

My ref: 2022\Cambridge - Milton Ave, Cambridge North Stn
Your ref: [22/02771/OUT](#)
Date: 28 July 2022

Contact: Matthew Breeze
E Mail: PlanningDC@cambridgeshire.gov.uk



Steve Cox,
Executive Director
Place and Economy
Planning Growth & Environment

Box No ACL2613
New Shire Hall
Emery Crescent, Enterprise Campus
Alconbury Weald
PE28 4YE

Fiona Bradley
Interim Management Support/Team Leader
Greater Cambridge Partnership
by e-mail only

Dear Ms Bradley,

**22/02771/OUT – A HYBRID PLANNING APPLICATION [...] AT LAND NORTH OF
CAMBRIDGE NORTH STATION MILTON AVENUE CAMBRIDGE CAMBRIDGESHIRE**

Thank you for consulting Cambridgeshire County Council, in its role as the Minerals and Waste Planning Authority (MWPA), on the above application. Having reviewed the available documentation, the MWPA wishes to make the following comments:

General Observations

It is noted that:

This application is a hybrid application, which is part outline and part full as detailed in Parameter Plan 02 – Building Type + Application Type (27/05/2022), (a copy can be found at the end of this letter). The building uses and form of application to which they are subject, as set out in the Parameter Plans, is as follows:

Building Number	Proposed Use	Application Type
S4, S6, S7	Use Classes E&F (Commercial etc. & Local Community)	Full
S5	Mobility Hub	Full
S8, S9	Use Classes E&F (Commercial etc. & Local Community)	Outline
S11 - S21	Residential, Commercial, Business & Service, Local Community & Learning (Use Class C3, E and F)	Outline

A Network Rail Compound is shown as being located north-east of building S7.

The Planning Statement considers Policy 26: Aggregates and waste sites of the draft Cambridge North East Area Action Plan, on page 10 of Appendix 2. It states that the development proposal will not prejudice the existing use of the Aggregates railhead. No other information is provided to support this statement, nor is there any consideration of policies contained within the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

The Design and Access Statement identifies the Aggregates Works in the Context Section (page 47) but does not include the siding or the access, both of which are safeguarded in connection with the Aggregate Works.

A Noise and Vibration Assessment has been undertaken and is included as Appendix 14.1 Noise and Vibration to the Environmental Statement. Within the report the railway siding that supply the Aggregates Plant is identified as a potential source of noise (page 1) that may affect the proposed development. The report states that, during monitoring, noise was not prevalent during the survey (Page 19).

Section 6, (Pages 61-92,) of the Environmental Statement address the topic of air quality. The topic of dust is considered, but only insofar as onsite generation and its potential effect on nearby sensitive receptions. There does not appear to be consideration of the potential for offsite dust generation affecting the proposed development.

An Odour Assessment has been undertaken which concludes:

Proposed plans have suitably located areas for development outside relevant odour exposure contours. The assessment using the methodology set out in the CCC technical note found no predicted significant odour impacts at the Proposed Development from the CWRC. Therefore, no odour mitigation is considered to be required and is not proposed.

The Sustainability Strategy (Page 12) sets out that a refuse strategy has been developed and that strategy confirms that all relevant guidance has been adhered to. However, it does refer to Policies CS16 and CS28 from the now superseded Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). Please note, Policy CS28 has been replaced by similar Policy, (Policy 14) within the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021), but there is no direct replacement for CS16. The Applicant may wish to update the Sustainability Statement.

Proximity to Safeguarded Aggregates Depot

The proposed development site lies within the Consultation Area (CA) for the Cambridge Northern Fringe Aggregates Railheads (Transport Infrastructure Area) (TIA) as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). Policy 16 seeks to protect Transport Infrastructure Areas. This reflects and is supported by paragraph 187 of the National Planning Policy Framework that embeds the 'Agent of Change' within the NPPF. This seeks to ensure that new development integrate effectively with existing

businesses and community facilities, and where existing businesses and community facilities would have a significant adverse effect on the new development the onus is on the applicant to provide suitable mitigation before the development is complete.

