



# East Cambridgeshire District Council

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## Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 5<sup>th</sup> November 2025

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Patrick Adams

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## Committee membership

**Quorum:** 5 members

### Conservative members

Cllr Christine Ambrose Smith  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Mark Goldsack (Vice Chair)  
Cllr Bill Hunt (Chair)  
Cllr Alan Sharp

### Conservative substitutes

Cllr Keith Horgan  
Cllr Julia Huffer  
Cllr Lucius Vellacott

### Liberal Democrat and Independent members

Cllr Chika Akinwale  
Cllr Christine Colbert  
Cllr James Lay  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Christine Whelan (Lead Member)

### Liberal Democrat and Independent substitutes

Cllr Lee Denney  
Cllr Lorna Dupré  
Cllr Mary Wade

**Lead Officer:** David Morren, Strategic Planning and DM I Manager

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**10:15 am** Planning Committee members meet at The Grange reception for site visit.

## AGENDA

### 1. Apologies and substitutions

[oral]

- 2. Declarations of interests** **[oral]**  
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 3. Minutes** **Page 5**  
To confirm as a correct record the minutes of the meeting of the Planning Committee held on 3<sup>rd</sup> September 2025.
- 4. Chair's announcements** **[oral]**
- 5. 21/01549/OUM – Hansons Depot, Kennett** **Page 13**  
Location: Hansons Depot, Kennett  
Applicant: Victoria Stanley Ltd  
Public access link: [21/01549/OUM | Proposed development of up to 13 dwellings to include affordable housing and access | Hanson Depot Kennett Newmarket Suffolk CB8 7QD](#)  
Proposed development of up to 13 dwellings to include affordable housing and access.
- 6. 25/00393/FUM – Anchor Lane Farm, Burwell** **Page 39**  
Location: Anchor Lane Farm, Burwell  
Applicant: Burwell AL Ltd  
Public access link: [25/00393/FUM | Agrivoltaic scheme \(capacity 49.95MW\) plus associated infrastructure, access roads and landscaping | Anchor Lane Farm Newnham Drove Burwell Cambridge CB25 0BN](#)  
Agrivoltaic scheme (capacity 49.95MW) plus associated infrastructure, access roads and landscaping.
- 7. TPO/E/02/25 – Tree Preservation Order – Paradise, Ely** **Page 77**  
Location: Paradise Recreation Ground, Deacons Lane, Ely  
To confirm Tree Preservation Order (TPO) E/02/25 for one Tree of Heaven.
- 8. Delegation Process for Nationally Significant Infrastructure Projects** **Page 93**
- 9. Planning performance report – September 2025** **Page 121**

## **Exclusion of the public including representatives of the press**

That the press and public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information in categories 1, 2 and 7 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

## 10. Quarterly performance in resolving planning enforcement cases

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### Notes

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcambs.gov.uk/parking-open-spaces-and-toilets/car-parks/car-parks-ely) (<https://www.eastcambs.gov.uk/parking-open-spaces-and-toilets/car-parks/car-parks-ely>). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

The livestream of this meeting will be available [on the committee meeting's webpage](https://www.eastcambs.gov.uk/node/2637) (<https://www.eastcambs.gov.uk/node/2637>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting) (<https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting>). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee [democratic.services@eastcambs.gov.uk](mailto:democratic.services@eastcambs.gov.uk), to **register by 10am on Tuesday 4 November**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
  - Objectors
  - Applicant/agent or supporters
  - Local Ward Councillor
  - Parish/Town Council
  - County Councillors
  - National/Statutory Bodies
3. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
  - if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
  - the fire assembly point is in the front staff car park by the exit barrier
  - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services
  - the Committee Officer will sweep the area to ensure that everyone is out
5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)

7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

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## East Cambridgeshire District Council

### **Minutes of a Meeting of the Planning Committee**

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on  
Wednesday 3 September 2025

#### **Present:**

Cllr Chika Akinwale  
Cllr Christine Ambrose Smith  
Cllr Christine Colbert  
Cllr Mark Goldsack (Vice-Chair)  
Cllr Martin Goodearl  
Cllr Keith Horgan (substitute)  
Cllr Bill Hunt (Chair)  
Cllr James Lay  
Cllr Alan Sharp  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Christine Whelan

#### **Officers:**

Patrick Adams – Senior Democratic Services Officer  
Maggie Camp – Director Legal  
Rachael Forbes – Planning Officer  
Catherine Looper – Major Projects Planning Officer  
David Morren – Strategic Planning and Development Management Manager

#### **In attendance:**

Paul Belton – Agent for the Applicant

ECDC Comms

### **11. Apologies and substitutions**

Apologies for absence were received from Cllr Lavinia Edwards. Cllr Keith Horgan substituted for Cllr Edwards.

### **12. Declarations of interest**

There were no declarations of interest.

### **13. Minutes**

The Minutes of the meetings held on 2 July 2025 were agreed as a correct record, subject to the amendment of Kirling to Kirtling in the heading of agenda item 6.

### **14. Chair's announcements**

There were no Chair's announcements.

### **15. 24/01257/RMM - Ely**

Rachael Forbes, Planning Officer, presented a report (AA41, previously circulated) recommending approval of a reserved matters application for layout, scale, appearance, access and landscaping following outline planning permission for the erection of 300 new homes, landscaping, open space, allotments, pedestrian, cycle and vehicle routes and associated infrastructure pertaining to Phase 5 of the Orchards Green development and approval of relevant details for Phase 5 under conditions 14, 20, 21, 25, 26, 49, 50 and 56 of the outline planning permission, which had been granted in 2016.

It was noted that the Council's Waste Team, Trees Officer and Ecologist had no objections to the proposal. There were also no objections from the Environment Agency, Anglian Water or the Internal Drainage Board.

Paul Belton, agent for the applicant, made the following statement:

"My name is Paul Belton from Carter Jonas, and I am here representing Bellway homes.

"These reserved matters are seeking approval for the delivery of 300 new homes, extensive areas of open space and associated infrastructure on what is known as Phase 5 of this allocated site to the north of Ely.

"As you know, outline planning permission was granted for this North Ely development in 2016. Since then, Phases 1 and 3 have been built out and as you have just heard, Phase 2 has been approved and is now well advanced on site. Phase 5 sits in between Phases 1 and 3 to the south and Phase 2 to the north and is a key part of the masterplan, it being the missing part of the site that connects these already consented and built out parcels.

"A key aspect of phase 5 is the delivery of the central part of the spine road that will enable direct connection to be made through the wider development and between Lynn Road, Cam Drive and the A10. This connectivity is key to the wider development as it allows the parcels to be connected, new pedestrian and cycle routes to be created and the new internal bus route to be provided.

"Phase 5 also delivers a key part of the Long Fen, the area of open space to the west of the site, alongside the A10. The Long Fen provides continuous

green infrastructure throughout the entirety of the site, which spreads into each of the separate development parcels.

In addition, phase 5 will deliver a more formal green square to the south of the site, adjacent to the primary school, known as Eight Tower Park, new allotments and separate play areas. Over 5 hectares of open space will in fact be delivered as part of these plans.

“Given its location within the centre of this allocated site, Phase 5 is very much the missing piece of the jigsaw and Bellway are pleased to be able to bring these reserved matters forward to help realise the overall vision for North Ely.

“Since the submission of this application at the end of 2024, Bellway has worked closely with officers and other key consultees to review the emerging plans and refine the details submitted.

“Detailed design reviews have been held with Place Services and workshops undertaken with housing, ecology officers, the LLFA and Highways to name a few. These workshops have ensured that the details submitted have been robustly tested and refined and we are very grateful to officers for their diligent work in processing this application so that the very positive recommendation of approval can be put forward to you today.

“As noted within the report, this phase of the development is the first to deliver 40% of the new homes, as affordable housing, that is 120 affordable homes in this case. In addition, these plans will deliver 180 new private homes. The submitted plans adhere to the overarching Design Code for North Ely and the approved Spine Road Statement, both of which have steered and informed the plans now being presented. The proposals also accord with each of the approved parameter plans consented as part of the outline planning permission and the conditions attached to the outline approval. Bellway fully supports the recommendation of approval that is before you and hopes that these reserved matters are approved so that the delivery of these much needed homes can commence on site. Bellway are indeed very keen to progress with the delivery of this development and hopes to be commencing works on site in the next couple of months if approval is given.

“As members will be aware, Bellway is already delivering new homes in the garden village of Kennett and is therefore an experienced house builder in the district. Bellway would be delighted to be able to continue the positive delivery of new homes by delivering this key part of the already allocated site at North Ely.”

Members were invited to ask questions to Mr Belton.

In response to Cllr Chika Akinwale, Mr Belton explained that the proposed cycle paths on the site had been approved by the Highways team and that all homes would be within 400 metres of a bus stop. He confirmed that the toddler play area on the edge of Lynn Road would be enclosed.



Mr Belton explained that details of the play equipment in the parks would have been included in the original application, but he understood that it included equipment for disabled children. It was noted that the Section 106 Agreement would include details of when the play areas had to be completed. It was reported that 47% of the housing units would meet the criteria for being disabled friendly. Cllr Christine Colbert expressed the hope that a sensory garden would be planted in the Long Fen area.

Mr Belton reported that the impact of the development on the capacity of Ely College would have been considered at the outline planning application stage.

In reply to Cllr Martin Goodearl, Mr Belton explained that the Council's waste team had examined that application and were satisfied that there would be sufficient room for the residents' bins, including the additional bin planned for June 2026, in the new development. He further explained that bins from the apartments would be collected from the rear of the building. Cllr Christine Colbert expressed concern that if waste vehicles were unable to drive down privately owned roads, residents would have to move their bins some distance to a single collection point. Mr Belton stated that waste vehicles could use private roads if they had indemnity insurance.

In reply to Cllr Christine Colbert, Mr Belton explained that the application's ecology strategy had taken into account the welfare of hedgehogs, including the provision of routes for hedgehogs in private gardens.

In reply to Cllr John Trapp, Mr Belton stated that the number of chimneys in the plan had been a requirement of the design guide to ensure that the development was in character with the local area. Mr Belton also confirmed that there would be spaces for the domestic charging of electric vehicles, all homes had car parking spaces and that tandem car parking spaces would be kept to a minimum.

Mr Belton explained that self-build homes would be included in phase 4 of the scheme.

Mr Belton explained that the design of the roads, including the proposed 30 miles per hour speed limit, had been agreed in the outline planning application, in consultation with Highways officers. It was noted that many of the road in Ely had a 20 miles per hour speed limit. In reply to Cllr James Lay's concerns on the road layout and access to Lynn Road, Mr Belton stated that the access strategy had been agreed at the outline planning application stage.

In response to Cllr Alan Sharp, Mr Belton explained that if a road was not adopted it would remain in private ownership. Under the terms of the Section 106 Agreement, responsibility for the maintenance of open space will first be offered to the Council and then to a maintenance company.

In reply to Cllr Keith Horgan, Mr Belton stated the reserved matters application needed to be approved before the signing of the Section 38 Agreement.

regarding the adoption of roads. He further explained that some roads would remain in private ownership.

In reply to Cllr Christine Whelan, Mr Belton explained that Bellway had taken advice on size and species of trees and were keen to ensure that the new landscape would be successfully introduced over a five-year period, whilst existing mature trees would be protected.

The Planning Officer explained that under the terms of the Section 106 Agreement, no more than 50% of the new homes could be occupied until half of the open space had been completed. No more than 75% of the new homes could be occupied until all of the open space had been completed.

Members were invited to ask questions to the officer.

In reply to Cllr Chika Akinwale, the Planning Officer stated that planning permission for shops had been agreed in a previous phase and would be built elsewhere on the allocated site. The application under discussion was purely for residential housing.

In response to Cllr Christine Whelan, the Planning Officer reported that the Council had consulted with the Environment Agency, Anglian Water and the Internal Drainage Board regarding drainage and sewage and they had not raised any objections regarding the proposed development.

In reply to Cllr Keith Horgan, the Planning Officer explained that indemnity insurance would be required for waste vehicles to drive on private roads. It would be the responsibility of the developer to arrange this with the waste team. Whilst this was not a matter that the planning team would be involved with, the Strategic Planning and Development Management Manager was satisfied with the assurance received from the waste team that the issue would be resolved.

In reply to Cllr John Trapp, the Planning Officer reported that building regulations ensured the provision of domestic charging points for electric vehicles.

In reply to Cllr Martin Goodearl, the Strategic Planning and Development Management Manager explained that if planning conditions were not discharged, officers will investigate and if necessary, take enforcement action.

The Committee moved into debate.

Cllr Alan Sharp stated he was in broadly in favour of the development but he was disappointed that planning conditions had not been included with the outline planning permission in 2016, to ensure that shops and other infrastructure were provided before a certain number of homes were occupied.

Cllr John Trapp expressed concern regarding the number of tandem parking places and the distance that some homes would be from play areas. He

suggested that planning conditions should be added on fully accessible play areas, tree planting, parking, electric charging and bin collection points.

Cllr Christine Whelan expressed her support for the number of affordable homes to be built in the development. However, the Council needed to listen to the concerns of residents regarding traffic, a lack of amenities, play areas, open spaces, minimising disruption to current residents and long term issues regarding drainage and sewage. She hoped that what was being promised would be delivered and if necessary, conditions enforced.

Cllr Keith Horgan expressed concern regarding bin collection for residents living on unadopted roads, due to the distance bins would have to be taken to the collection point and the possible charge to each household to cover any indemnity insurance. He recommended that an extra condition be added that would address this issue.

Mr Paul Belton assured the Committee that the waste team were satisfied with the bin collection points in the application and it was not unusual to have waste collection on unadopted roads.

The Strategic Planning and Development Management Manager reminded the Committee that the adoption of roads was not a planning consideration. He suggested that an additional condition regarding waste collection, which was a planning consideration, could be added, which ensured that further plans regarding bin collection points will be brought to the Council if key roads were not adopted and no indemnity insurance was arranged.

Cllr Keith Horgan proposed and Cllr Christine Colbert seconded the following additional condition "that in the event of any roads not being adopted and indemnity insurance not being agreed in relation to waste collection, then plans of further details of bin collection points will be put forward to the Council, approved in writing and implemented in accordance with the approved plans. Delegated powers be given to the Strategic Planning & Development Management Manger to agree the wording of an additional condition."

Cllr Christine Ambrose Smith and Cllr Chika Akinwale seconded the amended recommendation in the report, with the additional condition. A vote was taken and with 11 votes in favour and 1 against

It was resolved:

**to approve** planning application 24/01257/RMM, subject to the conditions set out in Appendix 2, with delegated powers given to the Strategic Planning & Development Management Manger to agree the wording of an additional condition that in the event of any roads not being adopted and indemnity insurance not being agreed in relation to waste collection, then plans of further details of bin collection points will be put forward to the Council, approved in writing and implemented in accordance with the approved plans.



## **16. Planning Performance Report – June 2025**

David Morren, Strategic Planning and Development Management Manager, presented a report summarising the performance of the Planning Department in June 2025. It was agreed that the colours used for the years in the graph should be consistent in the monthly reports.

It was resolved unanimously:

That the Planning Performance Report for June 2025 be noted.

## **17. Planning Performance Report – July 2025**

David Morren, Strategic Planning and Development Management Manager, presented a report summarising the performance of the Planning Department in July 2025.

It was resolved unanimously:

That the Planning Performance Report for July 2025 be noted.

## **18. Exclusion of the Press and Public**

The Chair proposed that the meeting should go into private session. It was resolved unanimously:

That the press and public be excluded during the consideration of the remaining item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1, 2 and 7 of Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

## **19. Quarterly performance in resolving planning enforcement cases**

The Committee considered a report which considered the Quarterly Performance in Resolving Planning Enforcement Cases. Officers replied to a number of queries from councillors regarding specific sites.

The Strategic Planning and Development Management Manager explained that enforcement takes time, in some cases it was not expedient to prosecute and the department were working well with the resources available. The Committee praised officers for their work in resolving enforcement cases.

It was resolved that:

The Quarterly Performance in Resolving Planning Enforcement Cases be noted.



The meeting concluded at 4 pm.

Chair.....

Date.....

DRAFT

**21/01549/OUM**

Hanson Depot

Kennett

Newmarket

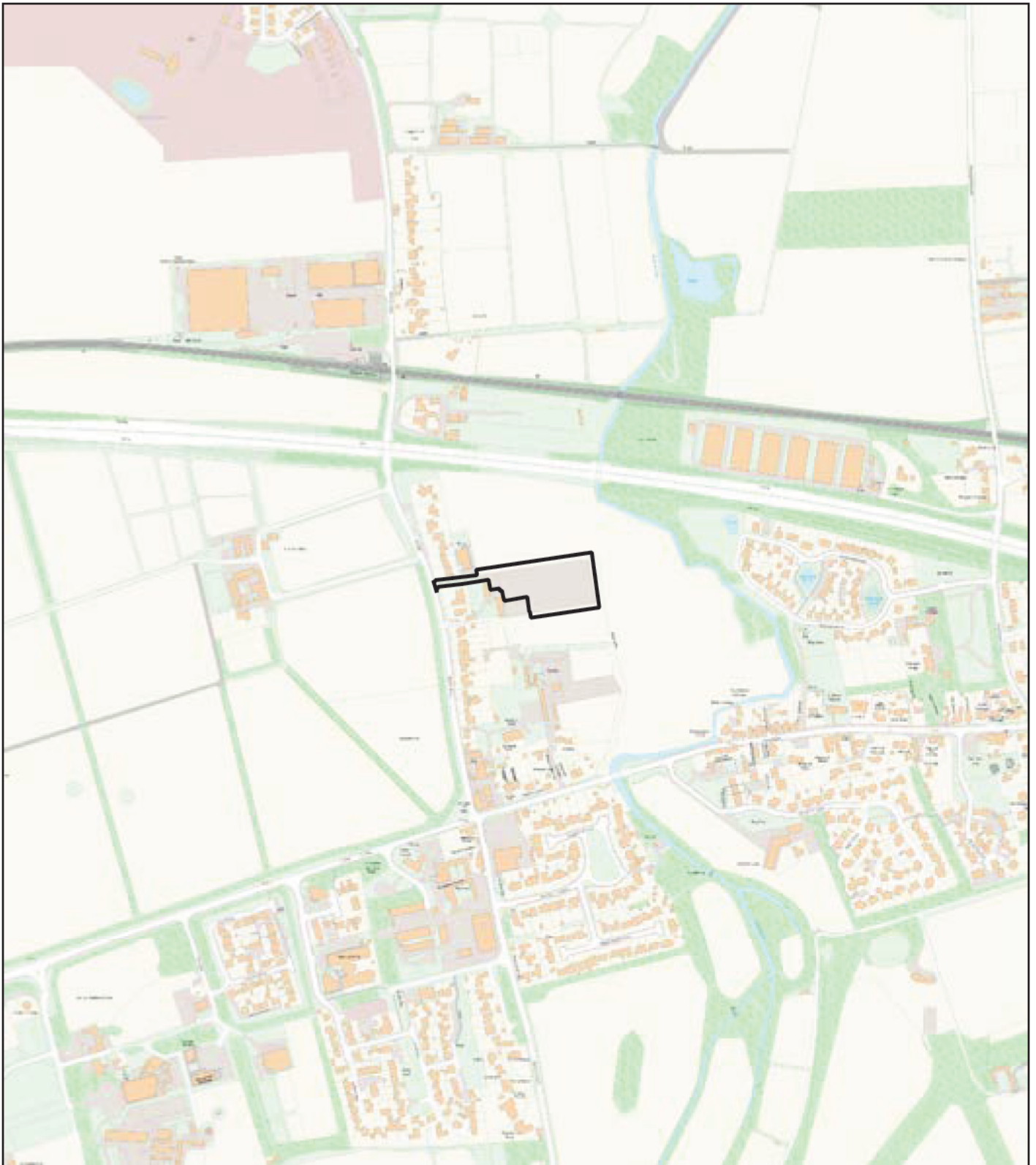
CB8 7QD

Proposed development of up to 13 dwellings to include affordable housing and access.

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>





21/01549/OUM

Hanson Depot  
Kennett  
Newmarket

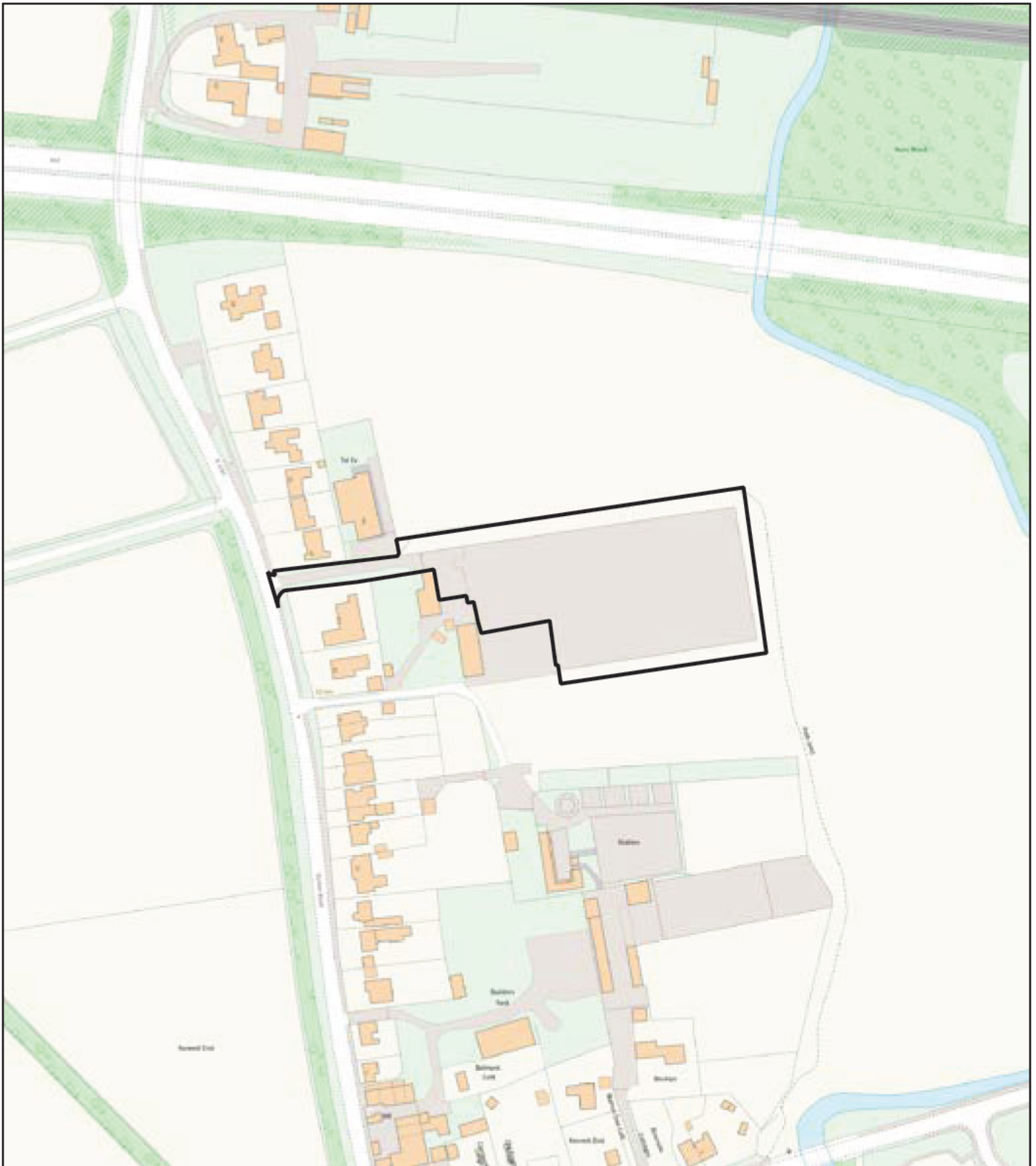


East Cambridgeshire  
District Council

Date: 16/10/2025  
Scale: 1:7,500



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21/01549/OUM

Hanson Depot  
Kennett  
Newmarket



East Cambridgeshire  
District Council

Date: 16/10/2025  
Scale: 1:2,500



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**TITLE: 21/01549/OUM**

Committee: Planning Committee

Date: 05 November 2025

Author: Major Projects Officer

Report No: AA80

Contact Officer: Yole Medeiros, Major Projects Officer  
Yole.Medeiros@eastcambs.gov.uk  
01353 616280  
Room No 011 The Grange Ely

**Site Address: Hanson Depot Kennett Newmarket Suffolk CB8 7QD**

**Proposal: Proposed development of up to 13 dwellings to include affordable contribution and access**

**Applicant: Victoria Stanley Ltd**

**Parish: Kennett**

**Ward: Fordham and Isleham**

Ward Councillor/s: Julia Huffer  
Kelli Pettitt

**Date Received: 22 October 2021**

**Expiry Date: 21 November 2025 (Extension of Time Agreed)**

## **1.0 RECOMMENDATION**

1.1 Members are recommended to:

- a. APPROVE the application for the following reason(s): delivery of housing in the district, including affordable housing; potential community and environmental benefits, when compared to the previous employment use;
- b. Grant delegated authority to the Strategic Planning Policy and Development Management Manager to finalise the terms and completion of the s106 legal agreement securing affordable housing provision; as well as financial contributions towards wheeled bins, education and libraries and lifelog learning; and then
- c. APPROVE the application subject to the conditions set out in Appendix 1, or, in the event that the applicant does not agree to any necessary extensions to the statutory determination period to enable the completion of the legal agreement, to REFUSE the application on the grounds that the necessary legal agreement has not been entered into.

- 1.2 The application is being heard by committee because it triggers the Councils Constitution in respect of a departure from the Statutory Development Plan.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application is for outline permission for the erection of up to 13 dwellings, except for access, for which permission is sought. Other matters including scale, appearance, layout and landscape will be reserved to future planning stages. The submitted layout is indicative only and aims to demonstrate that the site has capacity for the amount of development sought.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link [Simple Search](#).

