

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

9<sup>th</sup> January 2008

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/2046/07/F – GAMLINGAY**

#### **Erection of Free Range Poultry Unit (Phase 1) to Include Egg Room and Associated Hardstanding, Land off Station Road for Mr I Quince**

**Recommendation: Delegated Approval**

**Date for Determination: 17<sup>th</sup> January 2008  
(Major Application)**

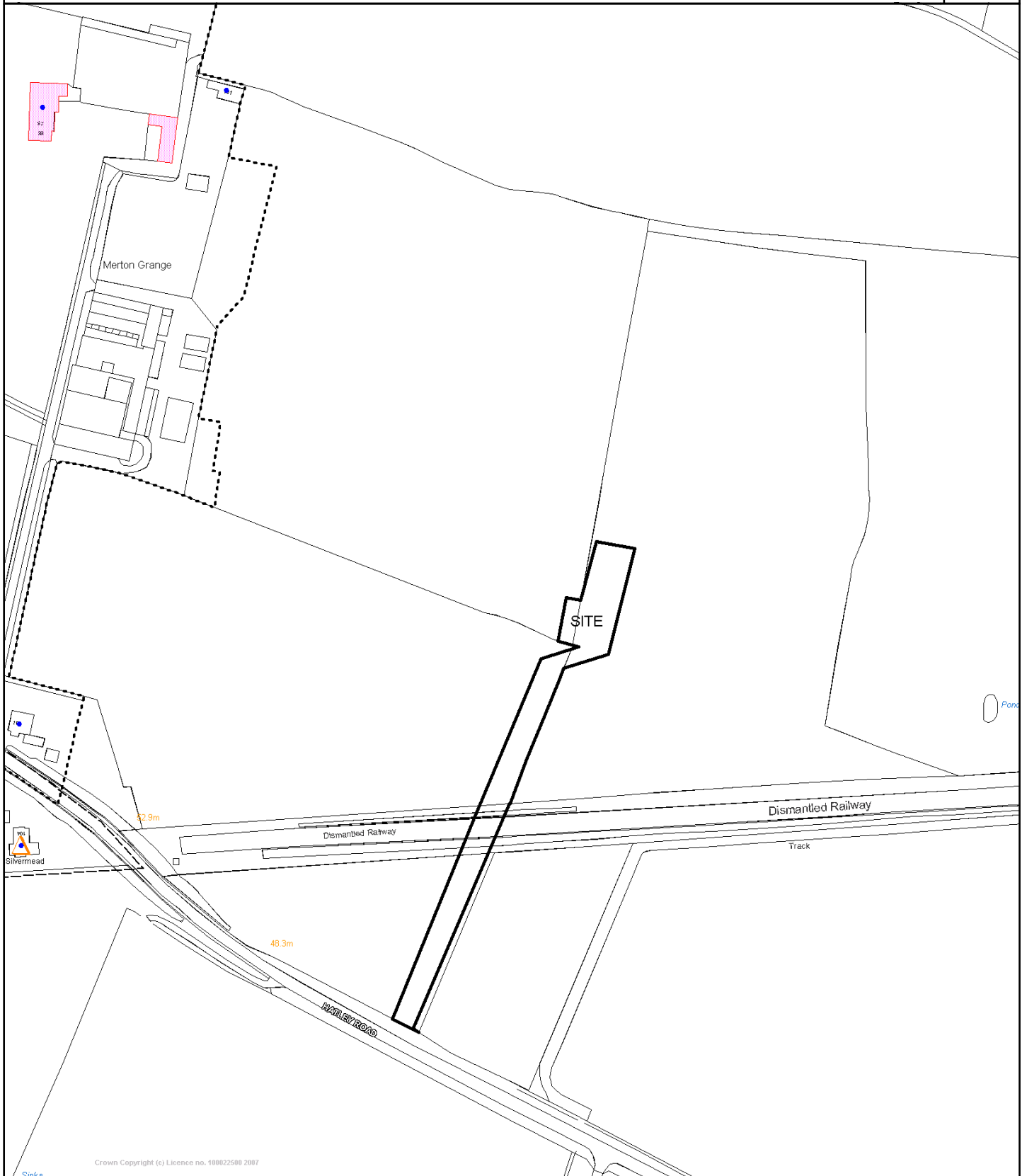
**Notes:**

**This Application has been reported to the Planning Committee for determination as the officer recommendation is contrary to the objections received from the Parish Council and local residents**

