

Development and Regulation Committee

10:30	Friday, 28 July 2017	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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Quorum: 3

Membership:

Councillor C Guglielmi	Chairman
Councillor J Abbott	
Councillor M Garnett	
Councillor M Hardware	
Councillor I Henderson	
Councillor J Henry	
Councillor S Hillier	
Councillor R Massey	
Councillor M Mackrory	
Councillor R Moore	
Councillor J Reeves	
Councillor A Wood	

For information about the meeting please ask for:

Matthew Waldie, Committee Officer

Telephone: 033301 34583

Email: matthew.waldie@essex.gov.uk



Essex County Council

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence The Committee Officer to report receipt (if any).	
2	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
3	Minutes To approve the minutes of the meeting held on 23 June 2017.	7 - 26
4	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5	Minerals and Waste	
5.1	Wallasea Island Wild Coast Project - modifications To consider Report DR/30/17, relating to proposed changes to planning permission in respect of the development of a coastal nature reserve. Location: Wallasea Island Wild Coast Project, Creeksea Ferry Road, Wallasea Island, SS4 2HD. Ref: ESS/13/17/ROC	27 - 66
5.2	Wallasea Island Wild Coast Project - buildings To consider Report DR/31/17, relating to the erection of buildings and an aerial, development of a compound and associated works, as part of the development of a coastal nature reserve. Location: Wallasea Island Wild Coast Project, Creeksea Ferry Road, Wallasea Island, SS4 2HD. Ref: ESS/12/17/ROC	67 - 90
6	County Council Development	

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|----------------------------|--|------------------|
| 6.1 | Land to west of Cambridge Road, Harlow
To consider Report DR/32/17, relating to the creation of a new road junction to create a new junction between Cambridge Road and River Way including off site ancillary operations and off site mitigation.
Location: Land to the west of, and adjacent to, Cambridge Road, Harlow.
Ref: CC/HLW/21/17 | 91 - 112 |
| 7 Information Items | | |
| 7.1 | Applications, Enforcement and Appeals Statistics
To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.
Report DR/33/17. | 113 - 114 |
| 8 | Date of Next Meeting
To note that the date of the next Committee meeting is scheduled for Friday 25 August 2017. | |
| 9 | Urgent Business
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. | |

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

10

Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 23 June 2017**Present:**

Cllr C Guglielmi (Chairman)	Cllr M Maddocks
Cllr J Abbott	Cllr R Massey
Cllr M Garnett	Cllr J Reeves
Cllr I Henderson	Cllr A Turrell
Cllr J Henry	Cllr A Wood
Cllr S Hillier	

1 Apologies for Absence

Apologies were received from Cllr A Brown, (substituted by Cllr J Henry), Cllr M Hardware, Cllr M Mackrory (substituted by Cllr A Turrell), and Cllr Dr R Moore (substituted by Cllr M Maddocks).

2 Declarations of Interest

Cllr M Garnett declared that as member for the Harlow North division, he is a local member for item 5.1, the new junction 7a on the M11. As he is pre-determined on this issue, he would address the meeting as local member and then leave the meeting room. (Minute 5 refers.)

3 Minutes

The minutes of the meeting held on 26 May 2017 were agreed and signed by the Chairman.

4 Identification of Items Involving Public Speaking

Persons to speak in accordance with the procedure were identified for the following items:

1) To consider Report DR/24/17, relating to the construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8, a link road and related road improvements.

Location: Gilden Way and Sheering Road, public highways and land between, Sheering Road and M11 Motorway, Harlow

Reference: CC/EPF/08/17.

Applicant: Essex County Council

Public Speakers: Jim Hutchins speaking against

Andrew Cook speaking for.

And Cllr Mike Garnett, speaking as local member.

2) To consider Report DR/26/17, relating to the change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Dwelling Houses) to Use Class C2 (Residential Institutions) to provide bedroom flats for adults with learning difficulties,

with other related building and demolition work.

Location: Evegate & 3 Thistley Green Road, Braintree CM7 9SE

Ref: CC/BTE/54/16

Applicant: Essex County Council

Public Speakers: David Whipps speaking against.

Phil Brown speaking for.

County Council Development

5 New Junction 7a on the M11

The Committee considered report DR/24/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Need for the Scheme
- Principle of Development in the Green Belt
- Traffic Modelling /Highways Impact
- Landscape and Visual Impact
- Flood Risk
- Impact on the Natural Environment
- Impact on the Historic Environment
- Noise and Vibration Impact
- Air Quality and Dust Impact
- Human Rights and Equality issues.

In accordance with the protocol on public speaking the Committee was addressed by Mr Jim Hutchins, Director, WSP UK Ltd, representing the Harlowbury Consortium of Developers. Mr Hutchins said:

- The Harlowbury development has detailed planning consent, but a proper, detailed assessment of the likely impact of the proposed scheme on the development has not been made
- There is a lack of detail on the visual and noise impact of the scheme on the proposed development. The developers have worked hard to produce a semi-rural streetscape; but the use of noise barriers will lead to residents on the ground floor of those properties overlooking Gilden Way looking out at the rear of the barrier. Alternative measures for noise mitigation should be considered
- Regarding the eastern access to the development, Jacobs accept that detailed work will be needed at a later stage. The eastern access provides a key element to traffic circulation and there is no indication of a fallback situation if an acceptable junction cannot be delivered
- Regarding the main access, there is insufficient information in the documentation to understand how the proposed junction could impact upon

access. This is an unsound position upon which to make a decision on the application.

Andrew Cook, Director, Highways & Transportation, Essex County Council, then spoke on behalf of the applicant. Mr Cook said:

- Essex faces significant growth pressures over the next 20-30 years and Harlow is one of the areas of focus for these pressures
- The existing M11 junction and access road are at capacity or near capacity at peak times and at other times during the day. This application has been designed to be able to deal with not only existing needs but to accommodate future aspirations for the town, being in two phases, to allow for future growth
- In response to feedback from the extensive public consultation, much detail has gone into this application, including substantial mitigation in several areas (eg heritage and the environment); every effort has been made to strike a balance between the need for growth and the concerns of residents
- It is fully funded, with a significant commitment from national government
- It is key to the delivery of local plans in Harlow, East Hertfordshire and Epping Forest districts.

Councillor Mike Garnett, as local divisional member, addressed the meeting. Cllr Garnett said

- This development will physically bisect the existing community by transforming the current B road with a daily vehicle count of 17,000 to a motorway link road of 33,000 movements per day. Two schools lie along or near to this road, which leads to the London Road and Marks Hall roundabouts, where substantial traffic build up already exists along Gilden Way
- He wonders if the developers of the North Gilden Way development have not proceeded to date, in view of this proposal
- Sound attenuation - the site rises up, which would require the barrier to be even higher
- The local authorities support the creation of a new junction, not the access to the junction. What is required is a northern bypass. There is likely to be a new town of some 25,000 houses built on the site of Hunsdon aerodrome and this will not be able to cope
- This will affect the lives of thousands of people and there is no way back, once it is put in place. Other options should have been considered
- The likely waiting time at the roundabouts makes it more likely that drivers will try to take short cuts through other town roads - although blocking off access to Old Road will prevent the use of this road as a rat run.

Cllr Garnett left the meeting at this point.

In response to points raised by members, it was noted:

- The developer intended to explore all options with regard to achieving appropriate sound reduction for residents along the link road. This might involve modifying the road surface itself, putting in natural features, or adopting other approaches
- The forecasting of growth in the area did not justify the building of a northern bypass at the moment; but the junction has been designed to be able to connect up to a northern bypass, should one be built in the future
- With regard to concerns over air quality, modelling has been done, but it was hard to be precise about the impact, as there will be an increase in traffic in

some places, a decrease in others. From a planning point of view, the levels set out in the report as received will not exceed either UK or European targets. The ongoing situation is not conditioned, as monitoring is carried out by other bodies

- There is a need and a number of measures will be in place to provide mitigation, so contributing to the "very special circumstances" required in relation to Green belt requirements
- Loss of hedgerow/trees. Although 1.43 ha of woodland will be lost, there will be 16 ha of embankment tree planting in mitigation
- The new cycleway will run from the London Road roundabout to the hamlet known as the Campions
- Lighting. As there were bats in the area, certain extra measures were proposed by members in mitigation: zero tilt (already in proposed scheme), colour temperature (ie warmer colours), bespoke dimming, not lighting whole route. Members noted that the Highway Authority would have safety as the overriding factor, but also noted that the M11 itself was unlit at this point. Members agreed to include these as considerations to be added to Condition 21.

There being no further issues raised by Members, the resolution, including the additional conditions under Condition 21, was proposed and seconded. Following a vote of 9 in favour, none against, with one abstention, it was

Resolved

Subject to no intervention by the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 26 January 2017 and validated on 13 February 2017, together with the following list of drawings and documents

Drawings

B3553F05-0100-DR-0519	Rev. P0	Location Plan
B3553F05-0100-DR-0500	Rev. P0	Proposed Layout Key Plan
B3553F05-0100-DR-0501	Rev. P0	Proposed Layout Plan Sheet 1 of 8
B3553F05-0100-DR-0502	Rev. P0	Proposed Layout Plan Sheet 2 of 8
B3553F05-0100-DR-0503	Rev. P0	Proposed Layout Plan Sheet 3 of 8
B3553F05-0100-DR-0504	Rev. P0	Proposed Layout Plan Sheet 4 of 8
B3553F05-0100-DR-0505	Rev. P0	Proposed Layout Plan Sheet 5 of 8
B3553F05-0100-DR-0506	Rev. P0	Proposed Layout Plan Sheet 6 of 8
B3553F05-0100-DR-0507	Rev. P0	Proposed Layout Plan Sheet 7 of 8
B3553F05-0100-DR-0508	Rev. P0	Proposed Layout Plan Sheet 8 of 8
B3553F05-0100-DR-0509	Rev. P0	Site Location Plan
B3553F05-0100-DR-0510	Rev. P0	Existing Layout Key Plan

B3553F05-0100-DR-0511	Rev. P0	Existing Layout Sheet 1 of 8
B3553F05-0100-DR-0512	Rev. P0	Existing Layout Sheet 2 of 8
B3553F05-0100-DR-0513	Rev. P0	Existing Layout Sheet 3 of 8
B3553F05-0100-DR-0514	Rev. P0	Existing Layout Sheet 4 of 8
B3553F05-0100-DR-0515	Rev. P0	Existing Layout Sheet 5 of 8
B3553F05-0100-DR-0516	Rev. P0	Existing Layout Sheet 6 of 8
B3553F05-0100-DR-0517	Rev. P0	Existing Layout Sheet 7 of 8
B3553F05-0100-DR-0518	Rev. P0	Existing Layout Sheet 8 of 8
B3553F05-3000-DR-0201	Rev. P00.1	Landscape Sections Sheet 1 of 2
B3553F05-3000-DR-0202	Rev. P00.1	Landscape Sections Sheet 2 of 2

Documents

- Planning Statement, prepared by Jacobs, dated January 2017
- Non-Technical Summary of Environmental Statement, prepared by Jacobs
- Environmental Statement - Volume A (Written Statement), Volume B (Figures), Volume C (i) (Appendices 1-7), Volume C (ii) (Appendices 8-13) prepared by Jacobs, dated January 2017
- Outline Environmental Management Plan, prepared by Jacobs, dated January 2017
- Flood Risk Assessment (B3553F05-0500-RP-0003), prepared by Ringway Jacobs, dated January 2017.
- Heritage Statement, Revision 1, prepared by Jacobs, dated January 2016.
- Built Heritage Assessment

Further Submissions

- Response to external review of M11 J7a Air Quality Assessment, prepared by Jacobs, dated 09 May 2017
- Air Quality 'Addendum to the response from AQC' prepared by Jacobs, dated 25 May 2017

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. Dust Management Plan

No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement.

The development shall be implemented in accordance with the approved scheme.

4. Archaeology – Written Scheme of Investigation

No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior

to the commencement of the development hereby permitted or any preliminary groundworks.

5. Archaeology – Mitigation Strategy

Prior to commencement of development, and following completion of archaeological work required under condition 4 above, a mitigation strategy detailing the excavation/preservation strategy shall be submitted for the prior written approval of the County Planning Authority.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the fieldwork as detailed in the mitigation strategy has been completed to the satisfaction of the County Planning Authority.

6. Archaeology – Post Excavation Assessment

Within six months of completion of the programme of archaeological investigation identified under condition 4, the applicant shall submit a post-excavation assessment. This shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

7. Detailed Landscape Scheme

No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development or the relevant phase of the development hereby permitted in accordance with the approved details.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

8. Tree Protection

No development or any preliminary groundwork's shall take place until:

- a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;

- b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

9. Bird Hazard Management Plan

Prior to commencement of development, a Bird Hazard Management Plan, to prevent the utilisation of the site by hazardous bird species, has been submitted to and approved in writing by the County Planning Authority.

The submitted plan shall include, but not limited be to:

- Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
- Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers;
- Measures to limit access to attenuation ponds through the erection of goose proof fencing.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

10. Detailed Surface Water Drainage Scheme

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- a) Limiting discharge rates from Gilden Way (Highway Drainage Catchment A) to at least 50% of the existing runoff rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 30% allowance for climate change.
- b) Limiting discharge rates from Proposed Link Roads (Highway Drainage Catchment B) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 40% allowance for climate change.
- c) Limiting discharge rates from the new slip roads and ancillary works associated with Proposed Junction 7A (Highway Drainage Catchment C) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus a 20% allowance for climate change.
- d) Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report

- e) Final modelling and calculations for all areas of the drainage system.
- f) The appropriate level of treatment for all runoff leaving the site in line with the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to commissioning and opening to traffic.

11. Scheme to minimise risk off-site flooding caused by surface water run-off and ground water during construction.

No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To mitigate the risk flooding during construction in accordance with U2A, U2B, U3A, U3B of the EFC Local Plan and policies CP12 of the HDC Local Plan and the NPPF.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

12. Surface Water Drainage System – Maintenance Plan

No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the County Planning Authority. The completed development shall be maintained in accordance with the approved plan.

13. Construction Environmental Management Plan (CEMP)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

14. Land Remediation Strategy

Prior to each phase of development approved by this planning permission (1, 2A and 2B) no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority.

The strategy shall include the following components:

- a). A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;and
 - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

15. Land Remediation Verification Report

Prior to each phase of development being commissioned a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

16. Land Remediation Strategy – contamination found during development

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

17. No drainage systems for the infiltration of surface water drainage into the ground

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality.

18. Borehole Management Scheme

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

19. Piling Method

Piling using penetrative methods shall not be carried out other than with the written consent of the County Planning Authority. The development shall be carried out in accordance with the approved details.

20. Noise Mitigation Plan / Acoustic Barriers Detailed Design

Prior to commencement of development a detailed Noise Mitigation Plan shall be submitted for the prior written approval of the County Planning Authority. This shall

include detailed design of any acoustic barriers required to achieve adequate noise mitigation. The development shall be implemented in accordance with the approved scheme.

21. Lighting Detailed Design

No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt, colour temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

The lighting plan shall consider the impact on light sensitive biodiversity and shall

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

22. No development shall take place until topographical survey information to verify the hydraulic flood modelling has been submitted to and deemed acceptable in writing by the local planning authority. The survey information should include:

- a survey report
- drawn long sections
- cross-section location plans in a digital format or geo-referenced
- channel surveys produced as text files which read directly into modelling software

If this information cannot verify the hydraulic flood modelling then the hydraulic flood modelling will need to be reviewed, and resubmitted for approval to the local planning authority following any changes being made.

23. No development shall take place until a scheme to demonstrate if and how compensatory flood storage for the 1 in 100 plus 35% climate change fluvial flood event will be provided, has been submitted to and approved in writing by the local planning authority. The scheme will be based on the approved and verified hydraulic flood modeling.

INFORMATIVES

Surface Water Discharge

The Environment Agency advises that the surface water discharge associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies.

Cllr Garnett rejoined the meeting at this point.

6 Land to west of Cambridge Road, Harlow

It was noted that this item had been withdrawn from the agenda and would be considered at a future meeting of the Committee.

7 Evegate and 3 Thistley Green Road, Braintree

The Committee considered report DR/26/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Principle of Development and Need
- Policy Considerations
- Design and Layout
- Impact on Trees, Landscape and Ecology
- Impact on Residential Amenity
- Traffic and Highways.

In accordance with the protocol on public speaking the Committee was addressed by Mr David Whipps, Holmes & Hill LLP, representing a number of residents near the application site. Mr Whipps said:

- Local residents are disappointed to have to make representation to the Committee today as they have never objected to the principle of the development, but have sought that it should not have a negative impact on their amenities; such an approach is quite in line with both national and local policy. They have two areas of concern: noise and car parking
- Noise. Residents of the development will be likely to make loud noises and some of these may be distressing. With the promised noise report not having been submitted earlier, in January 2017 one sheet was produced, pointing out

that the screams might be up to 85 db. Then three weeks ago a fuller report was produced, but this mostly looked at the sound levels within the building. There are too many unknowns here: uncertainty on the sound levels outside, the need to close windows, the efficacy of the sound suppression of the glazing and the mechanical noise produced by the ventilation system

- Two of these proposed flats directly abut a neighbouring property
- Car parking. The road is narrow; local people often have to reverse onto the road and drivers often have to weave their way between cars already parked on the road. Officers acknowledge there are difficulties. There must be adequate parking on site. 15 spaces are totally inadequate for a potential 20 staff on changeover, plus office staff
- As you are deliberating on your own application, you must scrutinise this with the utmost care; in view of the uncertainties I have set out, I suggest that this application cannot be approved at present and so should either be refused or deferred.

Phil Brown, Acting Head of Commissioning (Vulnerable People), Essex County Council, then spoke on behalf of the applicant. Mr Brown said:

- Essex County Council is working with health partners to reduce the number of those with learning disabilities placed in hospital. This development will allow six individuals to leave hospital, where they should not be, and prevent the likely admission to hospital of four more
- The site is appropriate in having much space and suitable buildings for development, extensive grounds for residents to enjoy and good links and access to Braintree town centre
- The Council has a statutory duty to meet the needs of those in its care and the development is designed to reflect the needs of those moving in
- Officers have met with neighbours, to understand their concerns and have tried to address their concerns in the development
- Unusual noise should be infrequent, but good sound insulation will be installed, along with internal ventilation, to allow windows to be closed if necessary. The noise survey suggests the levels should remain within reasonable standards
- The number of parking spaces has been increased and fully meets County Council standards, having more than other local supported schemes
- The Council want those accommodated in the development to be good neighbours and to be accepted by local residents and will encourage those delivering the contract to work toward this end and do everything possible to achieve this.

In response to points raised by members, it was noted:

- 'Perception of harm' was a valid planning consideration, but it was difficult to assess the levels of noise likely to be experienced, particularly in the open; however the proposed mitigation measures were sufficient to satisfy the officers from a planning point of view
- Two additional conditions (as set out in the Addendum) had been suggested to improve the mitigation in respect of noise
- Such a site is not unique; good management will be required to ensure minimal disruption to neighbours and successful integration into the local community
- The parking requirements already exceed the requirements. There are likely

to be extra vehicles on site for the half hour shift changeover period each day and there is additional informal parking on site

- Regarding room for refuse/recycling lorries turning, it is normal for them to remain in the main road, rather than enter the site
- There is no reference to the emerging Braintree District Plan in the report. However, this application is being made under the existing Local Plan
- There are bats on site - appropriate lighting conditions should be added to take account of these
- The original permission, to demolish and rebuild the coach house, was never implemented
- Monitoring of the ongoing situation in respect of local residents' concerns cannot be conditioned; however an informative could be added, that the impact should be monitored.