## **3.0 PLANNING HISTORY**

- 3.1 The relevant planning history is presented in below:

17/02031/FUM	Proposed 76 Dwellings with associated access, open space and drainage, replacing the dis-used commercial yard and part agricultural land.	Refused	8th November 2018
19/00886/FUM	Proposal for 38 dwellings (40% affordable units) with associated access, open space & drainage, one commercial unit (B1 Office) to be included within 38 dwellings	Refused  Appeal dismissed	06.02.2020  27.05.2021
20/00966/FUL	Demolition of a tennis court and construction of 1no. five bedroom 1.5 storey detached dwelling with improvements to existing associated access	Approved	20.01.2021

## **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site comprises approximately 1ha (2.47 acres) of brownfield land located to the south of Kennett village. To the west of the site is a continuous linear frontage of dwellings along Station Road. Immediately adjacent to the site on the western edge are 2 buildings currently understood to be in E(g) use. To the east is mature woodland and mixed open fields. The river Kennett to the east boundary with the A14 running to the north. Further to the south of the site along B1506/ Bury Road lies Kentford and the boundary with Suffolk.
- 4.2 A vehicular access into the site is gained via a single track on the eastern side of Station Road with a pedestrian and cycle access off Station Road. The site is relatively open but contains features from its former use as an aggregate sorting and storage site e.g., steel and timber boundary treatments and small aggregate piles.
- 4.3 The site lies in Flood Risk Zone 1, an area at low risk of flooding, and is not located in an area at risk from surface water flooding. There are no Tree Protection Orders

(TPOs) on the site. There are no Conservation Areas or listed buildings which could be affected by the proposals. There are no Listed Buildings on the site, and the site is not located within a Conservation Area, however it is located in an area of archaeological interest.

## **5.0 RESPONSES FROM CONSULTEES**

- 5.1 Responses were received from the following consultees, with their respective responses summarised below. The full responses are available on the Council's web site.

### **Design Out Crime Officers - 22 March 2023**

No objection. Noted the area is considered of low risk to the vulnerability of crime, and the changes to the layout seem to have considered previous comments dated of 03 November 2021, despite the Design and Access Statement (DAS) not specifically mentioning crime, disorder, and the fear of crime. Reiterates the importance of security and crime prevention being considered and discussed at the earliest opportunity to ensure that the security of buildings, and the environment provide a safe place for residents and visitors.

Provides advice in relation to Secured by Design aspects (SBD) and invites the applicants to discuss SBD measures to reduce the risk and vulnerability to crime, indicating the development could attain the SBD residential award with consultation.

### **Cambridgeshire Fire and Rescue Service - 16 March 2023**

No objection. Should the Planning Authority be minded granting approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. This has been added as condition 14 in Appendix 1.

Advise on agreement of the position of fire hydrants and noting that where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

Notes that access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access. If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required. Offers further advice on the matter.

### **Local Highways Authority - 5 November 2021**

No objection. Notes the site benefits from access with prior approval (20/00966/FUL). The access was permitted for use by a single dwelling which does not automatically mean that it is acceptable for use by a larger scheme. However, in this instance the access has been designed in such a way that it is appropriate for use by the proposed development.

Notes the indicative nature of the submitted layout highlighting uncertainty regarding Local Highway Authority (LHA) adoption of the road. Notes that in the event the road is offered for adoption, applicants should consider the Council's Highway



Development Management - General Principles for Development guide when preparing any subsequent applications for layout.

Provides further comments relating to the indicative layout, for information only and stating the comments do not impact on the application 21/01549/OUM. No conditions recommended at this stage.

**Local Highways Authority - 21 March 2023**

Please append the following conditions to any permission granted.

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on TAB609-01B.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

**ECDC Trees Team - 5 April 2023**

Objects the proposal as it represents a significant ingress of built form into an area of open countryside and the indicative soft landscaping will have unknown ownership responsibilities. Reiterates that if trees are in private ownership in gardens, they will have an uncertain retention probability with those plants on the eastern, southern and western aspects at the highest risk of removal once they are of sufficient size to create shading. Previous responses have noted that the indicative soft landscaping did not seem to aid the integration of the development into this rural location.

**ECDC Environmental Health - 12 January 2023**

No objection. Confirms that the revised floor plans and site layout have been carefully considered, and that the layout could achieve acceptable internal sound levels if the targets are relaxed by 5dB (as afforded by the Standard). Recommends that during any further planning applications there is a Noise Impact Assessment (NIA) submitted to reflect the final layout and design of the site to ensure that acceptable sound levels can be achieved. This secured with condition 6 in Appendix 1.

Recommends conditions relating to construction hours, and Construction Environmental Management Plan (CEMP), and pilling. These were added as conditions 20, 7 and 21 respectively in Appendix 1.

Previous comments have highlighted previous assessments of noise impact and clarified that the proposals were in line with national guidance, reason why no objections were raised. Pointed out that, notwithstanding this position, it is unlikely that the local planning authority (LPA) will find a Mechanical Ventilation with Heat Recovery (MVHR) system acceptable and will expect internal levels to be met with a partially open window. This justifies the requirement for a NIA to be submitted with future planning applications detailing the site layout.

**ECDC Waste Strategy - 26 May 2023**

No objection, however, noting that the site does not seem to be suitable for a refuse vehicle to enter and turn. Reversing down the road would not be possible due to the road's length of the site's road. Vehicle tracking of a refuse vehicle entering the site,

turning in the turning heads, and leaving is needed. Requests applicants to refer to the Cambridgeshire and Peterborough Waste Partnership (RECAP) Waste Management Design Guide.

Offer advice on maximum wheeled bins dragging distances, charges for and the provision of waste collection receptacles, and instructions for payment of the charges. Highlights that ECDC would not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance.

**ECDC Ecologist** - No Comments Received.

**CCC Growth & Development** - 11 October 2023

No objection. Assesses impact of proposed development on education and library provision and recommends securing contributions towards early years provision, primary and secondary education and its library service.

**Lead Local Flood Authority** - 26 May 2023

No objection, following submission of further information demonstrating that surface water from the proposed development can be managed through the use of infiltration basins and plot soakaways to treat and discharge water into the ground. Contamination remediation would be required to ensure that the infiltration would not pose a risk to underlying groundwaters. In the event the contamination cannot be removed from the site, surface water will discharge to the river Kennett, through land under control of the developer. Attenuation will be provided in small basins and treatment will be through permeable paving and the basins. In this 17 May 2022 response, the LLFA had recommended conditions regarding surface water run-off and surface water drainage, added as conditions 8 and 13 in Appendix 1, and informative relating to Ordinary Watercourse Consent and Pollution Control.

**Cambridgeshire Archaeology** - 16 March 2023

No objection. Reiterates that due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. Recommends informative and a condition to secure a programme of archeological work. This latter has been added as condition 12 in Appendix 1.

**Anglian Water Services Ltd** - 21 March 2023

States it has assets close to or crossing this site or such assets subject to an adoption agreement. Suggests the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. Offers further advice on the matter and notes that the diversion works should normally be completed before development can commence.

States that the foul drainage from the development is in the catchment of Newmarket Water Recycling Centre that will have available capacity for the anticipated flows.

States that the proposal to install a pumped connection, to the foul sewer in Bury Road, for a development of 13 dwellings is acceptable. It does not require a planning condition for foul water. It notes that if the developer wishes Anglian Water to be the adopting body, the proposed pumping station will need to be designed in accordance with the Design and Construction Guidance, and noting that the technical details including proposed pumped rate, will need to be raised at S104/S106 stage upon engaging with Anglian Water's drainage team.

States that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Offer further advice on the matter.

Notes that from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets and therefore does not comment on the suitability of the surface water management. Offers advice on consulting relevant statutory bodies and reiterate that if the developer wishes Anglian Water to be the adopting body for the SuDS, these will need to be designed in accordance with the Design and Construction Guidance.

**Environmental Health (Scientific Officer) - 16 March 2023**

No objection. Notes that a site investigation carried out in support of a previous application highlighted contamination issues connected with the site's previous industrial and recommended further investigation. Recommend standard contaminated land conditions, which have been added as conditions 9, 10, 11, and 19 in Appendix 1.

**Parish - 18 May 2022**

No objection, however expresses some concern in relation to the above development which is close to a flood plane, noting Anglian Water have committed to keeping water in the river at Kennett, and querying this would increase the risk of flooding in the future as the development is in close proximity to the river. In previous responses have expressed concerns that no charging points appeared to be included in the proposals.

**Technical Officer Access - 12 November 2021**

No objection. Makes recommendations regarding the detailed nature of the footpaths, ramps and dropped kerbs. States its objection to shared surfaces and the position of the garage for unit 13. Expresses concern for residents who are disabled regarding the lack of facilities in the vicinity including poor street lighting, inadequate pavements, busy cross-roads, lack of a bus route and doctors' surgery in the village. Notes that people with disabilities can require extra warm light and water. Notes requirements of Building Regulations in respect of disabled access/living.

**Consultee For Other Wards in Parish - 23 November 2021**

(Kentford Parish Council) Objects on the basis of its concerns regarding design and layout being out of character with this rural area specifically the continual encroachment on the recognized gap between the two parts of our village, physically separated by the River Kennett. States to be keen, and supported by planning

authorities and the recent Planning Inspectorate report, to maintain this important visual gap. Expresses concerns regarding unacceptable noise levels for residents from the adjacent A14, flood risk and drainage, contaminated land and impact on groundwater. Notes that tree-felling on or near the site has opened up views through to the site from Station Road.

**Ward Councillors - No Comments Received.**

5.2 A site notice was displayed near the site on 17 March 2023 and on 05 November 2021, and a press advert was published in the Cambridge Evening News on 4 November 2021.

5.3 Neighbours – 27 neighbouring properties were notified and in total 7 letters have been received from 4 different properties. The summary of their responses are below, noting that a full copy of the responses are available on the Council's website:

- Lack of housing need
- Increase in traffic and highway safety;
- Parking problems;
- Issues with flooding and groundwater.
- Detrimental to wildlife and trees;
- Need creation of woodland on the site to buffer noise;
- Noise pollution;
- Air pollution;
- Climate change;
- Contaminated land from previous uses;
- Lack of drainage infrastructure locally.

**6.0 THE PLANNING POLICY CONTEXT**

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of Housing, Employment and Growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
Part Two	Village/Town Visions 8.18 Kennett

6.2 Cambridgeshire and Peterborough Waste and Minerals Local Plan 2021

## POLICY 5 Mineral Safeguarding Areas (MSAs)

### 6.3 Supplementary Planning Documents

Cambridgeshire Flood and Water SPD  
Climate Change SPD  
Contaminated Land SPD  
Design Guide SPD  
Developer Contributions SPD  
Natural Environment SPD  
Hedgehog Recovery Design Guidance SPD

### 6.4 National Planning Policy Framework (December 2024)

- 2 Achieving Sustainable Development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

### 6.5 Planning Practice Guidance

## 7.0 **PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

### 7.1 **Principle of Development**

7.2 Policy GROWTH 1 of the Local Plan 2015 sets out the levels of housing to be delivered in Local Plan period, expected to be of 5,400 dwellings in the district, with Policy GROWTH 2 setting out the overall strategy for the distribution of growth across the district. The Local Plan is up to date, and these policies aim to ensure that growth takes place in appropriate locations across the district. Within the defined development envelopes, housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied. The proposal is located inside the defined development boundary for Kennett as set out in the policies maps under the Local Plan.

7.3 Notwithstanding the location within the village's envelope, the proposal is for the development of residential use, on a site with previous use as cement aggregates, and therefore an employment use. The buildings' last known use dates of 2020, and was for light industrial/ office use, currently falling under Class E of the Town and Country Planning (Uses Classes Order) 1987 (as amended). The use was previously defined as a B1 Class use, and imagery confirms that at least since 2020 the site appears to be vacant.

- 7.4 Local Plan policy EMP 1 seeks to retain land or premises currently or last used for employment purposes (B1 - now Class E -, B2 and B8 uses). As an exception, planning applications for mixed-use re-development involving an element of employment uses may be permitted, where it can be demonstrated that:
- a. Continued use of the site for 100% employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or,
  - b. The redevelopment of the site would bring significant environmental or community benefits which outweigh the partial loss of employment uses.
- 7.5 Policy EMP 1 further sets out that planning applications for re-development which propose the loss of all employment uses (as in this case) will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme. Planning applications for redevelopment/ development for other purposes will be assessed on their merits, taking account of criteria a and b above, and other policies in the Local Plan (particularly those relating to development in the countryside and impact on local character).
- 7.6 In relation to criteria (a) of Policy EMP1, evidence of the lack of viability of the site has not been submitted. As set out in Policy EMP1, the Council will seek to retain employment allocations for their designated B1/B2/B8 uses, and this would be in particular given the flexibility associated with what would be the current E-class uses. Nonetheless, it does appear that there is a lack of demand and interest for commercial premises in the area. This has been identified previously in the Planning Inspector report assessing appeal ref. APP/V0510/W/20/3256802 made against the refusal of the planning application ref. 19/00886/FUM for the same site, where it states that the 2017 report
- "records that there were a significant number of commercial properties for sale or to let within 5 miles of the site, and a significant number of existing employment sites within a 3 mile radius of the site. The report concluded that there is not likely to be any significant demand for commercial use of the site. This conclusion is based on the number of alternative properties available in the area, rather than any particular aspect of the site which might limit its commercial attractiveness."*
- 7.7 In relation to criteria (b) of Policy EMP 1, given this location surrounded by residential use (including from the implementation of planning permission ref. 20/00966/FUL, sharing access with the site), it is reasonable to admit that existing residents may be concerned over compatibility of the use in this regard. Arguably, the site may have become less compatible and is now more appropriate to come forward as a residential use, subject to an assessment and mitigation of any associated adverse impacts that may arise from this. This would bring about some community benefit, as housing in this location may be more compatible in any case. The redevelopment of the site would bring about opportunities to secure additional planting and other long-term biodiversity enhancements, against what is currently a relatively sterile, brownfield site.
- 7.8 As noted above, the site is within the development envelope in Kennett and is surrounded by residential properties along Station Road. Notwithstanding that the proposed development could be perceived from other points including from Bury

Road and surrounding open countryside, the residential development of the site would accord more with the built pattern and character of the settlement. Moreover, it has potential to avoid harm to the open character of the countryside, subject to final design and landscaping, which will be detailed in next planning stages, should outline permission be granted.

- 7.9 In summary, considering the site's characteristics and location within the development envelope, alongside the potential lack of market demand for the previous employment use, it is concluded that the site would bring about some community benefit, and the proposal would be aligned to criteria (b) of Policy EMP1. Housing in this location may be more compatible and, subject to suitable design detailed in the next planning stages, the development would not result in harm to the character of the area.
- 7.10 Further to the above, the site being vacant for 5 years or more would lead to an argument as to whether the site remains as an employment site, considering the main structures of the previous use are no longer present. Any enforcement action against a potential unlawful demolition of the employment site would not be feasible or expedient, given the time lapsed. Furthermore, the site is not designated as employment use on the Local Plan. It is considered therefore that the principle of the development is supported through Local Plan policies GROWTH1 and GROWTH2 and does not conflict with Policy EMP 1 of ECDC's Local Plan.
- 7.11 Access and Impact on Highways**
- 7.12 Policy COM7 of the Local Plan states that development should be designed to reduce the need to travel particularly by car and should promote sustainable forms of transport appropriate to its particular location. Development proposals shall provide safe and convenient access to the highway network and be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality. Policy COM8 requires development proposals to provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Council's parking standards (including parking for people with impaired mobility).
- 7.13 Kennett has a range of services and facilities, and walkers and cyclists are in easy access to a network of footpath and bridleways. The site is also at approximately 350 metres (0.22 miles) away from Kennett train station, which makes it a sustainable location in terms of transport, for the scale of development proposed and the context where it is inserted. Provision for parking, including for cycles, will be assessed with the submission of reserved matters in accordance with the parking standards set out in Policy COM8.
- 7.14 The Local Highways Authority (LHA) has reviewed the submission and noted that the site benefits from an access with prior approval (permission ref. 20/00966/FUL). The LHA confirmed that, whilst the access was permitted for use by a single dwelling, it has been designed in such a way that it is appropriate for use by the proposed development as well.
- 7.15 Concerns raised by the Technical Officer Access are noted, and applicants will be required to meet requirements of Policy COM7 and consider the travel and transport



needs of people with disabilities, when the final layout is submitted in the future for approval with the relevant reserved matters. This will include the design of the internal road, including foot/cycleway as applicable, as permission for the layout is not sought with this outline application. Conditions have been applied on this topic.

- 7.16 In conclusion, the development would be in a location where sustainable travel could be promoted. The access to highway would be safe and convenient and it would be capable of accommodating the level and type of traffic generated without detriment to the local highway network, as required by Policy COM7.

## **7.17 Landscape and Character**

- 7.18 Policy ENV1 of the Local Plan requires that development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the settlement edge and the wider landscape setting.

- 7.19 Whilst approval of layout, appearance and landscape matters are not sought with this application, an indicative layout has been submitted to demonstrate how likely the development would fit into the area, should outline permission be granted and details for such reserved matters approved. It can be concluded from the indicative layout the arrangement would not result in visual harm sufficient to warrant refusal of the application and that a suitable scheme could likely be secured at reserved matters, responding positively to the character and settlement pattern of the area. After planting would have established, ultimately it is possible to conclude that the site is capable of change, and the proposed development would not be incongruous or result in significant harm to the character of the countryside or the village.

- 7.20 Requirements for the design of the internal road made by the ECDC's Waste Team and the LHA are noted, and it is acknowledged that these could affect the proposed layout. These aspects however will be assessed against the relevant policies when reserved matters are submitted for approval in the future.

- 7.21 Consequently, the development as indicated would not conflict with Policy ENV1 of the Local Plan, as well as with the Design Guide SPD, as it is likely that a scheme could come forward which would complement the local distinctive character of the area which protecting the intrinsic beauty of the countryside.

## **7.22 Residential Amenity**

- 7.23 Whilst approval of layout is not sought with this application, an indicative layout has been submitted to demonstrate that the quantum of development could be satisfactorily accommodated within the site and be compliant with other design requirements within Policy ENV2 and the Design Guide SPD.

- 7.24 The submitted indicative layout demonstrates that the quantum could likely satisfactorily fit into the site and could achieve rear garden sizes and could provide some form open space proportionate to the scale of the development. Whilst the proposed quantum of development would not trigger open space requirements in the Developer Contributions SPD, requirements for SuDS to be explored and for the

proposed buffer to assist with alleviating any visual impact from development, may be taken as opportunity to deliver public/ communal open spaces in the next planning stages. This could also address concerns raised by ECDC's Trees officer.

7.25 Consultation responses raised concerns regarding the impact from air and noise pollution from the traffic on the A14. Whilst the proximity to the A14 would justify the submission of an Air Quality Assessment prior to determining this application, we recommend one is submitted prior or at the same time as the reserved matters seeking approval for layout. This and the noise impact on the future residential amenity will be controlled by recommended conditions. The suggestion for the creation of a woodland in this site is noted; however, this is not part of the proposal and the site is not designated as local green/ open space.

7.26 The comments from the Fire and Rescue Service, the Designing Out of Crime team, the ECDC's Waste Strategy team and the LHA are noted, and it would be for the developer to bring forward a detailed scheme which considers the recommendations, to address requirements within Local Plan Policy ENV 2.

## **7.27 Historic Environment**

7.28 The County Council's Historic Environment Team has reviewed the application in relation to the archaeological potential of the site. In their comments they note that records indicate that to the northwest of the application area is the nationally important Howe Hill Bronze Age tumulus, designated as a Scheduled Monument (National Heritage List for England reference 1015011).

7.29 Further evidence for ploughed out barrows is recorded in the vicinity as noted by the Team, in an area where geophysical survey in advance of a solar farm has recorded settlement enclosures, and evidence for prehistoric settlement and flint working is known to the west. Archaeological investigations comprising aerial photographic and geophysical surveys as well as intrusive evaluation undertaken to the north-west of the site between the Howe Hill tumulus and Kennett Station have also identified evidence for prehistoric activity. In addition, a moated site of probable medieval date is located to the west at Dane Hill Farm. The Team also notes that the site is at a short distance from the River Kennett to the east, and that historic records from the neighbouring county Suffolk include evidence for Saxon settlement in the vicinity.

7.30 Given this context, the Team whilst not objecting to the proposal requires a condition to secure a programme of archaeological investigation, to ensure that any archaeological remains are not destroyed or damaged by the proposed development. This is agreed as in line with Policy ENV 14, and a condition is recommended accordingly.

## **7.31 Ecology**

7.32 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network. The Natural Environment SPD requires that all development proposals would be expected to provide environmental enhancements proportionate to the

scale and degree of the development proposed. In line with Policy ENV 7 and the Natural Environment SPD, the Hedgehog Design Guide SPD requires all residential developments that are not householders to provide a scheme of hedgehog recovery proposals, irrespective of whether hedgehogs are known to be on the site or not.

7.33 It is noted that the proposed development is exempt from the Biodiversity Net Gain requirements in current legislation, as the application has been made before day one of mandatory BNG on 12 February 2024. The site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone, however given the proposal is for less than 50 residential units, it is unlikely that it would affect a SSSI, in line with the guidance provided by Natural England.

7.34 Whilst the application was not supported by a preliminary ecological appraisal (PEA), and comments have not been received from the relevant team at ECDC, it is possible to ascertain that given the site's characteristics and former use that the proposal would not affect biodiversity and geology. During the assessment of future stages of layout and landscape, the proposals would be expected to demonstrate that opportunities for creation of natural habitats and for providing environmental enhancements have been maximised, as required by Policy ENV7, the Natural Environment SPD and the Hedgehog Design Guide SPD. A condition to secure biodiversity improvements with the next planning stages has been recommended in the regard.

### **7.35 Flood Risk and Drainage**

7.36 The application site is in an area at low risk of flooding, and not in an area of risk of surface water flooding. The application is supported by a flood risk assessment (FRA) which demonstrates that surface water can be adequately managed on site without causing flooding elsewhere. This would be subject to further demonstration a detailed design stage – but nonetheless the Lead Local Flood Authority has accepted the outline drainage strategy and it is considered that the proposal complies at this stage with the aims of Local Plan policy ENV 8.

7.37 Matters of foul drainage would also need to be secured at detailed design stage and there is nothing to indicate that solutions would not be available to the developer in achieving a satisfactory scheme in this regard, with Anglian Water confirming that the wastewater recycling centre has available capacity for the development.

### **7.38 Housing Mix**

7.39 Developments of 10 or more dwellings are required by Policy HOU1 of the Local Plan to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs, and Policy HOU2 seeks to secure that the appropriate density is achieved. The proposal is for the development to incorporate different house types while remaining within the character of Station Road and Kennett as a whole. This will be assessed with any future submission to approve layout and appearance, in line with policies HOU1 and HOU2 of the Local Plan.

7.40 Furthermore, the appropriate mix for the market and affordable units will need to be, should outline approval be granted, as part of a reserve matter application. The proposal also includes the provision of 40% of the units to be made affordable homes.

This is recommended to be secured by a S106 Legal Agreement, in line with Policy HOU3 of the Local Plan and the Developer Contributions SPD. Subject to the completion of the necessary S106 agreement, the development would accord with the requirements of Policy HOU3 of the Local Plan.

#### **7.41 Other Material Matters**

7.42 Policy GROWTH 3 of the Local Plan requires developments to mitigate their impacts through infrastructure provision, by way of planning conditions and/ or S106 obligations. The requirements for education and library contributions sought by the County Council are necessary to mitigate the impacts of the development, meet the tests as set out under CIL Regulations and align with the Council's Developers Contributions SPD. Subject to the completion of the necessary S106 agreement(s), the development would accord with the requirements of the Local Plan and SPD in respect of infrastructure.

7.43 Policy ENV9 of the Local Plan requires development proposals located where there is reason to suspect contamination to include an assessment of the extent of the contamination and any possible risks. As assessment has not been provided with the application, however in reviewing the proposals, the Environment Health officers noted that a site investigation carried out in support of a previous application highlighted contamination issues connected with the site's previous industrial and recommended further investigation. A condition is recommended to address the matter, which will allow the proposals to accord with Policy ENV9 regarding land contamination.

#### **7.44 Planning Balance**

7.45 Having considered the Local Plan Policies and the site context, it is concluded that the redevelopment of this previously employment site into residential to deliver up to 13 residential units should be supported. The benefits of the redevelopment would outweigh the loss of an employment site, which in fact is not allocated as such in the Local Plan, and has not been in use and has been vacant for at least five years, and therefore it could be argued that it is not effectively an employment site.

7.46 Notwithstanding this, the redevelopment of the site by introducing the residential use would be more compatible to the surrounding use and character of Station Road and would deliver environmental benefits by being more compatible and capable of protecting the residential amenity of the neighbouring properties, by reducing emissions likely to occur in an employment site, such as the previous use as cement aggregates. A less pollutant community benefits which outweigh the partial loss of employment uses. Pending details of layout, appearance, scale and landscape, the development could be well integrated and avoid harm to the open countryside to the east, and when viewed from this and gaps along Bury Road.

7.47 Further to the above, the redevelopment would meet policy requirements in relation to delivering 40% affordable homes, contributing to the need in the district and locally. The expectation is for the next planning stages to confirm the development could be delivered following policy-compliant standards for sustainable construction and design, as well as sustainable drainage and biodiversity improvements.

## **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **Equalities and Diversities**

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

## **8.0 COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The policies of the Development Plan;
  - The location of the site entirely within the development envelope of Kennett;
  - The introduction of a less pollutant use that is more compatible with the surrounding residential area;
  - The Council's need for affordable housing provision;

- That details of layout, appearance, scale and landscape, are not approved with this application and, pending these, the development could be well integrated and avoid harm to the open countryside.

## **9.0      APPENDICES**

### **9.1      Appendix 1 – Recommended Conditions**

#### **Background Documents**

21/01549/OUM

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 21/01549/OUM Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
TAB609-01 Access	C	23rd March 2023
TAB609-SK01 Location Plan	A	10th March 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Climate Change SPD, 2021. This condition is pre-commencement as some of the measures may be below ground level.
- 5 As part of the any residential reserved matters application, an air quality impact assessment to demonstrate the effect on the residential amenity of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved document and any mitigations to identified impacts, if applicable.
- 5 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 6 As part of the any residential reserved matters application, a noise impact assessment demonstrating that acceptable internal noise levels will be achieved for the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The



development shall be carried out in accordance with the approved document and any mitigations to identified impacts, if applicable.

- 6 Reason: To safeguard the residential amenity of future occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 7 Prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the LPA.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.
- 8 Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.
- 9 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 9 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 10 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 Prior to the commencement of any development, the remediation scheme approved in Condition 10 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
  - a) The statement of significance and research objectives;
  - b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - c) The timetable for the field investigation as part of the development programme;
  - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

- 12 Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).
- 13 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by G.H. Bullard & Associates LLP (ref: 101/2022/FRA Rev P1) dated April 2022 and Drainage drawing prepared by TAB Architecture Ltd (ref: TAB609-16) dated 15 May 2023 and shall also include:
- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
  - d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
  - e) Site Investigation and test results to confirm infiltration rates;
  - f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
  - h) Full details of the maintenance/adoption of the surface water drainage system; and
  - i) Permissions to connect to a receiving watercourse or sewer.
- 13 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.
- 14 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 14 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.
- 15 No above ground construction shall commence until full details of hard landscape works in relation to the access showing in drawing ref. TAB609-01 Access Rev C have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 Prior to occupation (or as part of any reserved matters application) a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To ensure that the proposal meets with the requirements to maximise opportunities for creation of habitats as an integral part of the proposal, as stated in policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 17 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 17 Reason: To ensure construction of a satisfactory access, in accordance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown in drawing ref. TAB609-01 Access Rev C.
- 18 Reason: To ensure construction of a satisfactory access, in accordance with Policy COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified

in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 20 Construction times and deliveries during the construction phase are restricted to the following: 07:30 - 18:00 each day Monday – Friday; 07:30 - 13:00 on Saturdays and None on Sundays or Bank Holidays.
- 20 Reason: To safeguard the residential amenity of neighboring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 21 If it is necessary to undertake ground piling a method statement shall be submitted and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place, they can contact the contractor. If the method of piling involves impact driving, works will be restricted to the hours (specifically for piling) between 09:00 - 17:00 each day Monday - Friday and none on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling, this shall be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

- 21 Reason: To safeguard the residential amenity of neighboring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).



