

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th February 2007

AUTHOR/S: Executive Director / Head of Planning Services

S/0032/06/F – LANDBEACH, MILTON AND WATERBEACH
Change of Use of Land to Create a Multi-Sport Park, Construction of Lakes with
Water Storage, Canal, New and Changed Roads, Cycling and BMX
Tracks, Bridges (3), Engineering Operations, Embankments and
Landscaping and Outline Permission to Construct a Sports Centre,
Boathouse, Finish Line Towers (2), Warden Accommodation (2) and
Amenity Blocks (3)
at Land Between Milton & Waterbeach
In the Parishes of Milton, Landbeach & Waterbeach
for Cambridge Sport Lakes Trust

Recommendation: Delegated Approval

Date for Determination: 11th April 2006

Notes:

This application has been reported to the Planning Committee for determination following its deferral at the meeting held on 6th September 2006.

Conservation Area (Baits Bite Lock)

Update

1. Members may recall the discussion at the meeting in September at which it was decided that the application should be deferred pending receipt of drainage and hydrological information from the Phase 2 Flood Risk Assessment and further transportation, ecology and landscaping information. Members were minded to approve subject to the information contained therein being satisfactory. The report for that meeting is attached to this report at Appendix 1.
2. Following that meeting Officers wrote to the applicants requesting further work be undertaken in relation to drainage, transportation, ecology and landscaping. A copy of that letter is attached to this report at Appendix 2. The applicants then subsequently attended meetings with Officers and Members which led to their submission of additional information relating to drainage, transportation, ecology and landscape, including a summary of habitat gains and losses, revised contour plan of the site, extended cross sections, written confirmation of water levels within the storage lake and responses to the issues set out following the September meeting. Relevant consultations have been undertaken as a result, the responses to which are summarised in the section below.

Consultations

3. **Horningsea Parish Council – Approve.**

4. **Landbeach Parish Council** – No recommendation.
5. **Milton Parish Council** – Recommends refusal stating the following reasons:
 - (a) Cross section drawings – These are "illustrative" drawings with the caveat "do not scale" from this drawing. It believes that the bunding level is 7-10 metres high but on drawing 48CH1700 the east side bund adjacent to the railway is 12 metres minimum high. Notes that the prevailing wind comes from the west. It queries whether the east side bunding therefore needs to be even higher?
 - (b) Training Lake Lane reduction - It notes that the training lake lane will "retain these trees if possible" and that "minor reductions may be possible for a short length near Fen Road". This suggests that the trees will not be retained. It is totally opposed to removal of any of these trees.
 - (c) Secondary stilling basin – Queries whether this will have a pump or is it just an overflow and what is the depth of the basin?
 - (d) Pumping system - It understood that this was to be outside the lake area but is now shown next to the storage lake.
 - (e) Drainage – It is still concerned about drainage issues.
 - (f) Environment Agency – It asks what is its view?
 - (g) Will trees and bushes on the bunds near the railway line result in leaves on the lines problems?
 - (h) If permitted it should be with the condition that construction traffic does not go through the village and especially along Fen Road.
 - (i) General comments - much of what the documents say is "subject to," "should be," "believe," "need to be determined," "still required," "intended," "if possible," "may be possible," "might be," "could be" and "if designed correctly". It is its contention that such a major development as this cannot be allowed to proceed on a series of "ifs, buts and maybes".
6. **Waterbeach Parish Council** – It continues to support the application in principle but continues to recommend refusal due to traffic and access concerns.
7. **Ecologist** – Comments are awaited.
8. **Landscape Design Officer** – Initial responses are:
 - (a) No comments on the sections and the details of the landscaping, most of which can be sorted out at the detailed design stage.
 - (b) Some concern over the general layout of the storage lake, and the possible time lag between stages 1 and 2 with large parts of the landscaping being unable to start until both are finished.
 - (c) The species lists in the 'Habitat Creation' table will need to be far more detailed/expanded and should contribute to the relevant 'Landscape Character(s)' of the area. The area is large enough to support a very wide range of landscapes/habitats, so perhaps these should be more

detailed as well i.e. types of margin etc, and what will be growing there. This doesn't have to be designed yet - just that these landscapes/habitats will be included.