There being no further issues raised by Members, the resolution, including the additional conditions noted in the Addendum, plus an appropriate lighting condition, was proposed and seconded. Following a unanimous vote in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the planning application reference CC/BTE/54/16 dated 11 November 2016 and validated on 16 November 2016 together with:
 - Design and Access Statement incorporating a Planning Statement dated November 2016
 - Essex Biodiversity Validation Checklist dated 11 November 2016
 - Bat Survey: Interim Report prepared by Essex Ecology Services Limited (EECOS) dated June 2017
 - Arboricultural Impact Assessment prepared by Hallwood Associates dated 31 October 2016
 - Letter from Lee Cunningham Partnership dated 12 December 2016 re: Braintree Vulnerable Housing, Acoustics
 - Acoustic Consultancy Report prepared by Lee Cunningham Partnership (Ref: 79450/3/1/12) dated 16 May 2017

- Transport Statement prepared by Cottee Transport Planning dated October 2016 and Drawings:
 - LO636 – Site Plan – 4 December 2015
 - 7775540-BC-0023 006 – Existing Site General Arrangement Plan – 17.11.2015
 - 0075540-BC-0023 001 – Basement Existing Floor Plan – 14.01.16
 - 0075540-BC-0023 002 – Existing Ground and First Floor Plans – 17.11.2015
 - 0075540-BC-0023 003 – The Stables Block Existing Ground Floor Plan – 17.11.2015
 - 0075540-BC-0023 004A – Existing Ground and First Floor Plans – 17.11.15
 - 0075540-BC-0023 005 – Garage Block Existing Ground and First Floor Plans – 17.11.15
 - 0075540-BC-0023 013 – Evegate Existing Elevations – 01/06/16
 - 0075540-BC-0023 014 – 3 Thistley Green Road Existing Elevations – 02/06/16
 - 0075540-BC-0023 015 – Evegate Coach House Existing Elevations – 03/06/16
 - 0075540-BC-0023 016 – 3 Thistley Green Road Garage and Games Room Existing Elevations – 03/06/16
 - 0075540-BC-0023 031 – Existing Below Ground Drainage Plans – 16.06.2016
 - 0075540-BC-0023 P-012 – Proposed Site General Arrangement Plan – 09.03.16
 - PSEVE/200 Rev B – Proposed Site Layout – 30.10.2016
 - PSEVE/300 Rev B – Proposed Soft Landscaping Plan – 30.10.2016
 - 0075540-BC-0023 029A – Proposed Boundary Site Treatment – 17.10.16
 - 0075540-BC-0023 007 – Basement Proposed General Arrangement Plan – 14.01.16
 - 0075540-BC-0023 P-009 – Evegate Coach House Flats 1 and 2 Proposed Ground Floor Plan – 17.11.15
 - 0075540-BC-0023 P-008 – Evegate Flats 3, 4, 5 & 6 Proposed Ground and First Floor General Arrangement Plans – 14.01.2016
 - 0075540-BC-0023 P-023 – Proposed Elevations – 28/06/16
 - 0075540-BC-0023 P-021 – Proposed Elevations Evegate Planning – 16/06/16
 - 0075540-BC-0023 P-010 – 3 Thistley Green Road Flats 7, 8,9 & 10 Proposed Ground and First Floor General Arrangement Plans – 17.11.2015
 - 0075540-BC-0023 P-011 – 3 Thistley Green Road Flat 11 & Main Office Accommodation Proposed Ground and First Floor Plans – 17.11.2015
 - 0075540-BC-0023 022C – Proposed Elevations Thistley Green – 16/06/16
 - 0075540-BC-0023 P-024 – Proposed Elevation for Flat 11 &

Site Office – 16/06/16

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. The development hereby permitted shall be implemented in accordance with Section 5 of the Bat Survey: Interim Report prepared by EECOS dated June 2017. The supplementary surveys shall be of an appropriate type for the species group and survey methods shall follow national good practice guidelines. Mitigation measures recommended in the Interim Report shall be updated where appropriate.
4. No development or works to Evegate shall commence until either:
 - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead

Or

 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that any specified activity/development will require a licence

has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
5. No beneficial occupation of Evegate or 3 Thistley Green Road shall take place until the existing site access has been removed and the new site access (as shown on Drawing Number PSEVE/200 Rev B Proposed Site Layout dated 19.10.16) has been installed. The development shall be implemented in accordance with the approved details.
6. No fixed plant shall be installed in connection with the development hereby permitted unless a noise assessment has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall provide a representative background sound level at nearby residential properties which have been previously agreed with the County Planning Authority, to include 'Moongate', 9 Thistley Green Road & 11 Thistley Green Road. The noise assessment shall include sufficient information to demonstrate that noise emanating from the fixed plant associated with the development hereby permitted would be in accordance with the noise limits imposed by Condition 6.
7. The predicted noise level (or Rating Level) from all fixed plant associated with the development hereby permitted, when assessed in accordance with BS4142:2014, shall be at least 5dB(A) below the representative background level approved under Condition 6 at nearby residential properties approved under Condition 6. The development shall be implemented in accordance with the approved details.
8. No fixed lighting shall be erected or installed until details of the location,

height, design, sensors and luminance have been submitted to and approved in writing by the County Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Informative

The applicant shall encourage all staff associated with the development hereby permitted to use the parking spaces as shown on Drawing Number PSEVE/300 Rev B (Proposed Soft Landscaping Plan) dated 19.10.16 and generally to encourage vehicles associated with the development to park within the confines of the site.

Minerals and Waste

8 Great Dunmow Water Recycling Centre

The Committee considered report DR/27/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Principle and Need
- Flood Risk and Water Environment
- Landscape
- Ecology and Biodiversity
- Impact on Residential Amenity .

There being no issues raised, the resolution was moved, seconded and following a unanimous vote in favour it was

Resolved

That planning permission be granted subject to conditions covering the following matters:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be implemented in accordance with the details of the application dated 12th April 2017 together with;
 - Covering letter dated 11th April 2017;
 - Biodiversity Validation Checklist dated 28th February 2017;

- Landowner/Tenant notification letter dated 11th April 2017;
- Proposed Development Landowner noticed dated 11th April 2017;
- Planning Statement dated April 2017;
- Preliminary Ecological Appraisal dated November 2016;
- Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10th April 17;
- Flood Risk Assessment dated 2nd February 2017;
- Drawing Site Distribution Kiosk and MCC Kiosk Reference: SEW-10340-GDUNST-SS-PLG-0021 dated 10th April 2017;
- Email dated 12th June 2017 (Sent 12:58) entitled RE: Gt Dunmow FRA.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following condition:

3 All vehicular access and egress to and from the site shall be from Chelmsford Road as indicated on Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10th April 2017. No other access shall be used by vehicles entering or exiting the site.

Enforcement Update

9 Waterworks Spring Farm, Doddinghurst

The Committee received report DR/28/17, by the Acting Head of County Planning, on the enforcement of planning control in respect of an unauthorised development on land at Waterworks Spring Farm, Dagwood Lane, Doddinghurst CM15 0RX.

The Committee **NOTED** the report and commended officers on the satisfactory outcome of this case.

Information Items

1 Applications, Enforcement and Appeals Statistics

- 0** The Committee considered report DR/29/17, applications, enforcement and appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

One correction was noted:

The number of Section 106 agreements pending is 5.

The Committee NOTED the report.

1 Date of Next Meeting

- 1** The Committee noted that the next meeting would be held on Friday 28 July 2017 at 10:30am in Committee Room 1, County Hall.

There being no further business the meeting closed at 12:42pm.

Chairman

DR/30/17

committee DEVELOPMENT & REGULATION

date 28 July 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: **Continuation of the development of a coastal nature reserve without compliance with: Conditions 2 (Submitted details), 26 (Maintenance of Rights of Way and permissive routes), 38 (Completion by 31 December 2025), 39 (Removal of construction equipment by 31 December 2025) and 40 (Importation of waste via River Crouch only), AND without compliance with Conditions 4, 5, 6, 7, 9, 12, 13, 15, 16, 18, 19, 22, 23, 24, 25, 27, 28, 29, 30, 34, 35, 36 and 41 attached to planning permission ref ESS/44/14/ROC, TO ALLOW modifications to the landform design within Cells 2, 3 and 4 (negating the need to import waste material and no further breaching of sea walls) and to bring forward the proposed date for completion to 2022, TOGETHER WITH the redesign and extension of the parking area, addition of access ramps to the northerly sea wall in Cell 5, the use of the material handling area for storage of dismantled infrastructure and associated works.**

Location: **Wallasea Island Wild Coast Project, Creeksea Ferry Road, Wallasea Island, SS4 2HD.**

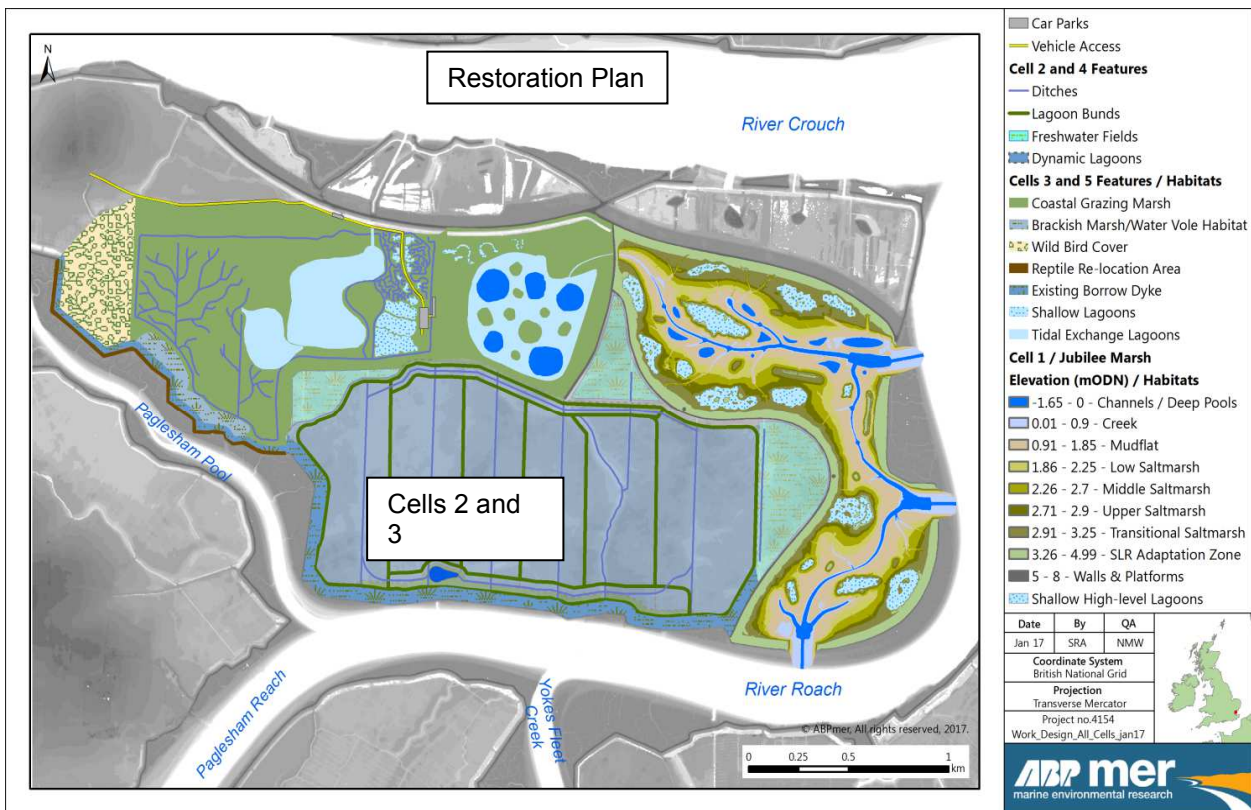
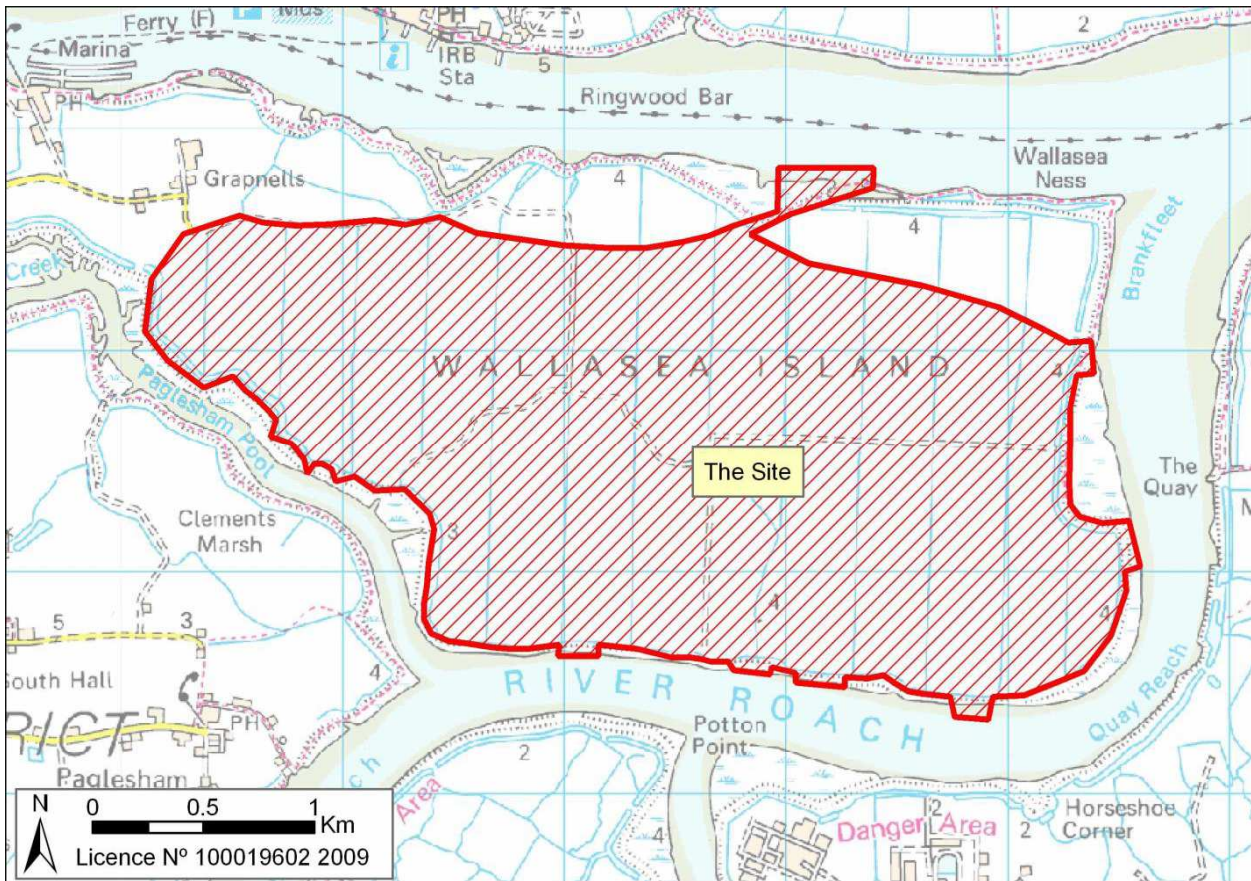
Ref: **ESS/13/17/ROC**

Applicant: **RSPB**

Report by Acting Head of County Planning

Enquiries to: Shelley Bailey Tel: 03330136824

The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

On 09 July 2009 planning permission ref ESS/54/08/ROC was granted for:

The importation by sea of 7.5 million cubic metres of high quality recovered inert material to achieve, by phased extraction and landraising, a change of use from agricultural land to 677 hectares of coastal nature reserve principally comprising mudflats, saltmarsh, coastal lagoons, brackish marsh, coastal grazing marsh, drier grass capable of developing new saltmarsh as sea levels rise together with the development of 5 bird hides, car park and associated off shore unloading facility, conveyor and pipeline, material handling area, sea wall engineering works and modification to Footpath Number 21, to be completed by 2019.

The development is known as the Wallasea Island Wild Coast Project.

Permission ref ESS/54/08/ROC was subject to 43 conditions and a legal agreement. All of the requirements of the legal agreement and the relevant conditions have been discharged and complied with.

In June 2009 Development and Regulation Committee Members agreed that a previously recommended condition requiring the submission and approval of details to show improvements to the access junction between Creeksea Ferry Road and the application site could not be lawfully imposed. This was because the access junction was located outside of the red line application area and did not lie within land under the applicant's control; rather it was privately owned. The Chairman of Committee asked the applicant to use best endeavours to resolve the issue with the private land owner.

Accordingly, the developer applied to Rochford District Council for planning permission to alter the access arrangements, planning permission ref 13/00284/FUL was granted on 11 July 2013 and the amended access is now in place.

Additionally, Rochford District Council granted planning permission ref 11/00778/FUL on 16 February 2012 for the permanent retention of a webcam tower in connection with the Wild Coast Project.

On 14 May 2014, application ref ESS/09/14/ROC was made to vary the existing permission, as follows:

Continuation of the importation of waste to develop a coastal nature reserve without compliance with conditions 2 (compliance with submitted details); 39 (cessation of operations and restoration by 31 December 2019); and 40 (removal of construction infrastructure) attached to planning permission ref ESS/54/08/ROC to allow the importation of suitable natural material and to require cessation of site operations and restoration by 31 December 2025, together with the inclusion of previously agreed non-material amendments to permission ref ESS/54/08/ROC.

Planning permission was granted, subject to conditions and to the amendment of clause 3.4 of the legal agreement to remove the obligation for imported material to be clean, inert and uncontaminated.

In April 2015, application ref ESS/44/14/ROC was granted for the following development:

Continuation of the importation of waste to develop a coastal nature reserve without compliance with condition 2 (compliance with submitted details) attached to permission ref ESS/09/14/ROC to allow modifications to the landform design within Cells 1 and 5, including a net reduction of suitable natural waste material in Cell 1 by approximately 450,000m³.

Three non-material amendments have been made to permission ref ESS/44/14/ROC.

Planning permission has also been granted for the installation of viewing shelters (ref ESS/28/15/ROC) and fencing (ESS/42/15/ROC).

To date, Cell 1 (165ha) of the existing scheme has been completed using managed realignment and the importation of inert waste material from the Crossrail project. It has been named Jubilee Marsh. Additionally, most of the landscaping work has been completed within Cells 3 and 5, including a water vole mitigation area within the latter cell. Arable farming continues within Cells 2 and 4.

A parallel planning application, ref ESS/12/17/ROC, is currently being considered by the Waste Planning Authority for the installation of two viewing hides, RSPB staff offices and workshop.

2. SITE

Wallasea Island is located in the District of Rochford on the south-eastern coast of the County between the River Roach and the River Crouch.