**25/00393/FUM**

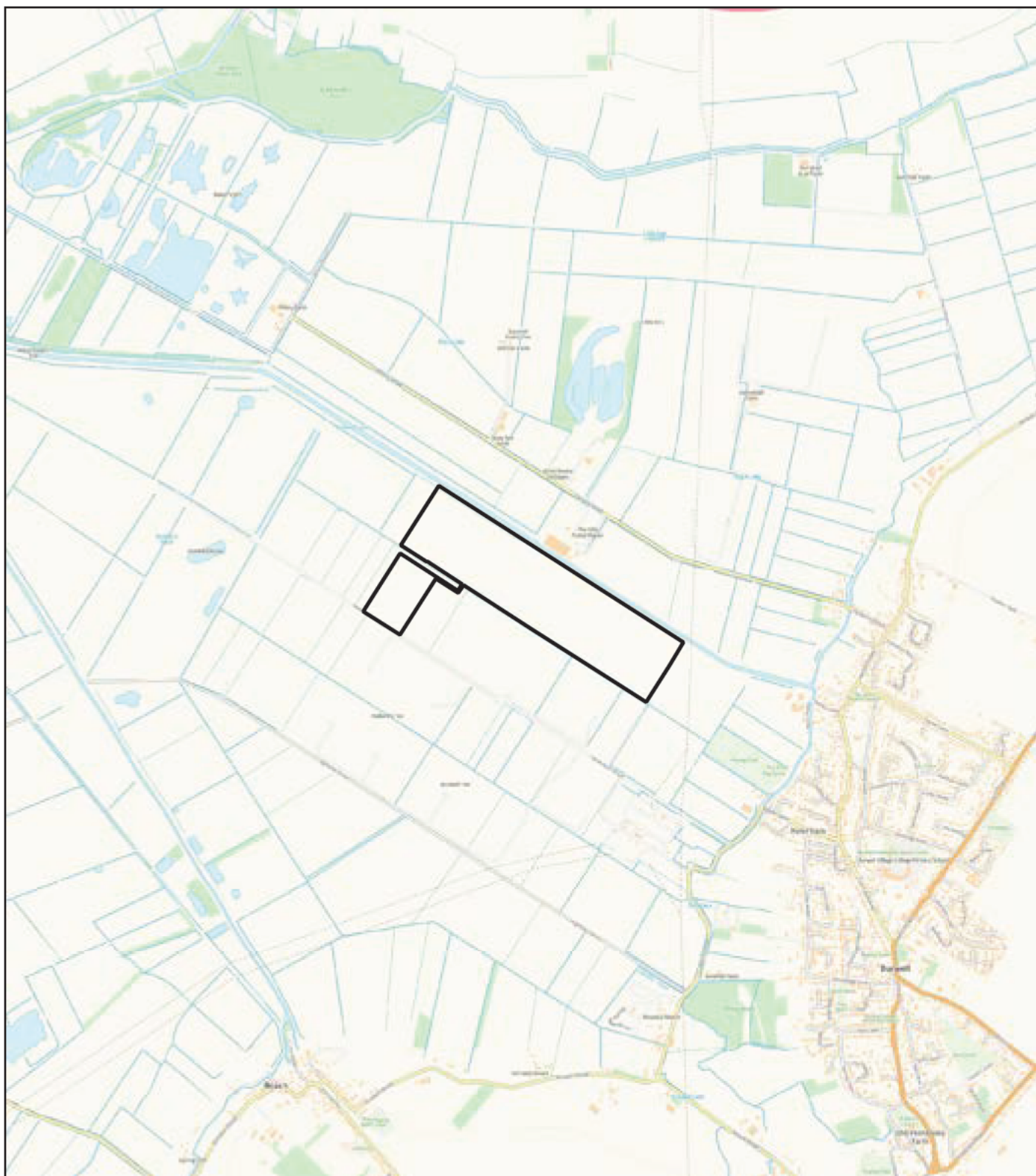
Anchor Lane Farm  
Newnham Drove  
Burwell  
Cambridge  
CB25 0BN

Agrivoltaic scheme (capacity 49.95MW) plus associated infrastructure, access roads and landscaping.

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=3U3HC4GGGG000>





25/00393/FUM

Anchor Lane Farm  
Newnham Drove  
Burwell



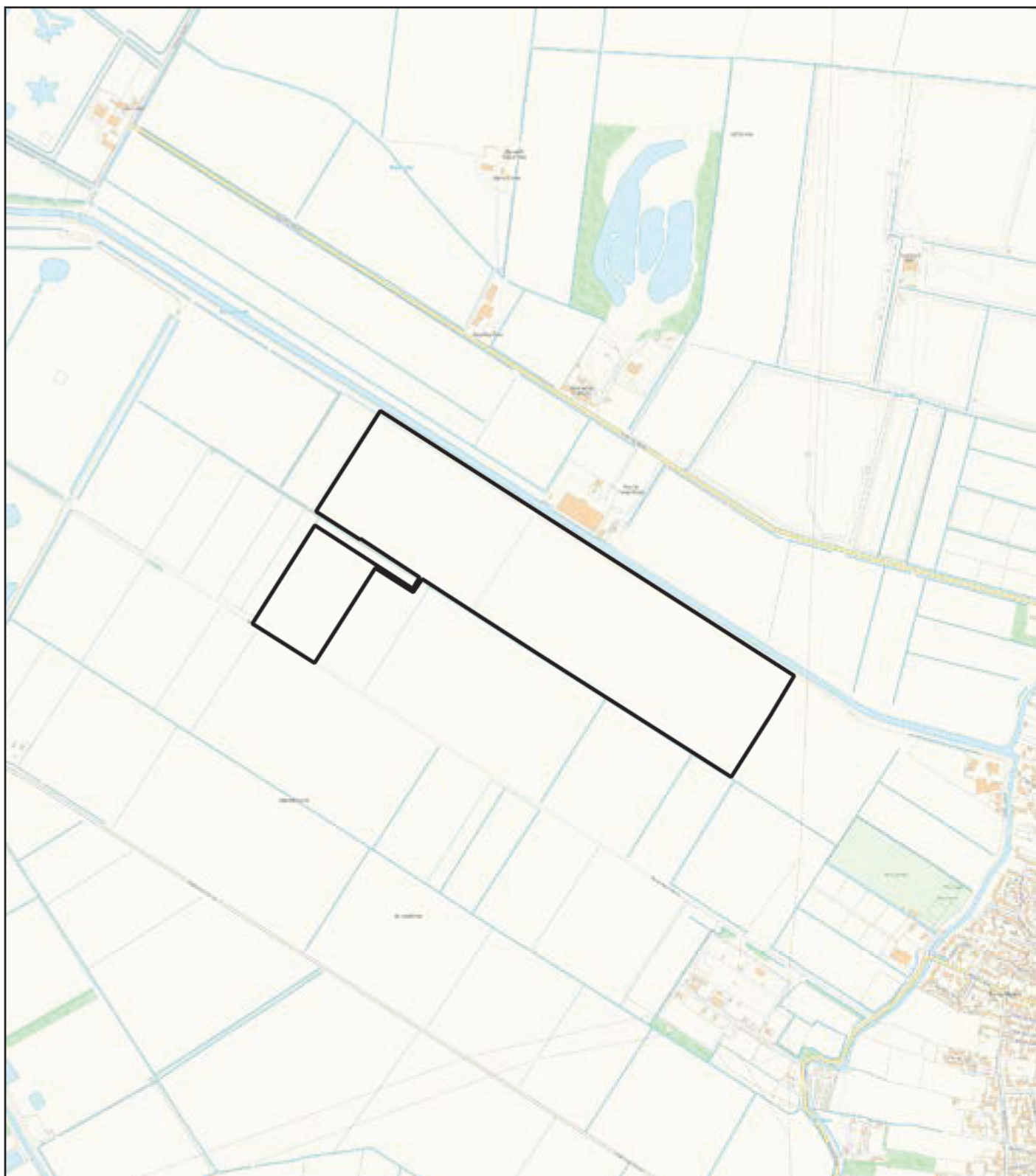
East Cambridgeshire  
District Council

Date: 16/10/2025  
Scale: 1:22,000



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Anchor Lane Farm  
Newnham Drove  
Burwell



East Cambridgeshire  
District Council

Date: 16/10/2025  
Scale: 1:13,000



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**TITLE: 25/00393/FUM**

Committee: Planning Committee

Date: 5 November 2025

Author: Major Projects Officer

Report No: AA81

Contact Officer: Yole Medeiros, Major Projects Officer  
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**Site Address: Anchor Lane Farm Newnham Drove Burwell Cambridge CB25 0BN**

**Proposal: Agrivoltaic scheme (capacity 49.95MW) plus associated infrastructure, access roads and landscaping**

**Applicant: Burwell AL Ltd**

**Parish: Burwell**

**Ward: Burwell**

Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received: 2 April 2025**

**Expiry Date: 21 November 2025 (Agreed Extension of Time)**

## **1.0 RECOMMENDATION**

1.1 Members are recommended to:

- a. APPROVE the application for the following reason(s): need and delivery of low-carbon developments; absence of significant adverse impacts in terms of heritage, or landscape and character impacts; temporary loss of agricultural fields for active cultivation for a period of over 40 years, mitigated through the resting of the soils and introduction of traditional fen landscaping and the re-instatement of the land following de-commissioning;
- b. Grant delegated authority to the Strategic Planning Policy and Development Management Manager to finalise the terms and completion of the s106 legal agreement securing biodiversity net gains (including Habitat Management and Maintenance Plan - HMMP); and
- c. APPROVE the application subject to the conditions set out in **Appendix 1**, or, REFUSE in the event that the applicant does not agree to any necessary

extensions to the statutory determination period to enable the completion of the legal agreement.

- 1.2 The application is being heard by committee because it triggers the Councils Constitution in respect of proposals for photovoltaic cells not located on domestic or commercial buildings over 200 metres squared.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The proposal is for an agrivoltaic development (capacity 49.95MW), with associated infrastructure, access roads and landscaping. The ancillary equipment proposed on-site will be housed within a deer/ stock fencing and will comprise of 2 no. Inverter Control Rooms (ICR) and CCTV Poles with CCTV attached. The panels would be arranged in rows facing south, and the ancillary equipment will be placed throughout the site, as shown on the Site Plan (drawing ALF AGRIV SP 001). As set out in the Planning Statement, an underground cable is intended to be laid from the site to the Burwell substation (the PoC). A proposed cable route along public highways does not form part of this application.
- 2.2 The application is supported by several documents including: Phase I Geoenvironmental Site Assessment (March 2025); Glint and Glare Assessment (March 2025); Archaeological Desk-Based Assessment (March 2025); Flood Risk and Drainage Assessment (March 2025); Acoustic Survey and Assessment (February 2025); Landscape & Visual Impact Assessment (March 2025); Preliminary Ecological Appraisal (June 2024); Water Vole Report (September 2024); Breeding Bird Survey (March 2025); Wintering Bird Survey (March 2025); BNG Design Stage Assessment (March 2025); Statutory Metric; Habitat Management and Monitoring Plan (March 2025); Shadow Habitat Regulations Assessment (March 2025); Transport Statement (March 2025); and Soils and ALC (May 2024), alongside plans showing the development's general arrangement, illustrative PV panels, details of the ancillary infrastructure, and soft landscaping.
- 2.3 It is considered that the extent of any impacts would be localised and non-complex. Some effects would be temporary during the construction period, whilst other effects, although permanent for the lifetime (approximately forty years) of the development, would not be significant. We acknowledge that the proposed development would introduce some degree of adverse cumulative effects on the environment, specifically on the surrounding landscape and visually, and the LPA have raised some concerns in relation to the impacts towards the Wicken Fen SSSI, in which the applicant has provided a 'shadow' Habitat Regulation Assessment (sHRA) to address such concerns.
- 2.4 The Council's Ecology team has reviewed the submitted sHRA and proposed to adopt the sHRA as the formal Habitat Regulations Assessment (HRA) for the planning application proposal. Natural England did not object to the sHRA. Officers consider that the sHRA follows an appropriate and recognised methodology and agree with the conclusions of Stage 1 (Screening Assessment) and Stage 2 (Appropriate Assessment). Based on the evidence presented, officers conclude that implementation of the proposed project will not likely lead to significant effects on any National Site Network, including the nearby Wicken Fen SAC and Ramsar site.

- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link [Simple Search](#).

### **3.0 PLANNING HISTORY**

- 3.1 The relevant planning history is presented in below:

24/00158/SCREEN	Battery storage facility	Env Statement Required	01 Mar 2024
24/00160/ESF	Battery energy storage facility and associated works	Approved	20 May 2025
24/00794/SCREEN	30MW agrivoltaics project	Env Statement Not Required	14 Oct 2025
20/00557/ESF (modified by 22/00160/VARM)	Proposed Development of a Solar Farm and Ancillary Development	Approved	13 Aug 2020

### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is an area of 37.7 hectares (93.16 acres) of agricultural land in Burwell, located between Newham Drove to the south and Lodeside Drove running parallel a drain to the north.
- 4.2 It is surrounded by agricultural land to the north and west, and mostly by other solar farm developments to the east and south, including the Burwell Solar Farm opposite Newham Drove, with some agricultural land adjacent. Burwell village is located at approximately 450 metres (0.28 mile) to the east, and the Burwell Electricity Substation located at approximately 300 metres (0.19 mile) to the south of the site. There are also some sporadic examples of agricultural/industrial buildings near the site.
- 4.3 The site is located within the Wicken Fen SSSI Impact Risk Zone. Wicken Fen Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) and Ramsar site and Fenland Special Area of Conservation (SAC) are at approximately 1,500 metres (0.93 mile) to the north-west.
- 4.4 The site is in an area of high risk of flooding (Flood Risk Zones 2 and 3). It is not covered by any formal landscape designations but falls within the Fenland Landscape Character Area (local) as set out within the Cambridgeshire Landscape Guidelines 1991. Under Natural England's Provisional Agricultural Land Classification (ALC), the site consists of a mix of Grade 2 and 3 agricultural land.
- 4.5 The site does not lie within or nearby a Conservation Area or any designated or non-designated heritage assets. Numerous Listed Buildings are clustered to the east of the site located in Burwell, which itself is also a Conservation Area. The closest Listed Building is the Grade II 35 North Street which lies approximately 500 metres (0.31 mile) to the east of the site.

- 4.6 Newnham Drove acts as a link route to National Cycle Route 11 which runs along Split Drove to the west, connecting the vicinity of site to the Wicken Fen. There are two Public Rights of Way (PRoW) that are designated as footpaths 35/6 and 35/7 and run along the Burwell Lode and adjacent to the northern boundary of the site, linking to byway 35/7B along the western edge of Burwell village to the east and the National Cycle Network 51 and footpath 35/9 to the west.

## **5.0 RESPONSES FROM CONSULTEES**

- 5.1 Responses were received from the following consultees, with summary of their responses summarised below. The full responses are available on the Council's web site.

### **Ambulance Service - No Comments Received**

#### **Asset Information Definitive Map Team - 20 May 2025**

No objection, noting that the public footpath No. 7 runs parallel to the site, and that the footpath must always remain open and unobstructed.

### **Cadent Gas Ltd - No Comments Received**

#### **Cambridge Airport - 11 July 2025**

No objection, having regards to airport safeguarding in accordance with the UK Reg (EU) No 139/2014 (the UK Aerodromes Regulation).

#### **Cambridgeshire Archaeology - 9 July 2025**

No objection. Notes that the archaeological evaluation report attached to the application is not approved as, whilst successfully identifying of the paleochannel which passes through the north-western bounds of the scheme, it is an initial phase of archaeological evaluation aimed at establishing a deposit model and identifying any buried soils. Advises that further evaluation is required to establish the archaeological potential of the buried soil and paleochannel feature, as well as evaluate the remainder of the site, which was outside the scope of this initial phase, and to advise on mitigation. Recommends that this and an Archaeological Management Plan are secured by condition. These have been added as conditions 7 and 8 in Appendix 1.

Previous responses reiterate the above, confirming that the recommendations made on the EIA screening application (24/00794/SCREEN) remain. In that occasion, officers had recommended that the development area was subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer and carried out prior to the granting of planning permission. Offer advice on the matter.

#### **Cambridgeshire Fire and Rescue Service - 22 April 2025**

No objection. Offer advice in relation to Battery Energy Storage Systems (BESS) which are deployed in open air environments with an energy capacity of 1 megawatt (MWh) or greater using lithium variant batteries. The advice identifies key areas regarding the prevention of fire in BESS installations and the actions and protective measures for fire service personnel, employees and the public in the event of a fire

occurring. This includes effective identification and management of hazards and risks; Safe access for emergency responders in and around the facility, including to renewable energy and firefighting infrastructure; Provision of adequate water supply and firefighting infrastructure to allow safe and effective emergency response; Vegetation sited and managed to avoid increased bushfire and grassfire risk; Provision of accurate and current information for emergency responders during emergencies; Effective emergency planning and management, specific to the site, infrastructure and operations; and Areas for Fire and Rescue Consideration.

**Design Out Crime Officers - 30 June 2025**

No objection. Noted Burwell Ward is considered an area of low/medium risk to the vulnerability to crime, considering information available over the previous two-year period, and that the materials used for solar installation have potential to increase the risks of crime in the area. Noted that poaching has been included in their figures as these incidents in rural/ semi-rural areas can be linked to other serious and organized crimes. Details occurrences in the area and wider region noting the importance for larger solar farms to be enclosed with appropriate security fencing and that basic crime prevention requires putting layers of security in place to delay and deter criminals. As well as physical security measures such as fencing, there must be either sufficient natural surveillance, monitored electronic security measures, or both prompting an appropriate response. Offer detailed advice on fencing CCTV; lighting; alarms; and signage. Recommends condition requiring Secure by Design accreditation and offers advice on the matter. This has not been added as set out in the 'Other Matters' section of this report.

**ECDC Conservation Officer - 10 July 2025**

No objection. Noted that the application site is some 420m west of the North Street conservation area at its closest point. The Fuller Long report is a desktop archaeological assessment rather than a GPA3 assessment but Urban Green's LVIA covers much the same ground. Its conclusions on the likely impact on the setting of above ground designated heritage assets are accepted.

**ECDC Ecologist - 14 October 2025**

No objection. Based on the information submitted including protected species' surveys, PEA, CEMP and HRA Rev 04, officers are supportive of the proposals if conditions to secure the ecological recommendations on the shadow HRA; lighting scheme; ecological enhancements for the creation of skylark plots, and for swifts, bats and hedgehogs. The CEMP will need to be re-submitted to include biodiversity, and this is recommended to be secured by condition as well. These were all added as conditions 24, 17, 13, 18, 6 respectively in Appendix 1. Noted the HMMP will need to be updated to reflect the most recent BNG documentation, and regarding other minor points in the CEMP and HMMP.

Having reviewed the main metric, officers are of the view that, from the information provided, the baseline appears to be accurate. Reiterated that the HMMP would need to be updated, particularly the baseline watercourse unit values and the information associated with achieving mandatory watercourse uplift. This will be secured through a S106. Furthermore, recommended conditions to secure BNG Plan, final HMMP covering 30 years of habitats onsite and monitoring schedule, and BNG secured via conditions for a minimum of 30 years from creation of last habitat. A Mandatory

Biodiversity Gain note has been added to Appendix 1. The BNG requirements and respective HMMP are recommended to be secured as part of the S106 Agreement.

Officers have previously objected based on insufficient surveys and mitigation details to make full assessment of the sites' impact on protected species and HRA AA. For the purposes of BNG officers could not verify the baseline habitats and had concerns for the post development calculations and technical errors which need to be addressed before the application could continue further.

**ECDC Environmental Health (Scientific Officer) - 2 May 2025**

No objection. On review of the submitted Phase 1 Geoenvironmental Site Assessment report dated March 2025 prepared by E3P, confirms acceptance of the findings that there are unlikely to be any significant sources of contamination and the site is unlikely to pose unacceptable risks to human health and the environment. Is satisfied that a condition requiring further investigation is not required.

**ECDC Environmental Health - 30 September 2025**

No objection. Offers advice on construction times and deliveries, as well as piling, suggesting these are covered by conditions. These were added as conditions 3 and 21 of Appendix 1. Further notes that submitted documents indicate that no additional lighting will be required for the solar array, however, requires a condition to secure approval by the LPA, in case external lighting is required. Condition 17 has been added to Appendix 1 in this respect.

Confirms to be satisfied with the methodology and findings of the submitted Noise Impact Assessment (NIA) dated February 2025, which finds that the development will not result in any adverse impact on the nearby residential properties. Recommends a condition to control noise from the site. This has been added as condition 20 in Appendix 1.

**ECDC Trees Team - 24 July 2025**

No objection. The alterations to the soft landscaping scheme are acceptable from a tree perspective. Previous comments have confirmed that the revised soft landscaping scheme was suitable for the location and acceptable. Recommend a planting specifications document and long-term management scheme to be secured by condition. The planting specifications are included as condition 19 in Appendix 1 and the long-term management scheme will be part of the HMMP to be secured as part of a S106 agreement.

**The Ely Group of Internal Drainage Board - 16 July 2025**

No objection. Notes the site is within the Swaffham Internal Drainage District, and is adjacent to one of the Board's Main Drains. Reiterates that under the Board's bylaws, consent must be obtained for works, structure or planting within nine metres of a Board's Drain, as well as for any surface water discharge from the site into our drainage network. These consents fall outside the planning process and must be obtained directly from the Board.

**Environment Agency - 1 October 2025**

No objection. Offers further information on biodiversity, including in relation to Fenland SAC and Wicken Fen SSSI, NNR and Ramsar, noting these are hydrologically connected to the application site area via a network of ditches, sykes,



and lodes, including Reach Lode and its tributaries Burwell and Wicken Lodes. Irrigation ditches on-site drain into Drainer's Ditch (south) and The Weirs (east), which flow into Reach Lode and Burwell Lode. Further notes that Wicken Fen SSSI/Fenland SAC is known to harbor a variety of protected species, offering advice on the shadow HRA, and noting that it does not fully address the potential impacts on the over-wintering / wetland birds associated with Wicken Fen SSSI and does not detail which habitats should be created to support those birds. Provides further advice is provided regarding native species planting; invasive non-native species (INNS); permitting; and on specific species including Badgers; Spined Loach; Otters; and Birds.

Previous comments have expressed support for ECDC Ecologists' comments regarding BNG and offering specific advice to address issues on the baseline and metric. Reiterated the Flood Risk and Asset comments remain relevant. Confirmed the site's location within Flood Risk Zone 3 and that the submitted Flood Risk Assessment (FRA) was acceptable. Advised the local planning authority to formally consider the emergency planning and rescue implications of new development in making their decisions, noting the authority must be satisfied that the authority must be satisfied with the second part of the Exception Test, with regards to the safety of people, and their ability to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people. Recommended the Council's Emergency Planner is consulted on these topics and offers further technical advice to the applicant.

**Historic England - 20 June 2025**

No comments on this application. Offers advice on consulting the local specialist conservation and archaeological advisers, and Historic England in future iterations.

**HSE (Nationally Significant Infrastructure Projects) - 17 June 2025**

No comment, as the application does not fall within any HSE consultation zones. Offer advice on consulting HSE. Note that planning applications relating to Fire Statements and applications relating to relevant buildings should be sent to [PlanningGatewayOne@hse.gov.uk](mailto:PlanningGatewayOne@hse.gov.uk). Offer further advice on compliance with the Building Safety Bill.

**Lead Local Flood Authority - 17 June 2025**

No objection, as the submitted Flood Risk & Drainage Assessment Report, Gondolin, Ref: GON.0455.0293, Rev: 2, Dated: March 2025 demonstrate that surface water from the proposed development can be managed through the use of shallow filter trenches for the PV areas as well as filter trenches and infiltration basins for the associated infrastructure. The LLFA is supportive of the use of filter drains and infiltration basins as they provide water quality treatment. Notes that water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual. Request the imposition of conditions relating to construction of the surface water drainage scheme and the long-term maintenance arrangements. These were added as conditions 4 and 9 in Appendix 1.

**Local Highways Authority - 15 July 2025**

No objection. The effect of the proposed development upon the public highway would likely be mitigated if a condition relating to secure a traffic management plan is imposed. This is included as condition 10 in Appendix 1. Confirms the site plan has been updated and indicates the proposals do not include works to the public highway.



Previous responses had objected to the application, for reasons including that the submitted information did not include a red line plan which connected the site to the public highway. As a result, there is insufficient information in the submission regarding access to the proposed agrivoltaic scheme and requested further information regarding the access point with the public highway was provided. They also noted that the proposals appeared to include works within the public highway and requested a highway boundary search to obtain an accurate location of the highway boundary.

**Minerals And Waste Development Control Team - No Comments Received**

**National Air Traffic Services Ltd - 10 July 2025**

No objection. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria, noting that the response does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. Requires to be consulted if further amendments are proposed to the development.

**National Grid - Electricity - No Comments Received**

**The National Trust - 20 May 2025**

Raises concerns in relation to the visual impact of the development on the landscape; the cumulative landscape impacts and baseline creep; the deliverability of improvements to biodiversity; the development's detrimental effect on the surrounding habitat; and damage to access routes.

Reiterates the Trust's duty to protect and care for the NNR on Burwell Fen, stating that climate change poses one of the greatest threats to such places, and their belief in the need to grow renewable energy and reduce the use of fossil fuels. Are supportive of renewable energy as a matter of principle and believe that appropriate development can play an important role. Furthermore, understand that decision makers will increasingly need to give weight to the importance of reaching net zero, and that this could result in some effects to landscape and places of significance, however believing this should be avoided where possible.