Under Policy 16 Development within a CA will only be permitted where it is demonstrated that the development will: (c) not prejudice the existing or future use of the area [...] for which the CA has been designated; and (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.

Additionally, in this instance, by Policy 15: Transport Infrastructure Areas is also relevant. This Policy states that development which would result in the loss of or reduced capacity of such infrastructure will not be permitted unless it can be demonstrated that either: (a) the loss or reduced capacity will have no impact on the ability of minerals or waste to be transported by sustainable means, both now and for accommodating future planned growth; or (b) alternative, suitable and sufficient capacity is to be developed elsewhere (and in which case the authorities are likely to require it to be implemented before the loss or reduced capacity has occurred).

Whilst redevelopment of the railhead is not proposed, if the proposed development were to result in it not being able to operate, this would have the same effect. Consequently, Policy 15 is relevant.

The emerging North East Cambridge Area Action Plan also contains Policy 26 which, supports the continued operation of the aggregates railheads until such time as suitable off-site alternative replacement railheads can be identified. At this time, there are no proposals to relocate the aggregates railhead.

The closest proposed building to the railways siding that supplies the Safeguarded Aggregates Depot is building S7 (Commercial and Local Community uses), which is approximately 30 metres southwest of the railway siding. Buildings S17-S21 and S9 (both residential) are approximately 30 and 20 metres respectively, from the safeguarded area, which at that point, safeguards the road access to the Depot.

The MWPA is concerned that, beyond a single statement stating that the proposed development will not prejudice the aggregates depot, there appears to be no consideration of the potential interaction between the Safeguarded Aggregates Depot and Railhead, and the proposed development. Consequently, at this time, the MWPA is not satisfied that the proposed development will not prejudice the existing uses and may result in unacceptable amenity issues and adverse impacts to human health for the occupiers of the new development.

For Building S7, which is proposed to contain Class E and Class F uses, consideration is required of the potential uses that are permitted within those use classes, the suitability of any, some, or all uses within those use classes may be affected by proximity to the railhead. Likewise, the adjacent amenity area and nearby Building S9. Consideration in terms of dust, noise, light generated by the railhead may be relevant,

alongside any existing planning restrictions, including current permitted hours of operation.

The MWPA requests the Applicant prepare a statement and, if required, assessments prepared by suitably qualified experts to demonstrate the compatibility between the existing safeguarded and proposed uses, and, set out necessary mitigation as appropriate. A list of the requested content of this statement is detailed in the summary to this letter.

The lack of noise from the sidings detailed in the Noise and Vibration Assessment is, as set out above, noted. However, it is requested that Applicant clarify what operations were conducted at the sidings during the time of monitoring.

The MWPA further notes that the road access for both the development site and the Aggregates Depot is via Cowley Road, which according to the OS Maps does not appear to provide good pedestrian or cycle access to the site. Along Cowley Road the footpath appears to cease prior to the Tarmac Asphalt Plant. It is noted that there is a separate cycle / foot path that runs parallel to the south of Cowley Road, separated by trees and bushes. However, there does not appear to be a way to access it when the footpath ceases on Cowley Road. It is in this context that it is requested that the Local Planning Authority ensure that the Highways Authority is satisfied there will be safe access site for all road users using Cowley Road.

Proximity to Safeguarded Waste Management Area

The proposed development site lies within the consultation area (CA) for the Cowley Road Waste Management Area (WMA), also known as the Cambridge Waste Transfer Station, as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). Policy 16 seeks to safeguard Waste Management Areas. The closest proposed building (S17-S21) is approximately 125 metres southeast of the WMA.

As set out in Policy 26 of the emerging North East Cambridge Area Action Plan, it is proposed that the waste management site will be relocated. However, at this time, an alternative site has not yet been identified, and until that occurs it should be assumed that the facility may be operating from this location for the foreseeable future.

