

CAXTON PARISH COUNCIL

I hereby give notice that, as previously arranged, the Meeting of the Parish Council will be held on Thursday 12 March 2020 at 7.45 pm in the Village Hall

The Public and Press are cordially invited to be present.

All members of the Council are hereby summoned to attend for the purpose of considering and resolving upon the business to be transacted at the meeting as set out hereunder



Mr Ben Stoehr, Acting Clerk
05/03/20

AGENDA

- 1. Apologies for absence and declarations of interest**
 - 1.1 To receive written apologies for absence and reasons
 - 1.2 To receive declarations of interests from councillors on items on the agenda
 - 1.3 To receive written requests for dispensations including requests and to grant any requests for dispensation as appropriate
- Comments & observations from members of the public and reports from District & County Cllrs**
- 2. To approve the minutes of the previous meeting**
- 3. To consider matters arising from the minutes**
- 4. Local matters and members items for info only unless stated**
 - 4.1 Reports on local matters for information only ^(KH)
 - 4.2 Proposal that the Parish Council considers correspondence from CCC regarding trees at junction of Gransden Road and Tates Field
- 5. Planning and tree works**
 - 5.1 Applications received since the last meeting*
 - 5.2 SCDC notifications - to note any received
 - 5.3 Tree works applications – to consider any received
 - 5.3.1 20/1013/TTCA – Caxton Baptist Church, Ermine Street
- 6. Finance, procedure & risk assessment**
 - 6.1 To receive the financial report and approve the payment of bills
 - 6.2 To consider any quotes for urgent works required because of risk and Clerk's use of delegated powers
 - 6.3 To consider play equipment checks reports
 - 6.4 To consider grass cutting contract price increase
 - 6.5 RoSPA Playsafety – to consider quotation for annual play area inspection
 - 6.6 Business Continuity Plan
- 7. To consider any correspondence received**
 - 7.1 Fisher German LLP – East West Rail Preferred Route
 - 7.2 CCC Consultation on review of County Planning, Minerals & Waste Enforcement Plan
 - 7.3 Village Fete – request to use the Playing Field and Car Park
- 8. Closure of meeting**

Clerk report to Caxton Parish Council 12 March 2020

Where I have background information to support an agenda item this is below.

1. Apologies for absence – will be reported to the meeting.
2. To approve the minutes of the previous meeting on 9 January 2019 – attached
3. Matters Arising
4. Local Matters and Members' items
- 4.1 Reports on local matters for information only – The Chairman to report.
- 4.2 Proposal that the Parish Council considers correspondence from CCC regarding trees at junction of Gransden Road and Tates Field
Correspondence attached.
5. Planning and Tree works
- 5.1 Planning applications*
NB Some planning applications may not be specifically listed on this agenda but may still be considered by the Parish Council due to the time constraints of making a recommendation to the District Council. For more information see the current planning application consultations on <http://plan.scams.gov.uk/swiftlg/apas/run/wphappcriteria.display>
- 5.1 Applications received since the last meeting*
None at the time of writing.
- 5.2 SCDC Decision notices
Information on any conditions or reasons for refusal can be viewed on the SCDC Planning Portal.
- 5.2.1 S/0221/20/DC – The Orchard, 2 Ermine Street – Discharge of condition 5 (Materials) – condition discharged in full.
- 5.2.2 S/4061/19/FL – 3 Ermine Street – Change the exterior render paint colour from mustard to white and construct a conservatory to the rear elevation – Permission granted.
- 5.2.3 S/3539/19/DC – Firs Farm, St Peter's Street – Discharge of conditions 5 (Archaeological investigation), 6 (Ecology hand destructive searches), 7 (Landscaping), 8 (Ground investigations), 9 (Ecological enhancement), 10 (Surface water drainage), 11 (Foul water drainage), pursuant to planning permission S/2294/16/OL – Permission granted.
- 5.2.4 S/4216/19/DC – South of A45, Caxton/Bourn – Confirmation of discharge of conditions of planning permission S/1371/92/O – Permission granted.
- 5.2.5 S/1430/19/RM – Land to the west of Cambourne – Reserved matters for strategic engineering (Highways & Drainage) for Phase 1 for appearance, layout and scale following outline planning permission S/2903/14/OL. The outline application was EIA development and an Environmental Statement was submitted – Permission granted.
- 5.3 Tree works applications
- 5.3.1 20/1013/TTCA – Caxton Baptist Church, Ermine Street
6. Finance, procedure and risk assessment
- 6.1 To receive the financial report and approve the payment of bills – attached
- 6.2 To consider any quotes for urgent works required because of risk and Clerk's use of delegated powers
None at the time of writing.

6.3 To consider play equipment check reports

6.4 To consider grass cutting contract price increase

The contractors have written:

“I hope that you have been pleased with our service provision for the 2019 season. The price increase for the 2020 season will be 1%, to cover our ever increasing outgoing wages insurance etc.

I hope you find this to your satisfaction and we look forward to working on your behalf this coming year.”

6.5 RoSPA Playsafety – to consider quotation for annual play area inspection

“We are pleased to let you know that the inspection of your play area(s) listed below is scheduled to take place during April.

During busy periods the inspection may be undertaken in the following month.

Gransden Rd Play Area

If you wish to add additional services to your order, or change it in any way, please let us have revised details as soon as possible by email or post. Please provide us with an up to date invoice email and address and include full address details for new areas.

Do we need an order number from you? If so, please remember to send this to us.