- (d) Should there be some weight attached to the time it will take habitats to establish in the gains and losses e.g. losing 1Ha of established Broadleaved Woodland now and getting 10Ha back in 30 years. Need a detailed plan to show how and why the gains will establish successfully

Further comments are anticipated.

9. **Wildlife Trust** – Two responses have been received to-date, there responses are as summarised below:

- (a) The proposed biodiversity benefits from this scheme are overstated. For example, the lakes will be largely "sterile" from a biodiversity point of view and the landscape plans offer little in the way of wildlife-rich habitats. A scheme of this nature and size should deliver major biodiversity enhancements and not merely provide the bare minimum ecological mitigation for protected species. If this scheme is to proceed, the Wildlife Trust suggests that the applicants work with Cambridgeshire County Council (County Farms), South Cambridgeshire District Council and Waterbeach Parish Council to resurrect the idea of creating a new pocket park on two fields owned by County Farms at TL 499 645. This could provide for the creation of species-rich grassland, planting and management of native willows and ditch habitats for Water Vole. This would offer significant local biodiversity enhancement and community benefits. It would contribute to implementation of the South Cambridgeshire Biodiversity Strategy and the Cambridgeshire Green Vision (Green Infrastructure Strategy) and could thus form a major component of a biodiversity mitigation and compensation strategy (see below). Discussions have been held between the Wildlife Trust and CSL and there would appear to be much common ground, they believe CSL are genuinely interested in wanting to deliver biodiversity enhancements as part of their scheme. However, the Wildlife Trust maintains its position regarding the need for off-site biodiversity enhancements as part of this scheme, because of the constraints within the red line of the application site. They question how this will be facilitated?
- (b) One idea discussed with CSL was that some of the ecological mitigation money that might be spent on-site such as trapping and translocation of Water Voles or on creating species-rich grassland could be better spent if used as a commuted sum to help take forward off-site enhancements such as the "Waterbeach Meadows" project. Any areas of species-rich grassland within the application site would be relatively small and difficult to maintain, therefore it believes that it would be better to try to create such areas off site. CSL indicated that they would be willing to offer project management assistance to a partnership of local organisations committed to delivering such a project. Such commitments would still need to have a formal link to the planning process such as through planning conditions or section 106 planning agreement. However, it hopes that an acceptable way forward could be found, whereby the combination of a commuted sum and establishment of a project partnership would be used to deliver significant biodiversity enhancements in the area between Milton and Waterbeach and beyond the immediate site boundary.

- (c) It disagrees with some of assessment of the conservation importance in the table summarising biodiversity gains. This could be met by appropriately worded planning conditions and that the perimeter ditch would be designed to be Water Vole friendly and have a "two-stage" channel.
- (d) Likewise, much greater use of locally native species should be used in on-site landscaping. This should include locally appropriate native trees, shrubs and wildflower mixes. The balance between the loss of mature trees and hedgerows should the development proceed and the amount of new native trees, woodland, hedgerows would also be met through planning conditions.
- (e) Its concerns regarding potential impacts for the River Cam particularly with respect to pollution or water resource implications could be conditioned. However, while many of the issues will be addressed in consultation with the Environment Agency, it is essential that all requirements and conditions are followed.
- (f) The commitment by the developer to better ditch designs for Water Vole mitigation in their August 2006 response is noted. A comprehensive mitigation strategy will be required for this species, based on up-to-date survey information. Such details should form part of a detailed construction ecological management plan (CEMP), which must be produced and agreed prior to the commencement of the development. The CEMP should also cover all the other protected species issues raised in responses from the SCDC Ecology Officer and English Nature. This could be conditioned.
- (g) Much greater use of locally native species should be used in on-site landscaping. This should include locally appropriate native trees, shrubs and wildflower mixes. This could be conditioned.
- (h) It notes and welcomes the fact that the proposed link between Milton Country Park and CSL has been agreed.
- (i) The Wildlife Trust believes that because of the large-scale nature of this proposed development, in the floodplain of the River Cam, that it is essential that it delivers significant biodiversity enhancements in line with local policies and strategies.
- (j) Overall, as the plan currently stands it considers the biodiversity proposals for such a large development still need to be enhanced and that this would be best done off-site. However, it is reassured by the potential commitment from CSL. If a way forward could be found to realise significant off-site biodiversity enhancements associated or in parallel with this development, it would be happy to withdraw the Wildlife Trust's objection to the scheme.