Under Policy 16, Development within a CA will only be permitted where it is demonstrated that the development will: (c) not prejudice the existing or future use of the area [...] for which the CA has been designated; and (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated.

The MWPA notes the distance between the proposed development and this Waste Management Area, and consequently any potential issues likely to arise from the proposed developments proximity are likely to be more limited. However, in considering the interaction with the Safeguarded Aggregates Depot above, it is

requested that consideration of potential interaction between this facility and the proposed development is also included. It is important the applicant can demonstrate a clear understanding of the waste operation, and how it may affect the proposed development.

The MWPA would also repeat the above comment above regarding highway access and safety.

Proximity to Safeguarded Cambridge Water Recycling Area

The proposed development site lies within the consultation area (CA) for the Cambridge Water Recycling Area (WRA) as identified under Policy 16 (Consultation Areas) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). Policy 16 seeks to safeguard water recycling areas (also known as sewage treatment works).

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would: (e) be buildings regularly occupied by people; or (f) be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).

The MWPA is satisfied, that subject to no objections being raised by Anglian Water or the Environmental Health Officer, that the Odour Assessment adequately demonstrates that the proposed development will not be significantly adversely affected by its proximity to the WRA.

Mineral Safeguarding Area – Sand and Gravel

The site lies within a Sand and Gravel Mineral Safeguarding Area which is safeguarded under Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). This policy seeks to prevent mineral resources of local and/or national importance being needlessly sterilised. Policy 5 sets out a number of exemptions (criteria (a) – (h)), for when Policy 5 is not applicable. One of these exemptions is “(b) development which is consistent with an allocation in the Development Plan for the area;”.

The site in question lies within the Cambridge Northern Fringe East Allocation. The MWPA is, therefore, content that the development falls under exception (b) of Policy 5 and consequently the Policy has been satisfied. However, in the interests of sustainability the MWPA requests that the following informative is included on any permission:

“The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. The applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development.”

Summary

The MWPA wishes to **object** to this proposal owing to a lack of information demonstrating the compatibility of the development with the safeguarded aggregates railhead (TIA), and the Cowley Road Waste Management Area (WMA).

To determine whether the MWPA's objection can be overcome, the MWPA requests the Applicant prepare a statement, and, if required assessments prepared by suitably qualified experts, that includes the following:

1. A description of the operations conducted at each of the safeguarded sites, highlighting locations of specific operations, where appropriate. The Applicant may also wish to review and detail whether there are any conditions restricting these operations.
2. A description and/or plan showing the different uses within the proposed development, the distances between those proposed uses and the safeguarded sites. This should also detail if there are any barriers between the proposed uses and the safeguarded sites.
3. Details of the potential interactions or conflicts that may occur between the safeguarded sites and the different uses within the proposed development. This should consider potential effects in both directions, i.e., how a safeguarded site may affect a proposed use, and how a proposed use may affect a safeguarded site. Issues that arise regarding safeguarded facilities often relate to dust, noise, light, odour, traffic, and general amenity. Where instances of Use Class E are proposed, the assessment should consider the most sensitive relevant use that falls within that Use Class.
4. Where there are potential interactions or conflict, an assessment of the likely impact on the relevant receptor; whether this impact is considered acceptable without mitigation, or where mitigation is possible, with mitigation; and any mitigation being proposed to overcome the issues identified.

The above statement will need to directly address the requirements of both Policy 16 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and the 'agent of change' as set out in paragraph 187 of the NPPF.

Should the above objection be overcome, and the Local Planning Authority is minded to grant planning permission, it is requested that the following informative is included:

"The site lies within a Sand and Gravel Mineral Safeguarding Area, which indicates that there may be an underlying sand and gravel resource. The applicant is encouraged to make best use of any sand and gravel that may be incidentally extracted as part of the development."

For completeness, copies of the relevant policies can be found below, along with maps depicting the relevant safeguarding areas. If you have any questions regarding this response, please contact me on the details above.