Are you carrying out your own weekly checks of your play area(s)? You may be interested to hear that we offer a routine checklist specifically tailored to your site(s). The cost for this is £30 plus VAT per area. This will provide you with a template to help you when inspecting your equipment. Don't hesitate to let us know if you wish to add this on to your order this year.

Where an exact date is given above this may be subject to change depending upon Inspector availability. Orders are subject to our standard terms and conditions are available here <http://www.rospa.com/rospaweb/docs/advice-services/play-safety/terms-and-conditions.pdf>.

Please note, the Inspectors plan their own diaries, so we are not able to provide dates from the office.

Prices

Commercial Play Areas - £95.00 + VAT per play area
Non Commercial Play Areas - £68.50 + VAT per play area
Any additional items over five per play area - £3.50 + VAT per additional item

If you wish to meet or accompany our Inspector during the inspection then there is an additional fee of £42.00 + VAT for an appointment. This fee is not applicable to schools, staffed playgrounds and those sites with restricted access.

To save you forgetting to book your inspection(s), you can opt to be set up on our system as an ‘Automatic’ client which means we will automatically inspect each year, unless instructed otherwise. Future inspections will be notified in advance so you know that we’re coming, and we will send the report and invoice after the inspection has been

done. If you wish to take advantage of this very popular service, please let us know by email.”

6.6 Business Continuity Plan

In light of the recent government announcements about the coronavirus outbreak, the Parish Council is asked to consider how it will conduct its business in the event that it is unable to meet, e.g. due to member illness, quarantine or government order.

- Parish Council meetings must be held in public.
- Parish Councillors must be in attendance at meetings to take part. There can be no phone/video calling.
- The Parish Council can delegate most of its functions to an officer. Notable exceptions are, approving the budget/precept, suspending/amending standing orders/financial regulations, approval of borrowing and approval of the annual accounts/annual return.
- The Parish Council has a delegation policy for planning applications which could be extended to cover this.

7. Correspondence

7.1 Fisher German LLP – East West Rail Preferred Route
Attached.

7.2 CCC Consultation on review of County Planning, Minerals & Waste Enforcement Plan
“I am writing to invite your views on the Local Enforcement Plan for Minerals and Waste Development in Cambridgeshire which has recently been updated. The plan sets out the Council’s approach to achieving planning compliance at mineral extraction and processing, and waste management sites and we are seeking your views on the new draft version.

The consultation on the attached plan will start on 26 February 2020 and run until 8 April 2020. Please send any comments on the plan to: planningdc@cambridgeshire.gov.uk.

Alternatively you may wish to put your comments in writing to:

Cambridgeshire County Council
County Development, Minerals and Waste Planning
Box No. CC1213
Shire Hall
Castle Hill
Cambridge
CB3 0AP

A summary of all the responses that are received by the close of the consultation period on 8 April 2020 will be placed on our website. The summary will include a list of names of organisations that responded but not people’s personal names, addresses or other contact details.

All responses to the consultation will be considered and will inform any changes to the plan before the amended plan is presented to Planning Committee for consideration and approval prior to implementation. We will provide you with a link to the final document at the end of the consultation process.”

Deborah Jeakins
Principal Enforcement and Monitoring Officer
Cambridgeshire County Council

2020 Draft Enforcement Plan attached.

7.3 Business Continuity Plan

Given the Government’s recent announcements about procedures that could be put in place due to the coronavirus (COVID-19) outbreak, the Parish Council is asked to consider a procedure to continue its activities in the event that the Parish Council is unable to meet.

Parish Council meetings must be open to the public.

Parish Councillors must be in attendance at the meeting to make decisions, there can be no phoning or video conferencing.

The Parish Council can delegate most of its functions to an officer. Key exceptions include, approval of budget/precept, approval of year end accounts, approving borrowing, co-opting members, suspending or amending standing orders/financial regulations.

The Parish Council has a procedure for delegating planning which could be extended to cover all Parish Council activities that can legally be delegated

8. Closure of meeting

CAXTON PARISH COUNCIL
Minutes of the Meeting of the Parish Council held in the Village Hall
on Thursday 9 January 2020 at 7.45 pm

Present: Councillors: K Howard (Chairman), S Bushby, R Millard, L Kelly, A Halket, H Barbour and R Jack.

In attendance: 1 member of the public, District Cllr Mark Howell and Mrs Gail Stoehr (Clerk).

1. Apologies for absence and declarations of interest

1.1 To receive written apologies for absence and reasons

Apologies for absence were received from District Cllr Nick Wright.

1.2 To receive declarations of interests from councillors on items on the agenda

None.

1.3 To receive written requests for dispensations including requests and to grant any requests for dispensation as appropriate

None.

Comments & observations from members of the public and reports from District & County Councillors

District Cllr Mark Howell reported on:

- The scheme for three free trees from SCDC.
- The mobile warden scheme facilitated by SCDC and Age Concern
- Fly tipping
- The procedure for planning applications going to the Planning Committee has been reviewed at SCDC and delegated to the Chair, Vice-Chair and an officer in future. If they are unable to agree the application will go to the Planning Committee.
- The Chairman referred to concerns that the CCC research group's statistical data regarding Caxton was incorrect particularly as this was used to inform planning and the Local Plan. The concerns have been passed on to County Cllr Mandy Smith.

The applicant for land east of 20 Bourn Road spoke to his application which was smaller than the outline planning application and had been designed as a modern looking building where he was intending to live. The property would be a self build by an experienced builder.

On a proposition by the Chairman, it was agreed to vary the order of business to take item 5.1.3 next.