Burnham on Crouch, in Maldon District, is located across the River Crouch to the north, although the application area is located wholly within the Rochford District Council administrative boundary. Great Wakering, Rochford and Canewdon are the nearest towns. The nearest residential properties are Grapnells Farm and cottages, which are located on Creeksea Ferry Road, approximately 350m from the western edge of the proposed development.

The application site area is 677 hectares. Vehicular and pedestrian access to the site leads from Creeksea Ferry Road in the north-west through Grapnells Farm. Although access to the site has, in the past, been by ship via the unloading facility located on the River Crouch to the north of the application site.

Footpath 21 Canewdon is located on the northern boundary of the site and is currently maintained over the conveyor by the use of a footbridge. The footpath is permanently closed on the western boundary as a result of the breach of the sea wall at Cell 1.

Wallasea Island has several area designations. It is located within the Coastal Protection Belt, is in the Metropolitan Green Belt, an area at risk from flooding, and parts of the site are designated as sites of National and International Nature Conservation Importance. It is also separated from an area designated as a Wildlife Site by the River Roach to the south and east. Parts of the site cross into the Wallasea Managed Retreat Local Wildlife Site, the Crouch and Roach Estuaries SSSI, the Crouch and Roach Estuaries Special Protection Area, the Essex Estuaries Special Area of Conservation and the Crouch and Roach Estuaries Ramsar Wetlands Site, all of which surround the edges of the river and abut the application site.

3. PROPOSAL

The application is for modifications to the approved landform design within Cells 2, 3 and 4, covering approximately 292 ha.

The proposals would mean that there would be no further importation of waste materials, an alteration to the approved restoration habitats, and an overall completion date of 31st December 2022 instead of the approved 31st December 2025.

The approved restoration incorporated managed realignment of Cells 2 and 4, with open breaches of the existing sea wall to introduce tidal water to the site. The proposed design is for Cells 2 and 4 to be merged to create 6 shallow, periodically dried-out and re-flooded, bird-rich saline lagoons using tidal water drawn into the site in a controlled manner through an existing sluice on the south of the island.

In addition, the application includes the proposed redesign and extension of the existing parking area, new ramps on the northern sea wall in Cell 5, and the use of the approved material handling area for the storage of dismantled infrastructure.

The changes are proposed under Section 73 of the Town and Country Planning Act, as a modification to the following conditions attached to extant permission ref ESS/44/14/ROC:

Conditions 2 (Submitted details), 26 (Maintenance of Rights of Way and permissive routes), 38 (Completion by 31 December 2025), 39 (Removal of construction equipment by 31 December 2025) and 40 (Importation of waste via River Crouch only), AND without compliance with Conditions 4, 5, 6, 7, 9, 12, 13, 15, 16, 18, 19, 22, 23, 24, 25, 27, 28, 29, 30, 34, 35, 36 and 41.

An Environmental Statement accompanies the application (submitted under the Town and Country Planning (Environmental Impact Assessment) Regulation 2011). The Environmental Statement is summarised at Appendix 1.

4. POLICIES

The following policies of the Rochford District Allocations Plan (RDAP), Adopted 25th February 2014, the Rochford District Core Strategy (RDCS), Adopted 13th December 2011, the Rochford District Development Management Plan (RDDMP), Adopted 16th December 2014, the Essex County Council and Southend-on-Sea

Borough Council Waste Local Plan, (WLP), Adopted 2001, and the Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan, (RWLP) (including Schedule of Modifications, (SM), November 2016), Adopted July 2017, provide the development plan framework for this application. The following policies are of relevance to this application:

WASTE LOCAL PLAN (WLP)

W4A - Flood Control
W4B – Water Pollution
W10C – Feasibility of Restoration
W10E - Development Control
W10G - Public Rights Of Way

REPLACEMENT WASTE LOCAL PLAN (RWLP)

Policy 1 - Need for Waste Management Facilities
Policy 9 - Waste Disposal Facilities on Unallocated Sites
Policy 10 - Development Management Criteria
Policy 11 - Mitigating and Adapting to Climate Change
Policy 13 – Landraising

ROCHFORD DISTRICT CORE STRATEGY (RDCS)

Policy ED1 – Employment Growth
Policy URV2 – Wallasea Island
Policy T1 – Highways
Policy T5 – Travel Plans
Policy T6 – Cycling and Walking
Policy T8 – Parking Standards
Policy GB1 – Green Belt Protection
Policy GB2 - Rural Diversification and Recreational Uses
Policy ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites
Policy ENV2 – Coastal Protection Belt
Policy ENV3 – Flood Risk

ROCHFORD DISTRICT ALLOCATIONS PLAN (RDAP)

Policy ELA1 – Local Wildlife Sites
Policy ELA2 – Coastal Protection Belt

ROCHFORD DISTRICT DEVELOPMENT MANAGEMENT PLAN (RDDMP)

Policy DM5 – Light Pollution
Policy DM14 – Green Tourism
Policy DM26 – Other Important Landscape Features
Policy DM27 – Species and Habitat Protection
Policy DM30 – Parking Standards
Policy DM31 – Traffic Management

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are

expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The NPPF combined and streamlined all planning policy except for waste. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The level of consistency of the policies contained within the Rochford District Core Strategy has been considered by Rochford District Council and is available to view in their Compliance Review here:

https://www.rochford.gov.uk/sites/default/files/planning_corestrat_compliance_0.pdf.

Due to the status of the Adopted Essex and Southend-on-Sea Replacement Waste Local Plan (explained below), the existing Waste Local Plan has only limited weight in decision making.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

Rochford Council is at a very early stage of preparation of the New Local Plan and, as such, the New Local Plan is not considered to hold significant weight in decision making.

Following independent examination, the Essex and Southend-on-Sea Replacement Waste Local Plan has now been found sound, subject to main modifications recommended by the Inspector. At the time of writing this report, the Plan has been considered by Essex County Council's Cabinet and Full Council and was formally adopted on 11th July 2017. There is now a 6 week period for judicial challenge

beginning on that date.

At this stage, given the uncertainty whether a legal challenge against the new plan will be lodged and thereafter be successful, the policies within the Essex and Southend Waste Local Plan (Adopted 2001) have also been considered to ensure that the appraisal of the application against the development plan is robust.

5. CONSULTATIONS

ROCHFORD DISTRICT COUNCIL – No objection.

MALDON DISTRICT COUNCIL – Comments as follows:

- No reference is made to the ongoing maintenance of the southern sea wall or the originally proposed cells, as required by the existing Conditions 32 and 36 attached to permission ref ESS/44/14/ROC.
- Concerned that the original sea walls would be left in place without a counter wall (proposed as part of the original permission) to separate the weakest section of wall from properties at the western end of the island.

ENVIRONMENT AGENCY – No objection.

- The flood risk to the island and surrounding areas would not be adversely impacted due to the proposals. Volumes of water would be controlled via the existing 'Old Pool Sluice' using a new penstock control system. This would require a permit.
- No objection to the use of on-site materials instead of imported materials.
- No objection to the access ramp to the defence to the north of the island, at cell 5. Advises that a permit would be required.
- Requests more information on how the peak levels in the estuary have been assessed for the proposals, and demonstration of no adverse impact on flood risk.
- Disappointed that the proposals would not deliver the benefits of the original scheme, but recognises that there would be no negative impact on the current situation.
- Requests confirmation as to the future maintenance proposals for the sea wall to Cells 2 & 4 as this will now provide the flood protection to the properties on the island in-lieu of the previously proposed counter-wall.
- Requests confirmation that the existing monitoring of tidal elevation changes, physical changes in the estuary, and flows through the breaches, would remain in place.
- Ecological comments have been addressed, aside from confirmation of the seawall mowing regime for invertebrates.

(Comment: Applicant confirmed the mowing regime could be discussed via the Technical Advisory Panel.)

- Will be withdrawing from maintenance of the tidal defences, and from maintenance of Old Pool Sluice and Tyle Barn Sluice (maintenance arrangement will be required as part of the permit).
- There would be no significant impact on controlled waters.
- Confirms that the site no longer has an environmental permit for the importation of waste.

- Following consultation on additional information – No objection on flood risk grounds.

NATURAL ENGLAND – No objection.

- Notes that Habitats Regulations Assessment is not required.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

RAMBLERS ASSOCIATION – No comments received.

BRITISH HORSE SOCIETY – Objects due to lack of inclusion of access for equestrians. Comments as follows:

- Suggests that a condition should be imposed relating to this.
- Notes in detail that the NPPF supports the enhancement of access; the emerging Replacement Waste Local Plan is to be amended at policy 9.33 to safeguard/enhance public rights of way; Rochford District Council's Core Strategy promotes access improvements; the Essex Rights of Way Improvement Plan aims to increase the number bridleways.
- Suggests that the exclusion of equestrians would be contrary to the Equality Act, the Equal Opportunities Act, ageist and sexist.
- Notes that cyclists have been accommodated.
- There would be health and commercial benefits for the rural economy and for tourism of allowing equestrian access.
- Schemes built using public money should not exclude any user group.
- No evidence has been provided to support the claim that use of paths by horses and pedestrians would be unsafe.
- Proposed paths would be 4.5m minimum in width, the flat topography would provide good visibility, the existing paths are well-draining.
- The proposed Adventure Zone and Discovery Zone could provide a suitable equestrian area.
- Several other RSPB sites include bridleways.
- Disputes that the British Horse Society and Essex Bridleway Association have been properly engaged with.

ESSEX BRIDLEWAY ASSOCIATION – Objects due to lack of inclusion of access for equestrians. Comments as follows:

- Suggests that a condition should be imposed relating to this.
- Notes in detail that the NPPF supports the enhancement of access; the emerging Replacement Waste Local Plan is to be amended at policy 9.33 to safeguard/enhance public rights of way; Rochford District Council's Core Strategy promotes access improvements; the Essex Rights of Way Improvement Plan aims to increase the number bridleways.
- Suggests that the exclusion of equestrians would be contrary to the Equality Act, the Equal Opportunities Act, the RSPB's Diversity Policy, ageist and sexist. Natural England encourages consideration of new bridleways.
- Notes that cyclists have been accommodated.

- There would be health and commercial benefits for the rural economy and for tourism of allowing equestrian access.
- Schemes built using public money should not exclude any user group.
- No evidence has been provided to support the claim that use of paths by horses and pedestrians would be unsafe.
- Proposed paths would be 4.5m minimum in width, the flat topography would provide good visibility, the existing paths are well-draining.
- The proposed Adventure Zone and Discovery Zone could provide a suitable equestrian area.
- Several other RSPB sites include bridleways.
- Disputes that the British Horse Society and Essex Bridleway Association have been properly engaged with.

MARINE MANAGEMENT ORGANISATION – No comments received.

SOUTHEND AIRPORT – No objection. Comments that a crane or piling rig, if required, would need to be safeguarded separately.

ROYAL BURNHAM YACHT CLUB – No comments received.

CROUCH HARBOUR AUTHORITY –

- The 2006 Halcrow report said that work was required to prevent flooding and alignment problems. The opening of sluices on the Roach and Crouch will not preserve the integrity of the sea walls or prevent surging or topping of the walls.
- The removal of condition 40 (Importation of waste via River Crouch only) would allow deliveries of materials by road.
- Footpaths may be altered if conditions are removed.
- The original 2008 Environmental Statement stated that there was a need to have a system to absorb predicted future tidal surges.
- New hydrodynamic modelling is requested, as well as work on the potential for siltation in the river.
- A Works Licence will be required for the removal of structures from the river and for the realigning of sluices into the Crouch and Roach.

BURNHAM HARBOUR AND MARINA LTD – No comments received.

PORT OF LONDON AUTHORITY – No comments received.

CROUCH AREA YACHTING FEDERATION – No comments received.

KENT AND ESSEX INSHORE FISHERIES & CONSERVATION AUTHORITY – No comments received.

ROACH AREA FAIRWAYS AND CONSERVATION COMMITTEE – Objects on the following grounds:

- The original application was approved based on the possible threat of flooding from predicted tidal surges due to poorly maintained sea defences.
- The proposed development would not allow controlled flooding, and the

defences would breach within 5-10 years, causing widening of the estuary downstream and stress on the existing defences.

- The developer should be required to complete the original scheme at their cost.
- Asks what is more important – breeding sites for birds or surrounding villages.
- How and where would the pontoon be placed on the application site?
- The 2006 Halcrow report said that work was required to prevent flooding and alignment problems. The opening of sluices on the Roach and Crouch will not preserve the integrity of the sea walls or prevent surging or topping of the walls.
- The removal of condition 40 (Importation of waste via River Crouch only) would allow deliveries of materials by road.
- Footpaths may be altered if conditions are removed.

ROYAL YACHTING ASSOCIATION - No comments received.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection.

- Footpath 21 Canewdon has been affected by this major project. The provision of the network of permissive paths to link up to this otherwise "dead-end" public footpath would be very beneficial.
- The large site should provide opportunity for some permissive access for equestrians. Existing Footpath 21 may be too narrow or constrained by physical features to upgrade. New paths may be able to accommodate the standard 3m width. Comments that it is quite normal for cyclists/equestrians and pedestrians to share safely.
- Further comments that the proposed routes would be permissive, not Public Rights of Way, and as such it has to be a matter for the landowner to decide whether they wish to permit access for horses, as well as cyclists and pedestrians, and hence what to include in their application.

COUNTY COUNCIL'S NOISE CONSULTANT – Comments that noise emanating from the site is not likely to exceed that previously or currently occurring, which to date has not been shown, through compliance noise monitoring, to exceed the stipulated noise limits. Also that noise would continue to be controlled by noise limits and compliance monitoring.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection.

- Comments that the development would be acceptable with the continued use of best practice techniques and appropriate dust management and mitigation employed during previous phases.
- If an on-site power plant is required, information of design and specification should be required to establish potential emissions to air from boilers/power sources.

COUNTY COUNCIL'S LIGHTING CONSULTANT – Comments that if there is a change to the lighting outlined in ESS/44/14/ROC then they would like to view the lighting design information, including, mounting heights, tilt, type of lighting controls and isolux contour drawing so the potential lighting effects can be evaluated.

PLACE SERVICES (Ecology) – Supports subject to conditions:

- The ecology recommendations in the Environmental Statement should be followed.
- Provision of a mitigation plan for species likely to be impacted by the works, including reptiles, water voles, badgers and breeding birds.

PLACE SERVICES (Urban Design) – No comment to make.

PLACE SERVICES (Landscape) – Supports the application.

- Supports the use of type 1 material for surfacing and for the planting of goat willow, hawthorn and blackthorn to provide softening.
- Suggests that car park planting is secured by condition.

BARLING MAGNA PARISH COUNCIL – No comments received.

PAGLESHAM PARISH COUNCIL – No comments received.

ROCHFORD PARISH COUNCIL – No comments received.

BURNHAM-ON-CROUCH TOWN COUNCIL – No comments received.

HULLBRIDGE PARISH COUNCIL – No comments received.

ASHINGDON PARISH COUNCIL – No comments received.

CANEWDON PARISH COUNCIL – Comments as follows:

- Does not agree that certain of the original conditions imposed should be removed. If the works/operations covered by the conditions are no longer taking place, or will actually be completed earlier than specified in the conditions, then there is no issue around non-compliance.
- If such works/operations were to recommence, then the conditions should be in place to ensure adequate controls remain in place.
- Particular concerns regarding condition 40.

FOULNESS PARISH COUNCIL – No comments received.

CANEWDON PARISH COUNCIL - No comments received.

LOCAL MEMBER – ROCHFORD – South – Comments that this is more appropriate for consideration under Rochford North.
(Consultation repeated following elections) – Any comments received will be reported.

LOCAL MEMBER – ROCHFORD – North – Any comments received will be reported.

LOCAL MEMBER – MALDON – Southminster – Any comments received will be

reported.

6. REPRESENTATIONS

6 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
The development would have detrimental effect on the surrounding area, including Potton Island (300m away).	See appraisal.
The sea wall at Potton Island would be breached if Cells 2 and 4 are not flooded.	See appraisal.
Flood risk in the Roach Estuary has not been properly considered.	See appraisal.
The status of the development would be changed from managed realignment to hold the line.	The Shoreline Management Policy is for managed realignment. The proposal remains as managed realignment because it intends to allow tidal water and sediments into the site.
The seawall protecting Stambridge Parish and Paglesham Parish overtopped in December 2013. This has not been taken into account.	A storm surge in December 2013 is cited within the submitted Flood Risk Assessment.
The proposals increase flood risk for properties upstream in the Roach Estuary and on the west end of Wallasea Island.	See appraisal.
The approved high level bund between cells 2/4 and 3/5 is no longer proposed, leaving the substandard sea wall on the south of the Island as the only flood defence.	See appraisal.
The approved scheme would have removed over 1million m ³ of water from the Roach, thereby reducing flood risk upstream.	See appraisal.
The storm surge of December 2013 caused overtopping of walls on both banks upstream of Paglesham. Over 240 properties are located here and	See appraisal.

should be considered.

The application cites major benefits for coastal properties on Wallasea and elsewhere. It further states that an unmanaged breach could cause 8 million m³ of water to flow onto the Island. An unmanaged breach is most likely on the central southern section of wall. It should not be left in a weak state.

See appraisal.

Disputes that the applicant's consultation exercise (pre-application) included all relevant parties.

Noted.

A high level flood protection bund should be required as part of the new development.

See appraisal.

The proposals would not comply with existing condition 36 due to the increased flood risk to the west end of the Island.

The application has been made to vary condition 36. Flood risk would not be increased elsewhere – see appraisal.

Disappointed that the development does not include equestrian access. Windsor Great Park is a good example of horses, pedestrians and cyclists mixing safely using a permit system.

See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Green Belt
- D. Flood Risk
- E. Public Access
- F. Landscape and visual Impact
- G. Ecological Impact
- H. Amenity Impact
- I. Equality Issues

A NEED

WLP Policy W10C (Feasibility of Restoration) requires that, when considering landfill proposals, the proposed measures for restoring the land to an acceptable and sustainable afteruse must be feasible. Although no further waste material is intended to be imported, RWLP Policy 13 requires, inter-alia, that the amount of material to be imported is the minimal necessary and is essential for the

restoration of the site.

The proposed design changes to Cells 2 and 4 (and resulting need for slight changes to Cell 3) are required because, despite the best efforts of the developer, there is no suitable fill material available to achieve the permitted design. By way of background, the permitted design was for the land levels of Cells 2 and 4 to be raised using imported waste material. The sea wall would have been breached and a coastal wetland habitat would have been created through managed realignment. There would have been full tidal exchange with the Roach Estuary.

The developer has engaged extensively with a range of major infrastructure projects, including the Thames Tideway sewer, the Silvertown Tunnel, the Northern Line Rail Extension, Sizewell 'C' and High Speed 2 (HS2). These projects have made clear that sites other than Wallasea Island will be chosen for the deposit of resulting waste materials.

Therefore the proposed alternative restoration scheme does not include the use of imported fill material. In-situ materials already on site would be utilised for land-forming work.

It is worth noting that the Planning Authority cannot 'force' the completion of the project if suitable material is not now available. There is a risk that the site could remain dormant in the absence of a source of waste. The revised scheme, the subject of this application, should be considered on its own merits.