Yours sincerely

Matthew Breeze
Principal Planning Officer

Policy 5: Mineral Safeguarding Areas (MSAs)

Mineral Safeguarding Areas (MSAs) are identified on the Policies Map for mineral resources of local and/or national importance. The Mineral Planning Authority must be consulted on all development proposals in these areas except:

- (a) development that falls within a settlement boundary*;
- (b) development which is consistent with an allocation in the Development Plan for the area;
- (c) minor householder development within the immediate curtilage of an existing residential building;
- (d) demolition or replacement of residential buildings;
- (e) temporary structures;
- (f) advertisements;
- (g) listed building consent; and
- (h) works to trees or removal of hedgerows.

Development within MSAs which is not covered by the above exceptions will only be permitted where it has been demonstrated that:

- (i) the mineral can be extracted where practicable prior to development taking place; or
- (j) the mineral concerned is demonstrated to not be of current or future value; or
- (k) the development will not prejudice future extraction of the mineral; or
- (l) there is an overriding need for the development (where prior extraction is not feasible) **.

*a 'settlement boundary' is that which is defined on the relevant Policies Map for the area (e.g. a village envelope or urban area boundary). If no such boundary is identified on the Policies Map, it will constitute the edge of the built form of the settlement or, should an edge be defined in words (rather than map form) in a Local or Neighbourhood Plan, then that definition will be used for that local area.

** within (l), 'overriding need' will need to be judged in the planning balance when any planning application is assessed, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy. That judgement should also consider the cost of, and scope for, developing outside the MSA, or meeting the need for it in some other way. By 'not feasible' in (l), this could include viability reasons.

Policy 14: Waste Management Needs Arisings from Residential and Commercial Development

Relevant residential and commercial planning applications in Cambridgeshire must be accompanied by a completed Waste Management Guide Toolkit, which forms part of the latest RECAP Waste Management Design Guide Supplementary Planning Document (or similar superseding document).

Where appropriate, and as determined through an assessment of the Toolkit submission, such new development may be required to contribute to the provision of bring sites and/or

the Household Recycling Centre service (subject to any legislative requirements in relation to seeking developer contributions)

Policy 15: Transport Infrastructure Areas (TIAs)

Transport Infrastructure Areas (TIAs) are identified on the Policies Map. Development which would result in the loss of or reduced capacity of such infrastructure will not be permitted unless it can be demonstrated that either:

- (a) the loss or reduced capacity will have no impact on the ability of minerals or waste to be transported by sustainable means, both now and for accommodating future planned growth; or
- (b) alternative, suitable and sufficient capacity is to be developed elsewhere (and in which case the authorities are likely to require it to be implemented before the loss or reduced capacity has occurred).

New relevant transport infrastructure capacity (such as wharves, railheads, conveyor, pipeline and other forms of sustainable transport), whether on TIAs or elsewhere, including the improvement or extension to existing sites, will be supported in principle, particularly where it is required to meet wider growth proposals identified in a Development Plan.

Policy 16: Consultation Areas (CAS)

Consultation Areas (CAs) are identified on the Policies Map, as a buffer around Mineral Allocation Areas (MAAs), Mineral Development Areas (MDAs), Waste Management Areas (WMAs), Transport Infrastructure Areas (TIAs) and Water Recycling Areas (WRAs). The Mineral and Waste Planning Authority must be consulted on all planning applications within CAs except:

- (a) householder applications (minor development works relating to existing property); and
- (b) advertisements.

Development within a CA will only be permitted where it is demonstrated that the development will:

- (c) not prejudice the existing or future use of the area (i.e. the MAA, MDA, WMA, TIA or WRA) for which the CA has been designated; and
- (d) not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of such new development, due to the ongoing or future use of the area for which the CA has been designated*.

Within a CA which surrounds a WRA, and unless convincing evidence to the contrary is provided via an odour assessment report, there is a presumption against allowing development which would:

- (e) be buildings regularly occupied by people; or
- (f) be land which is set aside for regular community use (such as open space facilities designed to attract recreational users, but excluding, for example, habitat creation which is not designed to attract recreational users).