10. **Natural England (formerly English Nature)** – Initial correspondence indicated that the latest information does not address the concerns it raised previously and therefore it maintains its previous comments, which are summarised at paragraph 60 of the report for the September 2006 meeting (see appendix 1 of this report), however a letter has subsequently been received noting the following points:

- (a) The applicants have made assurances that the rowing lake would only be filled from the River Cam under the provision of an abstraction

license and approval from the Environment Agency. Once filled, this water would be retained and not 'flushed' out annually as was described. As previously stated, we would look to the Environment Agency to address issues of biodiversity when assessing this abstraction application, so will not repeat that process here. We were also assured that there would not be aquatic herbicides used on the lakes, and there will be very little opportunity for hydrological pollution incidents occurring.

- (b) The incorporation of habitat enhancements into the design of the site was discussed, such as proposed measures for water voles in new drains, appropriate native planting schemes in the woodland and grassland areas on site, and areas around the main fishing lake that were to be undisturbed for the benefit of wildlife.
- (c) One of the main points discussed was the provision of compensatory habitat off-site. Natural England believes that the recreational nature of the proposals and the substantial altering of the existing arable environment will place a limit to the wildlife gain that can be produced on the site itself. Whilst the habitat enhancement proposed around the periphery of the site has the potential to benefit wildlife, it will be difficult to recreate conditions on site that will be used by the BAP arable species such as skylark and brown hare, or the more disturbance sensitive species such as nightingale and water vole.
- (d) These issues were recognised by CSL, and they have proposed working in partnership to provide support and cooperation for ecological enhancement off-site at the adjacent 'Waterbeach Meadows', Milton Country Park and the land owned by the College of West Anglia. If this were progressed in a clearly structured way, it would be welcomed by Natural England as a productive route forward, and a means to provide biodiversity enhancement across a large area of land between Waterbeach and Milton.
- (e) However, it advises that this intention should be agreed between the applicant and the Council through a suitably robust planning obligation (via a Section 106) to ensure that there is committed funding to provide for this off-site habitat management and enhancement, for the lifetime of the sports lake. A sufficient level of funding should be made by CSL to a partnership of groups (including a suitable nature conservation body such as The Wildlife Trust) that would lease/purchase Waterbeach Meadows and undertake targeted ecological enhancement at the site. The site has considerable potential for wildlife and would greatly benefit from such a project, as well as providing compensation for the loss of land to the sports lake project, and acting as a valuable resource for local communities. Provided such an agreement being made to make off-site enhancements, in conjunction with fulfilment with the conditions outlined below, Natural England would be in a position to withdraw its objection.
- (f) We are satisfied that the outstanding methodology for mitigation and the measures to enhance the site can be further described as part of a long term Ecological Management Plan. The production of this plan should be attached as part of a condition of planning permission, should it be granted. The Ecological Management Plan should bring together the information in the Environmental Statement with updated surveys and current best practice measures, so that a clear strategy of species

mitigation, habitat management, and post-construction monitoring is available for each phase of the proposed development, and targeted at key species. This should be implemented by an Ecological Clerk of Works, who will oversee the project and be responsible for ensuring that contractors are fully aware of the ecological issues on site, and abide by the protective legislation outlined in Annex A of *ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*. This plan should be produced and agreed in writing with your authority prior to any works taking place at the site. Natural England would welcome the opportunity to comment on the Ecological Management Plan to ensure that there is sufficient detail to enable the plan to be successful.