5.1.3 S/4069/19/DC – Land east of 20 Bourn Road - Erection of a dwelling house with garage

RESOLVED to support the application as it was in keeping in size with others in Bourn Road, and was on the same footprint as the outline application. (Prop KH, 2nd SB, unanimous)

2. To approve the minutes of the previous meeting on 14 November

RESOLVED that the minutes of the meetings on 14 November 2019 be approved and signed by the Chairman at the end of the meeting. (Prop SB, 2nd AH, unanimous)

3. Matters arising from the minutes

3.1 (3.2) Pond area maintenance including shrubs, trees and reeds – to consider quotations for maintenance

RESOLVED that the specification be confirmed subject to the following changes, that all the suckers should be removed and reduce the height of the tree of unknown species by half.

RESOLVED to suspend Financial Regulations to consider one quotation only.

RESOLVED to accept the quotation from Buchans and to let the Tree Warden know so that he can remove some wood. (Prop KH, 2nd RM, unanimous)

- 3.2 (6.1) To review cutting of verges and to consider whether the Parish Council should pay for the two cuts which were not ordered

RESOLVED having reviewed the situation, given that this was a genuine mistake, that the Parish Council is willing to pay for one cut.

- 3.3 (7.1) Resident's complaint regarding unkempt verges

RESOLVED that the verges cutting schedule should revert back to the original schedule of three years ago, namely eight cuts of full width, with the proviso that the daffodils should not be cut down until finished. (Prop KH, 2nd SB, unanimous)

4. Local matters and members' items for info only unless stated

- 4.1 Reports on local matters for information only

4.1.1 The LHI bid presentation will take place next Tuesday at CCC. Wings are not required on the gateways so the project costs will be lower.

4.1.2 The defibrillator petition was ongoing.

5. Planning and Tree Works

- 5.1 Applications received since the last meeting

On a proposition by the Chairman, the order of business was varied.

5.1.1 S/4161/19/RM – West Cambourne proposed development site, Sheepfold Lane, Cambourne – Reserved matters for strategic landscaping for Phase 1 following outline planning permission S/2903/14/OL. The outline application was EIA development and an Environmental Statement was submitted

Noted.

5.1.2 S/4061/19/FL – 3 Ermine Street – Change the exterior render paint colour from mustard to white and construct a conservatory to the rear elevation

RESOLVED to support the application. (Prop HB, 2nd KH, unanimous)

5.1.3 S/4069/19/DC – Land east of 20 Bourn Road – Erection of a dwelling house with garage

Taken earlier.

5.1.4 S/3986/19/DC – Land west of Cambourne – Discharge of condition 41 (Construction method statement (CMS) pursuant to outline planning permission S/2903/14/OL

Noted.

- 5.2 SCDC Decision notices

5.2.1 S/3524/19/FL – 23 Brockholt Road – Demolition of existing kitchen and conservatory and single storey side and rear extension – Permission granted.

5.2.2 S/3437/19/PA – Barn SE of Firs Farm, St Peter's Street – Prior approval of change of use from agricultural to a dwelling house (Class C3) and associated operational development – Permission granted.

5.2.3 S/3152/19/DC – 30 Bourn Road – Discharge of condition 6 (Renewable energy) of planning permission S/4023/18/FL – Permission granted.

5.2.4 S/1490/19/NM – Land adj 94 Ermine Street – Non-material amendment to planning permission S/0539/16/FL – Permission granted.

5.2.5 S/0332/19/PO – Chervil Way and Chaffinch Walk, Cambourne – Modification of planning obligations pursuant to S106 agreement dated 24 August 1999 of planning permission S/6023/99/RM – Permission granted.

- 5.3 Tree works applications – to consider any received

None.

6. Finance and procedure

- 6.1 To receive the financial report and approve the payment of bills

RESOLVED to receive the financial report, and that the invoices and bank statements be checked at the end of the meeting, before the payments are authorised online.

RESOLVED that the payments as listed be approved for payment. (Prop SB, 2nd LK, unanimous)

Salaries	£157.84
LGS Services (Admin support)	£588.58
LGS Services (Admin support)	£562.25
CCC (Street lights)	£197.17
CAPALC (Councillor training)	£75.00
LGS Services (Website set up)	£240.00

Credits, including a VAT reclaim, were noted.

6.2 To consider any quotes for urgent works required because of risk and Clerk's use of delegated powers

RESOLVED to note that the Clerk used her delegated powers to accept a quotation from Buchans for £66.00 plus VAT to spray the pond at the appropriate time subject to their obtaining the necessary permissions.

The Clerk had written to LCPAS seeking reimbursement for the duplicated payment of £90 for the affiliation fee paid earlier in the year. After they had claimed non-receipt, the Parish Council had sent a replacement cheque, which was then banked along with the original.

6.3 To consider play equipment checks reports

RESOLVED to note that no works were required.

6.4 To review the budget FY2020 and consider arrangements for any outstanding projects and earmarked reserves

The budget for FY2020 was reviewed.

RESOLVED:

- Admin support budget - reviewed and increased by £1000 to cover an increase of 1 hour per week plus flexibility.
- £246 to be taken from the website reserve and released to general reserves.
- Transfer the \$137 budget into the earmarked defibrillator fund if not spent by the year end.
- Transfer the flood risk budget to flood risk reserves if not spent by the year end.
- Transfer the £200 provision for Bikeability to Special Projects for the Village Hall sign.
- Provision for Special Projects. The Christmas tree reserve £100 and Speedwatch reserve £700 are to be transferred to Special Projects.
- The SCDC offer of three free trees is to be accepted with planting to be on the Gransden Road open space.
- The Buchans pond work (trees and spraying) is to be taken from the Cross Key S106 money.
- Play equipment – the underspend on S106 for play equipment is to be transferred to the play equipment/assets maintenance heading.