**Natural England - 7 October 2025**

No objection, subject to appropriate mitigation being secured, avoiding an adverse effect on the integrity of Wicken Fen SSSI, NNR, Ramsar site, and Fenland SAC. Recommend mitigation measures to be secured by condition, including the ecological recommendations set out in section 7.3 of the Shadow HRA (revision 4). These have been added as condition 24 in Appendix 1.

Advise that a lack of objection does not mean that there are no significant environmental impacts, and that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted. Previous correspondence has reiterated the need for information to determine the significance of impacts on designated sites/landscapes, without which Natural England would potentially need to object to the proposal. Upon submission of a Habitats Regulations Assessment (HRA) noted the document had not been produced by the planning authority, but by the applicant. Advised on the adoption of a 'shadow' HRA. Stated to be broadly

satisfied with the conclusion of no adverse effect on the integrity of designated sites including Wicken Fen SSSI, NNR, Ramsar site, and Fenland SAC, as set out in the shadow HRA and Appropriate Assessment, and advised that ecological recommendations were secured. Offer advice on Local Nature Recovery Strategies (LNRSSs).

Regarding Soils and Agricultural Land Quality, noted that the application was likely to affect 'best and most versatile' (BMV) agricultural land, however given the temporary nature the development was unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Noted some components affecting agricultural land are limited to small areas and that during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Offer advice to the planning authority on the matter and on the assessment of developments involving ALC or BMV, and more generally on soils and their role within sustainable ecosystems. Recommends conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; stating that normally this will include the return to the former land quality (ALC grade). These are included in Appendix 1 as conditions 22 and 23.

#### **Parish - 24 September 2025**

Objects to the application. More recent comments raise concern in relation to archaeology, ecology and landscaping. In addition, the Parish Council requested that the developers ensure the byway and footpath are not impacted by the development and the Council are seeking further information on the acoustic surveys for the approved battery scheme connected to this development.

Previous comments received highlighted that Burwell residents demonstrated more concern about solar battery storage units than solar panels. Concerns raised included noise, alarms, battery servicing and emergency planning, pollution issues, visual impact and insufficient public consultation at early stages of planning. The Council requested an acoustic report from the developers before commenting in more detail.

In addition to the above, previous responses queried if the developers were liaising with Wicken Fen to align scheme/ vision; noted lack of clarity in public meetings; lack of clarification around potential community benefits; who is going to farm the land once solar is installed; sought further clarification on the cable route prior to this application being passed; responsibility over security particularly if public rights of way or trails are included; more information on the temporary nature of this development and returning the site to its original state and how that impacts any community spaces/trails offered, and whether 40 years is standard life of this type of development. The Council also sought clarification on how technical considerations and impacts are checked to be an accurate representation of impact; sought confirmation of noise levels and whether these would be acceptable and to which extent in the territory. The Councilors had asked the applicants to arrange another meeting with the Parish Council with a clear agenda and include an invitation to the public.

**Planning Casework Unit - 28 April 2025**

No objection. Confirms not to have any comment to make on the related environmental statement.

**UK Power Networks - 16 June 2025**

No objection. Noted there are overhead cables on the site running within proximity to the proposed development and provides advice on obtaining accurate records. States that all work should be undertaken in line with GS6 guidelines as published by the HSE. Provides further advice on diversion work, if required.

**Ward Councillors - No Comments Received**

- 5.2 A site notice was displayed near the site on 19 June 2025 and a press advert was published in the Cambridge Evening News on 26 June 2025.
- 5.3 Neighbours – 14 neighbouring properties were notified and 5 properties responded raising concerns and recommendations on the topics summarized below. A full copy of the responses is available on the Council's website.
- Effect on Conservation Area
  - Affects a Right of Access
  - Affects public views
  - Visual Amenity
  - Landscape impact
  - Noise sensitive
  - Pollution issues, including to water environment
  - Overlooking
  - Insufficient/ Ineffective landscaping

**6.0 THE PLANNING POLICY CONTEXT**

- 6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)
- GROWTH 1 Levels of housing, employment and retail growth
  - GROWTH 2 Locational strategy
  - GROWTH 3 Infrastructure requirements
  - GROWTH 4 Delivery of growth
  - GROWTH 5 Presumption in favour of sustainable development
  - ENV 1 Landscape and settlement character
  - ENV 2 Design
  - ENV 4 Energy and water efficiency and renewable energy in construction
  - ENV 6 Renewable energy development
  - ENV 7 Biodiversity and geology
  - ENV 8 Flood risk
  - ENV 9 Pollution
  - ENV 14 Sites of archaeological interest
  - COM 7 Transport impact
  - COM 8 Parking provision
  - BUR 5 The Weirs/Riverside
- 6.2 Cambridgeshire and Peterborough Waste and Minerals Local Plan 2021

## Policy 5 – Mineral Safeguarding Areas

- 6.3 National Planning Policy Framework (December 2023)
  - 2 Achieving sustainable development
  - 4 Decision-making
  - 8 Promoting healthy and safe communities
  - 9 Promoting sustainable transport
  - 11 Making effective use of land
  - 12 Achieving well-designed and beautiful places
  - 14 Meeting the challenge of climate change, flooding and coastal change
  - 15 Conserving and enhancing the natural environment
  - 16 Conserving & enhancing the historic environment
- 6.4 Supplementary Planning Documents
  - Developer Contributions and Planning Obligations
  - Design Guide
  - Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
  - Flood and Water
  - Natural Environment SPD
  - Climate Change SPD East Cambridgeshire Local Plan 2015 (as amended 2023)
- 6.5 Planning Practice Guidance (March 2024 Onwards)
- 6.6 National Policy Statements
  - EN – 1: Overarching National Policy Statement for energy
  - EN – 3: National Policy Statement for renewable energy infrastructure

## **7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

- 7.1 The site has been subject under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to the Screening Opinion (ref. 24/00794/SCREEN), concluding that the proposals would not constitute Environmental Impact Assessment (EIA) development. Matters including in the Screening Opinion Matrix issued will be discussed in the relevant section of this report.
- 7.2 **Principle of Development**
- 7.3 The site lies wholly outside the defined development envelope for Burwell within the countryside, as defined by Policy GROWTH 2 of the Local Plan which seeks to strictly control development in the countryside, with a few exceptions. It must therefore be considered whether any of these exceptions would support the proposed agrivoltaic scheme in the countryside.
- 7.4 One such exception is the presumption in favour of the delivery of renewable energy developments, under Policy ENV 6. Policy ENV 6 states (emphasis added):

*“Proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be*

*outweighed by significant adverse effects that cannot be remediated and made acceptable in relation to:*

- *The local environment and visual landscape impact.*
- *Impact on the character and appearance of the streetscape/buildings.*
- *Key views, in particular those of Ely Cathedral.*
- *Protected species.*
- *Residential amenity.*
- *Safeguarding areas for nearby airfields; and*
- *Heritage assets.*

*Renewable energy proposals which affect sites of international, national and local nature importance or other irreplaceable habitats will be determined against the relevant sections of Policy ENV 7.*

*The visual and amenity impacts of proposed structures will be assessed on their merits, both individually and cumulatively.*

*Provision should be made for the removal of facilities and reinstatement of the site, should they cease to operate.”*

7.5 The above is supported by Paragraph 154 of the NPPF stating that:

*“When determining planning applications<sup>57</sup> for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;*

*b) approve the application if its impacts are (or can be made) acceptable<sup>58</sup>. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and*

*c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.”*

7.6 Further to the above, Paragraph 2.1.1 of EN-1 sets out clearly the Government's position on energy infrastructure, which was first outlined in The Energy White Paper (December 2020), this being to *“transform the energy system, tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses.”* Whilst EN-1 applies to Nationally Significant Infrastructure Projects, it is reasonable to admit that this statement is part of the overarching objective, for the UK to become the first major economy to legislate for 2050 net zero Greenhouse Gases (GHG) emissions (2.2.1). Other legislated targets include a 68% reduction in GHG by 2030 from 1990 levels, and a 78% reduction in GHG emissions by 2035 compared to 1990 levels (2.2.1), all of which are imminently approaching. It is important to note that to meet the 2035 target, all UK's electricity

will need to come from low carbon sources, whilst meeting a 40-60% increase in demand (3.3.57).

- 7.7 National Policy Statement for Renewable Energy Infrastructure (EN-3) is also considered to be a material consideration, setting out the importance of renewable energy sources in meeting the UK's net zero and statutory targets.
- 7.8 As well as national objectives, the Council itself declared a climate emergency in 2019, and introduced the Climate Change SPD in response (adopted 2021).
- 7.9 All the above evidence that there is an urgent need for low-carbon energy developments, and a local, national and international impetus behind its delivery. Solar farm sites are increasingly recognised as a key facilitator of low-carbon energy, and in meeting the Government's energy objectives. The principle of the proposed development is therefore considered to be acceptable in accordance with the Local Plan, NPPF, Climate Change SPD, and when considering other material considerations including EN-1 and EN-3 National Policy Statements. For the reasons to be set out within the following sections of this report, any identified harm is considered able to be mitigated to acceptable levels.

#### **7.10 Visual and Landscape Impact, Character and Openness**

- 7.11 At a local level the site sits within the Fenland Character Area (as defined within the Cambridgeshire Landscape Guidelines 1991). At regional level it sits within the East of England Landscape Framework – Landscape Character Type 'Planned Peat Fen'. At a national level, it sits within National Character Areas 46 The Fens and 87 East Anglian Chalk.
- 7.12 The Cambridgeshire Landscape Guidelines 1991 summarise the key characteristics of the 'fenland' as follows: *"Fenland is a landscape of contrasts and variety. Superimposed upon the regimented and highly organised drainage patterns is a much more haphazard pattern of settlement and tree cover. It is a large open landscape and although appearing monotonous, it is in fact characterised by continuous change as the visual characteristics of one fen merge into the next. The open landscape provides distant views where the scattering of clumps and individual trees merge together to produce a feeling of a more densely tree-covered horizon."*
- 7.13 When considering site specific and cumulative impacts, the supporting Landscape & Visual Impact Assessment (LVIA) and addendum have taken into consideration the following committed and operational developments:
- 22/01154/CCA – Underground power cable with associated electrical and communications equipment; erection of electrical substation/switch gear buildings with associated temporary and permanent compound; installation of new transformer/switch gear at the Swaffham Prior Energy Centre with associated temporary compound; and temporary typical mobile CPEN Cable recycling layout – Land between North Angle Solar Farm and Swaffham Prior Energy Centre (Cambridge Brick and Tile) – Approved in April 2023;
  - EN010106 – Sunnica NSIP – Ground mounted solar PV panel arrays; Battery Energy Storage System (BESS); and supporting electrical infrastructure including on-site substations and on-site cabling between the different

electrical elements across the development (extract from non-technical description) – Approved in July 2024; and

- 24/00160/ESF – Battery energy storage facility and associated works – Site at Anchor Lane Farm Newnham Drove Burwell – Approved in May 2025.

- 7.14 In addition to the above, officers note the development of a ‘Solar Farm and Ancillary Development’ on Site North of Hightown Drove, located immediately to the east and south of the site. This was approved in August 2020 and is implemented and is part of the visual baseline in the submitted LVIA.
- 7.15 The LVIA concludes that some negative adverse landscape and visual effects will arise from the proposed development, however landscape and visual effects are largely limited to the site itself and local level receptors only. Adverse impacts have been identified, and the mitigation is proposed by way of a landscape strategy, which seeks to soften the edge of the development and set built form back from away from sensitive boundaries. Any anticipated effects are expected to reduce overtime as planting matures.
- 7.16 The proposal includes a new native tree, shrub, hedgerow and vegetation strategy, guided by local landscape management strategies, to diversify the landscape structure within the site and ensure the long-term replacement and reinforcement of local green infrastructure networks. This is expected to ensure that the longevity and vigour of local vegetation is maintained within the site. The Council's Tree officer has reviewed the submission and is satisfied with the revised soft landscaping proposals. This is pending a long-term management scheme be provided, which is expected to be covered by the BNG and HMMP information, recommended to be secured with any grant of permission to this application.
- 7.17 In response to officers’ comments, the LVIA addendum submitted in July 2025 explains that “[t]he landscape strategy represents a compromise between competing requirements: preserving intrinsic fenland character through the incorporation of sporadic tree clusters, the addition of ponds and reedbeds and through maintaining open vistas, addressing visual sensitivities through targeted screening, and balancing priorities between landscape quality and the delivery of renewable infrastructure. This approach remains aligned with local character guidelines, national policy objectives, and technical constraints.”
- 7.18 Notwithstanding the landscape character and the location and flat topography of the site, the Visual baseline chapter of the LVIA demonstrates that the proposal would be seen in the context existing electricity pylon within the site and the solar farm along Newnham Drove, and the Battery Energy Storage Facility. The Burwell Substation would also be visible in the background when the site is viewed from Footpath 7.
- 7.19 These and other solar and renewable developments in proximity to the project have demonstrated under recent applications that the cumulative impacts of these schemes are restricted. Appropriate (i.e. fen mosaic, reed beds, hedgerows and sporadic tree planting) embedded landscaping mitigation schemes have been key to reduce these overall cumulative impacts from significant levels. As previously mentioned, the Council's Tree officer is satisfied with the revised soft landscaping scheme, and a condition to secure planting specifications is recommended, to ensure the appropriate integration of the landscape.

7.20 Considering the revised soft landscaping proposals, officers retain the conclusion that the effective infilling of this area with additional solar panels is unlikely to change the conclusions around cumulative landscape effects previously reached. Officers therefore agree with the conclusions in the LVIA and addendum, and that the criteria in Policy ENV6 of the Local Plan, referring to landscape and visual impacts as well as impact on character are met, as the level of impact and proposed mitigations are acceptable. The development does not affect key views, including those of Ely Cathedral.

#### **7.21 Heritage assets**

7.22 The proposed development is located at sufficient distance from any designated and non-designated built heritage assets to result in no impact upon their setting or significance. In relation to archaeological assets, a Desk-Based Assessment submitted with the application confirmed that designated heritage assets are will also not be affected by the proposals.

7.23 The County Council's Historic Environment Team raise no objection to the proposed development subject to a pre-commencement archaeological condition. Officers note that the archaeological evaluation report is not approved as, whilst successfully identifying of the paleochannel which passes through the north-western boundaries of the scheme, further evaluation is required to establish the archaeological potential of the buried soil and paleochannel feature, as well as evaluate the remainder of the site, which was outside the scope of this initial phase, and to advise on mitigation. For this reason, officers also recommend that an Archaeological Management Plan is secured by condition. The recommended conditions are acceptable to appropriately safeguard any archaeological heritage assets.

7.24 The development is therefore acceptable in relation to heritage assets as required by Policy ENV6 of the Local Plan and aligns with policies ENV12 and ENV14 of the Local Plan.

#### **7.25 Biodiversity Net Gain, Trees and Ecology**

7.26 In line with current biodiversity net gain (BNG) regulations, the site is required to deliver a 10% improvement upon the site's baseline as part of the development proposals following the mitigation hierarchy and would be subject to the General Biodiversity Gain Condition. These improvements must be maintained for a minimum of 30 years. This expectation of a gain in biodiversity to be achieved within the site aligns with the objectives of Policy ENV7 of the Local Plan, requiring that all development proposals protect biodiversity and geological value of land, and to maximise opportunities for enhancement and connection of natural habitats as an integral part of the development proposals.

##### Biodiversity Net Gain (BNG)

7.27 The application is supported by a BNG Design Stage Assessment, using the Statutory Biodiversity Metric, and concluding that the current proposals for the development of the site produce a 167.91 unit (222.63%) net gain in biodiversity for area habitats, a



7.08 unit net gain in linear hedgerow habitats (percentage not applicable as baseline was zero), and a 0.45 unit (10.60%) net gain in linear watercourse habitats.

- 7.28 Officers have reviewed the submission and, following amendments were satisfied that the main metric dated of September 2025 sets out accurate baseline habitats, considering the information provided. It is noted that a significant increase in the amount of watercourse baseline units is proposed as part of the development's BNG, however not reflected in the submitted Habitat Management and Monitoring Plan (HMMP). Officers are of the view, however, that the correlation between documents is achievable. Should full permission be granted, amendments to the HMMP will be sought and, given the significant level of net gain to be achieved, and in accordance with practice guidance, the HMMP should be secured by a S106 legal agreement for a period of 30 years as a minimum.
- 7.29 As the net gain is however being proposed as part of the mitigation strategy for the loss of the agricultural field and landscaping strategy, it is considered important to maintain this net gain for the lifetime of the development. A minimum of 40 years from commencement of operation of the site therefore will a requirement of the S106 agreement supporting the application, should a resolution to grant be reached.

#### Protected Species

- 7.30 The site is also supported by a Preliminary Ecological Appraisal (PEA) and surveys for protected species, whereby pairs of Schedule 1 Skylark were observed throughout the arable fields; several ditches offer suitable water vole habitat, as well as suitable habitats for nesting and wintering notable bird species were identified. Precautionary Working Methods during the construction phase for amphibians, nesting birds, bats, hedgehog, water vole, otter, and badgers are proposed as mitigation, and, if any vegetation requires removal, that it should be completed outside of the breeding bird season (March to September, inclusive). If this is not feasible, a Nesting Bird Check is to be completed by a qualified ecologist within 48 hours before removal is completed.
- 7.31 The Council's Senior Ecologist has removed their objections to the proposed development, following submission of amended information, and subject to conditions ensuring compliance with the mitigations provided, and the securing of a S106 legal agreement for BNG and HMMP purposes. On the above basis, the site is considered to meet the exception requirements to mitigate any impact on protected species, and to accord with the objectives of Policy ENV 7 of the Local Plan, and the Natural Environment SPD in this regard.

#### Protected Areas

- 7.32 Given the location of the site in proximity to Wicken Fen SSSI, Ramsar and SAC, a 'shadow' Habitat Regulations Assessment (sHRA) report has been submitted in support of the proposed development. The primary aim of the report is to provide information regarding any likely significant effect on statutory designated sites that comprise the National Sites Network that fall within a 5-kilometre (3.11-mile) radius of the site, either alone or in combination with other plans or projects.

- 7.33 The report indicates that the project results in no direct significant risk of a negative effect on the qualifying features of Wicken Fen. Notwithstanding, Section 7.3 includes the ecological recommendations to reduce any risk of minor impacts resulting from the project. These include mitigations specific planting and management to provide additional foraging land for nesting skylark; construction outside of the spined loach spawning period (April-July) to negate impact on breeding behaviour; controls towards construction to minimise the disturbance of soils and reduce water pollution.
- 7.34 Officers have reviewed the submission and issued a statement for adoption of the HRA. Natural England has not objected to the sHRA. The Environment Agency has provided comments in a previous version of the sHRA, and the impacts they identified were considered by the Council's Ecology team, who supported the adoption of the sHRA.
- 7.35 Based on the above and the conclusion in the previous Protected Species section, the proposals are considered in line with the exception requirements to mitigate any impact on the local environment, and to accord with the objectives of Policy ENV 7 of the Local Plan, and the Natural Environment SPD.
- 7.36 Agricultural Land and Soil**
- 7.37 The Local Plan does not contain any specific policies regarding the loss of agricultural land or soil impacts but has a presumption in favour of renewable energy developments under Policy ENV 6. As above, the proposed agrivoltaic scheme is considered to fall under this policy, which itself requires any significant adverse impacts in relation to the local environment. It is considered the loss of agricultural land and soil impacts falls under this criterion.
- 7.38 The Council's 'Renewable Energy' SPD does however encourage all renewable energy developments to provide an assessment of their impacts upon agricultural land, as well as encouraging the use of lower quality land for the siting of developments.
- 7.39 The NPPF sets out a stronger presumption against the use of high quality (best and most versatile) agricultural land where significant losses of agricultural required are deemed to be necessary, clarify at footnote 62:
- "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development."*
- 7.40 The submitted Soil and Agricultural Land Classification report confirms that the sensitivity of the agricultural land on site is 'very high' and 'high', being grades 2 and 3a. The report indicates that the construction compounds area would be restored at the end of the construction phase, generating a low/ not significant impact, and that the loss of 37.7 hectares (93.16 acres) of this grade 2/3a agricultural land would be marginally significant. As this is a temporary loss and reversible, and the level of effect is assessed as minor and therefore not significant.

- 7.41 The Screening Opinion issued (ref. 24/00794/SCREEN) acknowledges that the district has a high level of 'Best and Most Versatile' (BMV). The LPA has been in receipt of and determined a high quantum of renewable energy developments throughout the district, and locally to this application site. Several of these applications have been supported by Environmental Statements, which have been able to appropriately quantify the cumulative effects of renewable energy developments being delivered within the district and further afield. The cumulative loss of BMV at a district and national level because of the renewable energy developments coming forward, is at a very minimal level.
- 7.42 The submitted Soils and Agricultural Land Classification, confirming the cumulative impact on BMV agricultural land in East Cambridgeshire when considering this proposal and the consented schemes on BMV land in the district, cumulatively less than 0.071% is estimated in loss of BMV agricultural land in the district. This is agreed and this project is not considered to significantly affect the amount of BMV available in East Cambridgeshire, notwithstanding the extent of BMV land.
- 7.43 The Soil and Agricultural Land Classification document states that "*additional mitigation measures which are recommended would ensure, as far as practicable, that the construction and operational phases cause the minimum soil disturbance and maintain all the soil functions including its long-term agricultural use*". The additional mitigation measures for the protection of soil include passing bays, turning areas, soil handling methods, soil handling conditions, separate handling of different soils and water supply through the existing irrigation system. These are proposed alongside 'embedded' mitigation by converting to an agrivoltaic system as set out in the report, which would positively affect soil and agricultural land, relating to soil protection, soil handling, and drainage.
- 7.44 The report also states that "*the project is aligned with the long-term (100 year) Wicken Fen Vision of increasing the conversion of intensively managed agricultural land to fenland habitat*", on the basis that should intensive arable production continue, "*the organic matter in the topsoil will continue to degrade by oxidation, releasing carbon dioxide as a greenhouse gas, resulting in a general lowering of agricultural land quality without further enrichment with organic matter*".
- 7.45 Overall, due to the temporary and reversible nature of the proposed development and its scale, it is considered that, subject to appropriate mitigation, no significant effects on the environment are identified upon agricultural land and soils either individually or cumulatively. The loss of the agricultural land in this proposal considering the lifetime of the development is justified, and accords with the Development Plan and the NPPF, with any harms appropriately mitigated through the proposals themselves.
- 7.46 Residential amenity**
- Noise
- 7.47 The submission is accompanied by an acoustic assessment, with consideration of the sound levels to be generated by the development assessed based on a worst-case scenario of all plant operating. The conclusion is that no adverse impact would arise from the proposed development. The Council's Environmental Health officer has reviewed the acoustic assessment and confirms to be satisfied with the

methodology and findings in the report. Conditions have been recommended to control noise from the site, as well as construction times and deliveries and piling.

- 7.48 The recommended conditions are reasonable in the interests of safeguarding residential amenity and have been imposed upon nearby renewable energy sites to appropriately control noise levels. It is however noted that the location of the application site away from nearby residential receptors minimises the risk of unacceptable noise impacts to low levels in any event.
- 7.49 Whilst not near residential properties, it is considered that a Construction Environmental Management Plan (CEMP) would be appropriate given the nature of the development proposed and the delivery of the equipment to the site along rural droves, potential piling, as well as surface water during construction, construction lighting, and general amenity controls.

#### Glare and Light

- 7.50 A Glint and Glare assessment was submitted in support of the application, concluding that the proposed development does not introduce an unacceptable impact towards the surrounding light-sensitive receptors and no mitigation is required.
- 7.51 The Environmental Health officer whilst not objecting to the proposal, noted that submitted documents indicate that no additional lighting will be required for the solar array. Notwithstanding this a condition to secure approval by the LPA, in case external lighting is required was recommended. This is agreed.

#### Surface and groundwater quality

- 7.52 A Surface Water Management Strategy has been submitted to demonstrate that surface water runoff from the development can avoid deterioration of the local water environment. The proposals for achieving this includes runoff dispersion and infiltration-based SuDS measures for impermeable development areas, permeable tracks and soil erosion protection along the PV drip line.
- 7.53 The LLFA has reviewed the revised documentation and confirmed to be supportive of the development, including the use of filter drains and infiltration basins as they provide water quality treatment. The Authority further noted that water quality has been adequately addressed.

#### Land contamination

- 7.54 A Phase I Geoenvironmental Site Assessment has also been submitted, confirming that the site poses no unacceptable level risk to construction workers or future site users. The site is therefore likely considered suitable for redevelopment without the requirement for any remediation works or mitigation measures in the construction of the solar farm.
- 7.55 A detailed Phase II intrusive Geoenvironmental Ground Investigation has been recommended in the initial report, to confirm the findings of the initial conceptual site model and value engineer a development solution. The Council's Scientific Officer, however, on review of the submission has confirmed acceptance of the findings that

there are unlikely any significant sources of contamination and the site is unlikely to pose unacceptable risks to human health and the environment. Officers are satisfied that a condition requiring further investigation is not required.

- 7.56 Based on the above, the proposed development is considered to meet the criterion in Policy ENV6 regarding residential amenity and is acceptable in accordance with Policies ENV2 and ENV9 of the Local Plan.

## **7.57 Airfield Safeguarding Areas**

- 7.58 The proposals would fall within airport safeguarding zones. For this reason the proposed development has been subject of review by the Cambridge Airport and the National Air Traffic Services, and no objections were raised, in relation to their safeguarding criteria. The development therefore aligns with this safeguarding criterion in Policy ENV6 of the Local Plan.

## **7.59 Transport and Highways**

- 7.60 Vehicle movements during the operational phase of development are likely to be limited to occasional maintenance access (routine monthly maintenance visit), with the bulk of site-related traffic being associated with the construction of the proposed site and where possible, will be integrated with the BESS (with resolution to grant ref. 24/00160/ESF) site construction works to reduce traffic. Access to the proposed agrivoltaic site would be achieved via the BESS site that has a direct access junction off Newnham Drove. A new access route would accommodate a temporary track required to deliver the equipment across the agrivoltaic site during the construction phase.
- 7.61 The Local Highways Authority raised no objections to the proposed development but recommend the imposition of a Construction Traffic Management Plan. A CTMP would seek to control construction traffic routing, timing of deliveries, temporary vehicle turning, control parking, measures to prevent mud being dragged onto the highway and any other controls to maintain highway safety during the construction phase. We recommend the CTMP and CEMP could be combined as a singular document.
- 7.62 It is not considered appropriate at this stage for the CTMP to cover decommissioning, as it would unlikely be able to appropriately forecast for conditions 40-years in advance. A separate decommissioning plan and CTMP will therefore be a conditional requirement prior to the site's decommissioning.
- 7.63 It is acknowledged that the Newnham Drove is not of a high quality and better suited to agricultural vehicles. The site is not proposed to be a source of high levels of on-site employment, as described above. The quality of the road is not therefore considered to be of significant material concern in this regard. Any damage to the road during construction would however need to be made good as it is a public highway, and these controls can be included both within the CTMP/CEMP but also fall under separate highway legislation.
- 7.64 The Asset Information Definitive Map Team (the County Council team concerned with Public Rights of Way), have not raised any objection to the proposed development

upon Public Rights of Way. It is noted in their response the suggestions for informative to be added to the decision notice, to ensure that PROW/ Footpath 7 remains open during construction and operation of the solar farm, in case the Council is minded approving the application. These are recommended accordingly.

