyke level crossing

APPLICANT: Cambridgeshire County Council (Major Infrastructure Delivery)

LPA NO: F/2010/15/CC

To: **Planning Committee**

Date: **10 March 2016**

From: **Head of Growth & Economy**

Electoral division(s): **Whittlesey South**

Purpose: **To consider the above planning application**

Recommendation: **That planning permission is granted, subject to the applicant giving a written and binding commitment that all amendments to existing Traffic Regulation Orders and new Traffic Regulation Orders will be active from commencement of use, and the conditions set out in paragraph 9.1**

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1.0 INTRODUCTION

1.1 The A605 between Whittlesey and Peterborough intersects at-grade (on the same level) with the Ely to Peterborough railway line at the King's Dyke level crossing. The level crossing itself is a full barrier type controlled by an on-site Network Rail employee. The A605 is part of the Strategic Advisory Freight Route and HGVs are encouraged to use this route as opposed to less suitable minor routes. Between Whittlesey and Peterborough the A605 carries over 12,000 vehicles per day. Currently there are some 120 train movements across the level crossing per day, resulting in an overall level crossing barrier downtime of between 8 and 25 minutes in each hour. This causes significant delay to traffic travelling to and from Peterborough, with a typical average delay of 45 seconds per vehicle and a typical maximum delay of over 7 minutes per vehicle.

1.2 When Cambridgeshire's Third Local Transport Plan (LTP3) was first adopted in March 2011 Whittlesey was the only town for which a Market Town Transport Strategy had not been developed. Work had begun in autumn 2010 and the final Strategy was issued in November 2012. In the section that addresses economic, environmental and quality of life issues a section is devoted to King's Dyke and other level crossings:

"A continuing source of frustration for users of the A605, but also to a lesser extent the B1040 on Ramsey Road and the B1093 on Station Road, is the frequency with which the barriers at the level crossings are lowered. Although the frequency with which trains actually stop at Whittlesea Station is quite low, the volume of rail traffic (especially freight) along this line is high, and there are plans by the rail industry to significantly increase traffic along this route over the next couple of decades. This would clearly exacerbate the existing situation at the level crossings. Concerns have been raised over queues not completely clearing before the barrier is lowered again."

1.3 The Strategy considered the aspiration for a bypass for the town but concludes that there is no prospect of funding for such a scheme in the short to medium term. It goes on to say that:

"While the costs of a bypass would mean that such provision would be extremely difficult, there is perhaps more opportunity to achieve the replacement of the King's Dyke level crossing with a bridge. While such a scheme would still be very expensive (potentially up to £10M) the closure of the crossing would bring about safety and operational / cost benefits for the railway. Such a scheme would not remove any traffic from the town centre, but as it would be significantly cheaper than a bypass, it would have a greater potential to be delivered. Early discussions between the Councils and Network Rail on the potential for delivering a scheme for King's Dyke have commenced."

- 1.4 LTP3 was updated in July 2015. Sitting below this document is a framework of transport strategy documents including one for Fenland that is to be adopted in 2016. The Whittlesey Market Town Transport Strategy will be reviewed as part of this.
- 1.5 The updated LTP3 sets out the major schemes programme for Cambridgeshire and the A605 King's Dyke level crossing is identified for delivery in 2016 – 17 as phase 1 of three elements of Whittlesey Access proposals (phase 2 is Stanground Access which is in Peterborough and phase 3 is improvements to Whittlesea station). LTP3 describes the King's Dyke level crossing scheme as:

“provision of infrastructure to enable the closure of the Kings Dyke level crossing on the A605 between Whittlesey and Peterborough. The closure would be facilitated by providing a bridge or underpass for the A606 across the Peterborough to Ely railway line, and connecting links.”

It identifies the benefits of the scheme as being:

- Reductions in journey times and congestion on the A605 will reduce costs for travellers and businesses in and around Whittlesey.
- The accessibility of Whittlesey from the west will be improved, increasing its attractiveness as a place to live, work and do business.
- Accessibility to employment premises to the north and south of the railway on Funthams Lane will be significantly improved.
- The reliability of rail services on the route between Ely and Peterborough will be improved with the removal of incidents of level crossing strikes.
- The safety of both the road and rail networks will be improved with the removal of the level crossing.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The site is to the south of the A605, approximately 1km west of the western outskirts of Whittlesey, and approximately 2km east of the eastern fringes of Peterborough. It is in a predominantly industrial area that is dominated by the brickworks, former brickworks and associated clay pits (active and abandoned). There are also other industrial buildings and land on both sides of the A605. Immediately to the south are small paddocks, most of which are classified as non-agricultural land. King's Dyke, a major watercourse, separates them from the grade 2 agricultural land of the open low lying fen to the south. Most of the proposed development site is in flood zone 1. A very small part on the edge of the former clay pit to the southwest of the railway line falls within flood zones 2 and 3.
- 2.2 The nearest residential properties are 87 King's Dyke immediately to the south of the level crossing (90 metres from the proposed development site); 99 King's Dyke associated with the paddocks and related stables (85 metres from the proposed development site); 6

pairs of semidetached properties on the north side of Peterborough Road opposite the eastern end of the proposed development; and a number of detached properties south west of Funtham's Lane, the closest of these being opposite the proposed roundabout.

- 2.3 The closest scheduled monument is a Roman field system on the Nene Washes 1.3km to the north. The Nene Washes are a Site of Special Scientific Interest (SSSI), Special Area of Conservation, Special Protection Area and Ramsar site. The King's Dyke Nature Reserve County Wildlife Site is part of a former clay pit 230 metres to the north east. The closest listed buildings are in Whittlesey approximately 1.8km northeast of the site and the Whittlesey conservation area is approximately 2.0km to the east.
- 2.4 Public footpath Whittlesey 29 runs north from the A605 along Funtham's Lane. This is also a private road, which serves industrial premises including a chip factory, Must Farm Quarry, sewage works and wind turbines. Byway Whittlesey 2 runs along the southern bank of the King's Dyke watercourse between Field's End Bridge in the west and Blackbush Drove at the south western edge of Whittlesey between 180 and 600 metres south of the proposed development.

3.0 THE DEVELOPMENT

- 3.1 The proposed development comprises:-

- 1.1 km single carriageway road, 7.3 metres wide with 1.0 metre hard strips on each side;
- Two 3-arm roundabouts to provide junctions with the existing road;
- Lighting on 10 – 12 metre high columns;
- A 32 metre span bridge over the railway with maximum height 9.5 metres including parapet;
- Earth embankment for bridge access;
- A 2.0 metre wide shared footway/cycleway on north of carriageway;
- Two underpasses maintaining private access to land to the south;
- Attenuation / infiltration ponds and ditch;
- Landscape planting;
- Safety fencing and signage;
- A temporary construction and storage compound; and
- Temporary access to brickworks during construction of permanent access.

- 3.2 The proposed development will create an off-line route to the south of the existing Peterborough Road around the southern boundary of a group of mainly commercial properties. It will extend from near Funtham's Lane approximately 400 metres west of the King's Dyke level crossing, to near the brickworks access road which is approximately 25 metres east of the level crossing. At each end, the realigned A605 Peterborough Road will reconnect to the existing highway by a proposed 3-arm roundabout.