The approved restoration measures are therefore no longer feasible and an alternative scheme should therefore be considered against WLP Policy W10C and RWLP Policy 13 .

B POLICY CONSIDERATIONS

In terms of Waste Plan policy, the landfill capacity at Wallasea Island was never accounted for within Essex's waste capacity analysis, given that it was likely to accept waste arising in locations outside of Essex, including London. Further, Wallasea Island is not an allocated strategic waste site. Therefore it is considered that the proposal to reduce inert waste capacity at the site would not be contrary to the principles of the Essex Waste Local Plan and would not conflict with RWLP Policy 1 (Need for Waste Management Facilities).

RWLP Policy 9 (Waste Disposal Facilities on Unallocated Sites) is not directly relevant since it refers to landfill facilities; however it does make provision for preference 'for an extension of time to complete the permitted restoration within the boundary of an existing landfill site.' The proposed development is required in order to complete development of the nature reserve, and therefore it is considered that RWLP Policy 9 is complied with.

Turning to local policy, importantly, the application site is supported for the development of the Wallasea Island Wild Coast Project by RDCS Policy URV2 (Wallasea Island).

At the heart of the National Planning Policy Framework (NPPF) is a presumption in

favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

There are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

The applicant has included an economic statement. It envisages employment of 12 full-time staff during construction of the project and 6 staff once the site is developed. It cites an increase to 20,000 visitors per year so far, compared with less than 5,000 prior to the commencement of the approved development. This is in compliance with RDCS Policy ED1 (Employment Growth) which, in summary, encourages development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity. The policy specifically supports the development of the Wallasea Island Wild Coast Project.

The extent to which the proposed development can be considered to be 'sustainable development' for the purposes of the NPPF will be further considered throughout the report.

C GREEN BELT

The application site falls wholly within the Metropolitan Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

RDCS Policy GB1 (Green Belt Protection) states, among other requirements:

'The Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt.'

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the proposed afteruse of the site as a nature reserve does not conflict with the purposes of including land within Green Belt, in compliance with WLP Policy W10E, RWLP Policy 10 and RDCS Policy GB1.

The approved development was considered to have an impact on the openness of the Green Belt by virtue of the higher modified land levels, together with the effect of the tipping operations themselves.

However, the proposed development does not involve waste importation or land raising (aside from the construction of bunds). The NPPF requires that planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity. It is considered that the new restoration scheme would meet these requirements and would preserve the openness of the Green Belt in accordance with the NPPF.

Therefore, the proposed development is not considered to be 'inappropriate development' in the Green Belt for the purposes of the NPPF.

It is also considered that there would not be significant impact on the openness of the Green Belt, in compliance with RWLP Policy 10

Further, the Rochford District Development Management Plan explains that:

'Green tourism refers to sustainable tourism activities which can be promoted within the countryside (including within the Green Belt) and are sensitive to the both the natural and historic environment, and are sustainable in terms of stimulating rural economic growth and encouraging diversification of rural activities. Small-scale outdoor recreational and leisure activities such as walking and small-scale fishing lakes are considered appropriate forms of green tourism.'

The relevant RDDMP Policy DM14 (Green Tourism) states:

'The Council will support proposals for green tourism, provided the proposal would not have an undue negative impact on:

- (iii) the openness of the Green Belt (if applicable) and character of the countryside;*
- (ii) the visual amenity of the surrounding area;*
- (iii) the amenity of local residents;*
- (iv) important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity;*
- (v) the landscape character area in which the proposal is situated, having regard to the area's sensitivity to the development proposed;*
- (vi) the historic environment, taking into consideration the sensitivity of the different Historic Environment Character Zones set out in the Rochford District Historic Environment Characterisation Project (2006);*
- (vii) on the agricultural value of the land;*
- (viii) on the highway network, having regard to the likely scale of tourism that the proposal would generate; and*
- (ix) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:*
 - a) not negatively impact on the quality of the listed structure; and*
 - (b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.*

Where ancillary facilities are proposed for the purposes of green tourism, it must be demonstrated that such facilities are necessary for the functioning of the activity. Existing agricultural and rural buildings should be reused and converted for the accompanying uses, wherever possible. Any new structures must be the minimum size, height and bulk to accommodate the proposed use. Ancillary facilities should not have an undue impact on the openness of the Green Belt or character of the countryside.

The conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale hotels/holiday lets will be permitted in appropriate locations provided that all of the above criteria are met and:

(a) the application relates to an existing building of permanent and substantial construction; and

(b) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.

Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.'

RDCS Policy GB2 (Rural Diversification and Recreational Uses) cites Green Tourism as a form of rural diversification that may be considered acceptable in the Green Belt in certain circumstances.

The proposed development is considered to be a form of Green Tourism which does not unacceptably impact on the Green Belt, in compliance with RDCS Policy GB2 and the Green Belt aspect of RDDMP Policy DM14. The extent to which the remaining aspects of RDDMP Policy DM14 are complied with will be considered throughout the report.

D FLOOD RISK

The application site is located within Flood Zone 3.

RWLP Policy 11 (Mitigating and Adapting to Climate Change) requires, inter alia, that:

'...Proposals for waste management development will only be permitted where:

- a) there would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow of storage or surface water, as demonstrated by a Flood Risk Assessment, where required by the National Planning Policy Framework;*
- b) existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance where applicable;*
- c) there would not be an unacceptable risk to the quantity and quality of surface and ground waters, or impediment to groundwater flow...'*

RWLP Policy 10 (Development Management Criteria) also requires that there should be no unacceptable impact on the quality and quantity of water within water courses, groundwater and surface water (among other requirements).

WLP Policies W4A (Flood Control) and W4B (Water Pollution) contain similar requirements.

RDCS Policy ENV3 (Flood Risk) directs development away from high flood risk areas towards Flood Zone 1. However, the policy goes on to state:

‘The Council will continue to work with the Environment Agency to manage flood risk in a sustainable manner through capitalising on opportunities to make space for water wherever possible and through the continued provision of flood defences where necessary.’

To explain the proposed development, whilst tidal volumes would have been controlled by land-raising in the permitted scheme, tidal interaction with the Roach Estuary would now be mainly controlled via a sluice on the south bank of the island. One of the key design principles would be to control the volume of tidal exchange with the estuary, in order to minimise adverse impacts to its morphology and ecology.

This ‘Regulated Tidal Exchange’ (RTE) would restrict tidal water entering Cells 2 and 4, and in turn the amount released to the estuary via Cell 1. The volume released would be almost 100,000m³ per tide. By contrast, the permitted design would have released approximately 1.1million m³.

Water would enter the site via the southern sluice and then be distributed through a network of channels to create 6 large lagoons across Cells 2 and 4, separated by a network of 14km of bunds, with a crest level of 1.6m to 1.8m OD. The bunds would be created from materials obtained from shallow scrapes in the surrounding area. Cell 3 would be connected via a new channel to join it and the 6 new lagoons.

In addition, the sea wall around the southern Old Pool sluice would be restored to address localised erosion.

A Flood Risk Assessment has been submitted. It explains that the most serious risk of flooding at the site remains to be from tidal flooding from the adjacent Roach and Crouch Estuaries.

In the approved scheme, the seawalls around the east and south of the island were assessed as being in poor repair, with a danger of being breached in an unmanaged way, causing significant damage to the land and buildings and endangering residents on Wallasea, and causing damage to the habitats in the Roach in particular.

The approved scheme includes the provision of an engineered seawall (‘counterwall’). This was a necessary feature of the design to contain water in Cells 4 and 3 and prevent it reaching properties on Wallasea Island. Several representations have commented that this seawall is now not proposed and that flood risk would accordingly increase. The new proposal is for controlled entry of sea water into Cells 2, 3 and 4 and retention of the existing seawall. A counterwall is therefore not required.

The approved scheme has been partially completed, such that an unmanaged breach would now allow 8 million m³ of water to spill onto the floodplain, rather than the previous 11 million m³.

The site also has increased flood storage capacity within the 15km of ditches and over 45 ha of lagoons in Cells 3 and 5.

RDCS Policy ENV2 (Coastal Protection Belt) requires that the Council will prevent the potential for coastal flooding; erosion by the sea; and unstable land (e.g. land slips), among other requirements.

An unmanaged breach remains most likely to occur along the central section of the south of the island, where defences are lowest and weakest (the eastern wall has been strengthened through the Cell 1 works). As stated, the proposal therefore includes the strengthening of the sea wall around Old Pool Sluice.

The proposed use of sluices would require greater management than the permitted scheme because of the need to open and close them. However, in light of the lack of suitable fill material to achieve the permitted scheme, the proposals would present an improvement in the risk of flooding compared to the current condition (It also does not preclude the implementation of full realignment in the future, but this would be subject to further planning permission and this is not considered here).

Additionally, a penstock feature would allow inflow to be stopped in advance of surge events to reduce flood risk.

With regard to the comments received relating to potential for increased flooding elsewhere, the Environment Agency has commented that the revised proposals are not expected to have a significant impact on tide levels and as such there is not likely to be increased flood risk elsewhere in the estuary compared to the existing situation.

Overall, the proposed development is considered to present an acceptable option which would address the risk of an unmanaged breach of the sea walls and would not increase flood risk elsewhere. It is considered to comply with RWLP Policies 10 and 11, WLP Policies W4A and W4B and RDCS Policies ENV2 and ENV3.

E PUBLIC ACCESS

The application states that Wallasea Island has the potential to attract 75,500 visits per year.

The application proposes several means of public access to the site, and is linked to a concurrent application for visitor facilities (Ref ESS/12/17/ROC).

For walkers and cyclists, a network of 23km of permissive paths would result from the proposed re-design. This is significantly more than the approved scheme, which provided 15km of permissive paths.

The completion of Cell 1 resulted in the closure of the end of Footpath 21

(shortened by 800m) due to the location of the sea wall breach. This would not alter.

As part of the approved scheme, the conveyor required for importation of waste material dissected Footpath 21 and a footbridge was constructed to maintain access. The new proposals would include the earlier removal of the conveyor and footbridge and reinstatement of the line of Footpath 21.

No new bridleways have been proposed. There have been several detailed representations received relating to the lack of equestrian access. The Essex Bridleway Association and the British Horse Society have objected on these grounds.

In response, it is recognised that the RWLP requires (in summary), at Policy 10 (Development Management Criteria):

'Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact...on...the definitive Public Rights of Way network...'

'Where appropriate, enhancement of the environment would be sought, including, but not exclusively, the enhancement of the Public Rights of Way network, creation of recreation opportunities...'

The RWLP supporting text requires, at paragraph 9.33:

'...Restoration schemes should, in the first instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multi-user paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began....'

WLP Policy W10G (Public Rights of Way) also promotes the safeguarding and improvement of the rights of way network.

The NPPF states that 'Public rights of way form an important component of sustainable transport links and should be protected or enhanced'. It also promotes healthy communities.

RDCS Policy T6 (Cycling and Walking) states:

'The Council will work with Essex County Council, along with other organisations such as Sustrans, to ensure that a safe and convenient network of cycle and pedestrian routes is put in place to link homes, workplaces, services and town centres. Where developments generate a potential demand to travel, developers will be required to contribute to the delivery of such a network. The Council will also continue to require developers to provide facilities for cyclists at all new developments.'

'The Council will also seek the further development of cyclepaths, footpaths and bridleways that, having regard to ecological interests, open up and develop the'

access network alongside the District's rivers. The Council will also encourage new cycle and footpath links with neighbouring authorities'.

Whilst the inclusion of equestrian access would appear to be desirable, it is not specifically required by the above policies and guidance. The policies contain a general encouragement for the enhancement of public rights of way where possible. It is considered that the proposed development has sought to achieve this through the provision of permissive routes. It is also noted that there is no history of bridleways on Wallasea Island. Certainly the current application would allow more public access than the permitted scheme, which already contains extensive permissive routes.

Further, the Public Rights of Way Officer supports the inclusion of permissive paths. Although it is acknowledged by the Public Rights of Way Officer that the permissive paths may have the possibility to accommodate both horses and pedestrians, it is also stated that it has to be a matter for the landowner to decide whether they wish to permit access for horses, as well as cyclists and pedestrians, and hence what to include in their application.

Overall it is considered that the proposals would be of great public benefit, in compliance with RWLP Policy 10, WLP Policy W10G and RDCS Policy T6, and it would not be reasonable to require the provision of equestrian access via planning condition.

Additionally, it is proposed that new access ramps are installed to the east of the Cell 5 tidal exchange sluice. Construction materials would be won from the north-west corner of Cell 3, where new habitats would be 'cut' (see 'Ecological Impact' later in the report).

RDCS Policy T1 (Highways) requires, in summary, that developments are located and designed in such a way as to reduce reliance on the private car. It does, however, recognise that some impact on the highway network is inevitable and the Council will work with developers and the Highway Authority to ensure that appropriate improvements are carried out.

The original development was considered in the context of the waste material being imported by river only. The impacts of the potential visitors to the site were assessed and some improvements were required (and have been implemented) to the surrounding highway network to accommodate them.

The proposed development is for alterations to the restoration scheme only. However, with regard to access by car, the car park is proposed within Cell 5, adjacent to an area proposed for a Reception Hide as part of application ref ESS/12/17/ROC. A car park has been approved as part of the existing permission at the site, but has not been implemented. The approved design would be subject to revision through this current application, providing larger spaces and a small overflow car park alongside. The existing 'Defra' car park would remain as a secondary parking area. The bicycle shelter, currently located within the Defra car park, would be relocated to the new main parking area within a 'visitor hub'.

RDDMP Policy DM30 (Parking Standards) refers to the Parking Standards Design

and Good Practice Supplementary Planning Document (Adopted December 2010), or successor document.

The Parking Standards require, for the type of development proposed, 1 car parking space per 20m² maximum, 10 cycle spaces plus 1 space per 10 vehicle spaces minimum, 1 powered two wheeler space plus 1 per 20 car spaces minimum, and a minimum of 3 disabled bays or 6% of total capacity whichever is greater.

The main car park would contain 87 bays including 9 disabled bays, 12 powered two-wheeler spaces and 16 bicycle spaces (in the relocated shelter), together with two bus parking bays.

The overflow car park would contain space for 72 cars and the existing 'Defra' car park contains 20 spaces plus 2 disabled bays.

Given that the application area is 677 hectares, it is considered inappropriate to allow or require the maximum provision of spaces in this case. The level of car parking proposed has not been objected to by the Highway Authority and is considered appropriate.

RDDMP Policy DM31 (Traffic Management) states:

'Any new major developments must include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities, facilitating the appropriate use of different types of road and environment, and achieving a clear, consistent and understandable road, cycle and pedestrian network. These measures will comprise, amongst others, reducing the impact of motorised traffic, traffic calming measures, measures to assist public transport (for example bus gates or lanes), cycling, walking and horse riders, congestion relief, and other speed and demand management measures.'

Potential impact on the natural, built and historic environment should also be taken into consideration.'

It is noted here that the proposal is for an alteration to an existing scheme, rather than a new major development. The existing scheme did not require equestrian access.

Importation of waste material was not permitted by road as part of the consented scheme. There would now be no need to import any further waste material; therefore the existing Condition 40 is proposed to be amended.

RDCS Policy T5 (Travel Plans), in summary, requires leisure uses to devise and implement a travel plan to aim to reduce private, single occupancy car use.

As stated, the development includes provision for cyclists. In addition, the applicant is separately pursuing plans to open up the island to a ferry service from Burnham. A new pontoon and linking sea wall path is being investigated and would be subject to a separate planning application to Rochford District Council.

It is therefore considered that, subject to the imposition of conditions, the proposed development would not conflict with RDCS Policies T1 and T5 and RDDMP Policies DM30 and DM31.

F LANDSCAPE AND VISUAL IMPACT

RWLP Policy 10, in summary, permits waste management development where it can be demonstrated that it would not have an unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness, among other requirements.

WLP Policy W10E, in summary, permits waste management development where satisfactory provision is made in respect of the effect of the development on the landscape and the countryside, among other requirements.

RDCS Policy ENV2 (Coastal Protection Belt) requires that the Council will ensure that development which is exceptionally permitted does not adversely affect the open and rural character, historic features or wildlife of the Coastal Protection Belt, among other requirements.

RDDMP Policy DM5 (Light Pollution), in summary, requires developments to be appropriately designed to minimise the impact of light pollution on residential and commercial areas, important areas of nature conservation interest, highway safety and/or the night sky.

The permitted development includes lighting of the unloading facility along the pontoon, conveyor and radial stacking area. The proposed development does not include lighting, aside from that required for navigation, thereby reducing any light impact on residents and the environment and complying with RDDMP Policy DM5.

RDDMP Policy DM14 (Green Tourism), as set out earlier in the report, requires consideration of the character of the countryside and the visual amenity of the surrounding area.

RDDMP Policy DM26 (Other Important Landscape Features) lists landscape features which should be protected from damage.

The proposed development includes the earlier removal of the unloading facility (pontoon and conveyor). The structure would be removed using marine-based vessels and stored within the existing material handling area. The full length of the piling supports are proposed to be removed. The whole process, including removal of the dismantled infrastructure from site, is anticipated to take 36 months.

The new lagoon arrangement would be more structured in appearance than the permitted scheme. However, this would make use of the existing topography and ditches. The new design would be flatter than the completed Cell 1. The main water depth changes would be with the seasons in response to water level management. In the spring, two of the lagoons would be drained to expose the underlying mud for bird nesting. The landscape would therefore be varied. It would

also allow visitors to have an improved visual experience by bringing water closer to the footpaths, which was not possible in the permitted scheme.

Essex County Council's Landscape Officer supports the application. The Officer has commented that the use of type 1 material for surfacing of the car park and for the planting of goat willow, hawthorn and blackthorn to provide softening would be appropriate. It is suggested that car park planting is secured by condition, and this is considered appropriate in the event that approval is granted.

The development is therefore considered to comply with RWLP Policy 10, WLP Policy W10E, RDCS Policy ENV2 and RDDMP Policies DM5, DM14 and DM26.

G ECOLOGICAL IMPACT

RWLP Policy 10, in summary, permits waste management development where it can be demonstrated that it would not have an unacceptable impact on the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats), among other requirements.

WLP Policy W10E, in summary, permits waste management development where satisfactory provision is made in respect of the effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations, among other requirements.

RDCS Policy ENV1 (Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites) states that:

'The Council will maintain, restore and enhance sites of international, national and local nature conservation importance. These will include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSIs), Ancient Woodlands, Local Nature Reserves (LNRs) and Local Wildlife Sites (LoWSs). In particular, the Council will support the implementation of the Crouch and Roach Management Plan...'

RDCS Policy ENV2 (Coastal Protection Belt) requires that the Council will protect and enhance the landscape, wildlife and heritage qualities of the coastline, recognising the implications of climate change and sea level rise, and the need for necessary adaptation, among other requirements.

As stated previously in the report, RDDMP Policy DM14 (Green Tourism) requires that development should not have undue negative impact on important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity.