- 7.65 It is on the above basis that the proposals are acceptable in accordance with Policies COM 7 and COM 8 of the Local Plan.

## **7.66 Flood Risk and Drainage**

- 7.67 Whilst the site lies within Flood Risk Zones 2 and 3, the Flood Risk Assessment (FRA) presents further assessment demonstrating that considering the existing flood defences, the site would effectively be at low risk of flooding. The argument is that the development's footprint would be located outside the 1 in 1,000 year flood extent from the River Cam Lodes and thus the development would be entirely with Flood Risk Zone 1.
- 7.68 When providing advice on the matter, however, PPG Paragraph 023 advises that *"[a]voiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features."* Furthermore, Paragraph 024 sets out that *"[i]nformation on the probability of flood defence failure is unsuitable for planning purposes given the substantial uncertainties involved in such long-term predictions"*.
- 7.69 Local Plan Policy ENV8 and the NPPF direct that the LPA must undertake the Sequential and Exception Tests. Whilst falling within 'essential infrastructure' for the purposes of flood vulnerability classification (Annex 3 of the NPPF), the sequential test still applies, as does the exception test given the location of the site within areas of high risk of flooding, not taking the flood defences into account.
- 7.70 As set out in the Planning Statement, an underground cable is intended to be laid from the site to the Burwell Substation. It is reasonable to admit that this connection and the chosen location enable the use of the renewable energy generated by the proposed solar farm and is therefore necessary in this area. Most of the surrounding land between Wicken Fen and Burwell falls within high-risk flood zones. Sites further to the south and east would bring development closer to residential properties, which is less preferable. On this basis, it is considered that the Sequential Test is passed.
- 7.71 Paragraph 170 of the NPPF requires that where development is required in areas at risk of flooding, it must be evidenced that *"the development should be made safe for its lifetime without increasing flood risk elsewhere"*. A Surface Water Management Strategy has been proposed which demonstrates that surface water runoff from the development can be managed in accordance with sustainable drainage principles.
- 7.72 The LLFA has reviewed the submitted Flood Risk & Drainage Assessment Report and confirms that it demonstrates that surface water from the proposed development can be managed using shallow filter trenches for the PV areas as well as filter trenches and infiltration basins for the associated infrastructure. The requested conditions relating to construction of the surface water drainage scheme and the long-

term maintenance arrangements are reasonable to ensure long-term operation of the system to avoid flood risk in other areas, in line with the NPPF and Policy ENV8.

- 7.73 In response to consultation, the Environment Agency confirmed the site's location within Flood Risk Zone 3 and that the submitted Flood Risk Assessment (FRA) was acceptable. Whilst raising no objections, the Agency advised for the consideration of the emergency planning and rescue implications of new development, noting the authority must be satisfied that the authority must be satisfied with the second part of the Exception Test, with regards to the safety of people, and their ability to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access such buildings to rescue and evacuate those people.
- 7.74 In relation to the first art of the Exception Test in Paragraph 178 of the NPPF, the scheme is considered to inherently provide wider sustainability benefits to the community to outweigh the flood risk, as it is contributing to the efficiency of renewable energy amongst other benefits such as grid balancing and low-carbon development. Given the high-risk of flooding location coupled nature and the classification of the development as Essential Infrastructure as noted above, it is reasonable to recommend that an Emergency Plan is secured to ensure the emergency flood response is in place, making the development safe, in line with Policy ENV2, Policy ENV8 and Paragraph 178 of the NPPF.
- 7.75 The IDB raised no objection to the proposals, noting the site is within the Swaffham Internal Drainage District, and is adjacent to one of the Board's Main Drains. Reiterates that consents will be required for works and discharge, however these fall outside the planning process and must be obtained directly from the Board.
- 7.76 On the above basis, the development is considered acceptable in accordance with Local Plan Policy ENV 8, the Flood and Water SPD and the NPPF.
- 7.77 Other Material Matters**
- 7.78 Comments regarding safety of Battery Energy Storage System (BESS) or Battery Energy Storage Facility (BESF) provided by the Fire and Rescue Service are noted, however, the application does not include development consisting of any of those types of development.
- 7.79 The Designing Out Crime Officer generally raises no concerns with the scheme's design in respect of its susceptibility to crime. Indicative fencing and CCTV details have been provided as part of the submission and definitive details will be secured by condition, to ensure no detrimental effect in visual amenity (and residential amenity where applicable) will occur. Requests for the Secure by Design accreditation to be secured by condition are noted, however at this stage officers are of the view that there is sufficient information provided at this stage to ensure the matters raised by the Designing Out Crime Officer are addressed.
- 7.80 Concerns regarding lack of community engagement have been raised, and these are noted. The Planning Statement submitted with the application sets out in Section 3, the community consultation taking place ahead of the submission of the application. This included engagement with the Parish Council and via Facebook with contributions to the Burwell Development Plan, as well as the Wicken Fen and key



residents surrounding the site. This is acceptable, noting however that a Statement of Community Engagement or records of these meetings are not part of the application. Notwithstanding, the application has carried out the relevant consultation, including with statutory consultees and neighbouring properties, and their views have been taken into account in this assessment of the planning application.

## **7.81 Planning Balance**

- 7.82 The application seeks consent for the erection of an agrivoltaic development (capacity 49.95MW), with associated infrastructure, access roads and landscaping. The ancillary equipment includes 2 no. Inverter Control Rooms (ICR) and CCTV Poles with CCTV attached.
- 7.83 Subject to the mitigation set out in the submitted documents, the proposed development would not result in any significant adverse cumulative impacts in terms of heritage, or landscape and character impacts.
- 7.84 The temporary loss of an entire agricultural field for active cultivation for a period of over 40 years, and introduction of urbanising development will adversely affect the character of the area. Whilst weighing against the proposals, embedded and additional mitigation measures identified seek to reduce this harm to acceptable levels, through the resting of the soils and introduction of traditional fen landscaping and noting the re-instatement of the land following de-commissioning. This attracts an overall neutral weighting.
- 7.85 The development proposals are acceptable in all other technical respects. This also attracts an overall neutral weighting.
- 7.86 Regarding the proposed benefits of the scheme, the urgent need for low-carbon developments is clearly outlined in local and national policy, which calls for recognition of the contribution of schemes both small and large to meeting renewable energy targets and addressing the climate emergency. The development benefits from an immediate grid connection (subject to planning), meaning it could make a prompt contribution to the network and achieving net zero targets. The proposals also seek to deliver a 222.63% biodiversity net gain, significantly more than the mandatory 10% minimum. In combination these benefits are cumulatively considered to attract substantial weight in favour of the proposals.
- 7.87 Based on the above, the compliance with the Development Plan and National Planning Policy Framework, and substantial material benefits of the scheme, direct that planning permission should be granted for the development.
- 7.88 Members are therefore recommended to approve the development proposals subject to the recommended conditions contained at **Appendix 1** and the preparation and signing of a S106 legal agreement to secure biodiversity net gain.

## **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a

manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### **Equalities and Diversities**

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

## **8.0 COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The policies of the Development Plan;
  - The Council's declaration of a Climate Emergency;
  - The national policy position on net zero, low carbon and renewable energy, as set out within National Policy Statements (EN-1 and EN-3);
  - The Applicant's agreed grid-connection; and
  - The locational requirements of the development as defined by the technology and network operators' guidelines.

## **9.0 APPENDICES**

## 9.1 Appendix 1 – Recommended Conditions

### Background Documents

25/00393/FUM

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## Appendix 1 – Conditions

### Plans and compliance

1. The development shall be carried out in accordance with the following plans and drawings:

Plan Type	Plan Reference	Version No	Date Received
General Arrangement Plan	UG_2504_LAN_GA_DRW_01	08	29-Sep-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_03	P07	05-Sep-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_01	P07	05-Sep-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_04	07	29-Sep-25
Ditch Location Plan	Ditch Location Plan	01	06-Aug-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_05	P06	07-Jul-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_06	P06	07-Jul-25
Site Plan			02-Jul-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_07	P04	02-Apr-25
Site Layout	ALF AGRIV SP 001	R0	02-Apr-25
Soft Landscape Plan	UG_2504_LAN_SL_DRW_03	P04	02-Apr-25
Indicative deer/stock/fencing/access, track, CCTV	ALF AGRIV FENCING/CCTV/ROADS 01	R0	02-Apr-25
Inverter Control Room Equipment Layout			02-Apr-25

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

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

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

3. There shall be no construction, demolition, deliveries to, from or vehicle movements within the site outside the hours of 0730-1800 Monday - Friday and 0730-1300 on Saturdays, with no working on Sundays or Bank and Public Holidays, except in an emergency or in the case of alternative temporary working hours first agreed in writing with the LPA.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

4. The surface water drainage scheme shall be constructed in full accordance with the Flood Risk & Drainage Assessment Report as submitted (ref: GON.0455.0293, Rev: 2,) dated March 2025.

Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2, ENV8 and ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

5. This permission shall be for a limited period only, expiring 40 years and six months after the date of the facility hereby permitted being first being brought into operational use (taken as when the development hereby approved has started to store or distribute electricity to/from the Grid). Written notification of the date of the facility hereby permitted being first brought into operational use shall be provided to the LPA no later than 14 days after the event.

Reason: To define the temporary permission, as the application has been assessed and determined on this basis, and in order to comply with the provision of Section 72 of the Town and Country Planning Act 1990.

#### Before Development Commences

6. No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones"
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timings of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs if applicable.
  - i) Measures to prevent surface water containing silt or dust from entering the pond during clearance and construction.
  - j) The location for the storage of materials.
  - k) Detail methods and locations of soil storage and areas where the soil will be preserved and protected from the consequences of construction activities such as compaction.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: Reason: To protect biodiversity, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD. The condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

7. No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023). The condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

8. Prior to the commencement of development, a scheme for the preservation of archaeologically sensitive areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The development should not commence until a methodology for these areas are secured.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023). The condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

9. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The submitted details should identify SuDS components, control structures, flow routes and outfalls (where applicable). In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 169 and 173 of the National Planning Policy Framework. The condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

10. No development including enabling works, demolition, site clearance and ground works shall commence on site, until a traffic management plan (CTMP) has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- a) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).
  - b) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
  - c) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).

The CTMP shall include, but not be limited to, the following issues:

- a) Parking and turning areas for construction and delivery vehicles and site personnel,
- b) Site security and site compound for the construction phase,
- c) Loading, unloading and storage of plant and materials used in constructing the development,
- d) Temporary vehicle turning,
- e) Measures to prevent mud/debris being deposited onto the public highway,
- f) Construction lighting and measures to minimise light pollution,
- g) Construction traffic routing and means of access,
- h) any other controls to maintain highway safety during the construction phase,
- i) Mitigation measures for noise, dust and lighting during the construction phase,
- j) Soil management, soil protection and drainage measures (including subsurface).

The agreed CTMP must be adhered to at all times during all phases of the hereby approved development.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The



condition is pre-commencement as it requires the submission of details that are required prior to construction works starting on-site.

Prior to above ground

11. Prior to above ground works, notwithstanding the submitted plans, full details, materials and colours of the approved battery solution, inverters, transformers, control room, switchgear substations, fencing, gates and CCTV cameras including their position on site, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained for the duration of the development's lifetime.

Reason: To safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

12. No above ground construction shall take place until details of a means of water supply for fire-fighting purposes within the application site has been submitted to and approved in writing the Local Planning Authority. The details provided shall be to a standard recommended by the Cambridgeshire Fire and Rescue Service. and shall include details of the abstraction licence where necessary. The approved means of fire-fighting water supply shall be installed and completed in accordance with the approved details prior to the first operational use of the hereby approved development and thereafter maintained for the operational lifetime of the development.

Reason: In the interests of public safety and ensuring any risks associated are suitably identified and an appropriate mitigation plan is devised in accordance with Chapter 8 of the National Planning Policy Framework (December 2023).

13. No above ground construction shall commence until an ecological enhancements plan to include details for the creation and management of skylark plots on site, to mitigate for those being lost and provide an additional gain shall be submitted to and approved in writing by the Local Planning Authority. The development should be implemented in strict accordance with the approved plan and the plots maintained in perpetuity.

Reason: To protect and enhance species, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

14. No above ground construction shall commence until full details of all hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first operational use of the hereby approved development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning

Authority prior to the first operational use. Thereafter the approved hard landscaping shall be maintained for the lifetime of the development.

Reason: To safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

15. Prior to the commencement of development above ground level, an Emergency Plan shall be prepared for the site and submitted for approval in writing by the Local Planning Authority. The agreed Emergency Plan shall be adhered to for the lifetime of the development.

Reason: To make the development safe by ensuring the emergency flood response is in place in line with Policy ENV2, Policy ENV8 and Paragraph 178 of the NPPF.

#### Before Operation

16. Prior to first operational use of the development hereby approved, all soft landscaping works (including bunds) shall be carried out in accordance with the approved plans. If during the lifetime of the development any tree or plant dies, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and same species as that originally planted shall be planted at the same place, unless the Local Planning Authority gives it consent to any variation.

Reason: To safeguard the character and appearance of the area, safeguard and enhance biodiversity, and secure the mitigation measures set out within Chapter 6 and 8 of the submitted Environmental Statement, in accordance with Policies ENV 1, ENV2, ENV6, ENV 7 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

17. Prior to the first operational use of the development hereby approved, details of any external lighting to be used as part of this facility shall be submitted to and approved in writing by the Local Planning Authority. The details shall be compliant with the Institution of Lighting Professionals (ILP) and follow recommendation 4.4.3 of the Preliminary Ecological Appraisal prepared by Barnaby Indio Gardner and dated of June 2024. The lighting shall then be installed in accordance with the approved details and shall be retained as such for so long as it remains on site. No other lighting shall be installed without the prior written permission of the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring occupiers, to safeguard the character and appearance of the area, and to protect and enhance species, in accordance with policy ENV1, ENV2, ENV7, ENV6 and BUR5 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

18. Prior to first operational use of the development hereby approved, an ecological enhancements plan to include provisions for swifts, bats and hedgehogs, shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall consider and incorporate features as recommended in the East Cambridgeshire Hedgehog SPD and be maintained in perpetuity.

Reason: To protect and enhance species, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023), the Hedgehog SPD and Natural Environment SPD.

19. Prior to the first operational use of the development, details of the new planting shall be submitted to and approved by the Local Planning Authority. The details shall include (but not limited to) detailing the planting sizes, tree pit design and construction details and specifications for operations associated with plant establishment to include a programme of the timing of the landscape work and maintenance, having regard to the timing of the commencement of any part of the development hereby permitted.

Planting shall take place in accordance with the approved details as per soft landscape approved plans within the first planting season following completion of the development or in accordance with the program of planting approved by the LPA. Any such trees that are removed die or become, in the opinion of the LPA, seriously damaged or defective within a period of 5 years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the proposed landscape integrates well and enhances the character of the area and the wider landscape setting, in accordance with Policy ENV1 and Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Other Conditions

20. The specific rated noise level emitted from the site shall not exceed the background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 and ENV6 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

21. If it is necessary to undertake ground piling a method statement shall be submitted and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place, they

can contact the contractor. If the method of piling involves impact driving, works will be restricted to the hours (specifically for piling) between 09:00 - 17:00 each day Monday - Friday and none on Saturdays, Sundays or Bank Holidays.

22.

23. If there is no intention to utilise ground piling, this shall be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

24. Not less than 12 months before the expiry of this permission, or the planned cessation of the site's operational use, whichever is the sooner, a decommissioning method statement (DMS) and Decommissioning Environmental and Traffic Management Plan (DETMP) shall be submitted to and approved in writing by the Local Planning Authority, detailing the removal of any building(s), plant/equipment and associated infrastructure approved under this consent, and restoration of the site and the timetable for doing so.

The site shall be decommissioned in accordance with the approved DMS, timetable and DETMP within 6 months of the expiry of this permission or within 6 months of the planned cessation of the site's use, whichever is sooner. (Note: nothing in this condition supersedes the requirements of mandatory Biodiversity Net Gain).

Reason: Because the consent is for a limited (temporary) period and to safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

25. If following implementation of the permission the site fails to become operational within 24 months or having become operational becomes non-operational for a period exceeding 18 months within the time limit set by this permission, unless otherwise agreed in writing by the Local Planning Authority, the use shall be considered to have ceased. Within 3 months of such ceasing of the use, a decommissioning method statement (DMS) and Decommissioning Environmental and Traffic Management Plan (DETMP) shall be submitted to and approved in writing by the Local Planning Authority, detailing the removal of any building(s), plant/equipment and associated infrastructure approved under this consent, and restoration of the site and the timetable for doing so.

The site shall be decommissioned in accordance with the approved DMS, timetable and DETMP within 6 months of the ceasing of the use as defined above. (Note: nothing in this condition supersedes the requirements of mandatory Biodiversity Net Gain).

Reason: Because the consent is for a limited (temporary) period and to safeguard the character and appearance of the area, in accordance with Policies ENV 1, ENV2 and BUR 5 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

26. No construction or operation of the hereby approved development shall take place other than in accordance with the ecological recommendations set out in section 7.3 of the shadow Habitats Regulation Assessment (sHRA) (revision 4) dated 05/05/25.

Reason: to protect the European protected site, Wicken fen SSSI, SAC and the statutory protected species which occur there, and to protect and enhance species, in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and Natural Environment SPD.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. Unless otherwise agreed in writing by the Local Planning Authority, no further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

### **Mandatory Biodiversity Net Gain**

If approved, the application is also subject to the mandatory General Biodiversity Gain Condition, which requires that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

This condition is 'automatically' applied to all major planning applications submitted after 12<sup>th</sup> February 2024, subject to transitional arrangements and exemptions apply. It is not to be applied as a 'standard' condition in the main list of conditions, nor is it worded as such, but the Local Planning Authority are still required to provide a certain level of information on the decision notice to advise the Applicant/Developer of where the appropriate legislation and details can be found.



**TITLE: TPO/E/02/25**

Committee: Planning Committee

Date: 5th November 2025

Author: Kevin Drane Trees Officer

Report No: AA82

Contact Officer: Kevin Drane Trees Officer  
Kevin.drane@eastcambs.gov.uk  
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Room No 011 The Grange Ely

**Site Address: Paradise Recreation Ground Deacons Lane Ely Cambridgeshire**

**Proposal: To confirm Tree Preservation Order (TPO) E/02/25 for one Tree of Heaven**

**Parish: Ely**

**Ward: Ely**

Ward Councillor/s: Kathrin Holtzmann  
Mary Wade

**Date TPO Made: 27/05/2025**

## **1.0 RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the confirmation of the tree preservation order for the following reason(s) The tree is a prominent feature, visible from the public realm, in good health, it offers a significant visual contribution to the amenity of the local landscape in this part of Ely that there is currently insufficient evidence to link it to the subsidence case.
- 1.2 The application is being heard by committee because it triggers the Councils Constitution in respect of an objection to the TPO being received from a member of the public within the statutory consultation period.

## **2.0 Costs**

- 2.1 If a TPO is made and confirmed and a subsequent application for works to the tree are refused then the tree owner would have an opportunity to claim compensation if, as a result of the Council's decision, the tree owner suffers any significant loss or damage as a result of the tree within 12 months of that decision being made costing more than £500 to repair. This tree is owned by ECDC.

### **3.0 THE SITE AND ITS ENVIRONMENT**

- 3.1 The Order was made following receipt of a section 211 notification for the tree to be removed and the resulting visit to site by the trees officer.
- 3.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 16 September 2024 because:  
The tree assessed was considered to be of high public amenity value in this part of Littleport, contributing to the biodiversity and green infrastructure of the local area and as such worthy of retention.

### **4.0 RESPONSES FROM CONSULTEES**

- 4.1 One objection to the serving of the TPO were received in writing from a neighbouring property owner. The statement of objection is attached in full in Appendix 1.
- 4.2 The objections were as follows:
- The tree is a non-native species included in schedule 9 of the Wildlife and Countryside act.
  - They spread underground.
  - They can cause skin irritation to humans and pets.
  - They are poor for biodiversity due to their release of growth inhibiting compounds into the soil which prevents germination of other plants.
  - The suckers damage pavements, drainage systems and building foundations.

### **5.0 RESPONCES TO POINTS RAISED BY CONSULTEES**

- Regarding tree being non-native and a schedule 9 plant, the tree was growing on site prior to august 2019 when it was added to the list as such schedule 9 states "If a listed plant is already growing on your land, Defra does not consider it to be intentionally kept or cultivated and you're not committing an offence. This includes plants in private gardens, parks and estates open to the public." As such there is no breach of the schedule 9 restrictions.
- The spread of trees via the production of sucker growth is a common means of vegetive propagation and can be managed as it is on this site. This tree along with all others has the potential to damage areas of hard surfacing, drains and via water extraction of water buildings but there is no damage to the adjacent path or road, no reported issues with drains and no link to property damage has been confirmed.
- The irritation caused to people and pets is linked to them coming into contact with the tree sap which with a tree of this size would only occur via wounding of the main trunk. There have been no reported cases of any person or pet being affected by this tree or the others that are located on Paradise field.
- The use of allelopathy is not uncommon other trees and shrubs also employ this to aid their survival such as Elder, Sycamore, Walnut, Horse Chestnut and Ash. The reduced germination of other trees and shrubs in this location could be viewed as beneficial reducing maintenance costs.



## **6        OTHER MATERIAL MATTERS**

- 6.1        Whilst determining if the tree was of sufficient amenity value or not is to some extent subjective, this tree is clearly visible from the public footpath, roads and neighbouring properties. The Trees Officer remains of the opinion that tree T1 make a significant visual contribution to the local landscape, the amenity and character of the area.
- 6.2        Amenity is a subjective term open to some individual interpretation. Public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the tree is mature and visible from the public footpath, road as well as neighbouring gardens and is considered to benefit the area in relation to its contribution to the street scene and locality and therefore is considered a significant public amenity.
- 6.3        If the Planning Committee decide not to confirm the TPO, the TPO will lapse, and the owner can then remove the tree without any permission required from the Council. If the committee confirm the TPO it ensures that suitable evidence is provided before a decision to remove the tree can be made and ensure suitable replacement planting is undertaken.

### **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### **Equalities and Diversities**

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

## **6.0        APPENDICES**

Appendix 1    Statement of objection to the TPO from the consultee/neighbour.

Appendix 2 Photographs of tree and its situation.

Appendix 3 Documents:

ECDC TPO Assessment Sheet & user guide

Copy of the TPO/E/02/25 document and plan

## **7.0 Background Documents**

Town & Country Planning Act 1990

Town & Country Planning (Tree Preservation) (England) Regulations 2012

National Guidance -Tree Preservation Orders and trees in conservation areas from 6<sup>th</sup> March

2014 <http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

## Appendix1

■ New Barns Road,  
Ely,  
Cambridgeshire,  
CB7 4PN  
Tel: 01353 663206  
Mobile: 07786 412 912

East Cambridgeshire District Council,  
The Grange,  
Nutholt Lane,  
Ely,  
Cambridgeshire,  
CB7 4EE

17<sup>th</sup> June 2025.

For the attention of Mr Kevin Drane

Your Ref: Ely/TPO/E/02/25

My Ref: EastCambs01.docx

Dear Sir,

I wish to object to this preservation Order on the basis of your being informed that this 'Tree of Heaven' species has caused a subsidence problem on my house. This has been notified to you by Sedgwick International acting on behalf of my house insurance firm Ageas. This species of tree is well known to be very invasive. Their Arboricultural specialist has recommended the FELLING of this Tree and treatment of the STUMP with eco plugs (broadleaved).

I understand from Sedgwick you have requested that my house be monitored over a long period and as a result a Deep Datum has been installed in my garden and some twelve monitoring points have been attached to my house wall for this purpose.  
It seems significant that a Preservation Order has only just been initiated just as you demanded that further investigation is to take place.

I feel that this Preservation Order should not have been made at this time and therefore OBJECT since Sedgwick International acting on behalf of Ageas and myself have recommended felling the of this tree.

I have lived in this house since 1964 and I do not believe that the Council planted this tree and that it grew from either seeding or a sucker.

Yours faithfully,

■

## Appendix 2





## Appendix 3

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

#### SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		Paradise Recreation Ground Deacons Lane Ely Cambridgeshire	
Date:	15/5/25	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
T1	Tree of Heaven early mature tree with twin stems from 3m but with good union and no included bark. Good vitality evident via size of leaves and extent of new growth	Located at edge of green area as per location plan

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

##### Score & Notes

T1 = 5 good condition, no indication of poor health or disease.

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

##### Score & Notes

T1 = 2 reduced due to location and proximity to footpath and boundary fencing not health or condition.

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

##### Score & Notes

T1 = 4 medium sized tree part of a line of trees clearly visible to the public from the park, footpath and road.

##### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

##### Score & Notes

T1 = 1 though it is part of an avenue of trees and its loss would result in a definite and defined hole in the currently continuous crown formation.

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
T1 = 5 A section 211 notification has been received claiming a link between the tree and subsidence of a property on the other side of the road and two footpaths without any substantive supporting evidence.

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible just
- 16+ Definitely merits TPO

Add Scores for Total:
15

Decision:
Serve a TPO due to lack of supporting evidence and impact upon the remaining trees to either side of it as well as the tree public amenity value.

## **Part 1: Amenity Assessment**

### **a) Condition**

This is expressed by five terms, which are defined as follows:

**GOOD** Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so

**FAIR** Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse

**POOR** Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult

**DEAD** Tree with no indication of life

**DYING** Trees showing very little signs of life or remaining vitality, or with severe,

**DANGEROUS** irremediable structural defects, including advanced decay and insecure roothold.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

### **b) Retention span**

It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005

TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

### **c) Relative public visibility**

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection.

### **Sub-total 1**

The prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

Any 0 equating to do not apply TPO - 1-6 equating to TPO indefensible

#### **d) Other factors**

Only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 20006). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species  
Where none of the above apply, the tree still scores one point, in order to avoid a zero-score disqualification (under part 3).

#### **Sub-total 2**

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

#### **Part 2: Expediency assessment**

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot  
However, central government advice is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.