6.5 To consider and approve the budget for FY2021

RESOLVED that the budget as discussed be approved. (Prop AH, 2nd HB, unanimous)

6.6 To set and demand the precept for FY2021

RESOLVED to set the precept at £19,593.80. (Prop AH, 2nd HB, unanimous)

7. To consider matters arising out of correspondence received including

7.1 CCC Draft Climate Change and Environment Strategy consultation

RESOLVED that members should complete the survey should they so wish.

7.2 Greater Cambridge Local Plan consultation
Noted.

7.3 CAPALC Buckingham Palace Garden Party invitation to nominate
RESOLVED that the Parish Council make no nominations.

8. Closure of meeting

There was no further business and the meeting closed at 9.43 pm.

SignedChairmandate.

DRAFT

From: [Carroll Simeon](#)

Sent: 13 January 2020 12:19

To: [Keith Howard](#)

Subject: Trees at junction of Gransden Road and Tates Field, Caxton

Hi Keith,

Our tree officer has looked at the trees at this junction and his comments are shown below. As you can read, he first mistakenly inspected the Horse Chestnut on the opposite (north east) side of the road on the grass area between the carriageway and the footway instead of the ash with the strange shaped ash stem that bends towards the road. The Horse chestnut is owned by the parish council and is deemed to have a 'very limited safe useful life expectancy' so you might wish to act upon that information.

He also suggested that the ash that you first raised concerns about 'would be improved by the removal of the roadside stem' but 'would not think that it is about to fail or fall into the road'. On the basis of this and our current limited budget situation, I will not be undertaking any work on the ash at the current time but may consider removing the bent stem in the autumn of next year after the end of the bird nesting season and if budgets allow.

I'm going to close the report down now but feel free to bring it to my attention again in the autumn or earlier if the situation changes.

Regards

Simeon Carroll
Local Highway Officer
Highways Service
Cambridgeshire County Council
Whittlesford Depot
Box No. ET1030
Station Road
Whittlesford
CB22 4NL
01223 715631

From: Stewart Wayne <Wayne.Stewart@cambridgeshire.gov.uk>

Sent: 05 December 2019 07:13

To: Carroll Simeon <Simeon.Carroll@cambridgeshire.gov.uk>

Subject: RE: Tree inspection - Gransden Road, Caxton

Hi Simeon,

Take two. The Ash tree would be improved by the removal of the roadside stem, but I would not think that it is about to fail or fall into the road. The Horse Chestnut next to it is fine, but the one on the opposite verge (on the other side of Tates Field) is in very poor condition, and should come down.

Regards,

Wayne

From: Carroll Simeon <Simeon.Carroll@cambridgeshire.gov.uk>

Sent: 11 November 2019 12:41

To: Stewart Wayne <Wayne.Stewart@cambridgeshire.gov.uk>

Subject: Tree inspection - Gransden Road, Caxton

Hi Wayne,

I think you have inspected the wrong tree as the one the parish was concerned is the ash tree and not the horse chestnut that you appear to have looked at. Both trees are visible in this view:
https://www.google.com/maps/@52.204174,-0.0955634,3a,75y,293.11h,105.21t/data=!3m6!1e1!3m4!1s-RWsLoG5p2iSB6untt_ZuA!2e0!7i13312!8i6656 with the ash tree on the left with the horse chestnut on the right. The ash tree is owned by the original developer of Tates Field and the Horse Chestnut is owned by the parish.

The photos I took of the ash are here: <\\ccc.cambridgeshire.gov.uk\data\Et Shared\8 Highways\PARISH FILING\South\2019\Parish Filing\Caxton\Gransden Road\Ash Tree> and it is located in the plan shown on the attached email.

Please go back and inspect/advise on the ash tree and also confirm that the horse chestnut in the photo is the one that your comments relate to and I will convey these to the parish.

Thanks

Simeon

From: Stewart Wayne <Wayne.Stewart@cambridgeshire.gov.uk>
Sent: 11 November 2019 08:10
To: Carroll Simeon <Simeon.Carroll@cambridgeshire.gov.uk>
Subject: RE: Possible tree issue - Gransden Road, Caxton

Hi Simeon,

For some reason I can't now open the picture files to check, but the tree I found at this location is a Horse Chestnut, a red one (*Aesculus x carnea*), not an Ash. As a genetic cross, it has numerous structural issues, as demonstrated by the wounds from limb loss, contorted form and die back in the upper crown. There may be other problems that are just not visible below the dense covering of ivy. The tree is not a viable specimen and has a very limited safe useful life expectancy. Removal is the sensible option.

Regards,
Wayne

From: Carroll Simeon <Simeon.Carroll@cambridgeshire.gov.uk>
Sent: 18 October 2019 17:43
To: Stewart Wayne <Wayne.Stewart@cambridgeshire.gov.uk>
Subject: Possible tree issue - Gransden Road, Caxton

This message has been archived.

Hi Wayne,

Caxton PC have raised concerns about an ash tree growing on the corner of Gransden Road and Tates Field in Caxton (maps below). I had a look and I'm not sure if it's one tree or two trees growing side by side. Anyway the stem closest to the road has a strange growth form and the main trunk turns at a right angle across the footway towards the road before straightening up again.