#### **Site and Proposal**

1. This full application, received on 18<sup>th</sup> October 2007, proposes the erection of a 530m<sup>2</sup> free range poultry unit (Phase 1) on land to the north of Station Road, Gamlingay. The site area of the application is limited to the area of the building and roadway from Station Road but the applicant controls a large area of surrounding land which will be used in association with the operation.
2. The majority of the land is to the north of the route of the former Cambridge to Bedford railway line. To the north the land is bounded by Millbridge Brook with agricultural land beyond extending to Long Lane. To the west of the land are Merton Grange and its associated outbuildings, and a dwelling fronting Station Road. To the east is agricultural land.
3. The building is located to the east of an existing hedgerow and measures 29m x 18.3m and is 6.8m high and will house approximately 4000 birds. Materials proposed is dark green coated profile steel sheeting.
4. Access will be from Station Road, approximately 150 metres to the east of the top of the old railway bridge.
5. The application is accompanied by an Environmental Statement and an Environmental Report.
6. Planning applications for Phases 2 and 3 of the building are currently being considered but were registered later than Phase 1 and will therefore not be considered until the February meeting. This application however can be considered on its own as it proposes a stand alone building which could be constructed regardless of any decision on the other two phases

s-2046-07-f



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7. The application has been screened in respect to the possible requirement for an Environmental Impact Assessment (EIA). Although the 2001 and 2006 applications (see History below) were accompanied by an EIA, at the request of the Local Planning Authority, the applicant subsequently requested screening opinions from Go-East. Although the decision to require an EIA was originally supported the Secretary of State has subsequently taken the view that although the scale of the building as originally proposed exceeded the relevant threshold it would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location and therefore concluded that it did not constitute EIA development. It was stressed however that this did not override the need to address matters raised in the previous reasons of refusal.

### **Planning History**

8. There have been two previous planning applications refused for the erection of an egg production unit on this site.
9. In 2005 a planning application (**S/2194/01/F**) for a 1560m<sup>2</sup> egg production building, including a storage building and vehicular access was refused on the grounds of the adverse visual impact on the area from the loss of hedgerow required to provide the visibility splays requested by the Local Highway Authority; the adverse impact of the buildings on the rural character of the area and approach to the village and; that the Environmental Impact Assessment submitted with the application was unsatisfactory in respect of its failure to address how the possible presence of badgers within the site would be taken into account within the development, the lack of botanical investigation of the disused railway line where 3 county scarce plants had been found and; that landscape mitigation/enhancement and management of hedgerows, oak trees and other features had not been adequately addressed.
10. An appeal against the refusal was dismissed in November 2006, however the Inspector did not support all the reasons of refusal in respect of the visual impact of the proposed access and its associated visibility splays. He concluded, following discussion at the appeal hearing, that the removal of the hedgerow was not necessary except for a small protruding section 80m west of the access. He concluded that this would therefore overcome the Council's concern about the impact of the access. Similarly he did not feel that the proposed building would look out of place in an agricultural landscape, taking into account existing planting and hedgerow retention. As a result the Inspector concluded that the proposals would not materially harm the character and appearance of the surrounding area.
11. In respect of the Environmental Impact assessment additional information was supplied at the appeal in respect of a botanical survey and the impact of over-flying aircraft (although not a reason of refusal) on the birds which the Inspector felt adequately addressed these concerns, however he felt that the matter of the possible impact of the proposal on badgers had not been satisfactorily addressed and the appeal was dismissed on the grounds that the development would have an unacceptable adverse impact on the ecology of the sites and the surrounding area.
12. The Inspector commented the "neighbours were also concerned about highway safety, odours and aircraft over-flying, as well as loss of wildlife, amongst other things. The proposal would only result in a few vehicular movements a day, less than half of which would be heavy lorries and I am satisfied an adequate access can be provided at minimal damage to the roadside hedge. I am told that a free range unit of this type should not produce an unacceptable odour problem and arrangements could be made to ensure that manure spreading was carried out at a suitable distance from