- 3.3 Embankments will be used to achieve access to the new bridge over the railway line, which will have a total height of approximately 9.5 metres (including the parapets). A 2.0 metre wide shared footway/cycleway will be provided on the northern side of the carriageway. An equestrian underpass will be provided to connect the stables to the paddocks. A second underpass will maintain private access to land to the south of the new road. The total application site is 8.86 hectares.

4.0 CONSULTATIONS

4.1 Fenland District Council (Planning):

i) Principle of development – Fenland Local Plan (FLP) - Policies LP11 and LP13

The provision of a new road bridge for the A605 over the mainline railway at Kings Dyke is welcomed in principle by Fenland District Council (FDC). This has been a long held aspiration of FDC and is referred to in Policy LP11 – ‘Whittlesey’ of the Fenland Local Plan (May 2014) as possibly being provided in connection with a proposed Regional Freight Interchange falling between the Peterborough and Fenland administrative areas to the west of the site. A crossing at Kings Dyke was also highlighted in FDC’s adopted Infrastructure Delivery Plan (Jan 2013) as well as a more recent update of the IDP which was subject to consultation in Nov-Dec 2015. The IDP supports Policy LP13 – ‘Supporting and Managing the Impact of a Growing District’ of the Local Plan.

ii) Impact on employment land - Policy LP6

It is noted that a new road on a raised embankment of approximately 1 km in length and on average 36m wide and to the south of the existing level crossing is proposed to facilitate the new bridge crossing. This proposed road alignment is located in an area where new business uses will be supported as highlighted in Policy LP11 and the loss of this employment land is regretted.

It is acknowledged that two other road alignments (one utilising mainly the existing alignment of the A605, and one slightly north of the existing alignment) were considered at the earlier design stages of the proposal which would have resulted in less employment land being taken, although FDC accepts that for a variety of reasons the proposed route to the south was chosen to develop to a final design.

The design of the road needs to ensure that the remainder of the employment land to the south (between the new road and Kings Dyke) can be easily and safely accessed in the future without placing an undue burden on a future developer. This present design does not appear to address this issue and would be contrary to LP6. It appears that the road would effectively land lock all of the potential employment

land as far as south as Kings Dyke and amendments to the design are required to safeguard future access.

iii) Sustainable travel – Policy LP15

It is noted that a 2.0m wide footway is to be provided on one side of the road. In order to provide for sustainable travel modes, the footway should be upgraded to at least a shared pedestrian /cycleway which would be in accordance with Policy LP15 – ‘Facilitating the Creation of a More Sustainable Transport Network in Fenland’ of the Local Plan. In addition a shared pedestrian/ cycleway should be provided on both sides of the carriageway in order to facilitate easier and safe movement by non-vehicular modes. This is particularly important given that this will be the main link between Whittlesey town and the employment area to the south and west of the railway line.

It is also noted that the new road will be constructed on a raised embankment of a significant size. Details of how this will be provided on site including the movement of any construction materials should be subject to discussions and agreement with this Council.

iv) Environment quality – Policies LP16 and LP19

The proposed road will be a significant height (5.0 – 6.0m) above existing ground levels and visible from a considerable distance due to the surrounding generally flat landscape. In accordance with Policy LP16 – Delivering and Protecting High Quality Environments across the District, suitable landscaping should be provided along the length of the road on both sides to reduce its impact and in the interests of visual amenity. This would also assist in providing opportunities to improve biodiversity habitats as required by Policy LP19 – The Natural Environment.

v) Flood risk - Policy LP14

Parts of the site also falls within Flood Zone 3 (High Risk) of the Environment Agency’s flood map. The proposal requires the carrying out of the Sequential Test. As the proposal constitutes ‘Essential Infrastructure’ the Exception Test would also be required as set out in Table 3 ‘Flood risk vulnerability and flood zone compatibility’ of the National Planning Practice Guidance – Flood Risk and Coastal Change. Justification for the proposal to satisfy both the Sequential and Exception Tests should be provided.

The drainage strategy for the development should be agreed with the Environment Agency and relevant Internal Drainage Board.

vi) Archaeology – Policy LP18

The proposal is also very close to the Must Farm Archaeological site at the western end of the proposed road where significant Bronze Age discoveries have been revealed in recent months. The potential for

further archaeological finds in the area is therefore high and suitable safeguards are required to ensure no works are undertaken until an appropriate investigation of the site has been carried out.

vii) Cambridgeshire and Peterborough Minerals and Waste Plan

The new road alignment also falls within a Mineral Consultation Area (south of the railway) and a Waste Consultation Area (mainly to the north) of the Cambridgeshire and Peterborough Minerals and Waste Plan. It is assumed that no objections are raised from the relevant authorities to the proposal on this basis.

vii) Conclusion

Fenland District Council supports the principle of development of the Kings Dyke crossing. Subject to the provision of a shared cycle/pedestrian pathway way on either side of the carriageway, indication of an access to the remaining employment land to the south, suitable landscaping, no impact on the provision of waste facilities and mineral extraction, the successful undertaking of the Sequential and Exception Tests and the investigation and suitable safeguarding of potential archaeology, FDC raises no objection to the proposal.

4.2 Fenland District Council (Environmental Health): No objections to the proposed development.

i) Air Quality (including dust)

The air quality impact of the scheme has been assessed for both construction and operational phases in accordance with the correct methodology. The findings are accepted. During the construction phase construction dust mitigation measures will be required which should be included in the formal Construction Environmental Management Plan. The mitigation measures presented in the draft plan are noted and accepted and should provide the required level of mitigation. Once complete the proposed scheme should not have an adverse impact on local air quality.

ii) Noise and Vibration

The noise and vibration impact of the scheme has been assessed for both construction and operational phases in accordance with the correct methodology. The findings are accepted. The assessment has identified that there is a potential during the construction phase for short term adverse noise impacts at properties close to the works, during day time working and occasional night time working. A range of mitigation measures have been recommended which should be included in the formal Construction Environmental Management Plan. The mitigation measures presented in the draft plan are noted and accepted and should provide the required level of mitigation.

Once operational the proposed scheme will result in a significant increase in road traffic noise levels at a number of properties. The impacts are typically predicted to occur at the rear façade of the residential properties which are currently screened from the A605, but will have line of sight to the proposed scheme. To meet the appropriate WHO noise criteria it is intended mitigation measures will be implemented at the affected properties. No firm details of these have been provided at this stage although the report states that following the introduction of appropriate mitigation measures at the affected receptors, it is expected that the noise levels experienced by the properties can be controlled sufficiently. It is recommended that this scheme needs to be agreed and implemented prior to the use of the proposed scheme being operational.

iii) Land Contamination

The submitted information is accepted. The report has noted that there is potential for ground contamination to exist on the study site and as recommended in the report this should be investigated further.

iv) Lights from vehicles

Although this is outside the scope of statutory nuisance it still requires consideration. It is noted that planting schemes will be in place in areas where this may be a problem, however temporary screening should be considered if this proves to be a problem once operational and prior to the planting being mature.

4.3 Peterborough City Council (as local highway authority (LHA)): The applicant has indicated through its supporting documentation that the proposed scheme would result in no significant additional trips per annum and may improve the journey time reliability for vehicles travelling along the A605 from Whittlesey to Stanground. Through the Transport Assessment the applicant has identified that traffic flow along the A605 increased during periods when the nearby North Bank road is closed due to flooding and although the proposed application has acknowledged this the design of the new carriageway does not take this additional traffic flow into account. During these periods the traffic flow on A605 will be over its design capacity but balanced with existing situation the delays will be acceptable to Peterborough LHA.