In instances where new mineral development, waste management, transport infrastructure or water recycling facilities of significance have been approved (i.e. of such a scale that had they existed at the time of writing this Plan it could reasonably be assumed that they would have been identified as a MDA, WMA, TIA or WRA), the policy principle of a CA around such a facility is deemed to automatically apply, despite such a CA for it not being identified on the Policies Map.

When considering proposals for non-mineral and non-waste management development within a CA, then the agent of change principle will be applied to ensure that the operation of the protected infrastructure (i.e. MAA, MDA, WMA, TIA or WRA) is not in any way prejudiced. Any costs for mitigating impacts on or from the existing minerals and/or waste related uses will be required to be met by the developer. It is for the developer to demonstrate that any mitigation proposed as part of the new development is practicable, and the continued use of existing sites will not be prejudiced.

*Where development is proposed within a CA which is associated with a WRA, the application must be accompanied by a satisfactory odour assessment report. The assessment must consider existing odour emissions of the WRC at different times of the year and in a range of different weather conditions.

Proposed Submission North East Cambridge Area Action Plan Regulation 19 (November 2021):

Policy 26: Aggregates and waste sites

Unless and until a suitable off-site alternative for replacement railheads can be identified, the continued operation of the Aggregates Railheads at North East Cambridge are supported due to their essential infrastructure role serving Greater Cambridge and consistent with the safeguarding policy in the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036.

The Waste Transfer Station will need to be relocated as a pre-requisite to future sensitive development coming forward on surrounding plots and to enable the delivery of the district centre, but must be re-provided consistent with the safeguarding policy contained in the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 and in collaboration with the Mineral and Waste Planning Authority. Relocation is preferably off-site or alternatively, and preferably as an interim site, adjacent to the Aggregates Railheads within the Cowley Road Industrial Estate. This will be secured through planning contributions from new development within 250 metres of the boundary of the existing Waste Transfer Station site.

In accordance with Policy 12b: Industry, Storage and Distribution, industrial, storage and distribution uses are to be intensified around the existing Aggregates Railheads and the relocated Waste Transfer Station (if retained on site) to act as a buffer to more sensitive uses, as shown in the land use plan (Figure 11). All development proposals, including the residential within the Consultation Area of either facility must apply the Agent of Change principle, and will need to demonstrate that the proposal will

- not prejudice the existing use of the facility;
- not result in unacceptable amenity issues or adverse impacts to human health for the occupiers or users of the proposed development due to the ongoing operation of the facility;
- ensure that any mitigation measures proposed either as part of the new development or in relation to the existing operation or its site are practical; and
- ensure that all costs can be met by the developer of the development proposal.