domestic properties. I am advised that over-flying aircraft can cause distress to chickens, but the evidence from existing flocks close to Little Gransden airfield is that they soon become used to the noise. Wildlife interests are covered in the ES.”

13. In 2001 a second application (**S/2193/01/F**) was submitted for an agricultural mobile home on the site which was refused on the grounds of lack of justification (given the refusal of the unit) and visual impact. Although the appeal was dismissed, the inspector concluded that a temporary mobile home was justified to support an egg production unit when it is built.
14. In 2005 the applicant submitted prior notifications of proposed agricultural development under Part 6 of Article 3, Schedule 2 of the General Permitted Development Order 1995 in respect of an agricultural storage building and agricultural access. The Council did not exercise its option of prior approval.
15. In 1995 an application was submitted for the Certificate of Lawfulness for the proposed use of land for the siting of mobile poultry sheds and grazing of free range hens. The certificate was issued in May 2006.
16. In October 2006, prior to the receipt of the Inspectors decision on the 2001 application, a planning application (**S/1321/06/F**) was refused for an identical building on the same grounds as the previous refusal but with an additional concern added that the application failed to provide information on the procedures for dealing with fallen stock. An appeal has been lodged against that decision and a Local Inquiry is due to take place in March 2008. Given the Inspectors decision on the previous appeal in November 2006 the Council has confirmed that it no longer wishes to object to either the scale and location of the poultry shed or the creation of the new access, subject to satisfactory conditions, and will only now contest the appeal on the grounds of the impact of the development on the ecology of the site and surrounding area.

### **Planning Policy**

17. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) states that development should only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
18. **Policy DP/1** of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007 sets out criteria in respect of sustainable development and has the same aims as Policy P1/3 of the County Structure Plan.
19. **Policy DP/2** of the LDF states that all new development must be of high quality design and, as appropriate to the scale and nature of the development, sets out criteria that should be addressed.
20. **Policy DP/3** of the LDF states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact, amongst others, on residential amenity; from traffic generated; on the countryside and landscape character; from undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions and dust; on ecological, wildlife and archaeological interests; on flooding and flood risk; or on the quality of ground or surface water.

21. **Policy NE/4** of the LDF states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located.
22. **Policy NE/6** of the LDF sets out the Councils policy in respect of biodiversity.
23. **Policy NE/11** of the LDF states that in relation to flood risk, applications for planning permission will be judged against national policy (currently PPS25).
24. **Policy NE/14** of the LDF controls lighting within development proposals.
25. **Policy NE/15** of the LDF deals with the issue of noise pollution.
26. **Policy NE/16** of the LDF deals with emissions.

### **Consultation**

27. **Gamlingay Parish Council** recommends refusal. "The Council was concerned about discrepancies between the supporting documentation and the completion of the application form, in addition to all the previous objections to development of this site. It is unclear whether there is the equivalent of 1 full time or two full time employees required for this venture. There is also reference to industrial machinery being required (bobcat), which is incorrectly recorded in the application form (no industrial machinery).

The access way to the site is OUTSIDE the 40 mile an hour limit – not inside as recorded in the supporting documentation, and the Council reiterate their concerns that this access way is not suitable for HGV use as it will cause HGV's being on the wrong side of the road when turning towards Gamlingay over a blind summit of the bridge, and potentially will cause a serious road traffic accident. The road is very narrow at this point.

Concerns were also expressed about the foul water disposal – again not recorded on the application form but evidence provided in the supporting documentation. This field does flood after heavy rain and therefore effluent from the free-range chickens will pass into the Millbridge brook adjacent – this water run off cannot be collected and contained in tanks. This will cause local environmental impact.