4.4 The proposal includes a 2.0 metre wide shared footway/cycleway next to the carriageway. It is suggested that to allow pedestrians and cyclists to pass each other safely a 3.0 metre wide shared use footway/cycleway would be more appropriate due the elevated highway and the vehicle restraint system next to the footway. Notwithstanding this, the LHA does not object to this application.

4.5 Whittlesey Town Council: Recommends approval.

- 4.6 Environment Agency: No objection to this application. The Internal Drainage Board should be consulted on the submitted flood risk assessment.
- 4.7 Whittlesey Internal Drainage Board: No comments received.
- 4.8 Natural England: No objection – no conditions requested. This application lies within approximately 1km of the Nene Washes Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site² (international site). The conclusions of the Air Quality Assessment prepared by Atkins (December 2015) are that the construction and operation of the scheme will not have a significant effect on air quality and this is agreed. The Ecological Impact Assessment (Atkins December 2015) and Mott MacDonald's HRA assessment (April 2015) identify that the scheme alone, and in combination, will not have any adverse effect on the Nene Washes international site. The assessments have considered the potential for water mediated effects and confirmed that whilst waterways connect the Nene Washes to the application site, the direction of water is away from the Washes towards the application site. On this basis, and given the distance from the designated site, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. This designated site does not represent a constraint in determining this application.
- 4.9 The planning authority should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity)
 - local landscape character
 - local or national biodiversity priority habitats and species.
- 4.10 Natural England has not assessed the implications of the proposal for protected species. The planning authority should refer to Natural England's standing advice to determine the adequacy of protected species survey and mitigation proposals. It is noted that mitigation measures have been identified in the ecology report to address potential impacts on species including bats, great crested newts, water vole, badger, birds and reptiles. Delivery of mitigation measures should be secured through appropriately worded planning conditions.
- 4.11 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The planning authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, attention is drawn to Section 40 of the Natural Environment and Rural Communities Act (2006) which states

that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

4.12 Peterborough City Council Wildlife Officer:

i) Bats

I am pleased to note that all trees within the application site have been assessed for bats, with two additional bat activity surveys carried out focussing on those trees with greatest bat roosting potential. I am satisfied that no evidence of bat roosts was found. However, the Ecological Impact Assessment (EcIA) recommends that as a precaution, an updated inspection of the trees is carried out prior to felling, followed by updated emergence surveys as required (to be carried out on the appropriate time of year). In addition, the Arbtech Bat Report recommends that a number of bat roost boxes are installed to enhance the scheme for biodiversity.

Regarding the wider use of the site by bats e.g. for foraging and commuting, no detailed surveys have been carried out. However, I am satisfied that losses to suitable habitat will be relatively small, and that overall the proposed scheme and associated landscaping design is likely to ensure bats are not negatively impacted in this respect. The scheme will result in increased lighting and I would therefore request that the measures set out in Section 4.5.3 of the EcIA are fully incorporated into the lighting scheme. This should also include the careful design of the underpasses as set out in the Outline Environmental Design Overview Plans. Compliance with the above details should be secured via a suitably worded condition.

ii) Birds

The report identifies habitats and features within the site, which are likely to support nesting birds. Where any vegetation or buildings are to be removed, these might provide suitable habitat for nesting birds during the nesting season (1st March to 31st August). I would therefore recommend that a suitably worded condition be attached requiring the avoidance of such site clearance works during this period, or where this is not possible, that a suitably qualified ecologist first carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.

Regarding Barn Owls, the EcIA recognises that the scheme may result in increased fatalities, particularly with high-sided vehicles, and that there are numerous local records of barn owls nesting and foraging, however no surveys have been carried out. The applicant has stated that no new linear barrier is being created (as the new road will run parallel to the existing route) and that no nests were found within the

application boundary and that mitigation will be provided by the planting of high hedges and trees on both road embankments to encourage owls to fly above high vehicles. It is therefore essential that the Council's ecologist is consulted during the detailed landscaping design process to ensure that this approach is effective.

iii) Reptiles

The report identifies the possibility that reptiles may utilise areas of the site, however there is a low probability of them being present. Nevertheless a precautionary approach is proposed, which I would support. I would therefore request that a suitably worded condition is imposed requiring the applicant to produce a Precautionary Method of Working (PMW) to be implemented during the construction phase of the works, as set out in section 4.5.8 of the EclA. In addition I welcome the proposal to incorporate reptile refugia features into the detailed landscaping scheme.

iv) Great Crested Newts

I accept the report's findings that there is a low potential for Crested Newts (GCN) to be present within the application site due to the presence of sub-optimal habitat and the absence of suitable water bodies in close proximity to the site. However, two water bodies closest to the site, (DP1 & L1) have not been fully assessed, and the applicant proposes to carry out presence/ absence surveys and to implement mitigation measures as appropriate. Whilst it is not regarded as best practice to carry out such surveys post determination, I would accept this approach in this case, given the apparent low suitability of these water bodies to support GCN, the lack of suitable terrestrial habitat on site, and the opportunity to design in appropriate mitigation measures into the detailed landscaping scheme. Therefore the requirement to carry out GCN presence/ absence surveys may be secured via a suitably worded condition.

v) Badgers

I am satisfied that no evidence of badger activity was recorded during the extended Phase 1 survey, no setts were found and that overall the habitats present in the footprint of the works were considered to have limited potential to support sett creation. However, given the unknown proposed date for commencement of construction, I welcome the recommendation to carry out a precautionary re-survey prior to site clearance. This requirement may be secured via a suitably worded condition.

vi) Water Voles

The report states that as the works will be over 5m away from the King's Dyke (where water vole have previously been recorded), therefore no effects on water voles are predicted. However the ditch to the south of the scheme (running north-south and included within the

red line application boundary), although dry at the time of survey, has the potential to hold water and support water voles in the future. Given that the proposal involves the clearance/ desilting of this ditch, I would therefore request that as per section 4.4.17 of the EclA, a water vole survey is carried out prior to commencement of construction. This requirement may be secured via a suitably worded condition.

vii) Invertebrates

I am satisfied with the assessment that only small pockets of habitat suitable to support populations of invertebrates were identified during the extended Phase 1 habitat survey and that the proposed scheme would result in the loss of very small areas of this habitat which is not considered to be a significant impact. Given the landscaping proposals which include areas of wild-flower grassland, scrub and open mosaic habitats, I am satisfied that overall the proposed scheme is likely to be beneficial for invertebrates.

viii) Designated Sites

The Nene Washes SSSI, SPA, SAC & Ramsar Site is located in close proximity to the site and a Habitat Regulations Assessment has been completed (but not included with this application) which concluded that there would be no significant effect and no requirement to carry out a stage 2 Appropriate Assessment. Natural England should be consulted as they may require more detailed information to provide certainty as to whether it can be concluded that no significant effect is likely with regard to the Nene Washes.

ix) Scheme design & landscaping

Details as set out in the Landscape & Biodiversity Management Plan appear acceptable including species mixes (as listed in Appendix B) and the Summary Tables of Management & Monitoring Measures (Appendix C). The associated Outline Environmental Design Overview Plans (Drawing No. 5040171/HW/PL/016-19 also appear acceptable. However it should be noted that the detailed design of various elements of these plans are yet to be finalised e.g. lighting of underpasses to be developed in conjunction with ecologist, and location of refugia to be confirmed by ecologist. I would therefore advise that the Council's ecologist is consulted and closely involved with the detailed design of these (and other relevant) elements of the scheme design and landscaping. Regarding the Construction Environmental Management Plan (CEMP), details relating to Ecology appear acceptable, and should therefore be complied with, should the scheme proceed.

x) Conclusion

With regard to ecology there is no objection to the proposal subject to the use of appropriate conditions as set out above. Should no development take place within two years from the date of permission

being granted, relevant updated ecological surveys should be required to take place. Subject to the recommendations set out above being fully incorporated into the approved scheme the development will result in no net loss to biodiversity.

