OFFICER REPORT

Case No: 25/00236/NMA **Non Material Amendment**

Proposal: **Non-Material Amendment of 21/01420/S73 to alter wording of Condition 18 to allow for a new Construction Environmental Management Plan (CEMP) to be approved**

Location: **RAF Upwood Ramsey Road Bury**

Applicant: **Mr Stephen Wilkins**

Grid Ref: **527570 283603**

SITE AND DESCRIPTION OF THE DEVELOPMENT

This application relates to the former RAF Upwood and Upwood Hill House site which is located between the villages of Bury and Upwood, along with strips of land either side of Ramsey Road to the east, south and southwest of the main body of the site.

The site is an allocated site that has permission for 160 new dwellings, new access and associated infrastructure. The site has approval via a number of permissions and the most recent being a s73 application, Ref: 21/01420/S73 dated 24th Aug 2022.

There are a number of trees protected by Tree Preservation Officers on adjacent sites, but no protected trees within the application site. The lies site to the south of Bury and is adjacent the decommissioned RAF base and residential properties at Bury Close, opposite the site is a residential area.

This NMA seeks to amend the wording of condition 18 on the s73 approval, to allow the submission of a new Construction Environmental Management Plan (CEMP). The new CEMP will update the provision of the developers obligation and bring the CEMP to BS standards and allow the developer to work under the newly approved CEMP.

The new CEMP to be considered is Ref: Draft 4 – 31.1.26 – received by HDC on 9th February 2026 and produced by Vistry South Midlands.

The main points of change are as follows:

- The operators of the site have changed from Lindum Group to Vistry Homes
- The working hours of operation have been revised from approved document that states:

“Working hours will be as listed below.
These working hours will be fully compliant with the planning requirements
Monday to Friday 07:00hrs to 19:00hrs
Saturday 07:00hrs to 13:30hrs

Sundays and Bank Holidays - No activity at any given time
.
The revised document proposes:
“Working hours for plant and machinery will be as follows:
Monday to Friday- 0730-1800

Saturday- 0800-1330
Saturdays will be on an as and when basis.
As occupations occur Monday to Fridays will change to 0800-1700”

- Wheel washing provision has changed – from an Eco Bath to an agreed location and jet wash facility, shown in appendices.
- Site compound and material stores have changed location within the site and shown on appendix 2.
- The inclusion in the new CEMP of Appendices that relate to the information submitted 1 – 6.
- A subsequent email dated 27th Feb 2026 has confirmed that all BS standards as advised by Environmental Health Officer will be adhered to.

NATIONAL GUIDANCE

The Planning Practice Guidance (PPG) has a chapter on flexible options for planning permission, which includes non-material amendments. The PPG outlines that new issues may arise after planning permission has been granted, which require modification of the approved proposals.

Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:
- making a non-material amendment
- amending the conditions attached to a planning permission, including seeking to make a minor material amendment.

For full details visit the government website
https://www.gov.uk/government/organisations/department-for-communities-and-local-government

PLANNING POLICIES

Non-material amendment (NMA) applications should not, by definition, raise policy issues that were not covered in the original application report.

PLANNING HISTORY

12/01274/OUT - Selective demolition and clearance of existing (former defence) buildings, environmental remediation and the carrying out of employment-led mixed use development comprising about 2 hectares of employment (Use Class Order B1 uses) (including the conversion and change of use of some buildings) and residential (not more than 160 dwellings) development, together with the provision of infrastructure and the laying out of ancillary open space. (Phased Development)
Approved – 7th June 2017

20/00161/REM - Reserved Matters application for the approval of layout, scale, appearance and landscaping (including the discharge of condition 20) for the development of 160 new dwellings at RAF Upwood and Upwood Hill House, Ramsey Road, Bury
Approved – 2nd Sept 2020

21/01420/S73 - Variation of condition 10 (Off-site highway works) of 1201274OUT
Approved - 24th August 2022

There have also been a number of submissions to approve details reserved by conditions.

CONSULTATIONS

HDC – Environmental Health Officer – concludes that the CEMP is acceptable and the details can be approved.

CCC - Highways Authority – have made suggestions to amend the wording of the new document.

REPRESENTATIONS

No comments received at time of determination.