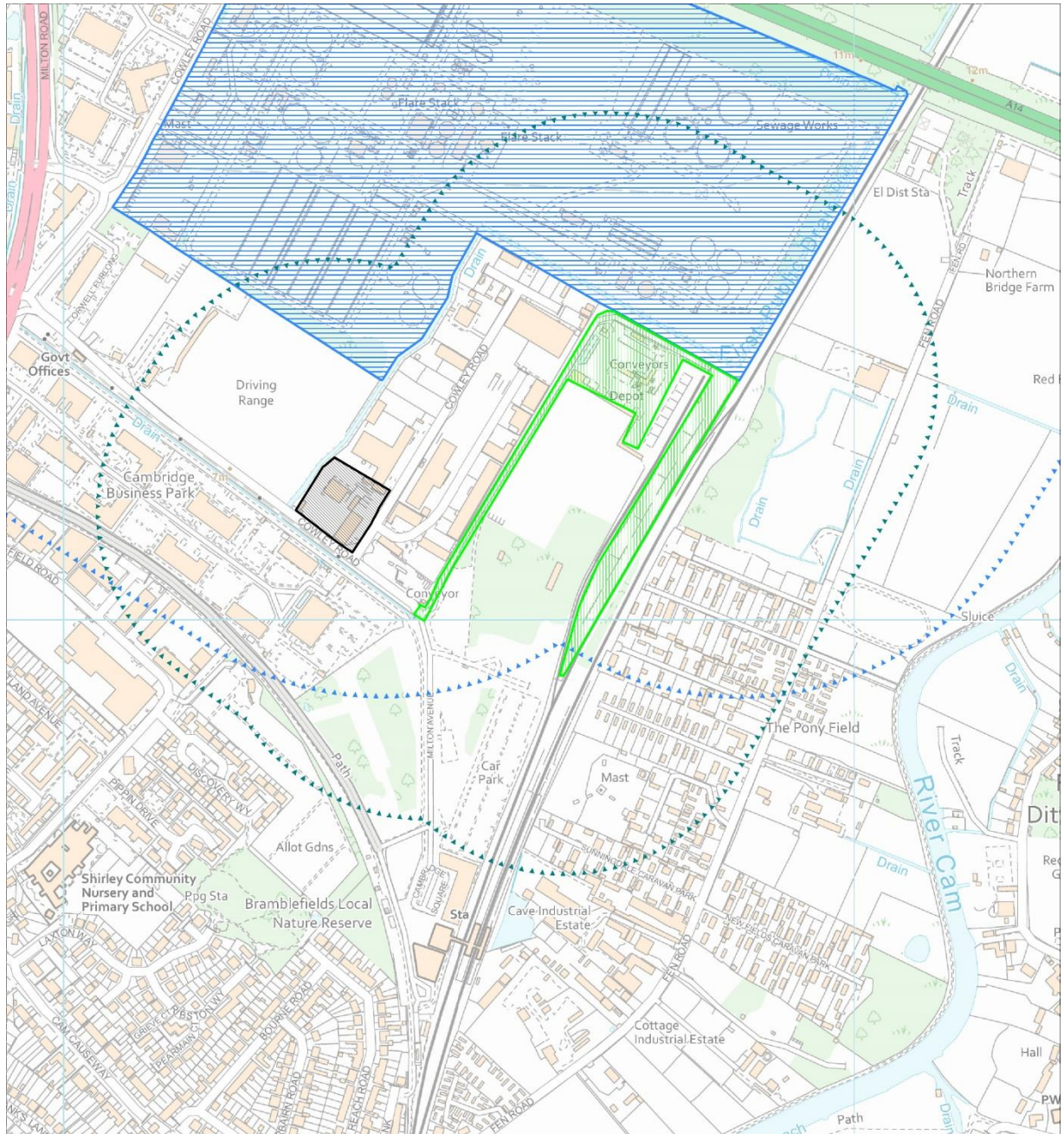
Residential and commercial development of the Aggregates Railheads site will only be acceptable if the current operation, and the relocated Waste Transfer Station are relocated off-site, subject to meeting the requirements of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (or future equivalent) or removing the safeguarding policy related to this site.

National Planning Policy Framework (2021)

187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Map of Safeguarded Sites (Hashed areas) & Consultation Area (Inward pointed arrows).