- 4.13 Network Rail: Are aware of this project and have been in consultation with the applicant and Skanska in relation to the proposed development of a single carriageway on the A605. Network Rail are currently in the process of closing a number of level crossings throughout the network for safety, efficiency and capacity reasons and the proposed scheme will facilitate the closure of both King's Dyke and Funtham level crossings. Due to the location of the proposed development the applicant will be required to liaise with Network Rail's Asset Protection Team and submit all design requirements for operational and safety reasons. Discussions have taken place between Network Rail, the applicant and Skanska to agree a suitable design for a bridge to pass over the railway at the named location; all concerns have been met at this stage. As such, Network Rail are supportive of the proposed scheme as it will facilitate the closure of two level crossings. However, it is essential that the on-going consultation between the applicant and Network Rail continues. A Basic Services Agreement is in place between the applicant and Network Rail.
- 4.14 The developers must ensure that their proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- [Detailed advice to the developer has been provided on: Future maintenance, drainage, plant & materials, piling, fencing, lighting and vehicle incursion.]
- 4.15 CCC Transport Assessment and Highway Development Management: The applicant's transport assessment is accepted. The proposal is to bypass King's Dyke Level Crossing with an All Purpose Single carriageway to the south of the existing A605 alignment. The A605 alignment that is bypassed and severed by the decommissioned level crossing will continue to be public highway. The northern alignment will require restricted access to prevent unauthorised access and parking. It is recommended that this is secured by condition.
- 4.16 The new alignment creates a need for a western and eastern roundabout where the new alignment converges with the old A605.

Both roundabouts have been designed so a fourth arm can be created which unlocks opportunity for development to the south of Kings Dyke Bypass. It should be noted that both the western and eastern roundabouts are not required as a result of capacity or road safety issues.

- 4.17 The bypass alignment is constrained by existing land uses and as a result the preliminary design includes 13 Departures from Standard and 10 Relaxations. There are a number of coincident Relaxations that result in Departures. Ultimately a comprehensive exception report needs to be provided that demonstrates why each Departure doesn't result in unacceptable harm to highway safety.
- 4.18 Most of the Departures and their associated harm to highway safety can be addressed through mitigation measures, most of which can be agreed at detailed design stage. Prior to commencement of any development an exception report will need to be produced for the Departures in design standard that remain. It is recommended that this is secured by condition. Some of the Departures can be removed and designed out. Further dialogue is required between the designer and CCC Road Safety Team to get to a point of acceptance. The Stage 1 Road Safety Audit has raised a number of safety issues, one of which is in regard to the two lane approaches for the new roundabouts and associated swept path movements for two vehicles on the roundabout circulatory. This matter in particular needs to be addressed as soon as possible as mitigation may result in additional land take and a larger roundabout.
- 4.19 If the permission is granted, conditions are recommended requiring the developer to provide full details of:
- i) highway construction, road markings, signage and street lighting;
 - ii) maintenance bays on the roundabouts; and
 - iii) footways and access for Funtham's Lane and Peterborough Road realignment.

Amendments to existing Traffic Regulation Orders (TROs) and new TROs should be covered by agreement. All new legal orders should be active from commencement of use to ensure that design speed geometry is consistent with the posted speed limits.

- 4.20 CCC Public rights of way: Public Footpath No.29 Whittlesey (Funtham's Lane) starts at the junction with the current A605 and the application boundary. Whilst the proposals do not directly affect the public footpath starting at the proposed application boundary, the developer's attention should be drawn to their responsibilities in respect of public rights of way at all times including during construction.
- 4.21 CCC Historic Environment Team: An archaeological evaluation was undertaken that demonstrated the deleterious effects of 20th century development and land use change upon potential archaeological

deposits of prehistoric to Roman date, which characterise the western edge of Whittlesey.

- 4.22 Earlier consultations resulted in a response that no further work would be needed for the embanked road scheme, but the level of detail present in the current application is greater than that previously received. The line of the road swings further to the south, at the very edge of the rising landform of Whittlesey (which became a 'fen island' in the later prehistoric period owing to the development of the surrounding peat marsh), which is further south than the evaluated route. This is not of any archaeological concern, as it is considered that the magnitude of modern impacts and informal land fill in this area will have already substantially harmed once potential archaeological evidence.
- 4.23 However, the plans in Atkins' Design and Access Statement indicate that a proposed segmented ditch is to be dug on the southern meander of the road, within the low ground of the fen. This coincides with the course of a palaeoriver – a branch of the prehistoric Nene river system recently examined at Must Farm Quarry to the northwest, where it produced 8 boats, fishing structures and a nationally important preserved Late Bronze Age settlement platform. Any ground works for ditch digging as part of this road project will require archaeological response works to ensure that further unrecorded loss of archaeological assets does not occur.
- 4.24 As this area was not in the alignment of the route that was subject to archaeological evaluation a solution to enable archaeological response works will now need to be applied. It is recommended that a condition is placed upon any planning consent granted for this scheme that will enable appropriate investigation and recording of any archaeological evidence. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.
- 4.25 CCC Flood & Water Team (Lead Local Flood Authority): The applicant has provided infiltration test results and further information on the surface water drainage implications of the proposals.
- i) *Infiltration Basins to serve land north of railway line*
The infiltration rates on site are acceptable, although it is noted that the rate of infiltration is relatively low. The applicant's approach to provide additional freeboard over and above what would usually be required to provide further capacity during wet periods is therefore supported. There is no objection in principle to the use of infiltration to serve the area to the north of the railway line.
 - ii) *Proposed ditch system to serve land south of railway line*
Parts of the proposed road to the south of the railway line are in Flood Zone 3. Although the area is managed by an Internal Drainage Board (IDB) and therefore the risk of flooding may be lower than in some unmanaged areas, in planning terms it is still defined in the same way.

The applicant has proposed to drain the road to the south of the railway line using a combination of a newly constructed ditch and an existing ditch, both of which will ultimately drain into an IDB watercourse. In summary, surface water is to be directed off the road and into the ditch system, which will provide storage for up to and including the 1 in 100 year rainfall event (+30% climate change allowance). The applicant then proposes to restrict the flow into the IDB watercourse at Qbar 4.6 l/s.

- iii) Although it is preferable for all development (including the drainage system) to be located in Flood Zone 1 it is understood that this is not able to be the case based on other factors. It is therefore crucial based on the site's vulnerability classification as 'essential infrastructure' that it remains functional during a flood event and therefore the applicant should provide as much storage as possible within the new proposed ditch to reduce the risk of a pluvial flood event affecting the road.
- iv) The applicant's proposal to use a petrol interceptor and filter drains to reduce the risk to water quality within the watercourses is accepted.