SUMMARY OF ISSUES

Section 96A of the Town and Country Planning Act allows a Local Planning Authority (LPA) to make a change to any planning permission if it is satisfied that the amendment proposed is non-material. This includes the power to impose new conditions and to remove or alter existing conditions.

These provisions have been introduced by the Government to provide a quick, formal method of dealing with small changes to approved schemes to give greater flexibility within the planning system.

Government guidance on non-material amendments is set out in the Planning Practice Guide; this advises that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme. The main issue for consideration is whether the proposed amendments can be treated as 'non-material' and whether they are acceptable.

This NMA seeks to allow the substitution of a new updated CEMP (Ref: Draft 4 – 31.1.26). Condition 18 of 21/01420/S73 approval states that “The development hereby permitted shall be carried out in accordance with the details approved under 21/80106/COND, in relation to the Construction Method Statement document. The details set out in the Construction Method Statement shall be adhered to for the duration of all construction works associated with the development.”

The NMA would allow the approval of the new CEMP received 9th February 2026. The wording of the condition would then read “The development hereby permitted shall be carried out in accordance with the details of the CEMP received by Huntingdonshire District Council on 9th February 2026 produced by Vistry South Midlands and Ref: Draft 4 – 31.1.26”.

The condition on planning approval ref: 12/01274/OUT to which the CEMP relates, states the following:

Condition 28:
No development other than demolition shall take place, including works of reclamation and remediation of the site pursuant to condition 25 until a Construction Method Statement for the works proposed has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the period of the construction/works.

The Statement shall if required by the local planning authority provide details of amongst other matters:

(a) points of access to the site to be used by construction traffic and times of ingress and egress
(b) areas for the parking of vehicles of site operatives and visitors
(c) the location of construction compounds
(d) areas for loading and unloading and storing plant, equipment and materials
(e) the erection and maintenance of security hoarding

(f) wheel washing facilities
(g) measures to control the emission of dust and dirt during reclamation, remediation and construction
(h) measures to control the emission of noise during reclamation remediation and construction
(i) a Construction Waste Audit and Strategy for recycling/disposing of waste resulting from construction
(j) protection of trees to be retained

The document under consideration in this NMA (Ref: Draft 4 – 31.1.26) received by the District Council on 9th Feb 2026, has been scrutinised by Officers of the Council and following amendments and revisions, Environment Health have agreed it is now acceptable.

County Highways made a number of suggestions to be included in the text and the applicant has taken the majority of those on board. There was one omission, as this went over the expectation of the document as set out on the planning conditions and has not been amended and included in the final CEMP – that is the suggestion of further details of the access at the southern end of the site is to be included. Officers confirm that this is not included and outside of the remit of the CEMP and this submission.

It is thus concluded that the revised CEMP complies with the condition wording and following items:

a) the submitted Construction Environmental Management Plan (CEMP) indicates points of access to the site to be used by construction traffic and hours of work are specified within paragraph 3.
in relation to b), c) and d) the details are considered 'acceptable'.
In relation to e) figure 3 of the submitted CEMP Indicates HERAS fencing will enclose the site.
With regard to f), Section 5 of the submitted CEMP outlines the use of a jet wash. The CEMP indicates a wheel wash facility at the access/egress of the parcels of land as shown on appendix 3 and the photo details at appendix 6.
In relation to g), section 9 of the submitted CEMP identifies appropriate measures to control dust and dirt emissions.
In relation to h), section 8 of the submitted CEMP identifies appropriate measures to control noise and states that "the British Standards Code of Practice for noise and vibration control (BS 5228 1 2009+A1 2014 and BS 5228 2 2009+A1 2014) will be adhered to during the construction phase at all times".
In relation to i), section 11 outlines an appropriate approach with respect to the management of construction waste.

The submitted CEMP does not include details relating to the protection of trees to be retained. However, seven tree protection plans were approved under 20/00161/REM and condition 6 imposed on 20/00161/REM which requires the tree protection measures to be implemented prior to any equipment being brought onto the site, or any preparatory works being undertaken.

CONCLUSION

The proposed amendment to the wording of condition 18 is considered non-material in the context of the overall scheme and accords with the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended).

The decision only relates to the non-material amendment sought and this is not a reissue of the original planning permission which still stands. The two documents should be read together.

CONTACT OFFICER:
Enquiries about this report to **Hannah Guy**