RDDMP Policy DM27 (Species and Habitat Protection) states:

'Proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat. In such cases the Local Planning Authority will impose conditions and/or seek the

completion of a legal agreement in order to:

- (iii) secure the protection of individual members of the priority species and/or habitats;*
- (ii) minimise the disturbance to the priority species and/or habitats; and*
- (iii) provide adequate alternative habitats to sustain at least the current levels of population for protected species and/or provide a compensatory habitat to offset potential loss or disturbance of a priority habitat.*

In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.'

When compared to the permitted development, the proposed development would have much less interaction with the estuary.

A tidal inlet pipe would allow fish to enter Cells 2 and 4.

Given that open breaches are now not proposed in Cells 2 and 4, there would be no potential for the scheme to affect the oyster layings in the Roach, as was a concern previously.

The proposed development would provide a vast area of shallow saline lagoons, important for high-tide feeding areas for waterbirds. It would provide feeding and resting environments when other parts of the coast are inundated by tidal water.

Cell 3 would be altered to provide construction material for the new access ramps in Cell 5. This would provide a series of small, shallow pools and channels which would benefit grazing birds, such as Wigeon and Brent Greese, which prefer feeding on grassland close to water.

The seawall work and pontoon/conveyor removal are proposed to be undertaken outside of the October to March period to avoid disturbance to overwintering birds.

Mitigation is proposed for protected species, as follows:

- Reptiles would be displaced (to Cell 5) from Cells 2 and 4 in the areas surrounding the cultivated fields by regular cutting of the vegetation sward until the site is inundated with water.
- Water vole populations would be surveyed in Spring 2017. This would inform mitigation measures, but it is expected that water voles would be displaced (not translocated) from Cells 2 and 4 to the established habitat in Cell 5 or to the proposed bunds.
- Badgers would be surveyed in Spring 2017. A plan would be put in place with Natural England to close the existing setts and to develop suitable fencing to add to the anti-predator ditch/fence network. This would form a continuous north-south barrier across the site.
- Nesting birds would not be impacted upon due to the required vegetation management for reptiles.

The County Council's Ecologist supports the development subject to the carrying out of the ecology recommendations in the Environmental Statement and the

provision of a mitigation plan for species likely to be impacted by the works, including reptiles, water voles, badgers and breeding birds.

The Environment Agency has raised no objection in general or on ecological grounds.

Overall, the development is considered to present an option which improves the ecology of the site as existing. RWLP Policy 10, WLP Policy W10E, RDCS Policies ENV1 and ENV2 and RDDMP Policies DM14 and DM27 are considered to be complied with.

H AMENITY IMPACT

RWLP Policy 10, in summary, permits waste management development where it can be demonstrated that it would not have an unacceptable impact on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration), among other requirements.

WLP Policy W10E, in summary, permits waste management development where satisfactory provision is made in respect of the effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants, among other requirements.

As stated previously in the report, RDDMP Policy DM14 (Green Tourism) requires that development should not have undue negative impact on the amenity of local residents.

The main noise impact from the permitted development was the potential noise from night time deliveries of waste material to the pontoon (these were dictated by the tides), and the general operation of the pontoon and conveyor. These noise risks would now be removed.

The landscaping of Cells 2 and 3 would be further from Burnham than many of the more recently completed works, none of which caused disturbance.

In terms of dust, the County Council's Air Quality Consultant has commented that the development would be acceptable with the continued use of best practice techniques and appropriate dust management and mitigation employed during previous phases.

The Consultant has further commented that, if an on-site power plant is required, information of design and specification should be required to establish potential emissions to air from boilers/power sources. No such power plant is required.

It is therefore considered that there would be no significant impact on amenity, in compliance with RWLP Policy 10, WLP Policy W10E and RDDMP Policy DM14.

The social benefits of the development have also been set out by the developer, for consideration under the NPPF sustainable development definition. The development would provide improved access to the coast with new facilities; it would connect people with the coastline; it would adapt to climate change, provide

enhanced visual landscape and a focus for volunteering opportunities.

I EQUALITY ISSUES

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

Two user groups representing equestrians have asserted that the proposal has a negative impact on their members and the Essex Bridleway Association state this would be on the grounds of age and gender as they say older women tend to ride horses more than other groups. They do not produce any evidence to demonstrate this is the case.

No negative impact on existing access to equestrian routes is proposed by the application. However, there is no enhancement to equestrian access either, in comparison to cyclists and pedestrians. The issue has been raised with the applicant who has explained that there are safety concerns at the application site, specifically that there would be constrained footpaths along bunds, close to the water's edge with less room for users to move off the paths. This is in contrast with some of the other sites that the applicant operates, and they have accordingly declined to alter their access proposals. The lack of enhancement of equestrian access is not considered to be a consideration which would warrant refusal of the application.

8. CONCLUSION

In conclusion, it is considered that the proposed alterations would present a sustainable option in light of the lack of availability of fill material to complete the approved scheme.

Development of the site is generally supported by the Rochford Local Plan, in particular by RDCS Policy URV2.

Although the site is located within the Green Belt, it is considered that the development would not be inappropriate and would not significantly impact on the openness of the Green Belt, in compliance with WLP Policy W10E, RWLP Policy 10 and RDCS Policy GB1.

Furthermore, the proposed development is considered to be a form of Green Tourism which does not unacceptably impact on, and can be promoted within, the Green Belt, in compliance with RDCS Policy GB2 and the Green Belt aspect of RDDMP Policy DM14.

In terms of flood risk, the application has carefully considered the risks of the proposed changes. Overall, the proposed development is considered to present an acceptable option which would address the risk of an unmanaged breach of the sea walls and would not increase flood risk elsewhere. It is importantly noted that the Environment Agency does not object to the proposals, which are considered to comply with RWLP Policies 10 and 11, WLP Policies W4A and W4B and RDCS Policies ENV2 and ENV3.

Public access would be improved in comparison to the approved scheme and it is considered that the proposals would be of great public benefit, in compliance with RWLP Policy 10, WLP Policy W10G and RDCS Policy T6. It is not considered reasonable to require the provision of equestrian access via planning condition.

The application has also considered sustainable transport and parking provision, and would not conflict with RDCS Policies T1 and T5 and RDDMP Policies DM30 and DM31.

The landscape and visual impact of the scheme is considered to be appropriate, in compliance with RWLP Policy 10, WLP Policy W10E, RDCS Policy ENV2 and RDDMP Policies DM5, DM14 and DM26.

The consideration of ecology is integral to the scheme design and is considered to be of benefit to the site, in compliance with RWLP Policy 10, WLP Policy W10E, RDCS Policies ENV1 and ENV2 and RDDMP Policies DM14 and DM27.

There is considered to be no unacceptable on amenity as a result of the proposed changes, in compliance with RWLP Policy 10, WLP Policy W10E and RDDMP Policy DM14.

The proposal is considered to conform with Policy W10C of the WLP as the site will be restored, albeit without any further waste importation, to an acceptable and sustainable afteruse and the minimum amount of waste has been used over the wider site to achieve this – in accordance with RWLP Policy 13

On balance, taking into account the NPPF and the relevant policies of the Development Plan taken as a whole, the proposal represents sustainable development in the context of the NPPF and therefore planning permission should be granted.

9. RECOMMENDED

That planning permission be **granted** subject to:

- The completion, within 6 months, of a deed of variation to update the

- existing legal agreement; and,
- Conditions covering the following matters:

Conditions to be amended as follows:

- 2 The development hereby permitted shall be carried out in accordance with the details submitted by way of the application dated November 2008, covering letters dated 28 November 2008 and 16 December 2008 and accompanying Planning Statement, together with drawings numbered 'Location of Wallasea Island' Figure 1 (July 08), 'Planning Application Boundary' Figure 3a (Oct 08), 'Proposed Design' Figure 5 (Oct 08), 60039950/IPER/50 Rev 03 (11/12/08), 60039950/3563/65 (27/11/08), 60039950/3563/66 (26/11/08), 'Aerial View Visualisation at Mean Low Water' Figure 10 (Sept 08), 'Aerial View Visualisation at Mean High Water' Figure 11 (Sept 08), 'Aerial View Visualisation as Viewed from the East at Mean Low Water' Figure 12 (Sept 08), 'Selection of Photos Describing the Key Habitat Types to be Created' Figure 14 (Nov 08), 60039950/3563/60 (26/11/08), 'Location of the Unloading facility and Route of the Conveyor Belt and the Wet Chalk Pipeline' Figure 16 (Oct 08), 60039950/3563/51 Rev 01 (26/11/08), 'Locations of the Footpaths on Wallasea Island' Figure 17 (sept 08) as amended by email from RSPB 'Footpath 21 Supplementary Submission' dated 20 March 2009, 'Topography of the whole of Wallasea Island' Figure 3 (Oct 08), 60039950/3563/100 Rev 01 (11/12/08), Schematic Cross Sections Showing Design of Key Features of the Proposed Realignment Scheme' Figure 9 (Oct 08), 60039950/IPER/101 Rev 02 (15/07/08), 'Location and Extent of the Five Cells' Figure 4 (Oct 08), 60039950/3593/53 November 2008, 60039950/3563/53 Rev 01 (11/12/08), 'Existing and Indicative Standards of Protection along the Crouch and Roach Estuaries' Figure 6 (July 08), 'Historic Embankments, Creeks and Postulated Medieval Marsh Boundaries' Figure 8 (Oct 08) and 'Location of Historical EHER References' Figure 25 (Oct 08) and Environmental Statement dated November 2008 and Appendices A-R, together with email from RSPB dated 11 December 2008, email from RSPB headed 'Burnham Access' dated 09 February 2009, email from RSPB headed 'Working Hours Submission' dated 04 March 2009, email from RSPB headed 'Impacts on Oyster Fishery' dated 06 March 2009, email from RSPB headed 'Wallasea: Supplementary Sailing Submission' dated 20 March 2009, email from RSPB headed 'Wallasea: Supplementary Submission Spreading Hedge Parsley' dated 13 March 2009, email from RSPB headed 'Green Belt Submission' dated 24 March 2009, email from RSPB headed 'PROW steps' dated 25 March 2009, email from RSPB headed 'Wallasea: Supplementary Submission Working Hours (2)' dated 20 March 2009, email from RSPB headed 'Wallasea: 1900-0700 Noise Generation and Mitigation' dated 20 March 2009, email from RSPB headed 'Permissive Paths' dated 26 March 2009, email from RSPB headed 'further submissions' dated 06 April 2009, email from RSPB headed 'Supplementary Submissions' dated 02 April 2009, email from RSPB headed 'Roach Erosion' dated 02 April 2009, email from RSPB headed 'Supplementary Submission: Landscape' dated 02 April 2009 and Design and Access Statement,

AS AMENDED BY

- The details of the application dated 17 January 2014;
- covering letter from ABPmer dated 17 January 2014;
- Planning Statement by ABPmer Report no. R.2213 Version 2.0 dated 17

- January 2014, including appendices A-C; and
- the Environmental Impact Assessment by ABPmer Report no. R.2202 Version 3.0 dated 17 January 2014, including appendices A-D.

AS AMENDED BY

- The details of the application dated 31 October 2014;
- Covering letter from ABPmer dated 31 October 2014;
- Planning Statement by ABPmer Report no. R.2316 dated October 2014, including appendices A and B;
- The Environmental Impact Assessment by ABPmer Report no. R.2314 dated October 2014.
- Document entitled 'RSPB Wallasea Island Wild Coast Project: Supplementary Submission no.1' dated 17 December 2015.

AS AMENDED BY

- The details of the application dated 25 January 2017;
- Covering letter from ABPmer dated 25 January 2017;
- Environmental Statement for s73 Application by ABPmer dated January 2017;
- Planning Statement for s73 Application by ABPmer dated January 2017;
- Supplementary Submission for s73 Application by ABPmer dated April 2017;

together with the following drawing numbers:

- 202808-C2-205 Rev P2 Proposed Cell 2-4 Works General Arrangement Plan dated 17/01/17;
- 202808-C2-401 Rev P2 Reception Hide Car Parks Arrangement dated 16/01/17;
- 202808-C2-150 Rev P1 Cell 5 pedestrian Access Ramps dated 15/12/16;
- 202808-C2-400 Rev P2 Reception Hide Access Road and Typical Cross Sections dated 16/01/17;
- 202808-C2-002 Rev P2 Proposed Cell 2-4 Works Cross Section A-A Existing Sluice Modifications dated 13/01/17;
- 202808-C2-003 Rev P2 Proposed Cell 2-4 Works Cross Section B-B Inlet Structures Typical Details dated 17/01/16;
- 202808-C2-006 Rev P2 Proposed Cell 2-4 Works Banks and Ditches Typical Details dated 17/01/16;
- 202808-C2-001 Rev P2 Proposed Cell 2-4 Works 18Ha Fresh Water Control Structure Typical Details dated 13/01/17;
- 202808-C2-402 Rev P3 Reception Hide Car Park Cross Sections dated 20/11/17;
- 202808-C2-004 Rev P2 Proposed Cell 2-4 Works Cross Section C-C Outlet Structures Typical Details dated 17/01/17;
- 202808-C2-005 Rev P2 Proposed Cell 2-4 Works Cross Section D-D Culvert to Cell 3 Typical Details dated 17/01/16;
- 202808-C2-007 Rev P2 Proposed Cell 2-4 Works Crossing Culverts Typical Details dated 17/01/16.

Except as varied by the following conditions:

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery other than shown on drawings 202808-C2-206 Rev P2 General Arrangement RSPB Compound dated 15/12/16 and 202808-C2-204 Rev P2 General Cell 2 and 4 Works General Arrangement Contractor Site Compound dated 15/12/16, permitted under ref ESS/12/17/ROC, shall be erected, installed or replaced on the site without the benefit of express planning permission.
- 4 No lighting on site shall be erected, installed or operated unless in accordance with the details as set out in the application form dated 14 August 2014, document entitled 'Wallasea Island Lighting Management Plan' dated 07 August 2014 and drawing numbers:
 - GA-005, Rev Z1, Sheet 1 of 15 dated 09/07/13;
 - CS54480 dated 10/08/14;
 - GA-005, Rev Z1, Sheet 2 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 3 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 4 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 5 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 6 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 7 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 8 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 9 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 10 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 11 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 12 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 13 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 14 of 15 dated 09/07/13;
 - GA-005, Rev Z1, Sheet 15 of 15 dated 09/07/13;

approved on 29 September 2014 under permission ref ESS/09/14/ROC

except as amended by details of the location, height, design, luminance and operation, which have been submitted to and approved in writing by the Waste Planning Authority prior to the installation of any further lighting on site. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

- 6 The free field Equivalent Continuous Noise Level (LAeq, 1hr) at noise sensitive premises adjoining the site shall not exceed background levels plus 10dB during normal working hours, except at Burnham Wick Farm where the free field Equivalent Continuous Noise Level (LAeq, 1hr) shall not exceed 46 – 48 dB during normal working hours. Measurements shall be made no closer than 3.5 m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
- 8 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties, namely Grapnell's Farm Cottages, Burnham Wick Farm, Anchorage Apartments and Belvedere Apartments, approved on 19 May 2010 under permission ref ESS/54/08/ROC. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. Noise monitoring shall be undertaken for a minimum of one hour at each noise sensitive property during the measurement period. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.
- 12 The dismantling and removal of the wharf, pontoon and conveyors shall only be carried out during the following times:
- 07:00 – 19:00 hours Monday to Friday
07:00 – 13:00 hours Saturdays
- outside of the bird overwintering period (01 October to 31 March), unless otherwise agreed in writing by the Waste Planning Authority
- and at no other times, or on Sundays, Bank or Public Holidays.
- All other development shall only be carried out during the following times:
- 07:00 – 19:00 hours Monday to Friday
07:00 – 13:00 hours Saturdays
- and at no other times, or on Sundays, Bank or Public Holidays.
- Except non-disturbing preparatory works, repairs and maintenance, which shall only be carried out during the following times:
- 07:00 – 19:00 hours Monday to Friday
07:00 – 13:00 hours Saturdays
08:00 – 16:00 hours Sundays
- and at no other times, or on Bank or Public Holidays
- 16 The development hereby permitted shall take place in accordance with the scheme for the creation of barriers/ditches to discourage badgers from areas containing ground nesting birds as set out in the application form dated 26 March 2010, statement dated 25 March 2010, letter from Natural England dated 15 February 2010 and Figure 3A 2 (Feb 10), approved on 22 April 2010 under

permission ref ESS/54/08/ROC.

- 22 Prior to the commencement of construction of the Reception Hide Car Parks, shown in principle on drawing ref 202808-C2-401 Rev P2 dated 16/01/17, full details of the car parking areas, bays and surfacing materials shall have been submitted to the Waste Planning Authority for its approval in writing. The car parking areas shall be implemented and retained in accordance with the approved details for the life of the development hereby permitted and shall not be used for any other purpose than the parking of vehicles that are related to the use of the development. The development shall be implemented in accordance with the approved details.
- 25 A revised aftercare scheme detailing the steps that are necessary to bring the land to the required standard for a nature reserve/amenity use shall be submitted to the Waste Planning Authority for its approval in writing prior to the completion of the development of Cells 2 and 4, shown on drawing ref 202808-C2-205 Rev P2 dated 17/01/17. The scheme shall provide an outline strategy for the 5 year aftercare period and provide a detailed annual programme of care including planting in the car park areas. The scheme shall be implemented in accordance with the approved details.
- 26 The Rights of Way and Permissive Routes as shown on Figure 11 (Drawing 4479 R2724_Fig_Footpaths.mxd) dated Jan 17 shall be maintained..
- 28 Until the conveyor is removed, the footbridge shall be maintained in accordance with the details as set out in the application form dated 22 July 2010, accompanying statement entitled 'Ref ES/54/08/ROC/Approval of details 5B' and drawing numbers 60101958/3563/02 Rev 04 dated August 2009 and 60148989/3519/SK/P3A Rev 03 dated May 2010, approved on 11 August 2010 under permission ref ESS/54/08/ROC and as amended by the revised design and location as detailed in the application dated 18/04/11, supporting statement dated 22/04/11 and drawing number 60039950/3563/123 Rev 02 (14/04/11), approved on 03 June 2011 under ESS/54/08/ROC/NMA.
- 30 Landscaping shall take place in accordance with the 'RSPB Wallasea Island Wild Coast Project Submission 3 Document: Car park location, construction, facilities and landscaping', and Drawing No.202808-290 Rev 2 received on 19/06/15, approved by the Waste Planning Authority on 03/07/15, except as varied by details of a landscape scheme for the car park associated with the reception hide, shown on drawing ref 202808-C2-401 Rev P2 (dated 16/01/17) which shall be submitted to the Waste Planning Authority for its approval in writing prior to the commencement of construction of the Reception Hide Car Parks, shown in principle on drawing ref 202808-C2-401 Rev P2 dated 16/01/17. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the reception hide car park hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 31 of this permission.
- 32 The cells walls and flood defence wall shall be constructed and maintained in accordance with the details set out in the application form dated 22 July 2010,

accompanying statement entitled 'Ref ES/54/08/ROC/Approval of details 5D' and 'Table 1' and drawing number 60148989/3519/SK/P33 Rev 01 dated March 2010 as amended by

the altered design of cell 1 as detailed in the application dated 12 July 2012, supporting statement entitled 'Ref ESS/54/08/ROC/Non-material Amendment 5A – Changes to Cell 1 design' dated 12 July 2012, letter from ABPmer dated 02 August 2012 and accompanying drawing 'proposed revised design for the Wallasea Island Wild Coast Project - revised design August 2012', covering letter dated 12 July 2012, and drawing numbers 60148989-3519-201 Rev 06 dated 25/04/12, 60148989-3519-203 Rev 03 dated 25/04/12 and 60148989-3519-204 Rev 03 dated 25/04/12, approved on 05 September 2012 under ref ESS/54/08/ROC/NMA9 and as amended by

the details of the application dated 14 December 2012, covering letter dated 14 December 2012, supporting statement entitled 'Ref ESS/54/08/ROC/Non-material Amendment 7A: Revision to cell embankment details' dated 14 December 2012 and, drawing numbers 60148989-3519-207 Rev 06 dated 14/09/12 and, 60148989-3519-201 Rev 08 dated 14/09/12, as approved on 29 January 2013 under ref ESS/54/08/ROC/NMA11 and as amended by

the details set out within Condition 2 of this permission.