It is recommended that a planning condition is imposed on any permission granted requiring the submission before development commences of the detailed design, implementation, maintenance and management of the surface water drainage scheme.

5.0 REPRESENTATIONS

- 5.1 Representations have been received from 5 households and two businesses. A copy of their letters and emails will be placed in the Members' Lounge one week before the meeting. The residents' concerns are summarised below:

- Headlights shining into houses and gardens
- Vehicles travelling towards houses
- Retention of private access at all times
- Removal of trees will expose houses to wind
- Position of bus stops
- Safety for pedestrians crossing the new road
- Visibility from house access onto A605
- Storm water drainage
- Traffic noise from new road worse because of height of the bridge
- Increase in number and speed of trains will worsen noise and vibration
- Old road will be a dead end attractive to fly-tippers and increase risk of break-in after the commercial premises close. Refuse collection, de-icing, cleaning and maintenance need to be considered.
- Travel to school distance and time increased
- Difficult to access the western roundabout – light control needed
- Children currently have less a than 100m walk to see their friends; this won't be possible when the level crossing is closed and they must use the bridge

5.2 ASDA Stores Ltd supports the scheme. The Abbey Group, a business located very near the proposed works, very much supports the scheme in principle and has made some detailed comments:

- Support construction vehicles not using Funtham's Lane and the compound being east of the railway line
- Regular updates should be provided to local businesses during construction, especially if North Bank has to be closed
- The western roundabout is different from the previous version of the scheme and should be tracked in both directions for HGV use
- The assessment of the landscape rates the impacts too high, particularly from the public right of way. The elevated nature of the vehicles will not bring impacts of the scale suggested. The very substantial public benefits outweigh the adverse impact on the landscape.
- Signage is needed to direct deliveries to the Abbey Group site and Mc Cain's on Funtham's Lane

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 6.3 and 6.4 below.

6.2 The National Planning Policy Framework (March 2012) is also a material planning consideration.

6.3 Fenland Local Plan (adopted May 2014)

Policy LP2 – Facilitating Health and Wellbeing of Fenland Residents

Policy LP6 – Employment, Tourism, Community Facilities and Retail

Policy LP11 – Whittlesey

Policy LP13 – Supporting and Managing the Impact of a Growing District

Policy LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

Policy LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

Policy LP16 – Delivering and Protecting High Quality Environments across the District

Policy LP18 – The Historic Environment

Policy LP19 – The Natural Environment

6.4 Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document (adopted July 2011) (the M&W Core Strategy)

CS26 – Mineral Safeguarding Areas

CS27 - Mineral Consultation Areas
CS30 – Waste Consultation Areas

6.5 Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Development Plan Document (adopted February 2012) (the M&W SSP)

SSP W1 - Site Specific and Area of Search Allocations for Waste Recycling and Recovery Facilities

7.0 PLANNING CONSIDERATIONS

7.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development. It states that:

- Proposed development that accords with the development plan should be approved without delay;
- Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
- Proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

7.2 The Government identifies 3 dimensions to sustainable development which give rise to need for the planning system to perform a number of roles which it states should not be undertaken in isolation:

- an economic role: contributing to building a strong, responsive and competitive economy, including the provision of infrastructure;
- a social role: supporting strong, vibrant and healthy communities, by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role: contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Principle of the development

7.3 Policy LP13 states that all new development should be supported by, and have good access to, infrastructure. The policy is supported by Fenland District Council's Infrastructure Delivery Plan (IDP). The first

version of the IDP was adopted in January 2013 and refers to the Whittlesey Market Town Transport Study. The IDP is being reviewed and the October 2015 consultation draft recognises that:

“there is now an opportunity to achieve the replacement of the King’s Dyke level crossing with a bridge. Detailed plans are being formulated and funding is available with a projected cost of £15m. The closure of the crossing would bring about safety and operational / cost benefits for the railway and work is programmed to begin in 2016.”

- 7.4 Policy LP11 relates specifically to Whittlesey and states that new businesses are likely to be supported adjacent to the existing businesses to the west of the town along the A605 to the north of the King’s Dyke (watercourse) as far as Field’s End Bridge. In the context of a regional freight interchange being developed on the eastern outskirts of Peterborough, it states that strategic transport issues including the level crossing closures at King’s Dyke need to be addressed.

- 7.5 Policy LP15 includes a vision for a more sustainable transport network in Fenland and refers to the LTP (see paragraph 1.2 – 1.5 above). In terms of strategic transport infrastructure one objective is to:

“ Improve and better manage the strategic road transport infrastructure including A47, A141, A142, A605 and A1101, to allow for a range of users and increased capacity where viable.”

- 7.6 The principle of the development is supported by the development plan and by the LTP in the form of the Whittlesey Market Town Transport Study. Its location must now be considered.

Location of the development

- 7.7 A feasibility report published in 2014 assessed 7 potential options including on line within the highway boundary; off line alignment to the north; off line alignment to the south; a tunnel; and a bypass for a wider area. Of these 3 were shortlisted for more detailed assessment: Option 3a - part online to the north; Option 4 - off line alignment to the north; and Option 5 - off line alignment to the south. Public consultation in autumn 2014 showed that Option 5 was supported by the majority of respondents. Option 5 was selected by the County Council’s Major Infrastructure Delivery Team because although longer, and would take longer and be more costly to build, it would result in the least disruption to traffic during construction and would affect fewer businesses.
- 7.8 Policy LP6 states that 5 hectares of employment land will be delivered in Whittlesey through sites with permission, appropriate intensification and extensions to established areas of employment. Fenland District Council is concerned that the new road will take some potential employment land (see paragraph 4.1 (ii) above) and will make access to the remaining land unviable.

- 7.9 No objections have been received from landowners or businesses about the loss of development land and the proposed 3-arm roundabouts have been designed so that a fourth arm can be added to serve any future industrial or business uses. It is considered that the new road, by reducing traffic congestion, will make the development of this land more attractive and offsets the loss of a small proportion of the potential employment land. Options 3a and 4 would have a negative impact on existing employment land to the north of the A605. For these reasons it is considered that the proposed development is not contrary to policy LP6.

Design and Potential Impacts on the Environment

- 7.10 Having addressed the principle of the development and its general location, consideration must be given to its design and potential impacts on the environment. Policy LP2 states that development proposals should positively contribute to creating a healthy, safe and equitable living environment by, amongst other things:
- providing and maintaining effective, sustainable and safe transport networks to ensure access to all essential services (see LP15)
 - avoiding adverse impacts (see in particular LP16).
- 7.11 The current design has a number of Departures from Standard and Relaxations. The County Council's Highway Development Management Engineer considers that most can be addressed by mitigation measures that can be agreed at the detailed design stage and has recommended that this work is secured by conditions. Whilst many of these will be small engineering changes that fall within the corridor of land for which permission has been sought, others may require land outside the current application area. Changes involving land outside the current application area would require a new planning application and the applicants have been made aware of this and the potential consequences for delivering the scheme.
- 7.12 In terms of non-motorised modes an objective of policy LP15 is to:

“Deliver robust networks and facilities for walking and cycling, which are suitably linked and integrated into the wider transport network ...”