Attachments:

[image001.jpg](#)

(19 KB)

[image002.png](#)

(216 KB)

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**CAXTON PARISH COUNCIL MONTHLY FINANCIAL STATEMENT
MEETING Mar-20**

Summary of previous month £
Balance brought forward £52,816.23
Adjusts/transfs/inc during period

Expenditure approved at last/between meetings

SALARIES		-127.88
OPUS ENERGY	STREETLIGHTS	-236.73
UNITY TRUST	SERVICE FEE	-18.00
ICO	DPA	-35.00
CAXTON CHURCH	VH RENT	-1.00
BUCHANS	GRASSCUTTING	-238.80

Misc credits

AGRICOLE OIL CLUB	DEFIBRILATOR DONATION	75.00
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<i>Total Adjustments</i>	<u>-582.41</u>
Balance revised after adjustments	<u><u>£52,233.82</u></u>

Bank Reconciliation to last statement

Account	Funds	Statement	Outstanding
Unity Trust Current Acc	31,201.39	31,329.27	-127.88
Cambs & County Bank	21,028.60	21,028.60	
Santander Savings Acc	3.83	3.83	
Total	<u><u>52,233.82</u></u>	<u><u>52,361.70</u></u>	<u><u>-127.88</u></u>

Expenditure for approval £

SALARIES		269.82
CAPALC	AFFILIATION FEE	274.13
LGS SERVICES	ADMIN SUPPORT	608.65
LGS SERVICES	ADMIN SUPPORT	560.69

<i>Total expenditure</i>	<u>1713.29</u>
Balance c/f	<u><u>£50,520.53</u></u>

Gail Stoehr
Responsible Financial Officer

Notes:
Late invoices will be reported to the meeting

Our Ref: MAA. AMR. 90036

Your Ref:

6th February, 2020

Fisher German LLP
8 Stephenson Court
Fraser Road
Priory Business Park
Bedford
MK44 3WJ

01234 823661
fishergerman.co.uk

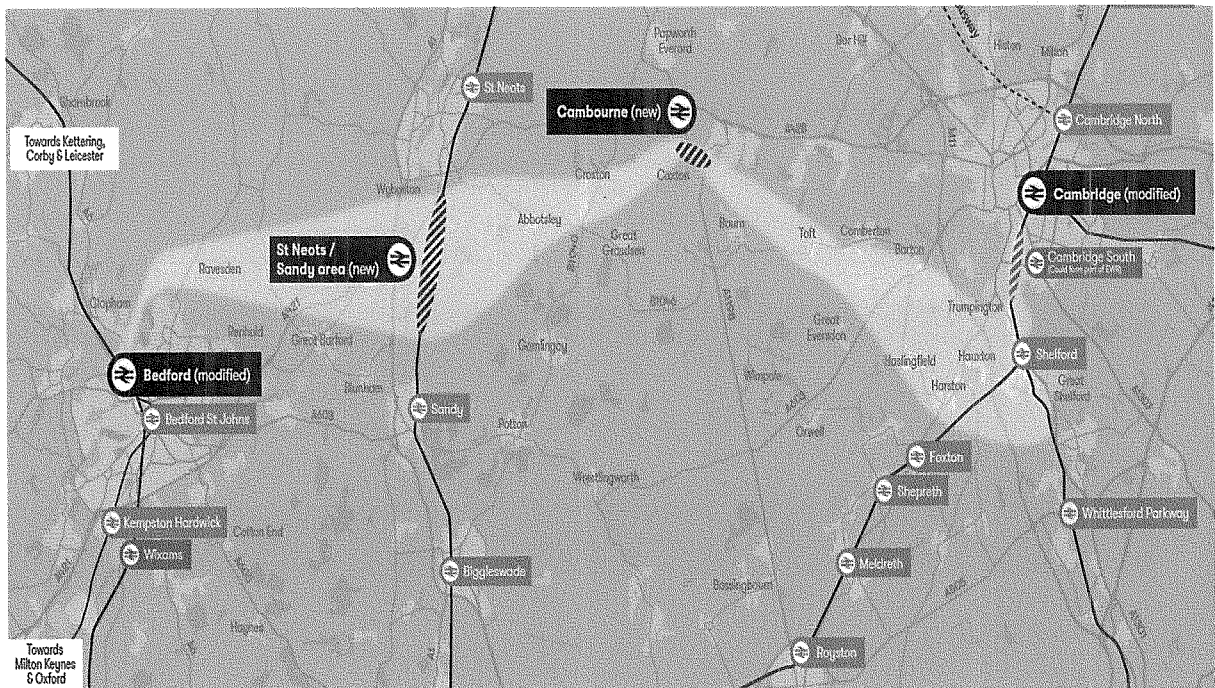
The Clerk
Caxton Parish Council
30 West Drive
Highfields Coldecote
Cambridge CB23 7NY

Dear Sir/Madam

East-West Rail Preferred Route confirmed

Further to our letter of February 2019 in respect of the East-West rail's five-route public consultation for a new railway between Bedford and Cambridge, we now write with a further update.

The Government has recently announced the preferred route for the central section of the East-West rail line to be in the area shaded grey on the below plan. The route running between Bedford and Cambridge will go via St Neots and Cambourne with two new stations proposed, one for Tempsford or St Neots and one for Cambourne.



This proposed new track is the third stage of the central section rail project between Oxford and Cambridge. The line would connect the “western section” between Oxford and Bedford, and Aylesbury to Milton Keynes and the “eastern section” into Suffolk and Norfolk. Trains already operate on the section

between Oxford and Bicester (since 2016) and the second stage between Bicester and Bedford has just been approved through a Public Inquiry.