- (g) It advises that the Ecological Enhancement Plan should include details of provisions being made on and off site to cater for the notable breeding bird species of the area such as skylark, nightingale, grasshopper warbler, corn bunting, spotted flycatcher, barn owl, hobby, bullfinch, and grey partridge. It highlights the importance of the tree belt adjacent to the Fen Road to south of the site, for a range of breeding birds (section 4.1 of the Environmental Statement Annex C) and strongly advises that this area is retained and enhanced as part of the proposals.
- (h) It wishes to see water vole mitigation and enhancement following current best practice guidance (such as that described in the 'Water Vole Conservation Handbook'), and that the provision of an otter holt is included at a suitable point on the River Cam. It notes that it is unlikely that Great Crested Newts will be present on site, though request that this situation is updated periodically as part of future site survey and assessments.
- (i) Natural England has sought further background information from local sources as to the wintering bird interest at the site, and are now satisfied that these surveys can be attached as a condition of planning. These surveys should be carried out so to provide baseline information regarding the use of the site and be used at an early stage to guide the mitigation and enhancement of the area. As with all the species surveys it refers us to its previous comments that, should there be a delay between the granting of planning permission and construction work commencing, periodic updates are provided to ensure that the species use of the site has not altered.

11. **Local Highways Authority** – Comments are awaited, however an email has been received suggesting that progress has been made in relation to the highway safety issues, and more information on the exact nature of the 'special event' days will be required. An update will be provided.

12. **Environment Agency** – The Agency wishes to reiterate that it has not yet seen any details of the proposed S106 agreement. It does need to be in agreement that its requirements are met in terms of surface water drainage and flood risk. Once this is in place it is happy for the scheme to go ahead subject to the conditions previously recommended:

Other comments are:

- (a) The stage 2 FRA is part of the work that it requires to be undertaken in the recommended conditions so this approach is acceptable to them. Were it not it would not have removed its objection and recommended such conditions.
 - (b) PPS25 has not changed its view on this particular application because it can only comment based on guidance available at the time. It does not believe that it would be reasonable for it to make comments and then withdraw them several months later.
 - (c) The staged approach to FRAs is suggested by CIRIA Report C624 'Development and Flood Risk; Guidance for the Construction Industry'. This is just a way of ensuring that sufficient detail presented at the appropriate stage in the planning process. Effectively the Stage 1 FRA supports the principles of the scheme, i.e. enough to support an outline application, and the Stage 2 FRA is required to support the detailed design, i.e. the reserved matters and allow conditions to be discharged.
13. **Drainage Manager** – No further comment to make to those made on the original application.
14. **Old West IDB and Waterbeach IDB** – Are concerned about the possible wider effect of the proposal that could affect the District:
- (a) Groundwater Protection - It is proposed to excavate the rowing lake through a layer of gravel strata. The Boards are concerned that there should be no increased seepage from any gravel strata into the District. It requires written confirmation that there will be no detrimental effect on groundwater level in this area due to the rowing lake both during the construction phase and when in operation.
 - (b) Water Resources - The method for testing the clay seal during construction appears to involve filling and emptying the lake on a number of occasions. Abstractors in the area to include abstractors within the District are reliant on the resources of the River Cam as a source of supply. Water resources in the River Cam/South Level river system are fully committed at certain times. They require written confirmation that there will be no detriment to abstractors within the District due to the operation of the rowing lake.
15. **Police Architectural Liaison Officer** – Notes that proposals are at the outline stage and would be pleased to receive details as the application continues on matters such as buildings, access, parking and boundary treatment in addition:
- (a) While public access to the site on foot, cycle or horseback is laudable care needs to be taken that such access can be controlled should events with significant spectator interest be held.
 - (b) A balance will need to be struck between creating a rural scene with planting necessary for the purposes of the park and the provision of foot/cycle paths which users will feel safe using. Good sight lines and the avoidance of hiding places close to paths are factors which should be taken into account.
16. Further responses following additional consultations, along with the County Council's comments on the highways and access issues, are awaited and it is

anticipated that Officers will provide an addendum by way of an update to this report prior to the meeting, however late responses will also be reported verbally.