The Council is concerned about the concentration of local chicken farms in the vicinity of Gamlingay, with regard to the outbreaks of bird flu. If such an event did happen, Gamlingay would be at the centre of a 3Km exclusion zone surrounded on all sides by four chicken farms. This would cause local anxiety and concern.

The application also states long operating hours between 7am and 10pm every day, which will cause additional concerns to the residents adjacent to the site.

The Council therefore recommends refusal of the application."

28. The **Local Highway Authority** states that the proposal will result in increased traffic usage of the existing junction. Whereas, the increase may not at present be significant the proposed three phases have the potential to increase the likelihood of accidents occurring at an unmodified junction. The Highway Authority will require that the access be improved to reduce potential hazard.

The applicant should provide visibility splays of 2.4m x 120m; the splays must be either within the existing adopted public highway or over land in the control of the applicant. The access itself should be at least 6m wide over the first 20m of its length to allow two larger vehicles to pass without one having to wait on the highway. The above length of access should also be hard paved to prevent debris from spreading onto the adopted public highway.

29. **Natural England** states that based on the information provided it has no objection to the development, as it does not believe that it will result in a negative impact to designated sites or protective species.
30. The **Corporate Manager (Health and Environmental Services)** comments that the submitted information does not satisfactorily address the question of how fallen stock will be dealt with, but is satisfactory in all other respects.
31. The **Ecology Officer** has no objection subject to negotiation of suitable conditions. He comments that the ecological information supplied in support of the information now provides the detailed information required to consider the proposal and the explanation of how the chicken ranging areas will be moved around the site is useful to appreciate that the entire site will not be fenced off all at one time.

He is currently willing to accept that the badger sett in the dry pond is not active and similarly that the hedgerow sett is only being used occasionally. The applicants approach to leave wide buffer zones around these features to avoid any future possible conflict is welcomed. Surveys in 2007 do not show badgers as foraging across the proposed chicken ranging areas. Nevertheless, with the proposal to move the fenced areas around the site he does not envisage permanent fencing forming a barrier to the future movements of the local badger population.

Whilst the Ecology and Nature Conservation chapter of the Environmental Statement is useful in terms of habitat and species assessment and proposed mitigation, it is not actually clear if the measures contained within it are merely recommendations by the Ecologist or if they are actual commitments to mitigation and habitat provision. If it is the former and written confirmation can be provided as such then he is willing to accept the details. If not, then a condition is required to secure an Ecological Management Plan (EMP) to take forward specific matters that can be monitored in future.

Issues to specifically take forward in an EMP will include:

Buffer planting/ grassland strips around badger setts.  
Baffles on lights to avoid spillage on to oak trees (lessening impact on possible bat roosts)  
Control of vegetation removal during the period 15<sup>th</sup> March to 15<sup>th</sup> September to avoid impact on breeding birds and young hares  
Habitat enhancement of the western end of the railway embankment, including hedge Laying and scrub removal  
Planting of woodland screen  
Hedgerow management programme  
Grassland buffer to avoid nutrients reaching Millbridge Brook  
Provision of 10 bird boxes  
Provision of 10 bat boxes

Although this application is for the poultry unit it would appear reasonable to request the applicant to implement the formerly discussed landscape mitigation measures.

These would include gapping up of hedgerows along the northern boundary of the site plus the inclusion of hedgerow trees (such as Oaks). Off-site landscaping has been requested and would still be desirable to lessen the wider landscape impact.

If the application is to be considered on the red line site alone then some form of screening may be requested for the individual unit.

The choice of species within the landscape proposals of the Environmental Report (Aug 2007) are not entirely suitable. Species included such as geulder rose and wayfaring tree are more typical of chalk landscapes. On the sandy soils of this location it is requested that they are replaced with rowan and downy birch.

Additionally, it is stated that the woodland belt will be delivered via a Woodland grant Scheme. If this landscape feature is required for planning purposes then delivery should not rely on the success of a grant scheme.