- 34 The archaeological evaluation of major relict creeks shall be carried out in accordance with the submission received on 16th April 2015 and validated on 28th April 2015 in respect of Condition 34 of planning permission reference ESS/44/14/ROC, approved by the Waste Planning Authority under condition 34 of planning permission ref ESS/44/14/ROC on 18/06/15.
- 36 The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment by Faber Mansell dated November 2008, as amended by the updated flood risk assessment by ABPmer ref R.2212 version 2.0 dated 17 January 2014, as amended by the 'Wallasea Island Wild Coast Project: Updated Flood Risk Assessment for a S73 Application' ref R.2315 dated October 2014, and the sea walls and internal cell walls shall be constructed with a minimum crest level of 5.0m AOD

except as amended by the Updated Flood Risk Assessment for a Section 73 Application: Wallasea Island Wild Coast Project 202808-C2-R01-C dated January 2017.
- 37 Signage to show the status of proposed intertidal creeks in terms of public access rights and to mark the breaches for navigational safety shall be implemented and maintained in accordance with the 'signage (public access rights) as per drawing in Appendix A' approved by the Waste Planning Authority under condition 37 of planning permission ref ESS/44/14/ROC on 17/06/15.
- 38 The development hereby permitted shall be completed by 31 December 2022, by which time operations shall have ceased and the site shall have been reinstated and restored to a coastal nature reserve and shall be the subject of aftercare for a period of 5 years.

- 39 Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted, including the unloading facility and conveyor, shall be removed from the site when they are respectively no longer required for the purpose for which built, erected or installed and in any case not later than 31 December 2022.
- 40 Waste material shall not be imported to the site from the date of the commencement of the development hereby permitted.
- 41 The applicant shall notify the Waste Planning Authority in writing at least 5 working days in advance of the completion of each phase of development.

Additional Condition as follows:

- 42 No development shall take place until a detailed mitigation plan for the reptiles, water voles, badgers and breeding birds identified including their breeding sites and resting places has been submitted to and approved in writing by the Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

Existing Conditions 7, 9, 15, 18, 19, 27 and 29 to be removed.

All remaining conditions attached to permission ref ESS/44/14/ROC to be re-numbered, updated, removed or re-imposed as appropriate.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would be located adjacent to a European site (the Essex Estuaries Special Area of Conservation and the Crouch and Roach Estuaries) and would be directly connected with or necessary for the management of that site for nature conservation (see letter from Natural England dated 09/11/16).

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. The LPA has regularly attended Local Liaison Meetings and engaged with the developer prior to the submission of the application. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

ROCHFORD – South
ROCHFORD – North
MALDON - Southminster

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR: WALLASEA ISLAND (Application Ref: ESS/13/17/ROC)

Note: This application is being considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, under the transitional provisions set out in Regulation 76 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

An Environmental Statement has been submitted with the application and examines the main potential impacts associated with the development.

The key subject areas identified are:

- Hydrodynamic Effects
- Ecology and Nature Conservation
- Public Rights of Way
- Landscape and Visual Impacts
- Noise

The significance of each key subject area has been identified as either insignificant, minor adverse significance, moderate and major adverse significance.

Hydrodynamic Effects

The proposed design would remove open breaches into the Cell 2 and 4 areas. Therefore 1million m³ of tidal water would no longer be released into the Roach in this middle estuary location.

An inlet pipe would allow up to 0.09 million m³ into Cells 2 and 4, released back into the Roach Estuary via Cell 1. There would be no major release of water back out through Cells 2 and 4.

The volume and speed of flow out of the site through the Breach 1 in Cell 1, via Cell 3, would be slightly greater than in the permitted scheme. This scheme would have seen the water discharged via Cells 1 and 2. The proposed maximum flow changes as a result of the altered design would be small and no significant localised erosion of the breach is expected.

The expected accretion of sediment in Cell 1 would mean that there would be very little further changes to the hydrodynamics of the Roach and Crouch Estuaries.

Overall, the effects on the estuary have been assessed as negligible/insignificant and less than the permitted scheme (which was minor adverse).

Ecology and Nature Conservation

The Crouch and Roach Estuaries are designated as detailed within the Committee Report. Another SPA is within 3km of the site (Foulness). The estuaries are also part of a Marine

Conservation Zone for the protection of native oysters. The proposed sluice works and the unloading facility are the only part of the scheme that would encroach on the designations. There is no requirement for an Appropriate Assessment, since the project is required for the conservation management of the designated sites.

Since no breaches are proposed, the hydrodynamic interaction with the estuary would be insignificant. The development would, however, still address the risk of an unmanaged breach and flooding event.

The temporary effects of the construction period would be reduced.

Mitigation is proposed for protected species, as follows:

- Reptiles would be displaced (to Cell 5) from Cells 2 and 4 in the areas surrounding the cultivated fields by regular cutting of the vegetation sward until the site is inundated with water.
- Water vole populations would be surveyed in Spring 2017. This would inform mitigation measures, but it is expected that water voles would be displaced (not translocated) from Cells 2 and 4 to the established habitat in Cell 5 or to the proposed bunds.
- Badgers would be surveyed in Spring 2017. A plan would be put in place with Natural England to close the existing setts and to develop suitable fencing to add to the anti-predator ditch/fence network. This would form a continuous north-south barrier across the site.
- Nesting birds would not be impacted upon due to the required vegetation management for reptiles.

There is no expectation that the proposed development would introduce any new problems with respect to invasive plant species.

It is expected that fish would enter the site through the Cell 2 and 4 tidal inlet pipe when it is open. A small fish flap would allow small volumes of water to return to the estuary on the ebb tide. This would encourage smaller fish to enter the site during ebb periods, and to allow fish to exit.

The alteration to the scheme so that breaches in the Cells 2 and 4 frontage are no longer proposed, means that there is no potential for the scheme to affect the oyster layings in the Roach. Further, E.coli levels have been monitored from Jubilee Marsh. This has showed that oysters near Breach 3 were of comparable quality to those in the cultivated beds. The proposed re-design is anticipated to have no adverse effect on E.coli levels.

Overwintering birds are not anticipated to be disturbed by the construction period. The seawall work and pontoon/conveyor removal are proposed to be undertaken outside of the October to March period to avoid disturbance.

Salinity and temperatures within the proposed lagoons would be adjusted according to external conditions, to allow appropriate dilution, thus not impacting invertebrates.

Overall, the project would reduce physical interactions with the adjacent estuary when compared with the permitted scheme. It has been assessed as moderate beneficial, which is unchanged from the permitted scheme.

Public Rights of Way

The proposed development would include the earlier removal of the conveyor and footbridge over Footpath 21, and the Footpath would be restored to its baseline condition.

As there would be no further breaches and a longer network of bunds, 8km of additional permissive paths would be created including more circular walks.

Additionally, the northerly seawall would be improved with access ramps so that walkers/cyclists could access from Cell 5.

Minor further benefits are expected when compared to the permitted scheme.

Landscape and Visual Impacts

The main alteration to Cells 2 and 4 would be the larger proportion of lagoons to that permitted. They would alter their appearance according to the water levels, which would change with the tides but mainly with the seasons.

Habitats would be lagoonal, marsh and mud habitats and the area would be flatter than the surrounding Cell 1.

The design would allow saline and fresh water close to visitor footpaths. This would enhance the visitor experience and, overall, minor benefits are expected.

Noise

The proposed development would include the dismantling of the unloading facility, which is expected to create the highest noise levels but not so loud as to result in adverse effects.

The proposed landscaping works would mainly be on the central and southern parts of the Island, at a greater distance from Burnham than permitted activities already undertaken. Machinery would be mainly below the height of the surrounding seawalls.

The proposals are assessed as having insignificant effects.

Finally, the application also assesses the 'do nothing' alternative. This would mean waiting for land-raising materials to become available, which is very uncertain. A period of delay would require the unloading facility to be retained and maintained for the entire time and the island would be at continued risk of unmanaged breach, particularly along the southern stretch. Ecological and visitor benefits would be delayed for an unknown period of time.

committee DEVELOPMENT & REGULATION

date 28 July 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: **The erection of buildings comprising one Reception Hide and one Viewing Hide for use by the general public; the development of a staff compound comprising one Office Building and one Meeting Room Building, Staff Parking Area and the erection of a Communications Aerial; the erection of one Workshop and development of a new Hardstanding; and associated works.**

Location: **Wallasea Island Wild Coast Project, Creeksea Ferry Road, Wallasea Island, SS4 2HD.**

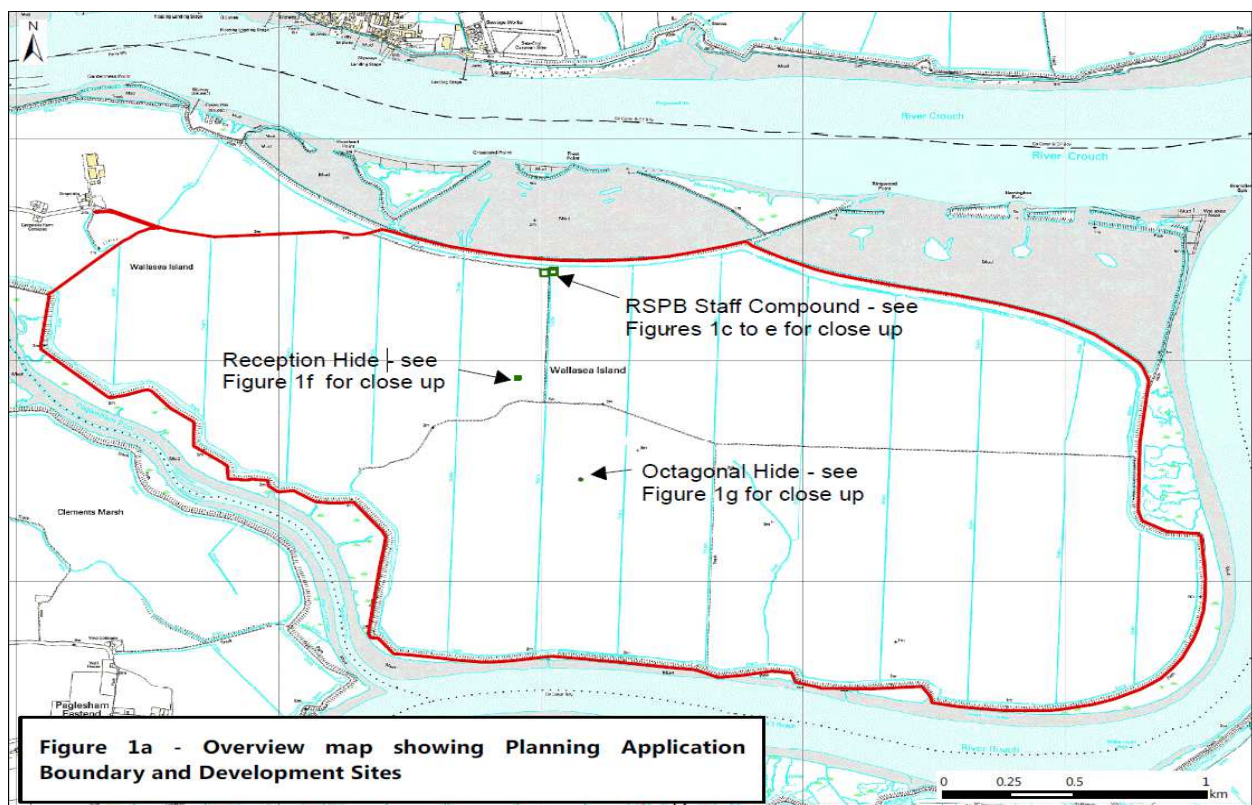
Ref: **ESS/12/17/ROC**

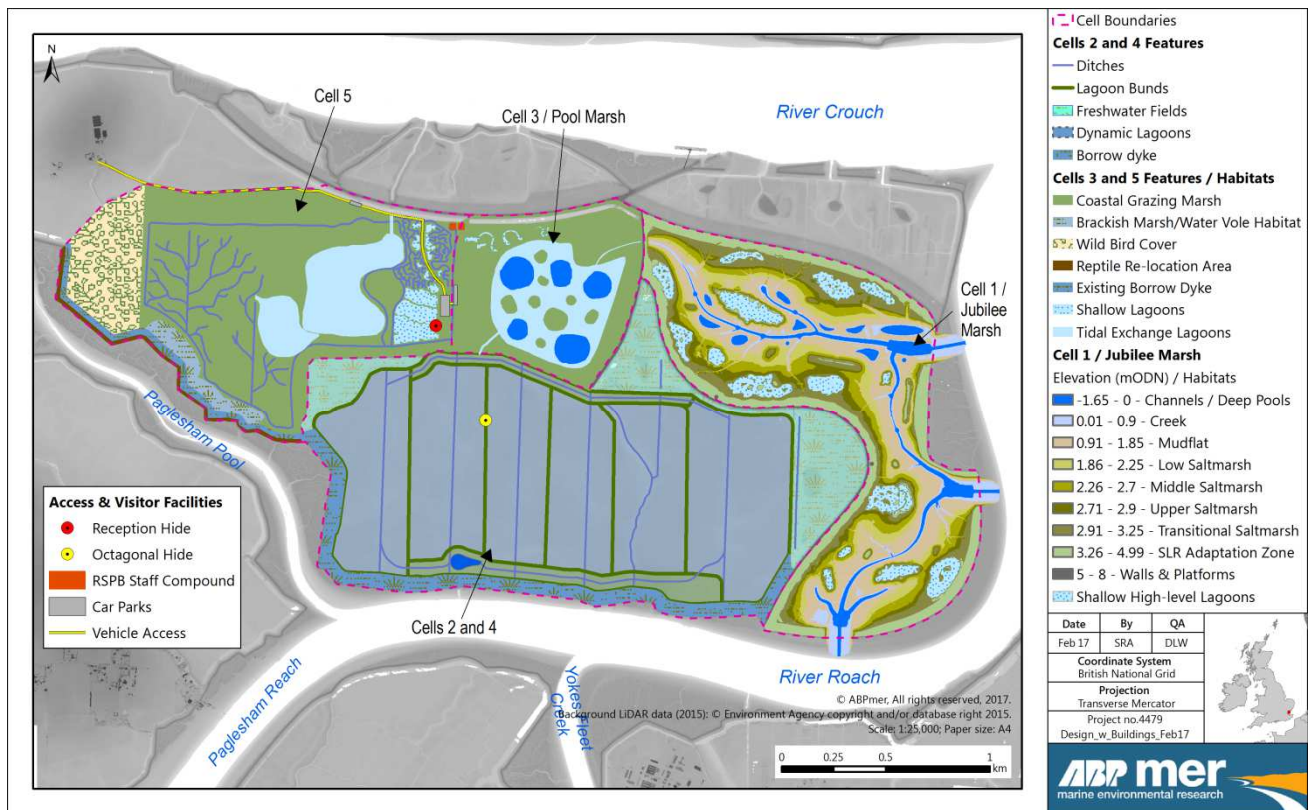
Applicant: **RSPB**

Report by Acting Head of County Planning

Enquiries to: Shelley Bailey Tel: 03330136824

The full application can be viewed at www.essex.gov.uk/viewplanning





1. BACKGROUND

On 09 July 2009 planning permission ref ESS/54/08/ROC was granted for:

The importation by sea of 7.5 million cubic metres of high quality recovered inert material to achieve, by phased extraction and landraising, a change of use from agricultural land to 677 hectares of coastal nature reserve principally comprising mudflats, saltmarsh, coastal lagoons, brackish marsh, coastal grazing marsh, drier grass capable of developing new saltmarsh as sea levels rise together with the development of 5 bird hides, car park and associated off shore unloading facility, conveyor and pipeline, material handling area, sea wall engineering works and modification to Footpath Number 21, to be completed by 2019.

The development is known as the Wallasea Island Wild Coast Project.

Permission ref ESS/54/08/ROC was subject to 43 conditions and a legal agreement. All of the requirements of the legal agreement and the relevant conditions have been discharged and complied with.

In June 2009 Development and Regulation Committee Members agreed that a previously recommended condition requiring the submission and approval of details to show improvements to the access junction between Creeksea Ferry Road and the application site could not be lawfully imposed. This was because the access junction was located outside of the red line application area and did not lie within land under the applicant's control; rather it was privately owned. The Chairman of Committee asked the applicant to use best endeavours to resolve the issue with the private land owner.

Accordingly, the developer applied to Rochford District Council for planning

permission to alter the access arrangements, planning permission ref 13/00284/FUL was granted on 11 July 2013 and the amended access is now in place.

Additionally, Rochford District Council granted planning permission ref 11/00778/FUL on 16 February 2012 for the permanent retention of a webcam tower in connection with the Wild Coast Project.

On 14 May 2014, application ref ESS/09/14/ROC was made to vary the existing permission, as follows:

Continuation of the importation of waste to develop a coastal nature reserve without compliance with conditions 2 (compliance with submitted details); 39 (cessation of operations and restoration by 31 December 2019); and 40 (removal of construction infrastructure) attached to planning permission ref ESS/54/08/ROC to allow the importation of suitable natural material and to require cessation of site operations and restoration by 31 December 2025, together with the inclusion of previously agreed non-material amendments to permission ref ESS/54/08/ROC.

Planning permission was granted, subject to conditions and to the amendment of clause 3.4 of the legal agreement to remove the obligation for imported material to be clean, inert and uncontaminated.

In April 2015, application ref ESS/44/14/ROC was granted for the following development:

Continuation of the importation of waste to develop a coastal nature reserve without compliance with condition 2 (compliance with submitted details) attached to permission ref ESS/09/14/ROC to allow modifications to the landform design within Cells 1 and 5, including a net reduction of suitable natural waste material in Cell 1 by approximately 450,000m³.

Three non-material amendments have been made to permission ref ESS/44/14/ROC.

Planning permission has also been granted for the installation of viewing shelters (ref ESS/28/15/ROC) and fencing (ESS/42/15/ROC).

To date, Cell 1 (165ha) of the existing scheme has been completed using managed realignment and the importation of inert waste material from the Crossrail project. It has been named Jubilee Marsh. Additionally, most of the landscaping work has been completed within Cells 3 and 5.