Representations:

17. Several further letters of support have been received since September 2006.
18. Cambridgeshire Local Access Forum's comments are summarised below:
 - (a) It welcomes the application to create the lakes and the surrounding country park. This will provide a significant increase in the area of land accessible for quiet enjoyment and physical activities close to Cambridge. The overall benefits that the application will bring to those seeking to participate in water and land based activities are sufficiently great to outweigh the concerns that it has about the detail of access provision. These details are listed below. Cambridgeshire LAF does not object to the application but would wish that the application not be determined until relevant issues regarding the nature of the access have been clarified or required as conditions of the planning permission:
 - (b) Access is currently only proposed on a permissive basis. There should be at least one dedicated statutory Public Right of Way available to walkers, cyclists and horse riders running through the site from Waterbeach to Milton. This could be achieved through a Public Bridleway of adequate width and surface to provide for this multi-use. The original scoping opinion issued by the District Council stated that the Environmental Statement should identify new links which could be dedicated as public Rights of Way (paragraph 30). The Cambridgeshire LAF is disappointed that the District Council has not pursued this omission and sought at least one Public Right of Way as part of the section 106 agreement.
 - (c) Clarification is needed on the legal form of access route that will be provided through the section 106 agreement:
 - The Environmental Statement says that there is potential for creating a dedicated cycleway link between Milton Country Park and Car Dyke Road at Waterbeach.
 - Drawing No 2048(SK)16C (Isi architects) shows a "potential link to Milton Country Park".
 - The Planning Statement at Section 4.7 talks about "...designated footways..." and "...cycleways..." through the site.
 - (d) Clarification is needed on what will be provided (not just 'potential') and along which routes. A cycleway has a different status to a Public Right of Way and one that the Cambridgeshire LAF considers of lesser amenity and utility to public access provision. The term "designated" needs to be defined. As stated above, the strong preference of the Cambridgeshire LAF is for routes to be dedicated as Public Rights of Way. Clarification would provide legal certainty for the planning authority and users as to what will be delivered as conditions on the grant of planning permission.

- (e) Clarification is needed on the precise areas that are to be made available for cycling and walking. The draft Section 106 agreement (dated 06/01/2006) refers to access being available, with limitations, to "...the Country Park and around the Lakes..." and to the "...multi-sport park and lake surrounds...". There does not appear to be a precise definition of these areas, are they different? A map with zones for access marked as part of the section 106 agreement would provide clarity and presumably provide legal certainty for the planning authority.
- (f) Clarification is needed on the conditions being placed on the availability of access for cycling and walking. It is stated in the draft Section 106 agreement that this will be for at least 300 days a year. Will the exclusion of access apply to all of the land that makes up the application or only specific parts of it? There is also reference to additional exclusions that will apply on up to 50 days a year. Are these additional exclusions in geographical extent, but on the same days as the 65 days of exclusions for club functions, etc. referred to above? Or are they additional days to the up to 65 already proposed. Clarification would presumably provide legal certainty for the planning authority.

Planning Comments – Key Issues

- 16. The issues remaining are those of drainage, transportation, ecology and landscaping. Public access has also been raised through the representation of the Local Access Forum. The applicants have met with Officers following the decision to defer at September's meeting of the Planning Committee and additional information has subsequently been provided. The applicant's responses can be found at Appendix 3.

Drainage

- 17. The decision to defer making a decision on this application prior to the submission of a Stage 2 FRA has caused the applicants some difficulties in terms of the resources currently available to them to undertake the very detailed level of work this necessitates.
- 18. The Environment Agency is clear in its advice that the conditions and Section 106 requirements proposed will ensure that its concerns can be addressed at this later stage, and in accordance with national good practice guidance. It does not consider that the publication of PPS25 has altered the situation in relation to its previous advice.
- 19. A meeting involving officers and Local Members with the applicants and their engineers has helped to answer some of the more technical concerns relating to drainage, flooding and hydrology including the heights above ground levels, cut-and-fill calculations, height of bunds, perimeter drain and pump, ground water and siphon of the award drain. In response to Members' concerns it is suggested that, if approved with the conditions and section 106 recommended by the Environment Agency, a working group including Officers, Local Members, the Chair and Vice- Chair of the Planning Committee could be established to ensure that all parties are satisfied with any details and that matters relating to drainage be brought back to Planning Committee for the approval of Members prior to conditions being discharged. Officers and the applicants consider this to be an acceptable way forward.

Changes involving award drains would also need to be considered by the Council's Land Drainage Group.