### **Part 3: Decision Guide**

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice
- 1-6 TPO indefensible This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO This covers trees which have qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Dated: 27th May 2025

TPO/E/02/25

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**TOWN AND COUNTRY PLANNING ACT 1990**

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**TREE**

**PRESERVATION**

**ORDER**

Relating to: - Paradise Recreation Ground Deacons Lane Ely  
Cambridgeshire

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Printed and Published by:  
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE

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ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012**

**TREE PRESERVATION ORDER**

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**Town and Country Planning Act 1990  
The Tree Preservation Order at Paradise Recreation Ground Deacons Lane Ely  
Cambridgeshire , TPO/E/02/25 2024**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the Tree Preservation Order at Paradise Recreation Ground Deacons Lane Ely Cambridgeshire , TPO/E/02/25 2024

**Interpretation**

2. (1) In this Order “the authority” means the East Cambridgeshire District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.





## SCHEDULE SPECIFICATION OF TREES

### Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	T1 Tree of Heaven	Located at edge of green area as per location plan

### Trees specified by reference to an area (within a dotted black line on the map)

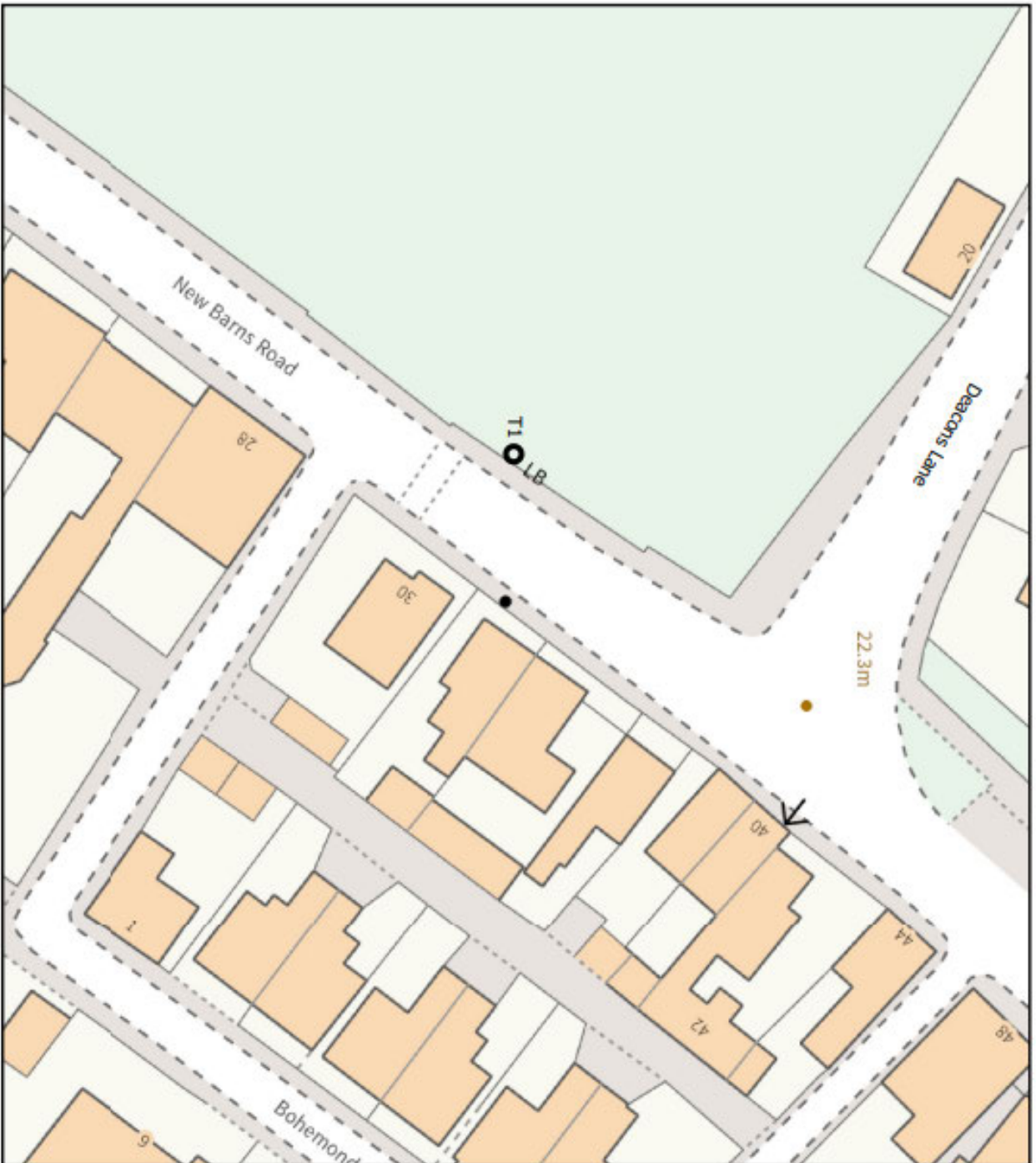
Reference on map	Description	Situation
	NONE	

### Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

### Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



**East Cambridgeshire  
District Council**

Town and Country Planning Act 1990  
Town and Country Planning  
(Tree Preservation) (England)  
Regulations 2012

**TREE PRESERVATION  
ORDER**  
No. E/02/25

Paradise Recreation Ground  
Deacons Lane  
Ely  
Cambridgeshire

**T1 - Tree of Heaven**

**PLANNING SERVICE**

The Grange, Nutwell Lane, Ely, Cambs CB7 4EE  
D.Moore Planning Manager

The tree locations are indicative and  
may not reflect the exact locations

Date: 22/05/2025  
Scale: 1:472.195497



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**TITLE: Delegation Process for Nationally Significant Infrastructure Projects**

Committee: Planning Committee

Date: 5<sup>th</sup> November 2025

Author: Major Projects Planning Officer

Report No: AA83

Contact Officer: Holly Durrant, Major Projects Planning Officer  
holly.durrant@eastcambs.gov.uk  
01353 616360  
Room No 011 The Grange Ely

**Proposal: To agree delegated authority for Nationally Significant Infrastructure Project (NSIP) related responses and discharge of requirements for Development Consent Orders (DCO).**

## **1.0 RECOMMENDATION**

1 The Planning Committee is recommended to:

- (a) Delegate authority to the Strategic Planning and Development Management Manager and Director of Operations to submit Nationally Significant Infrastructure Project (NSIP) related responses and represent the Council at examination as part of the NSIP process on behalf of East Cambridgeshire District Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Planning Committee, and the leaders of all political groups, on occasions where there is not enough time for a report to be delivered to Planning Committee; and
- (b) Delegate authority to the Strategic Planning and Development Management Manager and Director of Operations to determine Development Consent Order (DCO) 'requirements' as part of the DCO process on behalf of East Cambridgeshire District Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Planning Committee, and the leaders of all political groups, on occasions where there is not enough time for a report to be delivered to Planning Committee; and
- (c) Note that where delegated powers are used, draft responses will be sent to Local Members and the Members of the Planning Committee ahead of submission; and
- (d) Note Appendix 1 setting out details of the Kingsway Solar Farm NSIP; and
- (e) Delegate authority to the Director Legal and Monitoring Officer to make the necessary changes to the Council's Constitution.

## **2.0 EXECUTIVE SUMMARY**

- 2.1 In accordance with the national objective of boosting the delivery of infrastructure projects, the East Cambridgeshire District is seeing an increase in the number and scale of Nationally Significant Infrastructure Projects (NSIPs) both within and bordering its administrative boundaries.
- 2.2 Very recently in the Summer of 2024, the Sunnica Energy Farm DCO (solar farm) was allowed by the Secretary of State for Energy Security and Net Zero. The council is also a 'host authority' to the Kingsway Solar Farm DCO proposed to the south of Six Mile Bottom (currently at pre-application stage – See **Appendix 1** for more information on the project). There are also several energy, water and transport-related NSIPs within wider Cambridgeshire and Norfolk, such as East-West Rail and the Fens Reservoir, which have the capacity to affect the district and its communities.
- 2.3 NSIPs are determined at the national level. The applicant/promoter will apply to the relevant Secretary of State for a Development Consent Order (DCO) (such as the Secretary of State for Energy Security and Net Zero for energy-related NSIPs). East Cambridgeshire District Council is not therefore a determining body and acts solely in the capacity of a statutory consultee alongside the other two host authorities.
- 2.4 This report includes the timescales the district council will be expected to meet in responding to consultations on NSIPs as issued by the promoter and Secretary of State (via the Planning Inspectorate), as well as post-consent deadlines for allowed DCOs, and any associated risks.
- 2.5 Currently officers have had to rely on emergency powers within the constitution to respond to key NSIP deadlines to ensure the council has been represented in the process. However, when facing increasing numbers of NSIPs, it is necessary to formalise this process to ensure it remains open and transparent and all stakeholders are appropriately engaged.
- 2.6 The Committee is therefore recommended to delegate powers to officers where there is not enough time to take consultation responses or DCO-related decisions to Planning Committee for endorsement. This is to ensure deadlines can be met, deemed consent of DCO 'requirements' is avoided, and the council's submissions given their full weight in the NSIP process.

## **3.0 BACKGROUND**

### The Nationally Significant Infrastructure Project (NSIP) Process

- 3.1 The Secretary of State is the decision-making body for DCO applications, with the Planning Inspectorate (PINS) serving as the 'Examining Authority' (ExA) and performing planning functions on behalf of the Secretary of State. The Examining Authority will assess the DCO proposals and make a final recommendation to the Secretary of State, who then makes the final decision on the DCO outcome. The Secretary of State can depart from the recommendation of the ExA, as was the case with the Sunnica NSIP granted in the summer of 2024.



- 3.2 East Cambridgeshire District Council does not have authority to determine the outcome of NSIPs and acts in the role of a statutory consultee as defined by Section 42 of The Planning Act 2008 alongside any fellow host authorities. The host authorities are expected to submit timely consultation responses throughout the NSIP process to inform the decision-making process providing local and specialist knowledge.
- 3.3 The grant or consent of a DCO (which is a new piece of legislation in its own right) can include both development permission and the Compulsory Acquisition Orders required to deliver the development. Consent under the process may also be subject to conditions (also known as 'requirements'), and the discharge and enforcement of these rest with the host authorities including the council.

#### Stages of the NSIP Process

- 3.4 The NSIP process comprises six stages:
1. Pre-application
  2. Acceptance (following submission of the application to the Inspectorate)
  3. Pre-examination
  4. Examination
  5. Recommendation and Decision
  6. Post decision (discharge of 'requirements' – similar to conditions)

#### Timeframes for Response / Determination

- 3.5 The following milestones are where the council will be expected to provide input, with the timeframe for response also indicated:

##### **Pre-application and Acceptance Stages**

- scoping response (28 days)
- statement of community consultation response (28 days)
- principal areas of disagreement summary statement
- non-statutory and statutory consultation response (deadline for response provided by the applicant)
- adequacy of consultation representation (14 days)

##### **Pre-Examination and Examination Stages**

- relevant representation (minimum 30 days)
- local impact report (early in the examination stage)
- written representation (early in the examination stage)
- responses to the Examining Authority's written questions and requests for information (timeframe variable – usually a matter of weeks)
- comments on the applicant/promoter's draft DCO
- statement of common ground (to be agreed, where possible, by the close of examination – a maximum of 6 months, or 4 months for fast-track consent applications)
- DCO obligation (if appropriate)

3.6 The above deadlines are set predominantly by the Inspectorate with limited exceptions. These being the non-statutory and statutory consultation deadlines, and comments on the statement of community consultation, which are set by the applicant/promoter ahead of their formal submission to the Inspectorate.

3.7 During the examination stage, following submission of the application, the Inspectorate advises that:

*“During the pre-examination and examination stages any submissions received after a deadline may not be considered by the Examining Authority. There is unlikely to be time to seek committee approval for submissions during the examination stage.*

*It is important therefore that local authorities consider the level of approval required for these activities. They should arrange agreed powers at Cabinet as early as possible during the pre-application stage to enable officers to respond quickly and effectively.”*

3.8 It is relevant that by virtue of being a host authority, East Cambridgeshire District Council automatically benefits from ‘interested party’ status. This means that the council will be invited to partake in the examination of the DCO even if representations are not forthcoming. Nevertheless, in order to shape the discussions and key matters to be considered during the examination, the Inspectorate encourages all local authorities to make representations to provide the Examining Authority with early views on the DCO application.

3.9 With regard to ‘requirements’, the nature of these vary between DCOs. For the Sunnica DCO this included matters such as rights of way, battery fire safety and ecological and planting schemes. The host authority responsible for determining each ‘requirement’ can also vary, and in currently two-tier authorities the responsibility for dealing with a requirement will sit with the local authority most appropriately equipped to deal with it. For example, matters relating to flood risk, highways and fire safety will be dealt with by the County Council in their capacity as the Flood, Fire and Highways Authority.

3.10 It is crucial to note that for many such ‘requirements’, the failure of the local authority to determine the application in time often results in a deemed discharge (approval). Often, the timeframe for determining these requirements is severely limited (for example 56 days for Sunnica) despite the levels of technical information required to be considered being vast.

3.11 Many DCOs therefore limit consultation on requirements to only those consultees absolutely necessary in order to ensure timely decisions are made.

#### **4.0 MAIN ISSUES**

##### The Role of the Local Authority in the NSIP Process

4.1 The council will inform the NSIP process and the impact of Kingsway Solar Farm Ltd’s proposals by providing local and specialist knowledge. The above timetable of milestones are the key stages at which the council will input into this process.

- 4.2 Guidance issued by the Inspectorate identifies the following important functions of the local authority in the NSIP process:
- providing the applicant with a local perspective on the proposed project
  - if consent is granted, they may need to monitor and enforce some parts of the Development Consent Order (DCO)
  - if consent is granted they may be the authority to discharge certain requirements (like conditions attached to a planning permission), or they may act as a consultee for a requirement.
- 4.3 More information as to the role of the local authority in the NSIP process is provided at Appendix 2.
- 4.4 As a district council, officers will collaborate with its internal specialists on matters within its remit, such as environmental health, ecology, noise, heritage and planning. Officers will also work with specialists from the other host authorities including the County Council (in its capacity as the Minerals and Waste Authority, Lead Local Flood Authority and Local Highways Authority) with regard to flood and water, highways, public health, minerals and waste, and archaeology. Advised by these specialists, Officers will prepare/collate technical responses to inform the council's submission to the inspectorate and the applicant/promoter.
- 4.5 It is important to note that proactive engagement with the applicant/promoter is encouraged by the Inspectorate in the early stages of the process to help shape the project before it is submitted for formal examination. This is because making fundamental changes to a project at examination stage is not as easily secured.
- 4.6 It is also important to note that early engagement does not prejudice the local authority's future submissions or position on the proposals, but rather ensures that should the DCO be allowed, opportunities to secure the best scheme possible have been fully explored.
- 4.7 The guidance issued by the Inspectorate states:
- "The applicant should engage local authorities in the early stages of preparing their application and programme document. The local authority should participate in the applicant's engagement activities, such as taking part in topic based working groups or technical briefings. The applicant should be aware however that this is not a statutory requirement for the local authority. The local authority should engage with the applicant even if they disagree with the project in principle. Early engagement with the applicant will not undermine any objections or submissions they may make during the next stages of the NSIP process."*
- 4.8 The Inspectorate expects that this engagement will continue into the pre-examination period as well as during examination. Both the council and applicant/promoter parties should continue their negotiations on any outstanding issues, disagreements, or points of clarification. This includes in relation to any negotiations on compulsory acquisition in the applicant's proposals which may affect any local authority land holdings or interests. It is important that as many

issues as possible are resolved in advance of examination to ensure a focused and expedient process for all participants.

- 4.9 It is therefore fundamental that the council ensures it meets all deadlines set by the applicant/promoter and Inspectorate in a timely manner, to ensure these representations are included in the Examining Authority's overall assessment. As set out at Paragraph 3.10 of this report, the Inspectorate advises host authorities to establish delegated authority as soon as is reasonably practicable to ensure these timely responses and submissions.
- 4.10 Whilst local authorities should consider the views and concerns of the local community, the Inspectorate makes clear that *"A local authority and the local community are consultees in their own right. Whilst local authorities should have regard to what the community is saying, it is not intended that they necessarily adopt all of those views put to them. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance."*<sup>1</sup>
- 4.11 This report is therefore being presented to the Planning Committee prior to the submission of the Kingsway Solar Farm application to the Inspectorate to enable officers to submit responses within the deadlines set and appropriately represent the council for this project and future projects.

## **5.0 CONCLUSION AND RECOMMENDATIONS**

- 5.1 It is critical that officers respond in a timely and comprehensive manner to all deadlines as part of the NSIP process, whether set by the applicant/promoter or the Inspectorate. These deadlines will increase in both quantum and level of detail expected post-submission of the application to the Inspectorate, and it is within the Inspectorate's power to disregard any late responses.
- 5.2 For the Sunnica NSIP (allowed) and for the Kingsway NSIP (pre-application stage) thus far, officers have been utilising emergency powers within the constitution to respond to key deadlines to ensure the council has been represented in the process. Nevertheless, when facing the very likely possibility of increasing numbers of NSIPs, it is necessary to formalise this process to ensure it remains open and transparent, and all stakeholders are appropriately represented. There has currently not been any discharge of requirement applications for NSIPs in the district.
- 5.3 The requirement that all responses or discharge or requirement applications be signed off by a committee however risks key response deadlines being missed or deemed approval being granted, as well as severely limiting the time officers can dedicate to preparing these responses and decisions. This means responses and decisions may not be as comprehensive or well-informed.
- 5.4 To mitigate this risk officers are seeking delegated authority to respond to deadlines during the NSIP process (including the pre-application stage) and determine discharge of requirement applications. This delegated authority is sought where

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<sup>1</sup> [The role of local authorities in the development consent process](#)

time does not permit responses or decisions to be drafted and presented to a planning committee ahead of formal submission / determination for endorsement.

5.5 There are a very limited number of NSIP deadlines that would likely be able to be presented to a committee for endorsement as follows:

- **Non-statutory consultation and statutory consultation** – non-statutory consultation is optional, and the timeframes provided by the applicant for a response is therefore variable, usually a limited number of weeks. The minimum period for mandatory statutory consultation is 28 days. Statutory consultation is a very detailed consultation on the NSIP proposals, often the first time the local authority will have seen the scheme in any great detail. By targeting a planning committee to endorse any response to this consultation would provide a very limited window for officers to review an extensive catalogue of technical documents, consult its specialists and prepare a response. If the applicant provides a longer timeframe for consultation, which is within their gift, there is a greater but still limited window for presentation at a committee.
- **Local Impact Report (LIR)** – the LIR is an extensive and detailed document, setting out the council's views on the impacts of the proposed development informed by local and specialist knowledge. The LIR should be prepared over several months and submitted near the start of examination. It is therefore likely that a draft of this report could be present to a committee for endorsement.

5.6 It is considered unlikely that any discharge of requirement applications would be able to be presented to Planning Committee given the risk of deemed consent.

5.7 It is therefore proposed that the following delegation arrangement is followed:

- (a) Delegate authority to the Strategic Planning and Development Management Manager and Director of Operations to submit Nationally Significant Infrastructure Project (NSIP) related responses and represent the Council at examination as part of the NSIP process on behalf of East Cambridgeshire District Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Planning Committee, and the leaders of all political groups on occasions where there is not enough time for a report to be delivered to Planning Committee; and
- (b) Delegate authority to the Strategic Planning and Development Management Manager and Director of Operations to determine Development Consent Order (DCO) 'requirements' as part of the DCO process on behalf of East Cambridgeshire District Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Planning Committee, and the leaders of all political groups on occasions where there is not enough time for a report to be delivered to Planning Committee; and
- (c) Note that where delegated powers are used, draft responses will be sent to Local Members and the Members of the Planning Committee ahead of submission; and

(d) Note Appendix 1 setting out details of the Kingsway Solar Farm NSIP; and

(e) Delegate authority to the Director Legal and Monitoring Officer to make the necessary changes to the Council's Constitution.

5.8 Notwithstanding the above, to ensure open and transparent communication is maintained throughout the process, the following is proposed:

- For currently pending NSIPs, key documents and updates on the project will be provided to members of the Planning Committee, Local Members, Director of Operations and the leaders of all political groups by email at the earliest opportunity. This includes highlighting key submission dates, documents and deadlines. Any comments on the documents/deadlines should be made promptly, especially where deadlines are short.
- For currently pending NSIPs, responses will be taken to Planning Committee for endorsement wherever possible, and any final responses prepared by officers which are sent to the Inspectorate or the applicant/promoter to meet statutory deadlines will be circulated to members of the Planning Committee and local members.
- For currently pending NSIPs, where necessary and time permits, officers will host member briefings or topic-specific meetings to provide guidance on the NSIP process and the council's technical response(s) to NSIPs.
- For discharge of requirements, circulation to members of the Planning Committee, Local Members, Director of Operations and the leaders of all political groups of any decisions issued by the council for their information.

5.9 If these recommendations are approved, officers will be able to respond quickly and effectively during the lifetime of the NSIP process.

5.10 It is critical that officers have delegated powers to enable them to submit timely responses where there is insufficient time to present a response or decision to Planning Committee, to ensure the council and its communities are appropriately represented throughout the NSIP process and to avoid deemed consent of any requirements the council may be responsible for determining.

## **6.0 APPENDICES**

6.1 Appendix 1 – Kingsway Solar Farm NSIP Proposals

6.2 Appendix 2 – The role of local authorities in the NSIP process

## **Kingsway Solar Farm NSIP Proposals**

### Overview

This appendix provides a summary of Kingsway Solar Farm Limited's ('the promoter') emerging proposals for the construction, operation and decommissioning of photovoltaic panels and associated infrastructure (including batteries), with a generating capacity of 500MW of electricity. A pylon route is also proposed to connect the scheme to a new substation in Burwell, with the substation itself not forming part of the project proposals.

The project is located within the administrative boundaries of South Cambridgeshire and East Cambridgeshire and is therefore cross-boundary. Both authorities, alongside Cambridgeshire County Council, are 'host authorities' for the purposes of The Planning Act 2008 (as amended).

Based on the information currently available, it is only the proposed pylon route that would fall within the administrative boundary of East Cambridgeshire, with the photovoltaic panels and batteries falling within South Cambridgeshire. This report provides further information on the Kingsway proposal to date and its geography.

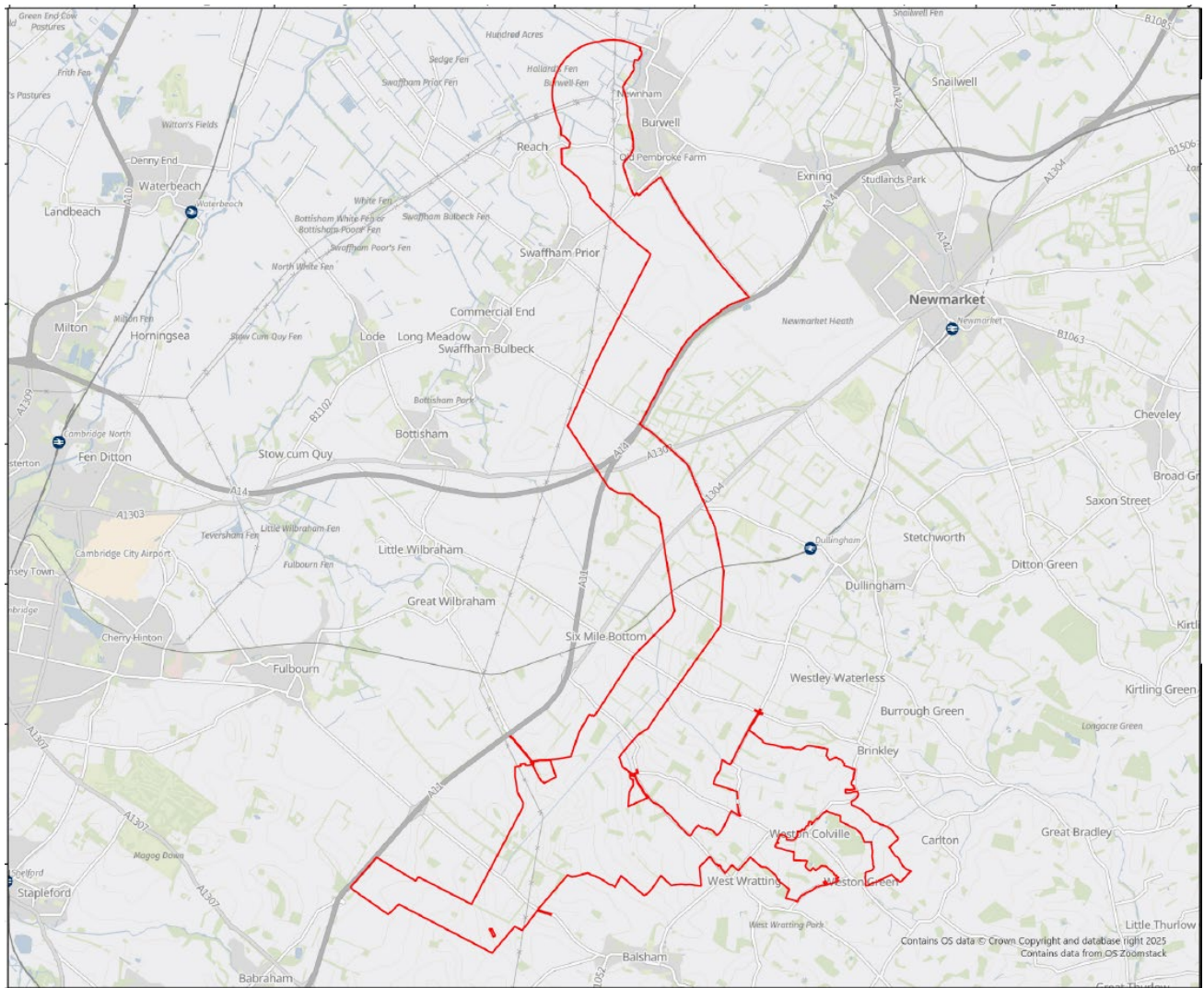
The Kingsway Solar Farm is a Nationally Significant Infrastructure Project (NSIP) and the promoter will apply to the Secretary of State for a Development Consent Order (DCO). East Cambridgeshire District Council is not therefore a determining body and acts solely in the capacity of a statutory consultee alongside the other two host authorities.

### Project Proposals

The project is proposed to be located to the south of the Six Mile Bottom, with the bulk of the proposed infrastructure (panels and batteries) falling within the South Cambridgeshire District. The project is currently expected to cover approximately 1,246 hectares (3,079 acres) of land, of which 35% is proposed for the solar photovoltaic panels, battery energy storage systems and associated infrastructure. The proposed 15km (c.9.3 mile) overhead pylon route connecting the scheme to a new substation in Burwell would fall predominantly within the East Cambridgeshire District within the Burwell, Bottisham and Woodditton wards. This forms the 'grid connection corridor'.