32. The comments of the **Environment Agency** and the **Bedfordshire and River Ivel Internal Drainage Board** will be reported at the meeting.

### **Representations**

33. The occupiers of Merton Grange, 97 Station Road object to the application on following grounds:
- a) Highway safety issues due to dangerous access. Gamlingay is already a very busy village and more lorries will exacerbate the existing traffic problem, particularly when added to the traffic in Station Road from the industrial site
  - b) Risk of foul water and effluent draining in to Millbridge Brook. Removal of the effluent is not clear. The brook then flows into the village passing by a site where there is evidence of otters. Badgers also use the brook
  - c) Part of the application site has badger sets. Has a full ecological study of the area been undertaken?
  - d) There are already four chicken farms around Gamlingay and to have another 12,000 chickens would be a significant health hazard to the other farms and the local residents should there be an unfortunate outbreak of avian flu. To approve this application would be unwise.
34. The occupiers of 101 Station Road object to the application on the following grounds:
- a) Probable detriment on protected species:
    - 1. The environment assessment recorded one badger's track on the site but from observation badgers are extremely active in and around the proposed site.
    - 2. The assessment has failed to note several other species present in the area. There are green woodpeckers currently nesting in the oak trees marked on the planning drawing; three species of owls are present in the area and little owls in particular are nesting in Merton Grange buildings; there is a healthy population of foxes in the Merton Grange grounds – living in one of the badger setts; roe deer are often seen crossing the fields in the area.

- b) Water pollution. The environmental report states that provided adequate pollution run-off controls are implemented, impact on Millbridge Brook is assessed as being negligible.” The only run-off control outlined in the application is a soakaway thus this issue needs to be addressed. The application form states that there will be no foul water to be disposed of but it is felt that this cannot be the case and needs to be addressed.
  - c) The matter of waste and waste disposal has not been addressed.
  - d) Smell. There is concern from those living close to the proposed site about the odour from the poultry unit. No assessment appears to have been made of this issue.
  - e) The proposed building will be 530m<sup>2</sup> (the height is unclear) but it is likely to have a substantial impact on the visual landscape. It is understood that avoidance of building on green belt land is a very topical issue for the present government.
  - f) Noise pollution. The application form states that no noise assessment has been conducted and is not applicable but this is not the case. At present this is a peaceful area of countryside on the outskirts of Gamlingay. The proposed working hours of the unit (7am – 10pm, 7 days a week), not to mention the noise from the poultry itself, will be intrusive to local residents, both during office hours (several residents work at home) and leisure hours.
  - g) The poultry unit will incur a significant increase in traffic, in particular HGV's, along approaching roads to the site – which have narrow sections.
  - h) It is understood that the applicant has not outlined a business plan for the unit, therefore it is not known if there are plans to enlarge the business in the future, which would increase all the above concerns
  - i) The application form states that there is no new or altered vehicular access proposed but this is incorrect, as the applicant has recently laid a hard track that will support heavy goods vehicles.
  - j) It is understood that the applicant has been attempting to get permission through inappropriate methods – agricultural applications rather than mandatory planning applications – until this point. The objector is outraged to have witnessed work on site and the presence of building materials despite no permission having been granted and the planning application form stating that no development has taken place.
35. The occupier of 104 Station Road objects on the grounds of environmental impact and road safety concerns. The letter rehearses the point about the work in respect of the vehicular access.
36. The occupier of 103 Station Road repeats objections to earlier applications in respect of smell and traffic. There will be a loss of view and loss of value to properties. The applicant simply wishes to build a house but in order to do this he has to create a business on his land. There are foxes and badgers on the land.
37. The occupier of Unit 7, Station Road objects on the grounds that the smell and the possibility of vermin, generated by the poultry unit could be detrimental to the retail



premises. There is also an objection to traffic impact/highway safety and concerns about an avian flu outbreak.