Transportation

20. The applicants have submitted to the County Council a 'large-event modal study.'
21. They have also received confirmation that the Park and Ride facilities can be considered to accommodate the needs of the development, subject to financial arrangements and controls to support the plan, events not detracting from the service provided, a plan being formulated at least two years prior to its planned opening in 2009, and working arrangements.
22. A Travel Plan is proposed for the whole scheme in order to ensure smooth and orderly flows of traffic to programmes and events. This will provide guidance on appropriate measures to minimise the use of the private car park and to maximise accessibility for non-car owners to all events. It will form the basis of an annual transport management scheme that will be prepared in advance of each year's operation. The aim of this will be to ensure that overflow car parking in Waterbeach is avoided.
23. In relation to the junction design for safe access the applicants have already provided a detailed design, safety report and swept path analysis.
24. In order to ensure no construction or operational traffic uses roads other than the A10 and Car Dyke Road a travel plan has been submitted for comment and a Stage 1 Road Safety Audit along with proposed safety measures. The applicants agree to limit access for construction.
25. The comments of the County Council's Transportation Service are awaited. Members will be updated in due course, although informally the main areas of concern remaining are likely to relate to 'special event' days and the area of the bridge on Fen Road and the safe operation of the Car Dyke Road/A10 junction.

Ecology

26. The applicants have continued discussions with the Ecology Officer, The Wildlife Trust and Natural England. Generally, there appears to be agreement that subject to appropriate conditions and subsequent details, the biodiversity impacts can adequately be mitigated.
27. The applicants have confirmed that they are willing to work to progress off-site biodiversity measures, and has suggested possible solutions set out below:
 - (a) Cambridge Sport Lakes Trust will provide co-operation and managerial support for local initiatives for the ecological development of immediately adjacent areas, in particular Waterbeach Meadows, Milton Country Park, and the forestry/land management work of the College of West Anglia. Further, Cambridge Sport Lakes Trust will subsequently work collaboratively to seek external benefaction for such schemes.

- (b) Cambridge Sport Lakes Trust would accept a Section 106 obligation or a condition regarding the commutation of the cost of the translocation of species on site to immediately adjacent ecological initiatives if that is required.
28. In light of the responses received and the commitment of the applicants, as set out above, it seems that the ecological issues can be overcome and indeed enhancement achieved, as required by PPS9. Members will be updated on this issue following receipt of the Ecology Officer's detailed comments.

Landscape

29. The Landscape Design Officer's detailed comments are awaited, however it is understood that some progress has been made in relation to the landscape impact.
30. The applicants have provided sections, which assist in assessing the overall landscape impact.
31. They have also suggested that a lane of the training lake could be reduced in length in the area of Fen Road in order to ensure that trees in this area can be retained. No further information in relation to this is provided at this stage.

Public Access

32. It is accepted that full public access will not be possible to the site due to the operational constraints. However Officers are satisfied that adequate provision for public access can be secured through the detailed design, conditions and Section 106. In terms of access to the countryside the proposals will undoubtedly result in significant gains in terms of public access, despite the lesser legal status. There is no public access on the site at present other than on the towpath.

Conclusion

33. The main issues that remained following the September meeting have largely been addressed through subsequent work, with the exception of drainage, flooding and hydrological matters which officers and Environment Agency are satisfied can be dealt with through conditions and a Phase 2 FRA. In light of the Environment Agency's advice, Officers make the following recommendation:

Recommendation

34. **Delegated approval** subject to:
- (a) No objections being received from the Local Highways Authority, Ecology Officer and Landscape Design Officer and satisfactory resolution of matters that may subsequently be raised by these groups.
 - (b) The prior completion of a Section 106 Agreement.
 - (c) Appropriate planning conditions, in particular, those recommended by the Environment Agency.

- (d) The final terms of the Section 106 Agreement and planning conditions being agreed in consultation with the Chairman, Vice-Chairman and Local Members for Landbeach, Milton and Waterbeach.
- (e) The discharge of drainage conditions and a 'Phase Two FRA' being considered by the Land Drainage Group and Planning Committee.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/0810/92/F, S/0917/93/F and S/0032/06/F

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