The proposed grid connection (pylon) route is currently shown on an eastern alignment, arcing around the eastern side of Six Mile Bottom and spanning the A1304 and the A14, where it then follows an almost-parallel alignment to the A14 before heading north-west towards Burwell. The following plan shows the currently proposed site boundary:





*Scheme boundary submitted as part of statutory consultation – 17<sup>th</sup> September 2025*

The emerging proposals for a solar farm and associated infrastructure fall within the NSIP regime as the generating capacity of the project exceeds 50 megawatts of electricity<sup>1</sup>. The government has announced under the Planning and Infrastructure Bill, currently making its way through Parliament, that this threshold is to be increased to 100 megawatts as of November 2025, but the Kingsway proposals are progressing under the current regime.

The Secretary of State for the Department of Energy Security (DEZNZ) is the decision-making body for the DCO application, with the Planning Inspectorate (PINS) serving as the 'Examining Authority' (ExA) and performing planning functions on behalf of the Secretary of State. The Examining Authority will assess the DCO proposals and make a final recommendation to the Secretary of State, who then makes the final decision on the DCO outcome. The Secretary of State can depart from the recommendation of the ExA, as was the case with the Sunnica NSIP granted in the summer of 2024.

### Key Milestones and Engagement

#### **Pre-application and Acceptance Stages (current project stage)**

- scoping response (28 days) – Completed January 2025

<sup>1</sup> Section 15 of the Planning Act 2008



- statement of community consultation response (28 days) – Completed August 2025
- principal areas of disagreement summary statement
- non-statutory and statutory consultation response (deadline for response provided by the applicant) – commenced 17<sup>th</sup> September 2025, response due 29<sup>th</sup> October
- adequacy of consultation representation (14 days)

#### **Pre-Examination and Examination Stages (anticipated 2026 onwards)**

- relevant representation (minimum 30 days)
- local impact report (early in the examination stage)
- written representation (early in the examination stage)
- responses to the Examining Authority's written questions and requests for information (timeframe variable – usually a matter of weeks)
- comments on the applicant/promoter's draft DCO
- statement of common ground (to be agreed, where possible, by the close of examination – a maximum of 6 months, or 4 months for fast-track consent applications)
- DCO obligation (if appropriate)

In terms of Kingsway's engagement with the council and its communities to date, non-statutory consultation with the public was held in November 2024. The council was also consulted by the Planning Inspectorate (PINS) on an Environmental Impact Assessment Scoping Report in January 2025.

Statutory consultation also commenced on the 17<sup>th</sup> September 2025. Details and documents can be found here: [Consultation – kingswaysolarfarm.co.uk](https://kingswaysolarfarm.co.uk/consultation).

It is anticipated that a formal submission of the application to the Inspectorate will take place in the first quarter of 2026, although a fixed date has not been agreed.



# The role of local authorities in the development consent process

## Advice Note two: The role of local authorities in the development consent process

The Planning Act 2008 (as amended) (PA 2008) contains many processes where a local authority has a special role and their participation is expected. This advice note seeks to explain when and why a relevant local authority should take part in the process.

This advice note provides an overview of that special role to enable authorities to target their resources more appropriately and effectively. To aid understanding of the various terms used in the advice note please refer to the Glossary of Terms on the National Infrastructure website.<sup>1</sup>

### The Planning Act and the Planning Inspectorate

The PA 2008 explains how applications for nationally significant infrastructure projects (NSIPs) relating to energy, transport, water, waste, waste water and certain business and commercial developments will be examined. It includes opportunities for people to have their say before a decision is made by the relevant Secretary of State (SoS).

The Planning Inspectorate carries out certain functions related to these major proposals on behalf of the SoS. More information about the application process can be found on the National Infrastructure website.

### Status of this Advice Note

This Advice Note has no statutory status and forms part of a suite of advice provided by the Planning Inspectorate.

This version of this Advice Note supersedes all previous versions. It will be kept under review and updated when necessary.

This advice note makes reference to other advice notes, these can all be found at: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

1. <http://infrastructure.planningportal.gov.uk/help/glossary-of-terms/>

## Contents

### Introduction (Page 2)

1. A Local Authority's Role
2. Planning Inspectorate roles and responsibilities

### Pre- Application Stage (Page 4)

3. Roles and responsibilities
4. Environmental Impact Assessment
5. Statement of Community Consultation
6. Engaging in developer consultation
7. Concerns about the pre-application consultation
8. Wales
9. Mitigation
10. Planning Performance Agreements
11. Joint working arrangements
12. Delegations

### Acceptance Stage (Page 9)

13. Roles and responsibilities
14. Just before submission
15. Submission of application
16. Adequacy of consultation representation

### Pre-Examination Stage (Page 10)

17. Roles and responsibilities
18. Relevant representations
19. The Preliminary Meeting

### Examination Stage (Page 12)

20. Roles and responsibilities
21. Local Impact Reports
22. Statements of Common Ground
23. Written representations
24. Planning obligations
25. Open floor hearings
26. Issue specific hearings
27. Compulsory acquisition hearings
28. End of the examination

### Post-Examination (Page 15)

29. Roles and responsibilities

### Post Decision (Page 16)

30. Roles and responsibilities



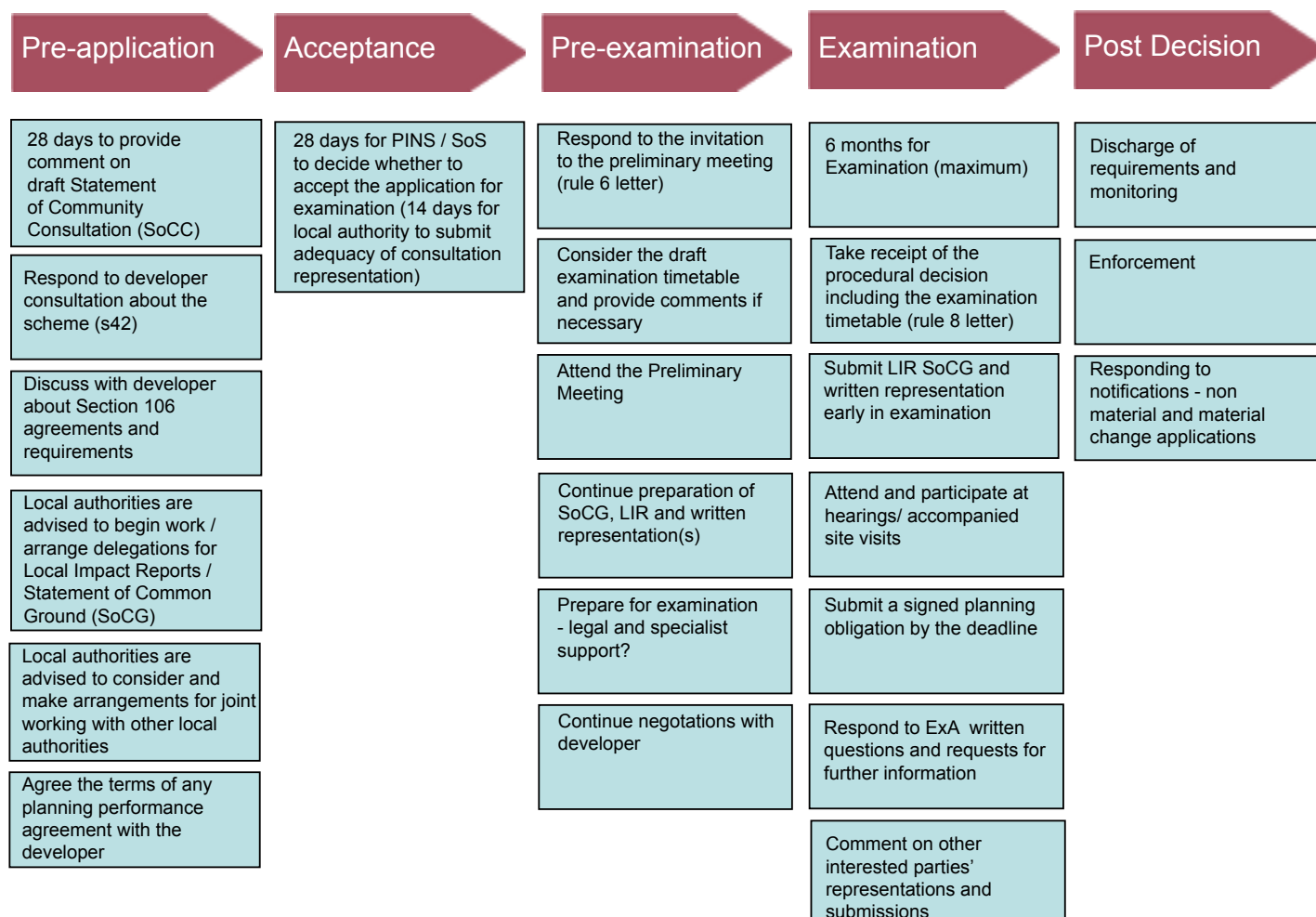
## Introduction

### 1. A Local Authority's Role

1.1 Host and neighbouring local authorities have an important role in the PA 2008 process. Participation is not obligatory but is strongly advised. Whilst it is appreciated that local authority resources are limited, relevant authorities are strongly encouraged to discuss and work through the issues raised by NSIP proposals. A local authority will provide an important local perspective at the pre-application stage, in addition to the views expressed directly to the developer by local residents, groups and businesses. Local authorities are likely to become responsible for discharging many of the requirements (akin to planning conditions) associated with an NSIP in their area if development consent is granted. Local authorities are also likely to have a role in monitoring and enforcing many of the Development Consent Order (DCO) provisions and requirements.

Figure 1

# The role of local authorities



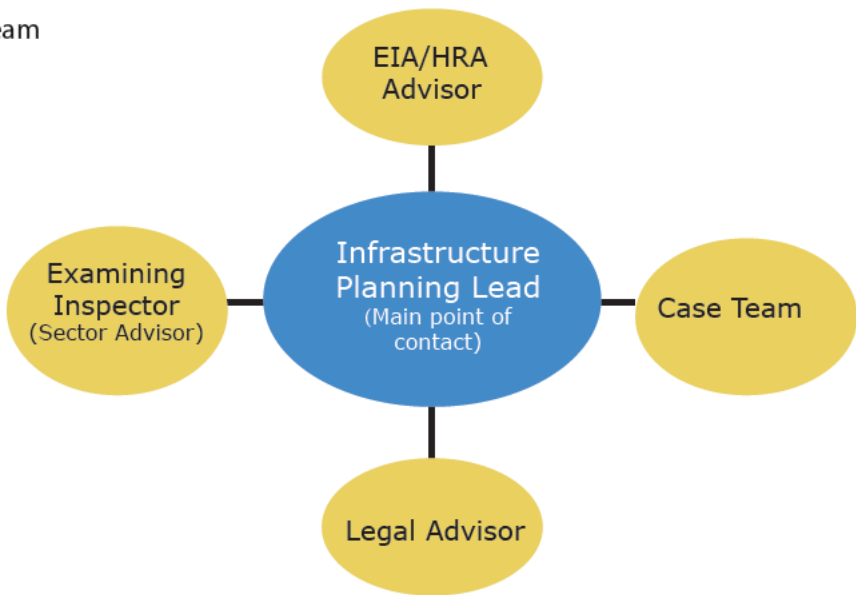




## 2. Planning Inspectorate roles and responsibilities

2.1 Each sector team is led by an Infrastructure Planning Lead (IPL) that will be the main point of contact for pre-application matters. The IPL will be supported by technical advisors and an examining inspector identified as the sector advisor.

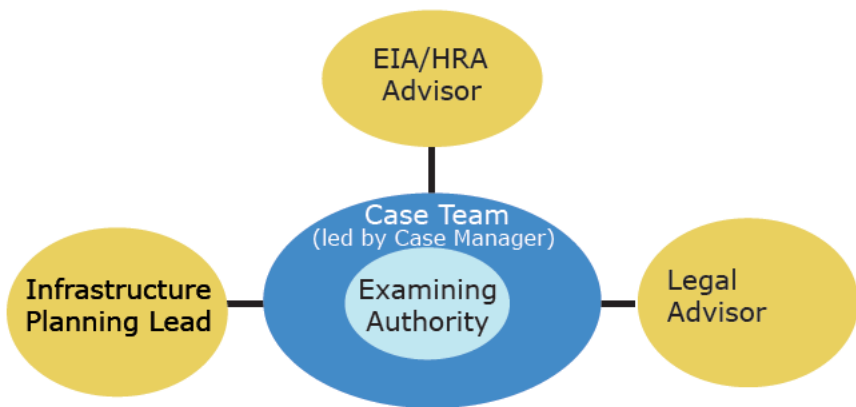
Figure 2 Pre-Application Team



2.2 Once the application reaches a point where draft documents can be reviewed it is likely that a Case Manager will become involved, being the main point of contact from acceptance of the application onwards. Depending on the scale and complexity of the application, during examination each case team may comprise a Case Manager, Case Officer, Assistant Case Officer; support from the Environmental Services Team and a Legal Adviser.

2.3 Throughout all stages of the process the Case Team are able to provide local authorities and others with advice about the process and policy as it relates to nationally significant infrastructure projects.

Figure 3 Post Submission Team





## Pre-Application Stage

### 3. Roles and responsibilities

3.1 This is a very important part of the process for all participants. Pre-application consultation is a statutory requirement of the process. It is the responsibility of the developer to carry out the pre-application consultation. While local authorities will have a keen interest in making sure that the consultation with the communities affected is carried out properly, there should be no ambiguity about who and where members of the public should provide their comments to. In this context it is not helpful for local authorities to run their own consultation events in relation to a NSIP project.

3.2 A local authority and the local community are consultees in their own right. Whilst local authorities should have regard to what the community is saying, it is not intended that they necessarily adopt all of those views put to them. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance.

3.3 It is important that local authorities use the pre-application process to inform themselves about the application and gather information that will assist in the production of the Local Impact Report (LIR), written representations and any Statement of Common Ground (SoCG). Adopting a proactive approach at this stage is likely to reduce the demand on the local authority's resources during the set timescales of the examination stage. For example, early legal advice could prove helpful during the pre-application stage and could reduce the need for it later in the process.

3.4 For very large NSIP projects that are likely to have wide-ranging impacts, some local authorities have prepared a Supplementary Planning Document (SPD). It is for a local authority to decide whether this would be a good use of their resources. If so, the local authority will need to ensure that any SPD is in accordance with any relevant National Policy Statement(s) (NPS). If there is any conflict between a designated NPS and any local planning document, the policies in the NPS will prevail. Local authorities should also be careful not to undermine the purpose and effectiveness of the developer's pre-application consultation by being too prescriptive in any emerging SPD or local planning policy. For example, by severely curtailing the choice of options for the location of associated development so as to undermine the purpose of the pre-application consultation. Local authorities should engage early with developers of NSIPs before and during the drafting stage of any SPD that is likely to affect an NSIP that the SoS has been notified about.

### 4. Environmental Impact Assessment

4.1 If the SoS either receives a notification that the applicant proposes to provide an environmental statement (ES)<sup>2</sup> or adopts a positive screening opinion, the SoS must notify the prescribed consultation bodies in writing.

4.2 Local authorities are identified as consultation bodies under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 as each local authority that is within s43<sup>3</sup> of the PA 2008. The categories of prescribed local authorities are based on administrative boundaries and neighbouring local authorities, not the distance to the proposed site. Further information about local authorities as prescribed consultees can be found in Advice Note 3 – EIA Consultation and Notification.

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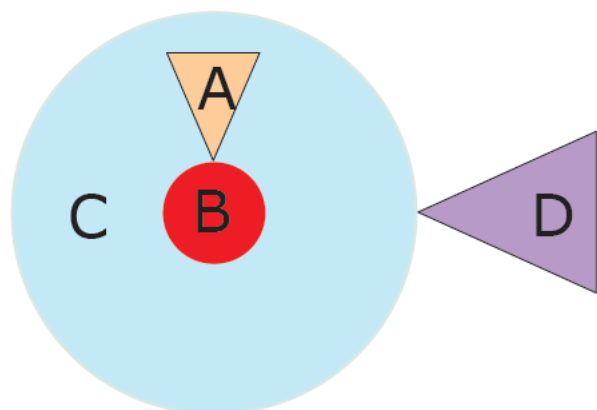
2. Regulation 6 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)

3. Planning Act 2008 (as amended) Section 43 (3)

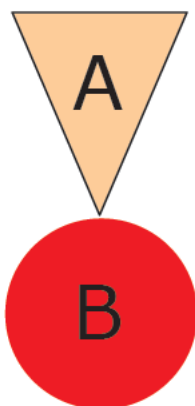


Figure 4 Local authorities that are prescribed consultees

Where B is a lower tier district council



Where B is a unitary authority



**A** is a neighbouring local authority (s43(3)) that shares a boundary with a unitary council or lower-tier district council within whose area development is situated.

**B** is either a unitary council or a lower-tier district council in which the development is situated – a host authority.

**C** is an upper-tier county council in which the development is situated – a host authority.

**D** is either a unitary council or an upper tier county council which shares a boundary with a host 'C' authority - a neighbouring authority (s43(3))

4.3 There are a number of ways that a local authority will be asked to be involved. The Planning Inspectorate will inform the local authority of the name and address of the developer, and of its duty to enter into consultation with the developer and make information in the authority's possession that is relevant to the preparation of the ES available to the developer. This is known as a Regulation 9 Notification<sup>4</sup>.

4.4 Before submitting an application for a development consent order (DCO), the developer has the opportunity to ask the SoS for a formal written opinion on the information to be included in the ES. This is known as a scoping opinion.

4.5 Host and neighbouring local authorities will receive an email or letter directing them to the electronic copy of the developer's scoping report on the National Infrastructure website. Local authorities should provide the Planning Inspectorate with any comments they may have on the proposed scope of the Environmental Impact Assessment (EIA) within 28 days, the deadline will be specified in the letter. Please note this is a statutory deadline and can therefore not be extended.

4. Regulation 9(1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).





4.6 The Planning Inspectorate normally directs this correspondence to the planning department, unless requested otherwise. Local authorities will often need to consult other internal departments or specialists (e.g. environmental health, ecologists and archaeologists) in order to assist in the production of any response.

4.7 You can provide the Planning Inspectorate with your main point of contact by e-mailing:  
[environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)

## 5. Statement of Community Consultation

5.1 If an NSIP proposal is situated within a local authority's boundary, it will be consulted by the applicant about their Statement of Community Consultation (SoCC). The SoCC sets out how the applicant proposes to consult the community.

5.2 This is a key opportunity for a local authorities to advise the applicant, using its local knowledge, as to how the community consultation should be conducted. The PA 2008 states that a developer must give a local authority 28 days<sup>5</sup> to comment on the draft SoCC, starting on the day after the local authority receives it. Some local authorities work collaboratively with a developer to prepare the SoCC in an iterative way and this is encouraged. A developer must have regard to any comments a local authority provides at this stage but is not required to act on them; however, any disagreement about the effectiveness of the methodology used can be reflected in any adequacy of consultation representation that a relevant local authority will be invited to make (see later section) and may have a bearing on the acceptance decision.

5.3 Local authorities are advised to think about the characteristics of the communities affected and may also wish to ask for input from parish or community councils to help inform the response provided to the developer. Engagement with the developer is strongly encouraged as it is in communities' interests that a developer adopts appropriate consultation methods which reflect the local circumstances, such as access to online content (internet speeds) and the geographical spread and nature of communities (including hard to reach groups). Local authorities may also wish to consider any particular parts of the community which they feel will be disproportionately affected by a project such as retired people, school children, businesses, tourists and commuters in a particular locality. A local authority's adopted Statement of Community Involvement (or Community Involvement Scheme in Wales) is likely to have a bearing on its response to the developer's SoCC Consultation. However, a local authority may wish to consider how the policies and principles set out in the Statement of Community Involvement/Community Involvement Scheme can be tailored to the needs of a particular NSIP project.

5.4 Local authorities should consider the proposed duration of pre-application consultation; this is likely to have a bearing on the level of detail in the SoCC and therefore how flexible it needs to be. Longer, multi stage pre-application consultation programmes may benefit from a flexible format which will allow the developer to respond proactively to issues that arise. A balance should be struck between flexibility and providing clarity to communities and others about the commitments the developer is making about the consultation methodology.

5.5 It may be appropriate for local authorities to review the SoCC if there is a long delay to the start of the consultation or between stages of consultation. The communities affected and economic indicators may have changed over time or the scale and nature of the proposals may have changed significantly.

5.6 There is no automatic requirement for a developer to review their SoCC if additional events or an additional stage of consultation is planned. The Planning Inspectorate would expect the developer to consult a relevant local authority about any changes. Developers are advised to include any correspondence with local authorities in relation to consultation on the SoCC in an appendix to the Consultation Report.

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5. Planning Act 2008 section 47(3)



5.7 The purpose of the developer's Consultation Report is to capture and reflect on all of the responses received during the pre-application consultation. It should explain how the developer has met its duty<sup>6</sup> in the preparation of the application to have regard to the views expressed. Further information can be found in Advice Note 14 - Compiling the consultation report.

## 6. Engaging in developer consultation

6.1 Local authorities are able to influence the preparation of the developer's application. The preparation of the application will be an iterative process which means that the amount of detail should increase as the preparation proceeds.

6.2 Local authorities should engage proactively with a developer even if they disagree with the proposal in principle. It is important to recognise that a local authority is not the decision maker but will want to contribute towards the development of the emerging proposals with the benefit of their detailed local knowledge. Local authorities are not undermining any 'in principle' objections to a scheme by engaging with a developer at the pre-application stage.

6.3 Nothing is to be gained by disengaging from the pre-application consultation process. It is in a local authority's own interests to engage in shaping a scheme. Once an application has been submitted it cannot be changed to the extent that it would be a materially different application, so as to constitute a new application. It is therefore important for local authorities to put any fundamental points to the developer during the pre-application stage.

6.4 If the developer will not engage with local authorities on issues of interest or an impasse is reached, the Planning Inspectorate can set up a meeting to try and unlock any areas of disagreement. The Planning Inspectorate has a Pre-application Prospectus<sup>7</sup> which sets out its service for developers at the pre-application stage. Whilst it is aimed at developers, much of the content is relevant to other parties in terms of setting the tone and spirit in which the pre-application consultation should take place. You can view the prospectus by clicking on the Application Process tab on the National Infrastructure website.

6.5 Local authorities may have a wide range of land interests that could be affected by Compulsory Acquisition in an NSIP proposal. It is possible that a corporate services team (or similarly named department) may be contacted separately by the developer about those land interests at the pre-application stage. The contact information used is taken from information provided to the developer by the Land Registry.

## 7. Concerns about the pre-application consultation

7.1 If members of the public raise issues or concerns about the quality of a developer's consultation during the pre-application stage, the Planning Inspectorate will advise them to contact their local authority. Relevant local authorities will be invited to submit an adequacy of consultation (AoC) representation, as explained later. If they wish, local authorities can append any correspondence received about a developer's consultation from members of the public or others to the AoC representation if they consider it could be useful to the SoS's decision about whether or not to accept the application for examination.

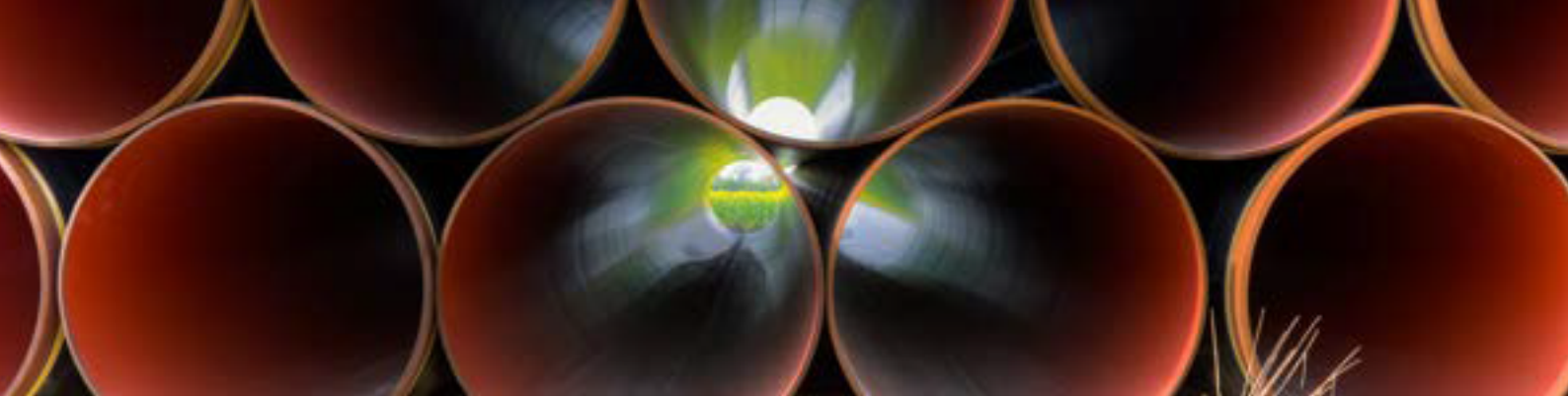
## 8. Wales

8.1 The PA2008 was drafted so that it was devolution-neutral. In other words the regime does not extend into matters that have so far been decided by the Welsh Government and its agencies. This means, for example, that in Wales only energy generating stations, electric lines, cross country pipe-lines, underground gas storage facilities and harbour facilities, which meet the thresholds in the PA2008, can be consented through the development consent process.

6. Planning Act 2008 (as amended) Section 49

7. [http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/05/NSIP-prospectus\\_May2014.pdf](http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/05/NSIP-prospectus_May2014.pdf)





8.2 The definition of associated development has a very limited application in Wales. It is therefore important to have early discussions between developers and local authorities regarding the identification of associated development that will need to be progressed by way of a planning application(s) under the Town and Country Planning Act 1990 (TCPA) or another consent.

8.3 To avoid the risk of gaining development consent for a scheme that is not implementable, it is recommended that developers should try to secure agreements for land needed for associated development and secure planning permission and other consents in advance of submitting the DCO application. This will require the relevant local authority to work with the developer to carefully plan and co-ordinate the submission of necessary TCPA and other applications, and provide the developer with pre-application advice. It is also useful for the developer and local authority to discuss the progress of the DCO application and any linked TCPA applications with the Inspectorate, at regular intervals.

8.4 With regard to the Environmental Impact Assessment of a project consisting of a DCO application and linked TCPA applications, a single Environmental Statement for both NSIP and TCPA elements of the scheme can be submitted. However, each decision making authority (Secretary of State and the local planning authority) will need to be able to distinguish the environmental information relating to the development for which consent from it is sought, and also the cumulative effects of that development with the other elements and any other reasonably foreseeable developments. This is explained further in Advice Note 9 - Rochdale Envelope

## 9. Mitigation

9.1 Local authorities should consider, as part of the pre-application consultation, discussing the requirements (akin to planning conditions) that should be included within the draft DCO and how they will be discharged. Whilst the detailed wording can be clarified at the examination stage, early agreement on draft requirements will help the Examining Authority (ExA) to provide greater focus to the examination and make the best use of the time available.