The proposal has been criticised by Fenland District Council and Peterborough City Council because it includes only a 2.0 metre wide footway on the northern side of the new road. They consider that a 3.0 metre wide shared footway/cycleway should be provided on both sides of the carriageway. Inconsistencies in the application documents (as submitted) may have raised expectations and caused confusion. The original description of the development referred to a footway but the Planning Statement and Transport Statement state that there will be a combined footway/cycleway or shared use path. The applicant has confirmed that it is intended that the 2.0 metre path will be a shared

footway/cycleway and amended the description of the development accordingly.

- 7.13 Whilst it may be desirable to have a wider shared path on both sides of the road for non-motorised users, the scheme as proposed meets minimum highway design standards for a shared footway/cycleway. This matter has not been raised by CCC's highway engineer. The proposal is, therefore, considered to comply with policy LP15.

Visual impact

- 7.14 The scheme will introduce a significant new feature into the landscape which will be visible from a number of viewpoints. Views north from byway 256/2 are over paddocks to the mature roadside vegetation on the A605 which is interspersed with the industrial units; beyond are warehouses, wind turbines and the brickworks chimneys. Users of the byway will have open and direct views of the entire scheme. Whilst the embankment will to some extent screen some the existing industrial buildings, the entrances to the underpasses will be quite prominent. The land to the south of Whittlesey is sparsely populated and views from isolated farms and public rights of way will be so distant as to be indistinguishable from the existing industrial fringe of Whittlesey.
- 7.15 There are a relatively small number of residential properties close to the proposed scheme as described in paragraph 2.2. The applicant has identified that the most significant impact will be on 99 King's Dyke, the house associated with the equestrian centre. From the upper storey there will be open and direct views of the road and possibly oblique views of the western roundabout.
- 7.16 Views to the south from the houses on Peterborough Road to the northeast of the eastern roundabout are currently reduced by mature roadside vegetation. Much of this will be removed to create the eastern roundabout and views will be opened up over the former brickworks, railway line and disused, water-filled clay pit. Part of the new road will be a noticeable feature of the view, particularly before the proposed new trees mature.
- 7.17 The houses to the southwest of the A605/Funtham's Lane junction currently overlook the pony paddocks to the south east with the open fen beyond and the existing A605 and fringes of the industrial buildings to the north east. There will be direct views of the new road alignment.
- 7.18 The applicant's landscape and visual impact assessment (LVIA) identifies the largest adverse effect on the night time view as being from 99 King's Dyke where the sky-glow/glare/ ambient light will become the dominant feature. It will be less so from other nearby residential properties.
- 7.19 Fenland Local Plan policy LP16 seeks to deliver and protect high quality environments. It requires proposals not to adversely impact on the landscape character of the surrounding area and to provide well

designed landscaping. A project of this size and in this location will inevitably be visible from some properties and rights of way. It is considered that the proposed landscape planting will, when mature, provide mitigation and the residual visual impact is outweighed by the benefits of the scheme.

Light pollution

- 7.20 The scheme will be lit for its entire length on the southern side of the carriageway, including the railway bridge, and on both sides at the roundabouts therefore the night time impact needs to be considered. Lighting columns on the road will be 10 metres high and 12 metres at the bridge. The proposed lanterns are designed to limit sideways spill of light.
- 7.21 The occupants of 87 King's Dyke are concerned that the lights on the railway bridge will shine into their top floor bedrooms. However, the railway bridge and the two streetlights (one each side of it on the southern side of the carriageway), will be orientated west-north-west and the house is very slightly south of and 160 metres west of the closer of the two lighting columns. There will be no direct line between these two streetlights and the house. Two of the streetlights southwest of the railway bridge will be orientated in the direction of the house. They have been designed to give a Lux level of 15 on the carriageway itself which will reduce to 5 Lux at the verge and 1 Lux at the toe of the embankment some 90 metres from the house. It is considered that the new streetlights will not directly affect the occupants of 87 King's Dyke or worsen the residential amenity of any other local residents so the scheme complies with Fenland Local Plan policy LP16(e).
- 7.22 Light from headlights shining into properties has been raised as a concern by local residents. Whilst the applicant is of the view that proposed landscape planting will address this, the environmental health officer advises that temporary screening may be necessary until the vegetation matures. This could be addressed by means of a condition requiring an assessment to be carried out within a short time of the road coming into use and if a problem is identified the necessary mitigation measures implemented.

Noise

- 7.23 Policy LP16 requires that development proposals do not adversely impact on the amenity of neighbouring users through noise pollution. The environmental health officer is of the opinion that the measures proposed for the construction phase will provide the required level of mitigation. However, once operational a number of residential properties will experience a significant increase in traffic noise. Mitigation is proposed in principle but the details are not specified. To ensure the development complies with policy LP16 this needs to be agreed and implemented before the road comes into use. This can be secured by condition.

Air quality

- 7.24 Fenland Local Plan policy LP16 requires that proposed risks from emissions, pollution, odour and dust are identified, managed and mitigated. The environmental health officer endorses the proposed mitigation measures for the construction phase and is of the opinion that (when operational) the scheme will not adversely affect local air quality.

Contaminated land

- 7.25 The applicant acknowledges that there is potential for some of the development site to be contaminated by previous uses and the need to undertake further investigation. This can be secured by planning condition.

Flood risk

- 7.26 Policy LP14 (Part B) repeats the NPPF (paragraph 100) aim to steer development away from areas at risk from flooding and requires development in areas known to be at risk from any form of flooding to be subject to a sequential test and, if necessary, an exception test. The NPPF states that development should not be permitted “if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding”. This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 7.27 Where the sequential test has been carried out and it is shown that there are no reasonably available sites in lower flood risk areas, the exception test will then be required in some circumstances. Through the application of the exception test any additional wider sustainability benefits resulting from development can be taken into account in order to demonstrate that the benefits for development of a site outweigh the flood risks to the development and its occupants.
- 7.28 The proposed road is partly within Flood Zone 3a which is land with a 1% (1 in a 100 year) or greater annual probability of river flooding. Of the 7 options initially considered 2 would be in Flood Zone 3a (option 5 which is the current scheme and option 7, a bypass for the wider area). Schemes on the line of the existing road or a short distance to the north would not be on land at risk of flooding. Of the 3 options shortlisted for public consultation the chosen option is the one partly in Flood Zone 3a whilst the others involving land on and to the north of the current alignment are not. The applicant considers that using the land in the lower flood risk areas would affect the operation of the businesses that occupy it. It is accepted that a scheme on the land to the north may not be deliverable. Furthermore, it is acknowledged that the proposed scheme has been located on the fringes of the industrial

estate to the south of the existing alignment and the sections of it that are within Flood Zone 3a are for the most part, parts of the southern embankment not the carriageway itself.

- 7.29 The proposed development is classed as “essential infrastructure” so the exception test can be applied. The applicant considers that the proposed scheme has wider sustainability benefits: sustaining traffic flow, carbon reduction, meeting the needs of future growth for future generations in Whittlesey. This analysis is supported by planning officers for the reasons set out in this report.
- 7.30 Where essential infrastructure is developed in Flood Zone 3a it must be demonstrated by a site-specific flood risk assessment that it will be safe from flooding for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere. The road will be raised on an embankment 2 – 10 metres above existing ground levels and will not be at risk from flooding. It will, like the existing alignment remain operational when North Bank, an alternative route between Whittlesey and Peterborough next to the Nene Washes, is closed because of flooding.
- 7.31 The Council's Flood and Water team are satisfied with the proposed method of surface water drainage but recommend that the details be secured by condition before development commences. With this mitigation in place it is considered that the proposed development complies with policy LP14.