Within the Preferred Route Option, East-West rail will be engaging with local communities and authorities and carrying out several environmental surveys to develop a specific route alignment. There will be further opportunities for affected parties to comment. In the meantime, East-West will be contacting landowners shortly to arrange access for surveys. It is likely that the route alignment will be announced in 2021/22 with the hope that construction commences in 2025, subject to planning.

Fisher German have a dedicated compensation team with considerable experience on compulsory purchase schemes, particularly those involving railways, having advised those affected by the western sections of East-West Rail, HS2 and many other transport schemes. We have an excellent reputation for client care and attaining results. Our multi-discipline team advise on a wide range of property; from single residential dwellings, through land and farms to large commercial estates; we are in an excellent position to give you advice should you need it.

We believe that we are well placed to advise you on matters in relation to East West Rail and would be delighted to hear from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Matthew Ayres', with a long horizontal stroke extending to the right.

Matthew Ayres MSc

Associate

For and on behalf of Fisher German LLP

Direct: 01234 827113

E-mail: matthew.ayres@fishergerman.co.uk

Oxford – Cambridge Growth Arc:

Major infrastructure improvements, such as East-West Rail, is a key plank of the Government's Growth Arc ambitions. The Growth Arc has been called the biggest growth opportunity in Europe. With established offices in the Arc and services such as planning and development advisory, valuations, building consultancy and property agency across the residential, commercial and rural property sectors, Fisher German is very well placed to advise property owners and occupiers to maximise the potential opportunities arising.

Contact: Stephen Rutledge MRICS FAVV, Growth Arc Lead Partner
stephen.rutledge@fishergerman.co.uk; 07919 693401



Enforcement Plan

County Planning, Minerals and Waste

January 2020

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1 Introduction and Purpose

- 1.1 Cambridgeshire County Council (the Council) is committed to delivering an effective and proportionate planning control service for 'County matters' which are defined in Schedule 1 of The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003, i.e. those relating to mineral and waste.

The Council also determines applications for its own development such as new roads and transportation schemes, and education facilities under Regulation 3 of the Town and Country Planning Regulations 1992 (as amended), but is not the Local Planning Authority responsible for any other planning matters that take place within the County.

- 1.2 The purpose of this Enforcement Plan (the Plan) is to explain our approach to achieving planning compliance at mineral and waste management sites within Cambridgeshire. The Plan also sets out what action can be taken and how decisions will be made in respect of pursuing formal action.
- 1.3 The publication of this Plan accords with paragraph 58 of the National Planning Policy Framework (NPPF), published February 2019, which states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate.”

- 1.4 Section 55 of the Town and Country Planning Act 1990 (as amended) defines 'development' as:

'...the carrying out of building, engineering, mining or other operations, in, on, over or under land or the making of any material change in the use of any buildings or other land.'

- 1.5 A Breach of planning control is defined under section 171A (1) of the Town and Country Planning Act 1990 (as amended), as carrying out development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted.

- 1.6 Our approach consists of two broad elements: monitoring and enforcement.

Monitoring refers to the proactive periodic inspection of permitted mineral and waste management sites. Monitoring mineral and waste sites is a statutory duty under Regulation 19 of The Waste (England and Wales) Regulations 2011.

Enforcement refers to how investigations into allegations that a breach of planning control has occurred will be undertaken, and, where appropriate, the steps that the Council may pursue to remedy a breach.

2 General Principles

- 2.1 A key principle of the Council's approach to planning is to support sustainable growth, which takes into account the needs of the environment.
- 2.2 The principles in this Plan align with the vision, corporate objectives and priorities of the Council.
- 2.3 Each set of circumstances is unique and must be considered on its own merits. However, the Regulators' Code published by the Department for Business Innovation and Skills in April 2014 sets out the general principles of good enforcement and these include transparency, consistency and accountability.
- 2.4 Effective enforcement should be risk based and not necessarily limited to formal enforcement actions; it can include preventative measures such as inspections to check compliance with legal or other requirements and the provision of advice and guidance to support compliance.
- 2.5 All Council officers with responsibility for planning matters will have regard to the Enforcement Plan, the Regulators' Code and relevant legislation and guidance. The Council will only take action which is proportionate to the planning harm and to the seriousness of any breach of planning control.
- 2.6 Where a breach of planning control has been confirmed, officers will usually begin by trying to secure compliance with the use of an advisory approach. However, in certain circumstances, this will not be appropriate and further action will be considered necessary to remedy the planning harm being caused.

- 2.7 All officers undertaking enforcement activities will be duly authorised under the Council's scheme of delegation and will be appropriately trained to undertake their enforcement duties, and understand the principles of good regulation.

3 Enforcement and Compliance Objectives

- 3.1 The Council's enforcement and monitoring objectives are to ensure that:
 - serious or irreparable harm occurring as a result of mineral and waste development is prevented and / or addressed;
 - site operators, landowners and occupiers comply with the planning conditions imposed by the Council; and
 - breaches of planning control are addressed reasonably, appropriately and proportionately.
- 3.2 These objectives are intended to help:
 - maintain the integrity of the decision-making process; and
 - ensure that public confidence in the decision-making process is maintained.
- 3.3 When it is considered necessary and expedient to do so, the Council will act decisively and liaise closely with other enforcement agencies in order to reduce any adverse effects that unauthorised development has on local amenity and minimise any damage to the environment.