38. The owners of Lt Gransden Aerodrome (LGA) object to the application on the grounds of the risk of mortality to the hens and the ensuing risk of litigation. During the planning inquiry into Lt Gransden Aerodrome in 1997 a Mrs D Quince (believed to be the sister-in-law of the applicant) gave compelling evidence under oath regarding the loss of hens that she had suffered from low flying aircraft passing over her free range egg production farm at Waresley and spoke of the mortality of the hens caused by both asphyxia and egg peritonitis. She also spoke of the loss of egg production from the surviving hens. She gave evidence of how aircraft departing from LGA had caused these losses and the affect that had on the profitability of her farm. Pilots from the aerodrome have been instructed to use alternative departure routes to avoid the risk of over-flying her farm. This alternative route is directly over the application site and there are no other routes that the pilots can take. If the application goes ahead the problems referred to will occur on a weekly basis with litigation, between the farmer and operator of the aerodrome being the most likely outcome.

### **Planning Comments – Key Issues**

39. The site has been the subject of two previous refusals and one dismissed appeal. The second refusal notice has been appealed.
40. In assessing this application it is necessary for Members to consider all aspects of the proposal but in particular to concentrate on the previous reasons of refusal, the decision of the Planning Inspectorate, and whether the current application satisfactorily addresses these concerns.
41. The second refusal was issued prior to receipt of the Inspectors decision on the first application and Members will see from the History section that Council is now only contesting the current appeal on ecological objections.
42. **Access.** The Local Highway Authority did not raise objections to either of the previous planning applications on highway safety grounds, although it recommended improvements to the vehicular access in the light of the increased vehicular activity that would result from the proposal. It has made the same comment on this application although it has reduced its visibility splay requirements from 4.5 x 120m to 2.4m x 120m, which will be queried. The application states that vehicular movements to and from the site will be limited to one car per day and one heavy goods vehicle a week.
43. The previous planning applications were therefore not refused on the grounds of highway safety but over concern about the visual impact of the formation of the access and the provision of the required visibility splays. The Inspector did not support this concern and felt that the visual impact of the access was satisfactory and its use would not create an unacceptable highway hazard.
44. Work on the construction of an access and roadway has started on site under the prior notification application.
45. Given that the previous reason of refusal on access grounds was not supported by the Inspector and that this application would not involve vehicular movements over and above those previously considered, it is my view that it would be unreasonable to refuse this application on access grounds.

46. I have asked the applicant to supply a drawings showing the requirements of the Local Highway Authority.
47. **Visual Impact.** The proposed building, being phase 1, is approximately one third of the floor area of the building previously considered at appeal. There is existing screening within the site and the applicant has indicated that he is willing to undertake additional planting to further screen the building, which can be secured by condition.
48. At the appeal the Inspector considered the issue of the visual impact of the larger building and concluded that it would not materially harm the character and appearance of the surrounding area, and therefore did not support the previous refusal on this ground. Given this it would be unreasonable to refuse the current application on this ground.
49. **Ecology/Wildlife.** The Inspector previously upheld the reason of refusal on ecology/wildlife grounds, particularly on respect of the lack of information in respect of badgers.
50. The Environmental Statement submitted with this application has satisfied the previous concerns of the Ecology Officer in respect of the possible impact of the development on protected species, particularly badgers (refer to Ecology Officers comments above). Nevertheless he requires that a condition be attached to any consent requiring the submission of an Ecological Management Plan to ensure that measures indicated in the application are implemented.
51. I will make the Ecology Officer aware of the concerns expressed by local residents on ecological/wildlife grounds so that additional comments can be made if required, although he has confidence in respect of the information submitted in respect of the badgers.
52. **Noise.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the impact of noise on nearby residential dwellings. The closest dwelling is approximately 270m from the proposed building.
53. The applicant has addressed issues of noise in the Environmental Report.
54. **Odour.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the effect of odour on nearby residential dwellings. The issue of odourants and soild manure is addressed in the Environmental Report
55. **Lighting.** The question of lighting has not been addressed in the Environmental Report and the Ecology Officer has outlined the need to control the impact of any lighting on the adjacent Oak trees to avoid undue disturbance to wildlife. A condition can be attached to any consent requiring details of any lighting to be submitted and agreed. Such a condition is supported by Policy NE/14 of the LDF.
56. **Dust.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the effect of odour on nearby residential dwellings.
57. The Environmental Report states that calculations indicate that annual average concentrations of poultry dust are not expected at distance exceeding 100m from the source. In this case distances from the nearest residential properties are in excess of 100m and prevailing winds are away from residential areas. The report also states

that existing and planned hedging and trees will form a biological screen that will trap many odour-carrying particles at the times of year when odour risk will be greatest.