9.2 One of the key tasks a local authority will need to undertake if the SoS decides to make an Order to grant development consent, will be to discharge those requirements for which it has been identified as the discharging authority.

9.3 Local authorities should work with the developer to reach agreement on the procedures for discharging requirements and any costs associated with undertaking this duty. In many cases a DCO will include a provision and a schedule that will set out the process of discharging requirements.

9.4 Early pre-application discussions can also aid the drafting of planning obligations. In particular, if a s106 agreement is proposed then it is important to at least have the heads of terms in place at the submission of the application. More information about planning obligations is set out later.

9.5 Important mitigation documents which may be relied on in the application might include: Code of Construction Practice; Environmental Management Plan; s106 Planning Agreement; air quality and other strategies. Local authorities have a key role to play in informing the drafting of these documents by the developer during the pre-application stage. These documents are likely to be a focus for the ExA during the examination.

## 10. Planning Performance Agreements

10.1 Planning performance agreements (PPA) are a matter for the local authority and the developer and may be justified by the impact on the local authority's resources. The Planning Inspectorate is, in principle, supportive of PPAs but will not get involved in the negotiation of a PPA as it is a legal agreement between two parties. The duration that any PPA is in effect and the scale of support at different stages is a matter for negotiation and is likely to be driven, in part,



by the commitments in the DCO in terms of the scale of the local authorities' ongoing role if the SoS decides to grant development consent.

## 11. Joint working arrangements

11.1 The pre-application stage is the best time to sit down with other officers from host and neighbouring local authorities affected by the proposals in order to decide any joint working arrangements and how they can be structured.

11.2 Local authorities may benefit in terms of sharing costs and resources through joint working agreements. It is possible to structure Planning Performance Agreements (PPAs), Adequacy of Consultation (AoC) representations, LIRs, SoCG and written representations in such a way that the shared areas of concern and/or interest are clearly distinguished from specific sections related to the individual authorities where there are site specific or novel matters.

## 12. Delegations

12.1 During the examination there will be numerous deadlines for local authorities and other interested parties to submit further representations. These often require swift responses to ensure all matters can be fully explored before the close of examination. In making its recommendation to the relevant SoS, the ExA can only take into account evidence that has been received by the close of the examination.

12.2 Some local authorities may want to seek their members' approval for certain key examination documents such as the LIR, written representation or SoCG, although this is not required. The ExA's main concern is that once the examination timetable is published, interested parties adhere to the deadlines in it. Late submission of an important document such as the LIR or SoCG may prejudice the ability of other interested parties to consider and comment on its content, potentially disrupting the examination timetable and resulting in additional costs for other interested parties.

12.3 A local authority will therefore need to ensure it has adequate delegations in place. There is unlikely to be time to seek committee approval for representations made by a local authority during the examination. In general terms a local authority must assume that it won't be possible for the examination timetable to be structured around its committee cycle.

## Acceptance Stage

### 13. Roles and responsibilities

13.1 The acceptance stage is similar to the checking and validation process that a local authority would carry out in respect of a planning application. Given the statutory status of the pre-application stage in the NSIP process, the Planning Inspectorate also has a role to check that the pre-application consultation was undertaken in accordance with the PA 2008, including the SoCC. The Inspectorate must also consider whether the application and its supporting documents are satisfactory and capable of being examined within the statutory timescale.

### 14. Just before submission

14.1 Between one month and a week before submission the Planning Inspectorate will normally send a letter to relevant local authorities to advise them of the likely submission date of the application. The letter is to inform the relevant local authorities that, upon submission, the Planning Inspectorate will be requesting a representation from them on the adequacy of the applicant's pre-application consultation and to ensure that they are prepared for the fast turnaround of this response.



## 15. Submission of application

15.1 With the agreement of the applicant, the application documents will be published on the relevant project page of the National Infrastructure website, as soon as practicable after submission. At this point it is important that local authorities start reading and familiarising themselves with the application documents; in particular, the draft DCO.

## 16. Adequacy of consultation representation

16.1 As soon as possible after receipt of the application, the Planning Inspectorate will invite the host and neighbouring local authorities to submit an adequacy of consultation representation (AoC). The Planning Inspectorate must have regard to any comments it receives from host and neighbouring authorities in deciding whether or not to accept an application<sup>8</sup>. The AoC is a representation as to whether the applicant has complied, in relation to the proposed application, with:

- its duties under sections 42, 47 and 48 of the PA 2008 relating to consultation and publicity.
- its duty to consult a relevant local authority about the preparation of the SoCC (whether the applicant had regard to the local authority's comments on the draft SoCC),
- the commitments set out in the SoCC in terms of undertaking the pre-application consultation in compliance with the stated consultation methodology.

16.2 A positive view about compliance with these statutory duties will not prejudice a local authority's objection in principle to the application or any part of it. Local authorities are not being asked for views on the merits of the application at this stage.

16.3 The statutory timetable for acceptance of an application is 28 days, beginning with the day after the date of receipt of the application. As a result the Planning Inspectorate will be seeking the AoC representation from the relevant local authorities within 14 calendar days of the day of the request. In light of this, local authorities are advised to ensure that appropriate internal approval procedures are in place to meet this deadline. Given the statutory nature of the acceptance deadline, the Inspectorate cannot extend it, for example, to accommodate a local authority's committee schedule.

## Pre-Examination Stage

### 17. Roles and responsibilities

17.1 At the pre-examination stage, local authorities are encouraged to continue to engage with the developer. Agreement on any remaining issues should be sought and/or negotiations continued. There may also be the need to continue negotiation in respect of any compulsory acquisition affecting the local authority's land holdings or interests. Reaching agreement on as many issues as possible in advance of the examination is likely to lead to a more focused and expedient examination process for all participants.

### 18. Relevant representations

18.1 Local authorities are encouraged to complete a relevant representation form and submit it to the Planning Inspectorate.

18.2 In the event that no relevant representation is forthcoming from them neighbouring local authorities (as opposed to a host authority) will not automatically become interested parties unless they take action. Neighbouring local authorities may also secure interested party status by responding to an invitation from the ExA in its procedural decision following

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8. Planning Act 2008 (as amended) Section 55 (4)(b)





the Preliminary Meeting (the Rule 8 letter). However, it is advised that host and neighbouring local authorities take a more proactive approach and submit a relevant representation. This will allow their views to be considered by the ExA when it carries out its initial assessment of principal issues in advance of the preparation of the draft examination timetable, which is included in the ExA's invitation to the Preliminary Meeting (Rule 6 letter).

18.3 A relevant representation should include a summary of what the local authority agrees and/or disagrees with in the application, what they consider the main issues to be, and their impact. The content of relevant representations is used by the ExA to help inform their initial assessment of principal issues for examination.

18.4 There is a relevant representation form to use in order to register as an interested party. This will be available at the relevant project page of the National Infrastructure website during the registration period, which is set by the applicant. Following publication of a statutory notice, the applicant is required to allow at least 28 days, from the day after the notice is last published, for anyone wishing to submit a relevant representation to do so. After the registration period has closed the Planning Inspectorate will publish the relevant representations on the relevant project page of the National Infrastructure website.

18.5 Interested parties will have the opportunity to submit a written representation during the examination which can elaborate on the matters raised in a relevant representation. In view of the volume of documents usually associated with NSIP applications, it helps all involved in the examination process if the main areas of interest are clearly and legibly expressed in the relevant representation.

18.6 Further information on submitting a relevant representation can be found in Advice Note 8 - How to get involved in the planning process.

## 19. The Preliminary Meeting

19.1 The ExA will send out an invitation to the Preliminary Meeting to interested parties and statutory parties, including host and neighbouring authorities, which is called a 'Rule 6 Letter'<sup>9</sup>. This invitation to the Preliminary Meeting also includes;

- The draft examination timetable;
- The ExA's initial assessment of the principal issues;
- Appointment of the ExA letter; and
- Any procedural decisions the ExA chooses to make at this stage.

19.2 When looking at the draft examination timetable, consider the structure of the examination as a whole, not just the detail of when the deadlines and hearings occur. This will help local authorities to manage resources and ensure personnel are available throughout the examination. If the draft timetable presents difficulties, there is an opportunity to make these constraints known to the ExA before the timetable is finalised shortly after the Preliminary Meeting. For example, think about what needs to be done and is there a need to attend all the hearings? Are some deadlines more important /more resource intensive than others?

19.3 Remember that the statutory notice periods built into the examination timetable are calendar days, not working days. The ExA does not have the power to "stop the clock" during an examination in order to account for public or school holiday periods.

19.4 Consider when local / mayoral elections will take place and ensure that any potential constraints such as a purdah period are brought to the attention of the ExA at the Preliminary Meeting.

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9. Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010



19.5 The purpose of the Preliminary Meeting is to discuss the procedure and timetable to be followed during the examination stage, which will be a maximum of 6 months. The Preliminary Meeting is not the time or place to raise matters related to the merits of the application or for members to make politically motivated speeches.

19.6 The ExA will invite interested parties to submit their views in writing about any procedural matters in advance of the Preliminary Meeting. Attendance is not mandatory at the PM; however, host and neighbouring local authorities are advised to attend where possible so that they can respond to issues arising from the applicant and other interested parties. Often matters raised by other parties will have wider timetabling implications that could have an impact on a local authority's resources.

## Examination Stage

### 20. Roles and responsibilities

20.1 The examination stage can often be a resource-intensive period for local authorities, therefore, it is beneficial to anticipate this and the resources required early on in the process. For example, while most deadlines and events will be set out in the examination timetable, there may be occasions that will require participants to react to requests for information by the ExA and, if invited, to comment on documents and representations received by the ExA within a defined time period. In this context it may be advisable for a dedicated officer and/or team to be identified to be available to respond to any requests of this nature.

20.2 The examination is primarily a written process. Hearings are supplemental and therefore it is important that local authorities include any information they want to rely on in their written representations.

20.3 During the examination a local authority will typically undertake a variety of tasks such as: submitting a written representation a LIR and a SoCG. They will also have the opportunity to comment on others' written representations and to submit answers to the ExA's written questions.

20.4 A main aspect of a local authority's input at the examination is likely to be focused on ensuring that the draft DCO provisions/requirements and any s106 agreement (if one is required) are deliverable and consistent to ensure that the construction and operation of the development is sufficiently controlled and mitigated.

20.5 Other documents such as a Code of Construction Practice and /or Environmental Management Plans may also contain vital components in any mitigation package. Usually documents like these will be cross-referred to in the draft DCO requirements.

20.6 Given the responsibilities of local authorities post consent in enforcement and discharging requirements it is often beneficial for a local authority to be represented at issue specific hearings, especially at the issue specific hearing on the draft DCO. Further information can be found in Advice note 15: Drafting Development Consent Orders.


### 21. Local Impact Reports

21.1 A LIR is defined as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'.<sup>10</sup>

21.2 When preparing your LIR and for good practice examples of other documents you may find it helpful to consult the National Infrastructure website to look at good examples from previous projects.

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10. Planning Act 2008 Section 60(3)



21.3 Local authorities should cover any topics they consider relevant to the impact of the proposed development on their area. The LIR should be used by local authorities as the means by which their existing body of local knowledge and evidence on local issues can be reported to the ExA. The local authority can set out its local planning policy considerations as they relate to the proposal in the LIR.

21.4 The ExA and the SoS must have regard to any LIR submitted by a relevant local authority<sup>11</sup> and as such local authorities should not underestimate the potential importance of this document in the context of the wider examination.

21.5 LIRs should be proportionate and it is important to remember that they are separate from a local authority's written representations. The LIR's principal purpose is to make the ExA aware of the potential impacts of the project with the benefit of local knowledge. It is not necessary or useful for the LIR to attempt to replicate the scale and complexity of the Environmental Statement submitted by the applicant. If a local authority is opposed to an application, its case of opposition should be made out in its written representation. Advice Note 1 provides further advice about preparing a Local Impact Report.

## 22. Statements of Common Ground

22.1 ExAs find signed SoCG's extremely useful in the context of their inquisitorial examination. It allows them to clearly identify matters agreed, matters currently the subject of negotiation, and those matters which are not agreed. Understanding the status of the matters at hand will allow the ExA to focus their questioning, providing greater predictability for all participants in the examination.

22.2 It is often beneficial (and can reduce resourcing requirements) if you work proactively to prepare a SoCG in the pre-application and pre-examination stages. Having a clear understanding between a local authority and developer about the matters agreed / not agreed from the outset will assist in the preparation of other documents such as the LIR and written representations; potentially allowing these documents to take their lead from the SoCG and focus the detailed consideration of matters on issues which are the most controversial and remain outstanding.

22.3 Examination practice has evolved towards setting an early deadline for the submission of SoCGs, if these have not already formed part of the application documents. It is likely that the ExA will request a SoCG between the applicant and relevant local authorities. The Department of Communities and Local Government (DCLG) has issued guidance on the examination of applications for development consent, including guidance on the production of SoCGs.<sup>12</sup> The Inspectorate is also signposting good examples of application documents on the National Infrastructure website.<sup>13</sup>

22.4 The preparation of a SoCG can be iterative and, particularly for larger NSIPs, agreement may evolve over the course of the examination. As such, an ExA may find it useful for a local authority and developer to review and finalise a SoCG in advance of the close of the examination, which they can then rely on for the purposes of reporting to the SoS. With this in mind, an early SoCG, developed during the pre-application stage can and should be signed by both parties; however, any intention to review it before the close of the examination should be clearly identified in the preamble.

22.5 It is worth noting that just because a matter has been agreed in a SoCG does not necessarily mean that the issue will not be the subject of further questioning by the ExA, who may want to test the basis upon which agreement was reached on a particular issue. Other interested parties may also object to the position set out in the SoCG.

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11. Planning Act 2008 section 104(2)(b)

12. <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

13. <http://infrastructure.planningportal.gov.uk/application-process/example-documents/>





## 23. Written representations

23.1 Written representations and LIRs are distinct documents giving a local authority the opportunity to express information differently. The LIR is usually a technical document setting out an evidence based assessment of the impacts of a proposal on the communities affected. A written representation is the most appropriate document for a local authority to set out its view on the application i.e. whether or not it supports the application and its reasons. The deadline for the submission of a written representation is usually near the start of the examination, often at the same time as the deadlines for the LIR and SoCG.

23.2 Cross reference to application documents, the SoCG and the LIR is encouraged to assist in keeping submissions as concise as possible and to avoid repetition. Please note that once a representation is submitted it cannot be withdrawn. However, it is possible to provide further written and oral representations during the course of the examination, which can inform the ExA and interested parties if the local authority's view or policy position changes, for example, due to a change in political leadership.

## 24. Planning obligations

24.1 A deadline for receipt of a signed Planning Obligation is likely to be set in the examination timetable. The ExA can only take into account submissions and documents that have been submitted by the close of the examination period. For s106 agreements, this means a fully signed copy must be submitted to the Planning Inspectorate before the deadline for the close of examination.

24.2 Brinkmanship by any party is inappropriate and may backfire within the context of a timetabled examination. It is perfectly legitimate for applicants to submit a Unilateral Undertaking to the ExA if they cannot agree a s106 agreement with another party.

24.3 The process makes provision for other interested parties to have an opportunity to comment on any Planning Agreement or Unilateral Undertaking before the close of the examination.

## 25. Open floor hearings

25.1 Open floor hearings can be requested by interested parties and must be held if requested.

25.2 The ExA will control the proceedings and ask questions of interested parties, based upon their written submissions.

25.3 Typically, open floor hearings are more community focused, with an emphasis on individuals and community representatives putting their views directly to the ExA and being questioned about them. In this context there may be a limited role for the local authority as a technical / statutory consultee.

25.4 Local councillors may find these hearings are suited to their role as a community representative, but should be clear with the ExA in what capacity they are speaking (on behalf of the local authority / themselves / their constituents).

## 26. Issue specific hearings

26.1 These hearings are held only if the ExA considers they are necessary to ensure adequate examination of an issue or that an interested party has a fair chance to put forward their case.

26.2 Issue specific hearings are inquisitorial and the ExA will generally ask questions of the participants. Cross examination is an exception but can be requested by an interested party. In such cases the ExA will decide whether or not cross examination of a matter is needed and would benefit the examination of the application. If the ExA decides to allow cross examination it will endeavour to notify the relevant parties in advance so they can prepare for it.



26.3 Depending on the nature of the issue specific hearing and those present, typically the ExA will ask the applicant to respond to questions posed under the agenda items and then seek the views of the local authority(ies), other statutory bodies and then other interested parties before providing the developer with a final opportunity to respond to the views heard.

26.4 Issue specific hearings are likely to be topic based but can also be site-specific. The ExA will try to issue an agenda a week in advance of an issue specific hearing in order to provide interested parties with a guide as to who will need to attend.

## 27. Compulsory acquisition hearings

27.1 These take place at the request of anyone whose interest in land or rights over land are proposed to be compulsorily acquired.

27.2 A local authority's legal team are likely to play an important role in ensuring that the local authority's interests as a land owner, leaseholder and/or other land interests are properly considered.

27.3 Negotiations may be on-going between the applicant and the local authority's corporate services team. As such, local authorities are encouraged to make sure they understand the scale and nature of the land rights being sought by the applicant and how this may impact upon the authority's wider interests and views as they relate to the application. The local authority's legal team may be the bridge between the various Council functions in this regard.

27.4 It is likely to be beneficial to review the applicant's Book of Reference<sup>14</sup> to identify any relevant plots and any wider interactions with other issues that may arise.

27.5 As with issue specific hearings, the ExA will try to issue an agenda a week in advance of a compulsory acquisition hearing.

## 28. End of the examination

28.1 The end of the examination can be very busy and the ExA may seek further information from interested parties and / or comments on additional information submitted. Therefore, it is important for local authorities to focus on securing any agreements necessary as early as possible so that they are in a position to be able to meet any requests from the ExA before the close of the examination. This is relevant to all interested parties, not just local authorities.

## Post Examination

### 29. Roles and responsibilities

29.1 Once the examination has closed it is no longer possible to make submissions to the ExA. Any submissions made at this stage will be forwarded directly to the relevant SoS at the same time as the ExA's recommendation. They will not be seen by or inform the ExA's recommendation.

29.2 The ExA's recommendation will be published on the relevant National Infrastructure project page at the same time as the SoS's decision, no more than 6 months from the close of the examination.

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14. Regulation 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) 2009 (as amended)





## Post Decision

### 30. Roles and responsibilities

30.1 A local authority's role does not usually end once a decision is made by the SoS to grant development consent. As with any planning permission a local authority will have responsibilities to discharge requirements (as discussed earlier) and also to enforce the terms of a DCO. Sections 160 to 173 of the PA2008 set out local authorities' powers to enforce a breach of the terms of an order granting development consent.

30.2 An application process exists for applicants to make non material and material changes to a DCO. This is set down in secondary legislation in the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011<sup>15</sup>. In order to maintain the integrity of the DCO the SoS retains decision-making powers in respect of non-material and material change applications. Local authorities are prescribed consultees for the purposes of the regulations and as such they may be notified of the application and invited to submit a representation. The extent of notification, as it relates to local authorities and other prescribed consultees, will depend on the scale and nature of the change proposed. The SoS has a power to take a proportionate approach to consultation and notification for the purposes of handling applications under these regulations.

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15. <http://www.legislation.gov.uk/uksi/2011/2055/contents/made> NB - The legislation relating to making changes to a DCO after consent is granted is expected to be amended during 2015

## Further information

The Planning Inspectorate, National Infrastructure Directorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Email: [enquiries@infrastructure.gsi.gov.uk](mailto:enquiries@infrastructure.gsi.gov.uk)

Telephone: 0303 444 5000

Web: [www.planningportal.gov.uk/infrastructure](http://www.planningportal.gov.uk/infrastructure)



## Planning Performance – September 2025

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

### Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Determinations</b>	<b>99</b>	<b>1</b>	<b>18</b>	<b>27</b>	<b>16</b>	<b>18</b>	<b>19</b>	<b>7</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>89%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>78%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)	<b>n/a</b>
<b>Approved</b>	<b>81</b>	<b>1</b>	<b>12</b>	<b>20</b>	<b>12</b>	<b>17</b>	<b>19</b>	<b>n/a</b>
<b>Refused</b>	<b>18</b>	<b>0</b>	<b>6</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>n/a</b>

### Validations – 95% validated within 5 working days (ECDC target is 85%)

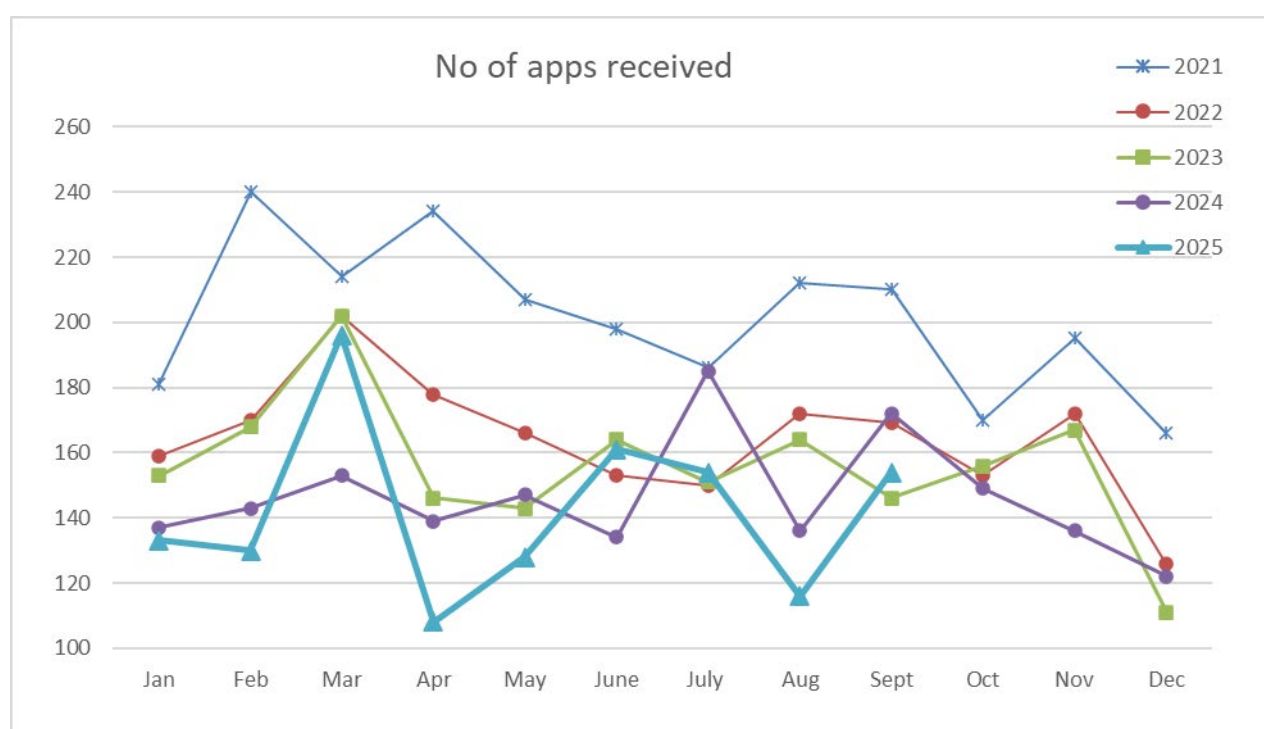
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Validations</b>	<b>139</b>	<b>2</b>	<b>19</b>	<b>30</b>	<b>17</b>	<b>21</b>	<b>36</b>	<b>14</b>

### Open Cases by Team (as at 24/10/2025)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Team North (5 FTE)</b>	<b>127</b>	<b>9</b>	<b>33</b>	<b>11</b>	<b>19</b>	<b>45</b>	<b>0</b>	<b>10</b>
<b>Team South (6 FTE)</b>	<b>128</b>	<b>7</b>	<b>21</b>	<b>35</b>	<b>19</b>	<b>32</b>	<b>0</b>	<b>14</b>
<b>No Team (3 FTE)</b>	<b>61</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>56</b>	<b>0</b>

(No Team includes – Trees Officer and Conservation Officer)

The Planning department received a total of 154 applications during September which is a 10% decrease of the number received during September 2024 (172) and a 33% increase to the number received during August 2025 (116).



## Valid Planning Appeals received – 5

Appeal reference	Site Address	Decision Level
25/00006/REFAPP	Land Between 43 And 79 The Causeway Isleham	DEL
25/00024/REFAPP	Land North West Of Harlocks Farm Soham Road Stuntney	COMM
25/00025/REFAPP	121 North Street Burwell	DEL
25/00027/LBCAPP	121 North Street Burwell	DEL
25/00028/REFAPP	Nerries Farm Norwich Road Kennett	DEL

## Appeals decided – 0

## Upcoming Hearing dates – 1

Appeal reference	Site Address	Hearing date
25/00024/REFAPP	Land North West Of Harlocks Farm Soham Road Stuntney	27/11/2025

## Enforcement

New Complaints registered – 23 (4 Proactive)

Cases closed – 52 (2 Proactive)

Open cases per Officer (2.6fte) – 131 (16 Proactive)/2.6fte = 50 FTE

## Notices served – 5

## Comparison of Enforcement complaints received during September

Code	Description	2024	2025
<b>ADVERT</b>	Reports of unauthorised adverts	1	3
<b>COND</b>	Reports of breaches of planning conditions	3	2
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area		
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area		
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act		
<b>LEGOB</b>	Legal Obligation monitoring		
<b>LEGOR</b>	Legal Obligation report		
<b>LISTED</b>	Reports of unauthorised works to a Listed Building		
<b>MON</b>	Compliance Monitoring		
<b>OP</b>	Reports of operational development, such as building or engineering works	10	6
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home		1
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans		3
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	1	4
<b>TRECON</b>	No notice of tree works in a Conservation area		
<b>TREHDG</b>	Hedgerow Regulations breach		
<b>TRETPO</b>	Unauthorised works to TPO tree	0	2
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity		
<b>USE</b>	Reports of the change of use of land or buildings	7	2
<b>TOTAL</b>		<b>22</b>	<b>23</b>

Code descriptions:

<b>DIS</b>	Discharge of Condition	<b>DISMISS</b>	Appeal Dismissed
<b>NMA</b>	Non material Amendment	<b>ALLOW</b>	Appeal Allowed
<b>COMM</b>	Committee Decision	<b>NONDET</b>	Appeal for non determination
<b>DEL</b>	Delegated Decision		