4 Monitoring Visits and Fees

- 4.1 The main purpose of a monitoring visit is to check compliance with conditions of the relevant planning permission(s) and, if relevant, legal agreement(s) relating to mineral or waste development. These planning permissions may include complex and technical conditions, which are designed to mitigate the impact of the activity.
- 4.2 The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) enable the Council to charge a fee for monitoring permitted mineral extraction and landfill sites, from the date that the permission is implemented to the end of the aftercare period.
- 4.3 The monitoring fees are set by Government and, at the time of publishing this Plan, the following monitoring fees are payable:
- where the whole or a part of the site is active the fee is £397; or
 - if the site is inactive or dormant the fee is £132.
- 4.4 The cost of visiting other types of mineral and waste management sites, such as waste transfer stations, material recycling facilities, energy from waste plants, scrap yards and mineral rail heads (including any associated industrial development), is borne by the Council.

- 4.5 Monitoring visits will serve to:
- allow the Council to gain an overall impression of the day-to-day operation of the site, chart progress to date, and identify and address potential problems before they arise;
 - encourage good operational practice rather than punish bad practice;
 - act as a means of regular liaison with operators; and
 - provide information to support any site liaison forums.

5 Assessing Complaints

- 5.1 The Council will investigate complaints alleging a breach of planning control within Cambridgeshire, which are 'County matters'.
- 5.2 Anonymous complaints or complaints that appear to be vexatious in nature will not normally be investigated, unless they allege a serious breach of planning control that is capable of being verified by a Council Officer.
- 5.3 All complaints are assessed and prioritised based on the potential severity of the issues raised and the risks determine the timescales for the investigation. The Council will aim to meet the timescales for visiting complaint sites shown in the table on the following page:

	Description of harm	Site Visit
High	<p><u>Severe risk of irreversible harm occurring</u> County matters which may cause immediate or irreversible harm either to:</p> <ul style="list-style-type: none"> • local amenity; • designated sites under the Ramsar¹ international wetlands convention, special protection areas, special areas of conservation, sites of special scientific interest, scheduled monuments, habitats of statutorily protected species, local nature reserves or county wildlife sites; • human health and/or safety; • potable ground and/or surface water supplies; or • archaeological resources. 	within 3 working days
Medium	<p><u>Significant /Medium risk of harm occurring</u> County matters which may impact, but does not appear to cause immediate or irreversible harm, on the designated sites listed above or may cause significant harm either to:</p> <ul style="list-style-type: none"> • local amenity; • human health and/or safety; • ground and/or surface water; or • archaeological resources. 	within 5 working days
Low	<p><u>Low Risk of harm occurring</u> County matters which do not appear to be causing significant harm or do not have the potential to cause significant harm to the designated sites listed in above or to:</p> <ul style="list-style-type: none"> • local amenity; • human health and/or safety; • ground and/or surface water; or • archaeological resources. 	within 10 working days

¹ Wetlands of international importance designated under the Ramsar Convention.

6 Investigating Complaints

- 6.1 Complaints will be recorded and acknowledged within 5 working days of receipt. Complainants will be updated at key stages during the investigation and their details will be kept confidential.
- 6.2 Following a desktop investigation into the relevant planning history and constraints relating to the land, officers will usually need to undertake a site visit to gather more information and evidence relating to the alleged breach.
- 6.3 If a breach of planning control is confirmed, the occupier/landowner will be advised of the details of the breach and of the likely steps and timescales required to remedy it.
- 6.4 Further site visits and monitoring may be undertaken to ensure the required actions are completed within the specified timescales.
- 6.5 Because breaches of planning control relating to waste and mineral development can have a serious and detrimental impact on local amenity and the environment, it is normal practice for officers to notify the local County Councillor (and occasionally also the Parish Council) when there is a confirmed breach of planning control in the area that they represent.

7 Legal Powers to Obtain Information

- 7.1 The Council may serve the following notices on the owner or occupier of the land to obtain land ownership

information, to assess whether a breach of planning control has occurred and to gather evidence in respect of the seriousness of any breach:

- A Planning Contravention Notice under Section 171C Town and Country Planning Act 1990 as amended;
- A notice under Section 330 of the Town and Country Planning Act 1990; and
- A notice under Section 16 Local Government (Miscellaneous Provisions) Act 1976.

- 7.2 There is no right of appeal against the service of these notices and failure to provide a formal written response to a notice within the specified timescale is a criminal offence, which is open to prosecution.

8 When a Breach is Confirmed

- 8.1 Before considering any possible enforcement action, the investigation will establish whether or not the development is acceptable in principle, and if anything needs to be done to bring it up to a satisfactory standard, or to ensure it complies with the relevant legislation.
- 8.2 If the principle of development is not acceptable, officers will consider what action is appropriate to prevent it continuing and produce a written report to support any recommendations for further action. The report will set out the background and circumstances of the breach, the planning harm caused, any relevant planning policy, the

options for taking action and the justification for the recommended course of action.

8.3 Although the Council would prefer to negotiate a satisfactory outcome, in some cases formal enforcement action may be considered necessary.

9 Where Enforcement Action will not be taken

9.1 There are some circumstances where the County Council will not be able to take formal enforcement action. These include:

- When the Council determines applications for its own development. In these cases, the responsibility for compliance with the permission lies with the relevant Council Directorate. If the breach is not remedied, the matter will be reported to the Planning Committee.
- Where the time limit for taking action in respect of a breach of planning control has expired, Section 171B of the Town and Country Planning Act 1990 (as amended) explains the time scales after which ongoing breaches of planning control become immune from enforcement action.
- Where the development benefits from permitted development rights under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), provided that all the relevant restrictions and conditions have been met.