58. **Pollution Control.** The comments of the Environment Agency and Bedfordshire and River Ivel Internal Drainage Board will be reported to the meeting. However neither body has previously objected to the proposal, subject to the imposition of safeguarding conditions and this matter was not considered an overriding concern by the Planning Inspector.
59. The issue of clean and dirty water control is addressed in the Environmental Report. It states that no slurry will be produced from the building, apart from a negligible volume in the doorway after pressure washing which will be directed into the dirty water tank via a foul drain immediately in front of the building. This tank will also contain any fouled rainwater.
60. Manure will be taken to field heaps prior to spreading on other land owned by the applicant or neighbouring fields. These heaps must be at least 10 metres from a ditch or field drain.
61. **Pest Control.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of pest control. The Environmental Report states that flies are not likely to be a problem as litter is not normally a breeding ground for flies during a layer's life and no dirty litter will be stored on site after cleaning the houses. A fully trained Pest Control contractor will make regular visits to the site.
62. The report states that routine baiting and a well constructed site will ensure that there will be no risk of the poultry houses becoming a breeding ground for rats or mice, again this will be covered by the pest control contractor.

### ***Impact of Aircraft***

63. The issue of the possible impact of low flying aircraft on chickens was considered at the time of the previous appeal and the Inspector concluded that there was insufficient justification to dismiss the appeal on these grounds. I do not consider that this situation has changed since that time.
64. In conclusion the applicant has now satisfactorily addressed the ecological issues which resulted in the previous appeal being dismissed and I am of the view that, subject to the response of outstanding consultations, that the application should be approved.
65. In my view to object to the application on grounds that have already been considered and dismissed by the Planning Inspectorate would lay the Council open to a possible award of costs at any subsequent appeal as there has not been any material change in circumstances since that decision.
66. The applications for phases 2 and 3 of the building will be reported to the February meeting and will have to be judged on their merits.

## Conditions

## Recommendation

67. I will report the comments of outstanding consultees but will recommend approval subject to safeguarding conditions.

## Conditions

1. Time limit 3 years
2. Highway requirements, including visibility splays
3. Submission and implementation of an Ecological Management Plan
4. Submission of scheme for external lighting
5. Landscaping
6. Any requirements of the Environment Agency or Bedfordshire and River Ivel Internal Drainage Board
7. Control of outside storage
8. Restriction of hours of delivery/collection vehicles
9. Scheme for the management of environmental issues

## Informatives

## Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/3** Sustainable Design in Built Development
  - **South Cambridgeshire Local Development Framework – Development Control Policies – Adopted July 2007:**  
**DP/1** Sustainable Development  
**DP/2** Design of New Development  
**DP/3** Development Criteria  
**NE/4** Landscape Character Areas  
**NE/6** Biodiversity  
**NE/11** Flood Risk  
**NE/14** Lighting Proposals  
**NE/15** Noise Pollution  
**NE/16** Emissions
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:
  - Highway Safety
  - Visual Impact/Landscape Character
  - Neighbour Amenity
  - Impact on Wildlife
  - Drainage Issues
  - Environmental Impact
  - Impact of Low Flying Aircraft

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework – Development Control Policies (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2046/07/F, S/2147/07/F; S/2148/07/F, S/1321/06/F, S/1999/05/PNA, S/1851/05/LDC, S/1786/05/PNA, S/2193/01/F and S/2194/01/F

**Contact Officer:** Paul Sexton – Area Planning Officer  
Telephone: (01954) 712155