Ecology

- 7.32 Policy LP19 seeks to conserve, enhance and promote the biodiversity and geological interest of the natural environment. In particular, sites designated for their international, national or local importance and protected habitats and species should be protected. The opportunity should be taken to incorporate features beneficial for biodiversity in new development.
- 7.33 The site lies approximately 1km from the Nene Washes which is an internationally designated site. Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified.
- 7.34 Peterborough City Council's Wildlife Officer has assessed the applicant's ecological reports (see paragraph 4.12) and has concluded that subject to updated species surveys being undertaken the development will result in no net loss to biodiversity, subject to recommended mitigation measures. These can be secured through planning conditions.
- 7.35 It is considered that the proposed development complies with policy LP19.

Historic environment

- 7.36 Policy PL18 seeks to protect the historic environment. The development site is 2.0 km from the Whittlesey Conservation Area and 1.8km from the closest listed buildings. The proposed development will not impact on the setting of either the conservation area or any listed buildings.
- 7.37 As explained in paragraphs 4.23 and 4.24 above, part of the proposed development site was not subject to archaeological evaluation and appropriate investigation and recording of any archaeological evidence needs to take place. This can be secured by condition.
- 7.38 It is considered that the proposed development complies with policy PL18.

Minerals and waste policy

- 7.39 Land at King's Delph, to the south of King's Dyke, is allocated in the Cambridgeshire and Peterborough Minerals and Waste Plan for the extraction of sand and gravel and brick clay. A Mineral Consultation Area (MCA) has been defined as a 230 metre wide buffer around the allocated land. The purpose of the MCA is to ensure that existing or future working of reserves is not prevented or prejudiced by other forms of development. The western section of the proposed road lies within the outer part of the MCA for the allocation at King's Delph but would not affect the way in which the land would be quarried, for example by requiring standoffs to ensure residential amenity. The proposed new road complies with policy CS27 of the Minerals and Waste Core Strategy.
- 7.40 The western half and the northeastern third of the development site lie within a Mineral Safeguarding Area (MSA) for sand and gravel therefore M&W Core Strategy policy CS26 applies. CS26 states that development will only be permitted where it has been demonstrated to the mineral planning authority that:
1. The mineral concerned is no longer of any economic value or potential value; or
 2. The mineral can be extracted prior to the development taking place; or
 3. The development will not inhibit extraction if required in the future; or
 4. There is overriding need for the development and prior extraction cannot be reasonably undertaken; or
 5. The development is not incompatible.
- 7.41 Whilst there is no presumption that resources defined in MSAs will be worked, it is important to make sure mineral resources are adequately taken into account in all land use planning decisions. They do not automatically preclude other forms of development taking place, but flag up the presence of economic mineral so that it is considered and not unknowingly and needlessly sterilised.

- 7.42 The applicant considers that the proposed scheme complies with Minerals and Waste Core Strategy policy CS26 (4) for the following reasons:
- There is overriding need for the development to resolve existing traffic issues along the A605, the pinch point being the King's Dyke Level Crossing which causes significant journey time unreliability and is constraining the planned growth of Whittlesey in terms of being an attractive place to live and work; and
 - Prior extraction cannot be reasonably undertaken as this would compromise the programme for proposed scheme. Extraction and reinstatement cannot be undertaken as the applicant does not own the land or have planning permission so it is not reasonable to dig these out prior to works starting without landowner consent.
- 7.43 The site profile for the King's Delph allocation identifies the need to provide a stand-off and screening to protect the amenity of the houses at 155 – 179 King's Dyke. This would also apply to working sand and gravel within the land including and to the south of the proposed road. The industrial units would also need similar protection and the line of the proposed road is in land which would fall within the unworked stand-off. The proposed road at its north eastern end falls within another "arm" of the MSA. However, the land involved is close to a residential property and the railway, both of which will require an unworked stand-off. It is therefore considered that the proposed road will not inhibit extraction of mineral from within the MSA and the proposal complies with policy CS26.
- 7.44 Kings Dyke Brick Pits to the north of the A605 is an area of search for waste recycling and recovery uses and these potential uses are protected by a 250 metre wide Waste Consultation Area (WCA). The northeastern part of the proposed road falls within the WCA. The houses 250 – 272 Peterborough Road lie between the area of search and the existing and new road. The site profile identifies "provision of suitable access arrangements taking into account capacity issues on the A605" as needing to be addressed in any planning application for waste management development within the Kings Dyke Brick Pits area of search. The proposed scheme includes an arm off the eastern roundabout to serve the brick works which would also serve development within the area of search and the scheme itself will reduce delays to traffic at the level crossing. The new road will not prejudice the development of waste management uses in the area of search and so complies with policy CS30.

8.0 CONCLUSION

- 8.1 The proposed new road and bridge over the railway line at King's Dyke is consistent with the Local Transport Plan and Whittlesey Market Town Transport Strategy, Fenland District Council's Infrastructure Delivery Plan and policy LP11 "Whittlesey" of the Fenland Local Plan (May 2014). It will enable Network Rail to close the King's Dyke level

crossing which will have safety benefits. There will be benefits to the travelling public who will no longer have to queue on the A605 when the level crossing barriers are down.

- 8.2 Concerns have been raised by CCC highway engineers about a number of elements of the design of the new road. These are not considered insurmountable and can be overcome at the detailed design stage, secured by condition. However, the applicant needs to appreciate that if design changes involve land outside the current application area, a new application will be needed. Amendments to existing and new Traffic Regulation Orders are required and an undertaking is needed from the developer that they will be in place from the new road first coming into use.
- 8.3 Whilst a scheme of this size and nature will have some impacts on the environment and on local residents and businesses it is considered that the proposed mitigation measures will reduce these to an acceptable level and that the residual impacts are outweighed by the benefits to the wider travelling public and the town of Whittlesey. The mitigation measures for both the construction and operational phases can be secured by conditions.

9.0 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the applicant giving a written and binding commitment that all amendments to existing Traffic Regulation Orders and new Traffic Regulation Orders will be active from commencement of use, and the following conditions:

Implementation

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004

Approved Plans

2. The development hereby permitted shall not proceed except in accordance with the details set out in the submitted application and supporting documents and the following drawings unless amended by revisions resulting from compliance with the conditions below:
- 5040171/HW/PL/012 Rev C Location Plan dated Dec 09, 2015
 - 5040171/HW/PL/002 Rev C General Arrangement dated Nov 26, 2015
 - 5040171/HW/PL/003 Rev D Proposed Alignment Typical Cross Section and Long Section dated Dec 09, 2015
 - 5040171/HW/PL/005 Rev E Drainage Layout dated Dec 09, 2015

- 5040171/HW/PL/011 Rev A Site Access and Compounds dated Nov 26, 2015
- 5040171/HW/PL/017 Rev A Outline Environmental Design Sheet 1 dated 20/11/15
- 5040171/HW/PL/018 Rev A Outline Environmental Design Sheet 2 dated 20/11/15
- 5040171/HW/PL/019 Rev A Outline Environmental Design Sheet 3 dated 20/11/15
- 5040171/HW/PL/020 Rev A Outline Environmental Design Section Elevations A-C dated 20/11/15
- 5040171/HW/PL/021 Rev A Outline Environmental Design Section Elevations D-E dated 20/11/15

Reason: To define the permission and to protect the character and appearance of the locality in accordance with policies LP15 and LP16 of the Fenland Local Plan (adopted May 2014)

Highway design

3. No development shall commence until a scheme that restricts vehicular access along the severed A605 alignment north of the Kings Dyke Level Crossing has been submitted to and approved in writing by the County Planning Authority. The scheme shall include fencing, gates, street lighting, signage and lines as appropriate. The approved scheme shall be completed prior to the commencement of first use of the development hereby permitted.