- Where the County matters have no impact on designated sites or on the local amenity and in cases where technical breaches of planning control cause no material harm or adverse impact on amenity.

9.2 The County Council does not deal with enforcement matters arising from:

- Fly tipping or general household waste matters;
- Development that has been permitted by District Councils. The Council may be involved in assessing whether the importation of material (such as hardcore) is necessary for enabling the permitted scheme or development to go ahead.

10 Retrospective Applications

10.1 Where the unauthorised development could be acceptable in planning terms the Council may ask the occupier/landowner to submit a retrospective planning application. The occupier/landowner will be encouraged to seek pre-application advice before submitting a retrospective planning application. Officers will not provide advice outside the formal pre-application advice process.

10.2 Information on obtaining formal pre-application advice is available on the Council's website at:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/>

- 10.3 The Council will not invite a retrospective planning application if the unauthorised development is contrary to policy, or appears to have the potential to cause harm that could not be satisfactorily mitigated by the use of planning conditions.
- 10.4 If a retrospective planning application is invited and submitted, the Council will not usually take formal enforcement action whilst the application is being considered. However, the Council will continue to monitor the implications of the development.
- 10.5 If planning permission is refused and further negotiations fail to remedy the breach, appropriate enforcement action is likely to be pursued.
- 10.6 Where a retrospective planning application is submitted contrary to advice that there is no reasonable prospect of planning permission being granted, enforcement action may be taken prior to the application being determined.
- 10.7 The Council has the power to decline to determine a retrospective planning application for development, which is already the subject of a pre-existing enforcement notice.

11 Working with District Councils and other Agencies

- 11.1 If a breach of planning control that is not either a 'County matter' or permitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) is established, it will be passed on to the relevant Local Planning Authority (District Council).
- 11.2 In cases where unauthorised development involves both County matters and district planning issues, the Council will liaise with the relevant District Council to establish all the lawful and unlawful planning land uses. If enforcement action is considered to be necessary and expedient, the Council will work with the relevant District Council to ensure that all aspects of the planning harm can be adequately and appropriately addressed before commencing action. Each case will be decided on its merits and consideration will be given to the land use implications and the respective jurisdiction and powers of County and District Councils.
- 11.3 In cases where the enforcement role is shared with other agencies, (for example the Police, Environment Agency, Internal Drainage Boards, Environmental Health Department of the local council or the Health and Safety Executive), the Council will coordinate and collaborate with these agencies to secure regulatory compliance is achieved effectively and efficiently. Where it becomes necessary to exchange information with partner agencies, we ensure we follow the requirements of the data protection legislation, and other relevant legislation, in force at the time.
- 11.4 Where a breach of planning control relating to county development occurs within Cambridgeshire which impacts on the amenity of residents in an adjacent county, the investigating officer will provide the other Council or authority details of the breach within 5 working days.

12 Principles of Enforcement Action

- 12.1 Where breaches of planning control are identified, the Council may take enforcement action, where it is satisfied that it is expedient, necessary and in the public interest to do so.
- 12.2 The Council will take a consistent, clear and fair approach to enforcement, having balanced the need for environmental protection against the desire to encourage sustainable development.
- 12.3 The Council will usually only take enforcement action when there is evidence that a breach of planning control has occurred that has, or is likely to, cause demonstrable harm to the public amenity or the environment.
- 12.4 Where an educational and advisory approach has not succeeded in remedying the harmful effects of unauthorised development, continued negotiations will not be allowed to delay formal enforcement action.
- 12.5 The enforcement action taken and the required remediation will be proportionate to the nature of the breach.
- 12.6 The time taken to pursue formal action varies on a case by case basis. The emphasis will be on balancing the urgency to remedy the planning breach with mounting a properly constituted legal response, taking into account available resources.
- 12.7 The Council will co-operate closely with other agencies to ensure a satisfactory solution to breaches of planning control.

12.8 National legislation provides the Council with a number of enforcement tools, which can be used to address breaches of planning control. These include:

- **Planning Contravention Notice**
- **Section 215 Notice of the Town and Country Planning Act 1990**
- **Breach of Condition Notice**
- **Enforcement Notice**
- **Stop Notice**
- **Temporary Stop Notice**
- **Prosecution**
- **Default Action**
- **Injunctive relief**
- **Planning Enforcement Order.**

12.9 Further information on planning enforcement and the various options available to the Council can be found online at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/ensuring-effective-enforcement/planning-enforcement-overview/>

12.10 Where an offence has been committed under planning legislation, the Council may, depending on the circumstances, take action under the Proceeds of Crime Act 2002 to recover a company's or individual's assets that are considered to be the proceeds of crime.

13 Enforcing Planning Obligations

13.1 Where a breach of a planning obligation, such as an HGV routeing scheme contained within a section 106 agreement or a unilateral undertaking is identified, the Council will initially try to address the breach by working with the relevant site operator.

- 13.2 If the breach cannot be resolved by negotiation and co-operation the Council will, where necessary, take legal advice on enforcing the relevant clause of the planning obligation.

14 Feedback, comments and complaints

- 14.1 If you wish to make an enquiry about this Plan, provide feedback or raise a complaint about the Enforcement Service you can:
- contact the officer dealing with your case directly;
 - complete the [online form](#);
 - email planningDC@cambridgeshire.gov.uk;
 - telephone us on 0345 045 5200 (charged at local rate); or
 - contact your County Councillor.

15 Plan Review

- 15.1 This Enforcement Plan will be reviewed every three years and published on the Council website at:
- <http://www.cambridgeshire.gov.uk/>
- 15.2 The date of the next plan review will be 2023.