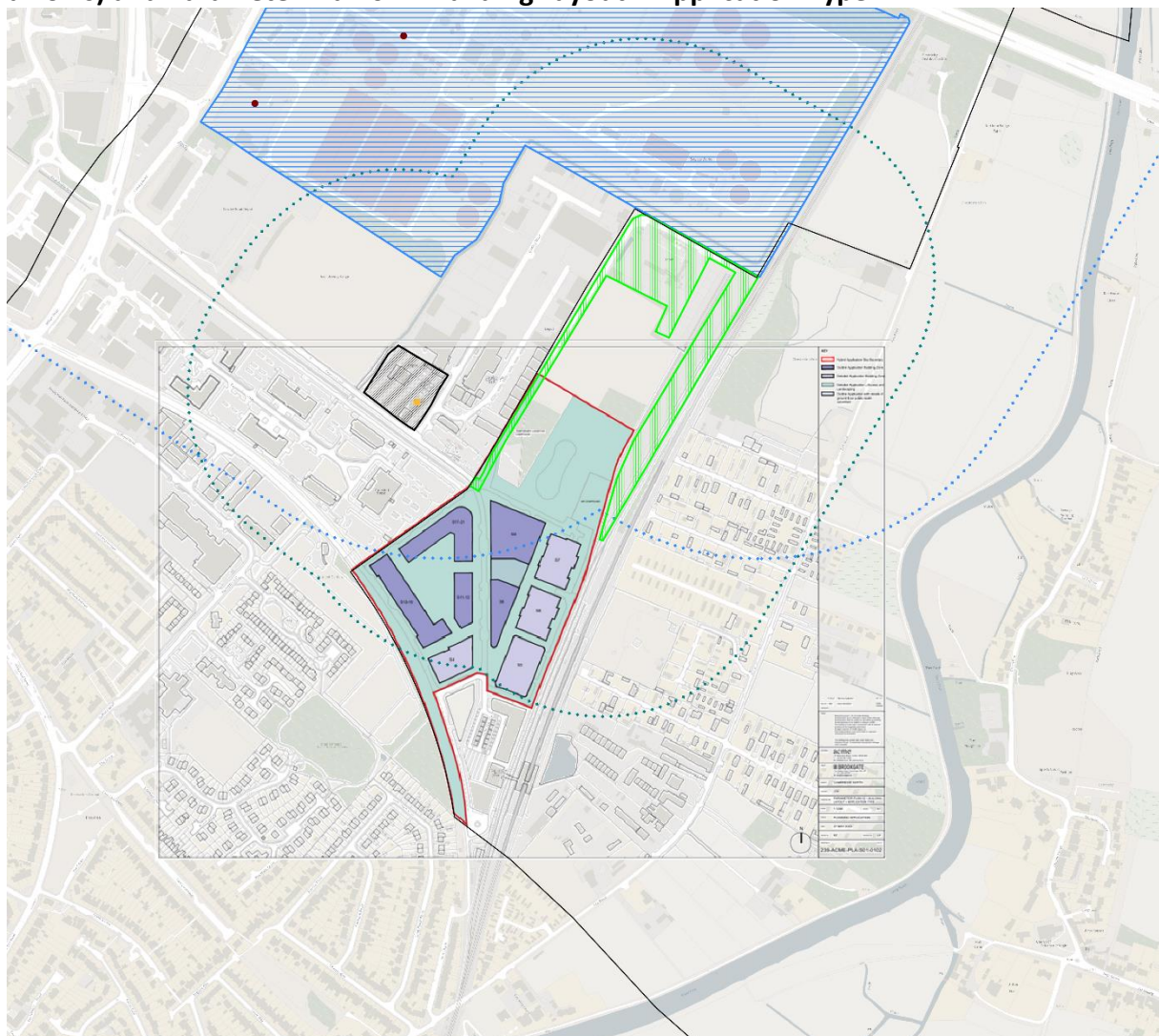
Green Hash – Cambridge Northern Fringe Aggregates Railheads (Transport Infrastructure Area) (TIA); Black Hash – Cowley Road Waste Management Area; Blue Hash – Cambridge Water Recycling Centre; Mineral Safeguarding Area is not depicted. Map is on Ordnance Survey Base © Crown copyright and database rights 2022 OS 100023205.



Copy of Parameter Plan 02 – Building Layout + Application Type



Composite Map of Safeguarded Sites (Hashed areas), Consultation Area (Inward pointed arrows) and Parameter Plan 02 – Building Layout + Application Type



Green Hash – Cambridge Northern Fringe Aggregates Railheads (Transport Infrastructure Area) (TIA); Black Hash – Cowley Road Waste Management Area; Blue Hash – Cambridge Water Recycling Centre; Mineral Safeguarding Area is not depicted. Map is on Ordnance Survey Base © Crown copyright and database rights 2022 OS 100023205.