Reason: To prevent unauthorised access/parking along a public highway in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

4. No development shall commence until full details of the highway construction, road markings, signage and street lighting have been submitted to and approved in writing by the County Planning Authority. The street lighting details shall include the measures set out in section 4.5.3 of the Ecological Impact Assessment dated December 2015. The development hereby permitted shall not be carried out except in accordance with the approved details.

Reason: To ensure satisfactory measures are employed to address any highway safety issues resulting from any Relaxations or Departures in Standard in accordance with policies LP15 of the Fenland Local Plan (adopted May 2014). To minimise the impact of the development on bats in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

5. No development shall commence until details of maintenance bays on the proposed east and west roundabouts have been submitted to and approved in writing by the County Planning Authority. The

development hereby permitted shall not be carried out except in accordance with the approved details.

Reason: To provide safe access in order to maintain the new roundabout infrastructure in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

6. No development shall commence until a scheme detailing the footways and access for Funtham's Lane realignment and Peterborough Road realignment has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be completed prior to the commencement of first use of the development hereby permitted.

Reason: To provide safe pedestrian access and satisfactory realignment of Peterborough Road/Funtham's Lane in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

7. No development shall commence until any Relaxations and Departures in Standard remaining, following detailed scheme design, have been the subject of a detailed exception report which has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

Construction Environmental Management Plan

8. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include but not be limited to:
 - re-surveys of trees for bats
 - Precautionary Method of Working to minimise the risk of harm and disturbance to reptiles
 - Great Crested Newt surveys at waterbodies shown as DP1 and DP4 on Figure F-1 Waterbodies of the Ecological Impact Assessment dated December 2015
 - re-survey for badgers
 - re-survey for water voles in the ditch shown as D1 on Figure F-1 Waterbodies of the Ecological Impact Assessment dated December 2015
 - measures to protect nesting birds
 - mitigation of dust
 - mitigation of noise and vibration

- a timetable for survey work
- a programme of implementation

The approved plan shall be complied with at all times during the construction phase.

Reason: In the interests of safeguarding the amenity of nearby residents/occupiers in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014). The CEMP relates to the construction phase so must be in place before the development starts.

9. No removal of hedgerows or trees shall take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken:
 - a detailed check of vegetation for active birds' nests immediately before vegetation is cleared; and
 - provided written confirmation to the County Planning Authority prior to the removal of any vegetation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To protect breeding birds in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014).

10. Except for the works set out in paragraph 2.2.7 of the Noise Impact Assessment dated December 2015 carried out under Network Rail possessions, no construction work or collections from or deliveries to the site shall take place other than between the hours of:

0700 to 1900 on Mondays to Fridays; and
0800 to 1300 on Saturdays.

Additionally, no construction work or collections from or deliveries to the site shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of safeguarding the amenity of nearby residents/occupiers in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014).

Contaminated land

11. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the County Planning Authority:
 - 1) A site investigation scheme, based on the Tier 1 Preliminary Risk Assessment summarised in the Preliminary Sources Study Report dated December 2015 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved scheme shall be implemented in full.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with National Planning Policy Framework paragraphs 109, 120, 121 and policy of the Fenland Local Plan (adopted May 2014). Remediation measures may be needed as part of the construction phase so must be in place before development starts.

12. The development hereby permitted shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

13. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing to the County Planning Authority within 24 hours.

No further development shall be carried out until the developer has submitted in writing a remediation strategy to the County Planning Authority detailing how this contamination shall be dealt with; and written approval has been obtained for the remediation strategy required by this condition from the County Planning Authority.

The development hereby permitted shall not be brought into use until the approved remediation strategy has been implemented in full. Within one month of the completion of the measures identified in the approved remediation strategy a verification report shall be submitted to the County Planning Authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants in accordance with in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

Archaeology

14. No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved in writing by the County Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

Reason: To secure the provision of archaeological excavation and the subsequent recording of any remains in accordance with policy LP 18 of the Fenland Local Plan (adopted May 2014). Archaeological remains could be damaged by development therefore an approved WSI must be in place before development starts.

Noise mitigation

15. The development hereby permitted shall not be brought into use until a scheme, which has been submitted to and approved in writing by the County Planning Authority, to mitigate the impact of noise on the receptors identified in paragraph 5.1.3 of the Noise Impact Assessment dated December 2015 has been implemented in full. The mitigation measures shall be retained in full in accordance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

Vehicle headlights

16. The development hereby permitted shall not be brought into use until a scheme that has been submitted to and approved in writing by the County Planning Authority to mitigate the impact of vehicle headlights on residential properties has been implemented in full. The scheme shall include triggers for removal of any temporary measures.

Reason: Reason: To protect the amenity of local residents in accordance with policy LP16 of the Fenland Local Plan (adopted May 2014)

Landscape and biodiversity proposals

17. The development hereby permitted shall not be brought into use until landscaping and biodiversity enhancement measures have been fully carried out in accordance with a detailed scheme that has been

submitted to and approved in writing by the County Planning Authority. The detailed scheme shall include the locations of hibernacula and log piles and the location and spacing of trees and shrubs.

Reason: To protect the character and appearance of the locality and to enhance biodiversity in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014)

18. The landscape and biodiversity enhancement scheme approved under condition 17 shall be managed in accordance with Section 5: Management and Maintenance of the Landscape and Biodiversity Management Plan dated December 2015.

Reason: To protect and enhance biodiversity and the natural environment in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014)

19. If within a period of 5 years from the date of planting any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, becomes in the opinion of the County Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the County Planning Authority gives written consent to any variation.

Reason: To protect the character and appearance of the locality and to enhance biodiversity in accordance with policies LP16 and LP19 of the Fenland Local Plan (adopted May 2014)

20. No development shall commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the County Planning Authority in consultation with the Lead Local Flood Authority (LLFA). Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water;
- b) Flood water exceedance routes, both on and off site; and
- c) A timetable for implementation.

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 in accordance with policy LP14 of the Fenland Local Plan (adopted May 2014). This affects the design of the scheme so needs to be approved before development commences.

Source Documents	Location
<p>Link to the National Planning Policy Framework: http://planningguidance.communities.gov.uk/blog/policy/</p> <p>Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to Fenland Local Plan (May 2014): http://www.fenland.gov.uk/CHttpHandler.ashx?id=10010&p=0</p> <p>Link to the Local Transport Plan: http://www.cambridgeshire.gov.uk/info/20006/travel_roads_and_parking/66/transport_plans_and_policies</p>	Internet