A parallel planning application, ref ESS/13/17/ROC, is currently being considered by the Waste Planning Authority for modifications to the approved landform design within Cells 2, 3 and 4.

2. SITE

Wallasea Island is located in the District of Rochford on the south-eastern coast of the County between the River Roach and the River Crouch.

Burnham on Crouch, in Maldon District, is located across the River Crouch to the north, although the application area is located wholly within the Rochford District Council administrative boundary. Great Wakering, Rochford and Canewdon are the nearest towns. The nearest residential properties are Grapnells Farm and cottages, which are located on Creeksea Ferry Road, approximately 350m from the western edge of the proposed development.

The application site area is 677 hectares. Vehicular and pedestrian access to the site leads from Creeksea Ferry Road in the north-west through Grapnells Farm. Although, access to the site has in the past been by ship via the unloading facility located on the River Crouch to the north of the application site.

Footpath 21 Canewdon is located on the northern boundary of the site and is maintained over the conveyor by the use of a footbridge. The footpath is permanently closed on the western boundary as a result of the breach of the sea wall at Cell 1.

Wallasea Island is located within the Metropolitan Green Belt and the Coastal Protection Belt. It is within Flood Zone 3, an area which benefits from flood defences.

The site is located to the adjacent south of the Wallasea Island Managed Realignment Local Wildlife Site. Additionally, the Crouch and Roach Estuaries SSSI, the Crouch and Roach Estuaries Special Protection Area, the Essex Estuaries Special Area of Conservation and the Crouch and Roach Estuaries Ramsar Wetlands Site, surround the edges of the river and abut the application site.

The Blackwater, Crouch, Roach and Colne Estuaries are designated as a Marine Conservation Zone.

3. PROPOSAL

The application is for the installation of two viewing hides, RSPB staff offices and workshop.

One hide would be a reception hide, providing seating, refreshment vending machines and WC facilities for visitors. The other hide would be an octagonal hide, providing 360° views and including seating and information boards. This structure would be located on one of the lagoon bunds proposed as part of application ref ESS/13/17/ROC.

In addition, there is proposed a staff compound containing an office, meeting room and workshop building, together with associated parking area. (This would make use of the existing hard standing area used for the construction compound for the completion of Cells 1, 3 and 5 of the wider Wallasea Wild Coast Project). The parking area would be developed once the proposals for Cells 2 and 4 are completed under ref ESS/13/17/ROC (in the event that planning permission is granted).

Application ref ESS/13/17/ROC also contains proposals for the main car park and overflow car park in Cell 5, intrinsically linked to the visitor area proposed as part of the application the subject of this report.

It is noted that the proposals within this application would be dependent on the grant of application ref ESS/13/17/ROC.

In this respect, it is further considered that an application for the type of development applied for would usually fall within the remit of the Local Planning Authority, which in this case is Rochford District Council.

Given the long history of the Waste Planning Authority (WPA) in determining planning applications associated with the Wallasea Wild Coast Project, and the fact that the current application is intrinsically linked with application ref ESS/13/17/ROC (also being considered by the WPA), Rochford District Council has agreed to delegate its Development Control functions to the WPA in respect of application ref ESS/12/17/ROC. This is considered to provide a coherent approach with regard to development at the application site.

It is further noted that the proposal has been amended throughout the determination. The first amendment is to alter the design of the buildings to accommodate concerns raised by Rochford District Council. The second amendment is to remove the communications aerial from the application.

4. POLICIES

The following policies of the Rochford District Allocations Plan (RDAP), Adopted 25th February 2014, the Rochford District Core Strategy (RDCS), Adopted 13th December 2011 and the Rochford District Development Management Plan (RDDMP), Adopted 16th December 2014, provide the development plan framework for this application. The following policies are of relevance to this application:

ROCHFORD DISTRICT CORE STRATEGY (RDCS)

Policy ED1 – Employment Growth
Policy URV2 – Wallasea Island
Policy T1 – Highways
Policy T5 – Travel Plans
Policy T8 – Parking Standards
Policy CP1 – Design
Policy GB1 – Green Belt Protection
Policy GB2 - Rural Diversification and Recreational Uses
Policy ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites
Policy ENV2 – Coastal Protection Belt
ENV3 – Flood Risk

ROCHFORD DISTRICT ALLOCATIONS PLAN (RDAP)

Policy ELA1 – Local Wildlife Sites
Policy ELA2 – Coastal Protection Belt

ROCHFORD DISTRICT DEVELOPMENT MANAGEMENT PLAN (RDDMP)

Policy DM1 – Design of New Developments
Policy DM5 – Light Pollution
Policy DM14 – Green Tourism
Policy DM26 – Other Important Landscape Features
Policy DM27 – Species and Habitat Protection
Policy DM30 – Parking Standards
Policy DM31 – Traffic Management

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Rochford District Core Strategy has been considered by Rochford District Council and is available to view in their Compliance Review here:

https://www.rochford.gov.uk/sites/default/files/planning_corestrat_compliance_0.pdf.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

Rochford Council is at a very early stage of preparation of the New Local Plan and, as such, the New Local Plan is not considered to hold significant weight in decision making.

5. CONSULTATIONS

ROCHFORD DISTRICT COUNCIL – No objection. Supports the development of

appropriate facilities. Comments as follows:

- The Development Plan supports the development of Wallasea Island and the proposals would align with the Council's Business Plan to make the most of Rochford's coastal areas.
- The proposals would provide much needed amenities.
- The rural, open nature of the landscape and the Green Belt designation are key considerations. The scale and design of the buildings are considered to be necessary and sensitive to the openness.
- Accessibility by car should be considered.

MALDON DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No objection, providing that ECC has taken into account flood risk considerations within their remit. Comments as follows:

- The staff compound, car park and access track may require an Environmental Permit.
- During hide and building construction our Pollution Prevention Guidance (PPG5) should be followed to ensure no damage is caused to aquatic habitats from machinery oil spills etc.
- Welcomes the installation of a reedbed to further strip nutrients out of the treated effluent. There should be a plan put in place to deal with a failure of the package plant and pollution of ditches and watercourses on the site with untreated sewage should this occur.
- Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
 1. Connection to the public sewer
 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
 3. Septic TankFoul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Comment: PPG5 was withdrawn on 14th December 2015.

NATURAL ENGLAND – No objection.

- Notes that Habitats Regulations Assessment is not required.
- No objection in relation to proximate designated sites.

MARINE MANAGEMENT ORGANISATION – No comments received.

SOUTHEND AIRPORT – No comments received.

ROYAL BURNHAM YACHT CLUB – No comments received.

CROUCH HARBOUR AUTHORITY – No comments received.

BURNHAM HARBOUR AND MARINA LTD – No comments received.

PORT OF LONDON AUTHORITY – No comments received.

CROUCH AREA YACHTING FEDERATION – No comments received.

KENT AND ESSEX INSHORE FISHERIES & CONSERVATION AUTHORITY – No comments received.

ROACH AREA FAIRWAYS AND CONSERVATION COMMITTEE – Comments as follows:

- Concerned that there has been no application for public toilets.

Comment: The application includes public toilets.

ROYAL YACHTING ASSOCIATION - No comments received.

HIGHWAY AUTHORITY – No objection, subject to a condition requiring the provision of 12 parking spaces prior to first occupation.

LEAD LOCAL FLOOD AUTHORITY – No objection. The development would not have a significant increase on flood risk. Has not considered:

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

COUNTY COUNCIL'S NOISE CONSULTANT – Comments that the construction and operation of the proposed development would be unlikely to result in adverse noise effects on nearby sensitive receptors.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection.

- Comments that the development would be acceptable with the use of best practice techniques and suitable dust management and mitigation.
- If an on-site power plant is required, information of design and specification should be required to establish potential emissions to air from boilers/power sources.

COUNTY COUNCIL'S LIGHTING CONSULTANT – Comments that if there is a change to the lighting outlined in ESS/44/14/ROC then they would like to view the

lighting design information, including, mounting heights, tilt, type of lighting controls and isolux contour drawing so the potential lighting effects can be evaluated.

PLACE SERVICES (Ecology) – No objection subject to a condition relating to a mitigation plan for the species likely to be impacted by the works, including reptiles, water voles, badgers and breeding birds.

PLACE SERVICES (Urban Design) – No comment to make.

PLACE SERVICES (Landscape) – No objection subject to a condition relating to details of the design of the road and parking area/s including hard and soft landscape and boundary treatment.

BARLING MAGNA PARISH COUNCIL – No comments received.

PAGLESHAM PARISH COUNCIL – Objects to the application as the inappropriate development would bring visual harm to the openness of the Conservation Area.

ROCHFORD PARISH COUNCIL – No comments received.

BURNHAM-ON-CROUCH TOWN COUNCIL – No comments received.

HULLBRIDGE PARISH COUNCIL – No comments received.

ASHINGDON PARISH COUNCIL – No comments received.

CANEWDON PARISH COUNCIL – Comments as follows:

- No objection in principle;
- Unable to view website properly;
- Requests the inclusion of public toilet facilities.

Comment: Toilet facilities are included within the application.

FOULNESS PARISH COUNCIL – No comments received.

LOCAL MEMBER – ROCHFORD – South – Comments that this is more appropriate for consideration under Rochford North.
(Consultation repeated following elections) – Any comments received will be reported.

LOCAL MEMBER – ROCHFORD – North – Any comments received will be reported.

LOCAL MEMBER – MALDON – Southminster – Any comments received will be reported.

6. REPRESENTATIONS

8 properties were directly notified of the application. 1 letter of representation has been received. These relate to planning issues covering the following matters:

Observation

Comment

The weakest and lowest sea wall would be left in an unimproved state.
The application would increase flood risk.

It is believed that this representation should have been made against application ref ESS/13/17/ROC. These issues have been taken into account in the report for ESS/13/17/ROC.

7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Green Belt, Landscape and Visual Impact
- C. Amenity Impact
- D. Ecological impact
- E. Flood Risk/Water Pollution
- F. Traffic and Highway Impact

A PRINCIPLE OF DEVELOPMENT

The development of the Wallasea Island Wild Coast Project is specifically supported through RDCS Policies ED1 (Employment Growth) and URV2 (Wallasea Island).

RDCS Policy URV2 states:

'The Council will support the RSPB in delivering the Wallasea Island Wild Coast Project with the aim of enhancing the biodiversity value of the area.'

The Council will also promote recreational use and additional marina facilities in the area, along with access improvements. Such development will be supported provided any adverse ecological impacts are avoided or mitigated for.'

Rochford District Council has confirmed its support for the proposals, stating that they would provide much needed amenities. The Council has also stated that the proposals would align with the Council's Business Plan to make the most of Rochford's coastal areas.

It is considered that the proposals fully align with RDCS Policies ED1 and URV2 in principle.

Additionally, at the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

There are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

In terms of economics, it is envisaged that the proposed facilities would be capable of supporting up to 50,000 visitors per year. The site would be managed by four RSPB staff, with another two full-time equivalent jobs in a management/support capacity.

The extent to which the proposed development would be 'sustainable development' will be considered throughout the report.

B GREEN BELT, LANDSCAPE AND VISUAL IMPACT

As confirmed by Rochford District Council, a key consideration for this application is the rural, open nature of the landscape and the Green Belt designation.

The application site falls wholly within the Metropolitan Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The NPPF further states:

'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

RDCS Policy GB1 (Green Belt Protection) states, among other requirements:

'The Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt.'

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF states that: 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Paragraph 89 of the NPPF goes on to state that the construction of new buildings is inappropriate but lists a number of exceptions. One such exception is: 'provision of appropriate facilities for...outdoor recreation...', as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.'

The proposed development involves the installation of two viewing hides, RSPB

staff offices and workshop.

The reception hide would be located within a visitor access hub in the south-east of Cell 5. It would be of modular construction with horizontal cedar or larch cladding. Internal floorspace would be 105m² including a large reception room, 3 smaller rooms and 2 toilet rooms. There would be a canopy to the east and windows would be large to allow views of the island. The roof would have a height of approximately 6.7m AOD, since the building itself would be raised slightly.

The octagonal viewing hide would be located on a bund in Cells 2 and 4, approximately 600m from the reception hide. It would have 8 sides and a floorspace of approximately 57m². The pitched roof would be approximately 6.8m AOD (taking account of a concrete plinth). The building would be cedar clad and windows would be horizontally placed from approximately 1m upwards. A bund would be provided to the side of the building to limit bird disturbance.

The workshop, office cabin and meeting room would also be cedar or larch clad. The workshop would be the tallest structure, at approximately 4.3m high at the tallest point of the pitched roof.

The buildings would occupy minimal ground when assessed against the application site/Wallasea Island project which is over 600 hectares (6 million m²) in land area.

The scale and design of the buildings are considered to be sensitive to and appropriate for the open and rural nature of the site, in compliance with RDCS Policy CP1 (Design), which, in summary, promotes good, high quality design that has regard to local flavour. Rochford District Council has confirmed that 'The scale and design of the proposed buildings...are considered to be necessary to support this important nature reserve whilst being sensitive to the openness of the landscape'.

It is considered that the development would provide essential and necessary facilities of an appropriate scale for outdoor recreation. The proposals would not conflict with the purposes of including land within the Green Belt and the development would preserve the openness of the Green Belt. The development would not be considered 'inappropriate' for the purposes of Green Belt consideration, and therefore would not be harmful by definition. The visual impact is considered to be minimal and appropriate and overcome by the necessity to provide the proposed facilities to support the Wallasea Island Wild Coast Project. The development is considered to be compliant with RDCS Policy GB1 as well as the NPPF.

It is noted that Pagelsham Parish Council has objected to the application as the inappropriate development would bring visual harm to the openness of the 'Conservation Area'. It should be noted that the development is not located in a designated Conservation Area, however in response, the visual impacts are thought to be minimal and appropriate for the reasons explained above.

Additionally, the Rochford District Development Management Plan explains that:

'Green tourism refers to sustainable tourism activities which can be promoted within the countryside (including within the Green Belt) and are sensitive to the both the natural and historic environment, and are sustainable in terms of stimulating rural economic growth and encouraging diversification of rural activities. Small-scale outdoor recreational and leisure activities such as walking and small-scale fishing lakes are considered appropriate forms of green tourism.'

It also states that Green Tourism will take place on Wallasea Island.

The relevant RDDMP Policy DM14 (Green Tourism) states:

'The Council will support proposals for green tourism, provided the proposal would not have an undue negative impact on:

- (i) the openness of the Green Belt (if applicable) and character of the countryside;*
- (ii) the visual amenity of the surrounding area;*
- (iii) the amenity of local residents;*
- (iv) important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity;*
- (v) the landscape character area in which the proposal is situated, having regard to the area's sensitivity to the development proposed;*
- (vi) the historic environment, taking into consideration the sensitivity of the different Historic Environment Character Zones set out in the Rochford District Historic Environment Characterisation Project (2006);*
- (vii) on the agricultural value of the land;*
- (viii) on the highway network, having regard to the likely scale of tourism that the proposal would generate; and*
- (ix) where the conversion of nationally or locally listed agricultural and rural buildings is proposed it should:*

- a) not negatively impact on the quality of the listed structure; and*
- (b) not affect the integrity of the existing structure. A structural engineers report should accompany any application for conversion of a Listed Building.*

Where ancillary facilities are proposed for the purposes of green tourism, it must be demonstrated that such facilities are necessary for the functioning of the activity. Existing agricultural and rural buildings should be reused and converted for the accompanying uses, wherever possible. Any new structures must be the minimum size, height and bulk to accommodate the proposed use. Ancillary facilities should not have an undue impact on the openness of the Green Belt or character of the countryside.

The conversion of existing agricultural and rural buildings to bed and breakfasts/small-scale hotels/holiday lets will be permitted in appropriate locations provided that all of the above criteria are met and:

- (a) the application relates to an existing building of permanent and substantial construction; and*
- (b) the proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11.*

Any development which is permitted should be of a scale, design and siting such

that the character of the countryside is not harmed and nature conservation interests are protected.'

RDCS Policy GB2 (Rural Diversification and Recreational Uses) cites Green Tourism as a form of rural diversification that may be considered acceptable in the Green Belt in certain circumstances.

The proposed development is considered to be a form of Green Tourism which does not unacceptably impact on the Green Belt, in compliance with RDCS Policy GB2 and the Green Belt aspect of RDDMP Policy DM14. The extent to which the remaining aspects of RDDMP Policy DM14 are complied with will be considered throughout the report.

With regard to landscape impact, the Essex Coastal Protection Belt covers undeveloped coastal areas and protects them from all but essential development. RDCS Policy ENV2 (Coastal Protection Belt), in summary, requires the protection and enhancement of the landscape, recognising the implications of climate change and sea level rise, and the need for necessary adaptation, and that development which is exceptionally permitted does not adversely affect the open and rural character.

As discussed, the proposals are considered to be necessary for the development of the Wallasea Island Wild Coast Project, which is supported by the Rochford Local Plan.

RDDMP Policy DM26 (Other Important Landscape Features), in summary, requires consideration of the landscape character of the area and protection of landscape features including watercourses.

It is considered that there would be no significant impact on the features listed in RDDMP Policy DM26.

Landscape impact is linked with the visual impact consideration above. The Landscape Officer has raised no objection, subject to a condition relating to details of the design of the road and parking area/s including hard and soft landscape and boundary treatment. It is considered that such condition could be imposed in the event that permission is granted.

The development is considered to be sensitively designed and appropriate for the area and compliant with RDCS Policy ENV2.

D AMENITY IMPACT

RDDMP Policy DM1 (Design of New Development) requires, in summary, that:

'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative...'

The nearest residential properties are located on Creeksea Ferry Road, at Burnham-on-Crouch and on Foulness Island.

RDDMP Policy DM5 (Light Pollution) requires, in summary:

'...Proposed schemes must be appropriately designed and installed to minimise the impact of light pollution on residential and commercial areas, important areas of nature conservation interest, highway safety and/or the night sky through avoiding unnecessary light spillage and trespass...'

For the proposed staff compound, new security and yard lighting is proposed to be installed to avoid light spill. It would be angled downwards and controlled by switch and movement sensors which would turn the lights off when no movement is detected.

The application proposes that the office would be open from 8am-6:30pm and the other uses would be open from 8am-6pm. However the reserve would in reality only be open to visitors during daylight hours and, as such, no lighting or electricity is proposed at the octagonal hide. Low energy lighting would be installed at the visitor hide.

In the event that permission is granted, a condition could be imposed to require full details of lighting on site, to ensure that it would be appropriately designed to minimise visual impact.

The County Council's Noise consultant has commented that the proposed development would be unlikely to result in adverse noise effects on nearby sensitive receptors.

The County Council's Air Quality Consultant has commented that the development would be acceptable with the use of best practice techniques and suitable dust management and mitigation. If an on-site power plant is required, information of design and specification should be required to establish potential emissions to air from boilers/power sources. Taking this into consideration, the control of dust during construction is considered to be best left outside of the Planning realm. An on-site power plant is not proposed as connection would be to mains electricity.

The application site is relatively remote from residential properties. It is considered that there would be no significant impact as a result of construction or operation of the proposed development, in compliance with RDDMP Policies DM1 and DM5.

E ECOLOGICAL IMPACT

RDCS Policy ENV1 (Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites) states that:

'The Council will maintain, restore and enhance sites of international, national and local nature conservation importance. These will include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSIs), Ancient Woodlands, Local Nature Reserves (LNRs) and Local Wildlife Sites (LoWSs). In particular, the Council will support the implementation of the Crouch and Roach Management Plan...'

RDCS Policy ENV2 (Coastal Protection Belt) requires that the Council will protect

and enhance the landscape, wildlife and heritage qualities of the coastline, recognising the implications of climate change and sea level rise, and the need for necessary adaptation, among other requirements.

As stated previously in the report, RDDMP Policy DM14 (Green Tourism) requires that development should not have undue negative impact on important areas of nature conservation, including any potential disturbance to nearby sites recognised for their importance for biodiversity or geodiversity.

RDDMP Policy DM27 (Species and Habitat Protection) states:

'Proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat. In such cases the Local Planning Authority will impose conditions and/or seek the completion of a legal agreement in order to:

- (i) secure the protection of individual members of the priority species and/or habitats;*
- (ii) minimise the disturbance to the priority species and/or habitats; and*
- (iii) provide adequate alternative habitats to sustain at least the current levels of population for protected species and/or provide a compensatory habitat to offset potential loss or disturbance of a priority habitat.*

In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.'

The proposed development would be located outside of the boundaries of the SPA, SAC, Ramsar and SSSI designations. Natural England has raised no objection in relation to the proximate designated sites.

The applicant proposes to utilise established access routes to transport materials for the buildings/hardstandings, thus avoiding any significant damage to habitats. It is proposed that the main construction works would avoid the bird overwintering period (November-February), and it is considered that this could be controlled via condition, in the event that permission is granted.

Water voles, reptiles and badgers are present on the site, but there are mitigation plans in place for these within the wider development of Wallasea Island. The County Council's Ecologist has requested a condition relating to a mitigation plan for the species likely to be impacted by the works, including reptiles, water voles, badgers and breeding birds. It is considered that this could be imposed, in the event that permission is granted, and is likely to reflect the wider scheme requirements.

The development is therefore considered to be in compliance with RDCS Policies ENV1 and ENV2 and RDDMP Policy DM27.

F FLOOD RISK AND WATER POLLUTION

RDCS Policy ENV3 (Flood Risk) states:

'The Council will direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test, as per PPS25. The vast majority of development will be accommodated within Flood Zone 1. However, considering the very limited supply of previously developed land in the District, proposed development on previously developed land within Flood Zone 3 will be permitted if it enables a contribution towards the District's housing requirement that would otherwise require the reallocation of Green Belt land, providing that it passes the exceptions tests and is able to accommodate the necessary flood defence infrastructure.'

The Council will continue to work with the Environment Agency to manage flood risk in a sustainable manner through capitalising on opportunities to make space for water wherever possible and through the continued provision of flood defences where necessary.'

The application area is located within Flood Zone 3 – an area that benefits from flood defences. Land and property in this flood zone would have a high probability of flooding without the local flood defences. These protect the area against a river flood with a 1% chance of happening each year, or a flood from the sea with a 0.5% chance of happening each year.

The proposed development is classed as 'less vulnerable' according to the Environment Agency.

The whole island is within Flood Zone 3 and so the development could not be located elsewhere.

Floor levels for the new buildings would be raised above ground levels and any electric points would be raised at least one metre above finished floor levels. A flood response plan has been drawn up for original planning application on the wider Wallasea Island site.

The Environment Agency has noted that, in the event of a breach or overtopping of the defences, routes on and off the island would likely be restricted for a period of time. Therefore this proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain. However, the original application included viewing platforms which provide refuge at a level of 6mAOD, and these would remain (in Cell 1). Therefore the Environment Agency has raised no objection.

The Lead Local Flood Authority has commented that the development would not have a significant increase on flood risk. Has not considered:

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

Given that the Environment Agency has not considered flood risk elements which fall within the remit of the Local Planning Authority, in order to properly link the previous flood response plan with this application, it is considered appropriate to cross reference the FRA and flood response plan submitted with application ref ESS/13/17/ROC and require adherence to it via condition, in the event that permission is granted.

It is considered that the proposals would comply with RDCS Policy ENV3.

Additionally considered in this section is foul sewage. The National Planning Practice Guidance sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank.

There are no known public surface water or foul sewers within the reserve. A septic tank is present within the existing construction compound.

The application proposes to use the existing septic tank at the proposed staff compound, and then use a reedbed or similar system.

A package sewage treatment plant and reedbed system is proposed for the treatment of foul water at the proposed reception hide and the intention is that grey water may also be used.

It is considered that a condition could be imposed to require full details of foul water and grey water systems, in the event that permission is granted.

G TRAFFIC AND HIGHWAY IMPACT

RDCS Policy T1 states:

'Developments will be required to be located and designed in such a way as to reduce reliance on the private car. However, some impact on the highway network is inevitable and the Council will work with developers and the Highway Authority to ensure that appropriate improvements are carried out. The Council will seek developer contributions where necessary.'

The Council will work with the Highways Authority to deliver online improvements to the east to west road network, and improvements to the highways serving Baltic Wharf in order to sustain employment in this rural part of the District. The Council will also work with the Highways Authority to find ways to manage congestion along specific routes in the District.'

RDCS Policy T5 (Travel Plans), in summary, aims to reduce private, single occupancy car use through the implementation of a travel plan.

RDCS Policy T8 (Parking Standards), in summary, requires adequate parking provision.

It is also noted that Rochford District Council has adopted the Essex Parking Standards: Design and Good Practice September 2009 as a Supplementary Planning Document and this, or any successor document, is applied through RDDMP Policy DM30 (Parking Standards).

RDDMP Policy DM31 (Traffic Management) states:

‘Any new major developments must include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities, facilitating the appropriate use of different types of road and environment, and achieving a clear, consistent and understandable road, cycle and pedestrian network. These measures will comprise, amongst others, reducing the impact of motorised traffic, traffic calming measures, measures to assist public transport (for example bus gates or lanes), cycling, walking and horse riders, congestion relief, and other speed and demand management measures.

Potential impact on the natural, built and historic environment should also be taken into consideration.’

The application did not include a Transport Statement. However, it does not propose to alter the existing access arrangements at the site, and is not itself a proposal to increase traffic generation, rather to cater for the existing/anticipated demand (in particular for toilet facilities).

A parallel application ref ESS/13/17/ROC explains that visitor numbers reached over 20,000 per year in 2016-17, compared with less than 5,000 prior to the implementation of the Wallasea Island Wild Coast Project.

A Transport Statement was submitted with the original application (Ref ESS/54/08/ROC) for the wider development, which predicted a potential 100,000 visitors per year (50,000 vehicles). But the expectation was that the number of visitors would be closer to 50,000 per year.

Based on those numbers, planning permission ref ESS/54/08/ROC required the provision of a comprehensive signing scheme from the existing strategic road network to the site, avoiding the minor village routes, as well as a financial contribution to the Highway Authority for the upgrade of public transport facilities at the junction of Lambourne Hall Road and Creeksea Ferry Road, and also for the creation of passing places and highway improvements on the route from the bus stop at the Lambourne Hall Road/Creeksea Ferry Road junction to Wallasea Island to maintain the safety and flow of the highway network

The public highway is the only access route to the site and given the distances to any public transport, the only ways to approach the island are by cycle or, more frequently, by car. However, outside of this planning application, the RSPB is also

developing plans to open up the island to a ferry service from Burnham.

Since the current proposals are not anticipated to increase visitor numbers beyond the existing predictions, it is not considered to be appropriate to require any further highway improvements, particularly considering that the Highway Authority has not required it and does not object.

It is considered that the staff offices would be categorised as Use Class B1 – Business. The application proposes 12 parking spaces and the Highway Authority is satisfied with this, subject to a condition requiring such provision prior to beneficial occupation.

The proposals overall would be categorised as Use Class D2 – Assembly and Leisure; however the associated parking has been applied for through application ref ESS/13/17/ROC.

A Travel Plan was submitted with the original ESS/54/08/ROC application. It is considered that this is sufficient to meet the requirements of RDCS Policy T5, subject to a condition requiring adherence to it.

Overall it is considered that there would not be significant impact on traffic or the highway network as result of the development, in compliance with RDCS Policies T1, T5 and T8, and RDDMP Policies DM30 and DM31.

8. CONCLUSION

In conclusion, weight is given to the specific support for the Wallasea Island Wild Coast Project cited in RDCS Policies ED1 and URV2. It is considered that this provides for the acceptability of the development in principle.

The development is not considered to be inappropriate in the Green Belt and the sensitive design and location within a very large site would preserve the openness of the Green Belt. Furthermore, the proposals would not conflict with the purposes of including land within the Green Belt. The visual impact is considered to be minimal and appropriate and overcome by the necessity to provide the proposed facilities to support the Wallasea Island Wild Coast Project. Therefore the development is considered to comply with RDCS Policies GB1 and CP1 and the NPPF.

The proposed development is considered to be a form of Green Tourism which does not unacceptably impact on the Green Belt, in compliance with RDCS Policy GB2 and the Green Belt aspect of RDDMP Policy DM14.

The impact on the landscape has been carefully considered through the siting and design of the buildings, such that there would be no significant impact, in compliance with RDCS Policy ENV2 and RDDMP Policy DM26.

It is considered that there would be no significant impact on amenity as a result of construction or operation of the proposed development, subject to a condition requiring lighting details, in compliance with RDDMP Policies DM1 and DM5.

The proposed development would be located outside of the boundaries of the SPA, SAC, Ramsar and SSSI designations. The ecology of the site is well understood by the applicant and the project has been designed to avoid any significant damage to habitats or harm to protected species. Subject to a condition relating to the provision of a mitigation plan, the development is considered to be in compliance with RDCS Policies ENV1 and ENV2 and RDDMP Policy DM27.

The development would not be considered to have significant impact on flood risk, subject to adherence to a flood response plan, and would comply with RDCS Policy ENV3.

It is further understood that a connection to the main public sewer is not practical and a package treatment plant/septic plant is appropriate subject to a condition requiring full design details.

With regard to transport, it is considered that there would not be significant impact on traffic or the highway network as result of the development, in compliance with RDCS Policies T1, T5 and T8, and RDDMP Policies DM30 and DM31.

Finally, the development is considered to fully comply with RDDMP Policy DM14.

Furthermore, the development is considered to present economic, social and environmental gains which constitute 'sustainable development' for the purposes of the NPPF. There is therefore a presumption in favour of the development.

9. RECOMMENDED

That planning permission be **granted** subject to:

- The grant of application ref ESS/13/17/ROC; and,
 - conditions covering the following matters:
- 1 The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.
 - 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 25th January 2017, together with drawings:
 - 4479 R2724_Fig1_Location.mxd dated Nov 16;
 - 4479 Buildings_RedLine_fig1a.mxd dated Feb 17;
 - 4479 Buildings_RedLine_Fig1d.mxd dated Feb 17;
 - 4479 Buildings_RedLine_Fig1b.mxd dated Feb 17;
 - 4479 Buildings_RedLine_Fig1c_v2.mxc dated Feb 17;
 - 4479 Buildings_RedLine_Fig1f1.mxd dated Feb 17;
 - 4479 Buildings_RedLine_Fig1e1.mxd dated Feb 17;
 - 4479 Design_w_Buildings dated Jan 17;
 - 202808-C2-206 Rev P2 General Arrangement RSPB Compound dated 15/12/16;
 - 202808-C2-301 Rev P3 General External View 360 Hide dated 27/03/17;

- 202808-C2-305 Rev P3 General Arrangement 360 Hide in Cell 2 dated 27/03/17;
- 202808-C2-302 Rev P3 General External View Reception Hide dated 28/03/17;
- 202808-C2-203 Rev P2 Cell 2-4 General Arrangement for Building Works dated 17/01/17;
- 202808-C2-204 Rev P2 General Cell 2 and 4 Works General Arrangement Contractor Site Compound dated 15/12/16;
- 202808-C2-300 Rev P4 General External View Office Cabin dated 27/03/17;
- 202808-C2-304 Rev P4 General External View Workshop dated 28/03/17;
- 202808-C2-303 Rev P3 General External View RSPB Meeting Room dated 28/03/17;
- letter from ABPMer dated 25 January 2017;
- The Biodiversity Checklist dated 24 January 2017;
- Email from RSPB dated 20th June 2017;
- Planning Statement and Design and Access Statement for Hides and Offices dated January 2017;

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

- 3 No development shall take place until a detailed mitigation plan for the reptiles, water voles, badgers and breeding birds identified including their breeding sites and resting places has been submitted to and approved in writing by the Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 4 No beneficial occupation of the development hereby permitted shall take place until a landscape scheme for the car park associated with the compound, shown on drawing ref 202808-C2-206 Rev P2 (dated 15/12/16) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the car park hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 6 of this permission.
- 5 Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 5 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.
- 6 No construction of the access road or car park shall take place until full details of the design, surfacing and boundary treatment have been submitted to and approved in writing by the Waste Planning Authority. The access road and car park shall be implemented in accordance with the approved details.

- 7 No fixed lighting shall be erected or installed on the application site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as to why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties, highways and ecology. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 8 The development hereby permitted shall take place in accordance with the Updated Flood Risk Assessment: Wallasea Island Wild Coast Project 202808-C2-R01-C dated January 2017, approved under permission ref ESS/13/17/ROC.
- 9 No development of the site office or reception hide hereby permitted shall take place until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the Waste Planning Authority. The foul water drainage shall be fully implemented in accordance with the approved scheme prior to the occupation of the site office and reception hide.
- 10 No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on drawing ref 202808-C2-206 Rev P2 (dated 15/12/16) have been laid out and sensitively marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.
- 11 The development hereby permitted shall take place in accordance with the Travel Plan approved under permission ref ESS/54/08/ROC.

BACKGROUND PAPERS

Consultation replies
Representation

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would be located adjacent to a European site (the Essex Estuaries Special Area of Conservation and the Crouch and Roach Estuaries) and would not be directly connected with or necessary for the management of that site for nature conservation (but is in connection with development that is directly required for the management of the European site).

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect

the integrity of the European sites, either individually or in combination with other plans or projects.

Natural England has specifically advised ECC that a likely significant effect can be ruled out.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. The LPA has regularly attended Local Liaison Meetings and engaged with the developer prior to the submission of the application. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

ROCHFORD – South
ROCHFORD – North
MALDON - Southminster

DR/32/17

committee DEVELOPMENT & REGULATION

date 28th July 2017

COUNTY COUNCIL DEVELOPMENT

Proposal: **Creation of a new road junction to create a new, left hand in right hand out only, junction between Cambridge Road and River Way including off site ancillary operations and off site mitigation.**

Location: **Land to the west of, and adjacent to, Cambridge Road**

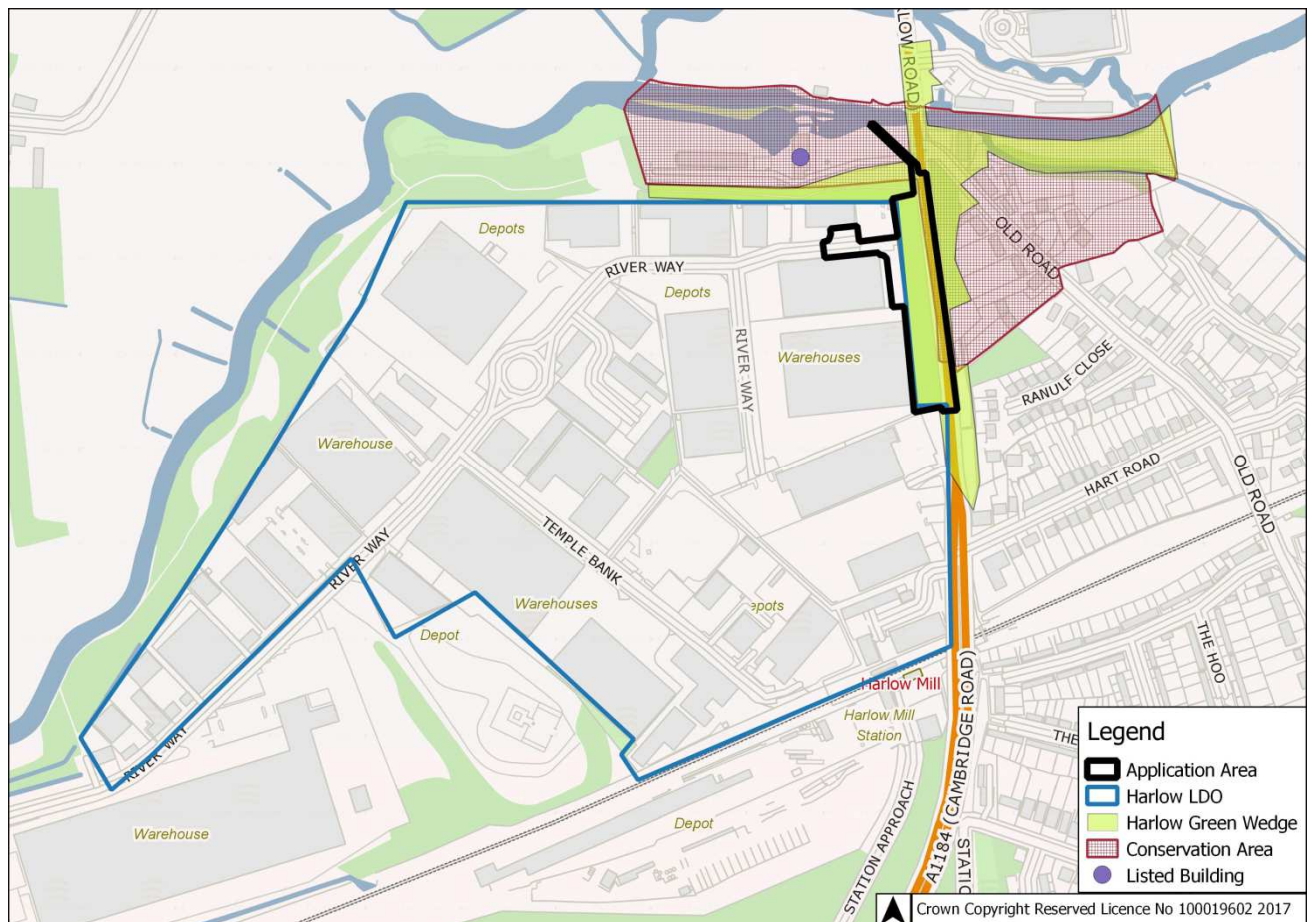
Ref: **CC/HLW/21/17**

Applicant: **Essex County Council**

Report by Acting Head of County Planning

Enquiries to: Charlotte Powell Tel: 03330 130 469

The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

Templefields Enterprise Zone is one of two major employment zones within Harlow and has around 80,000 square meters of industrial floorspace. The Enterprise Zone is part of the earliest employment development areas of Harlow New Town and is now administered by the Harlow Enterprise Zone (a public private partnership). The Templefields Enterprise Zone is designated as a Local Development Order (LDO) area, known as Templefields North East.

The Templefields Enterprise Zone is considered to be deteriorating by the partnership and is unable to attract business due to a 'decaying environmental landscape'.

The proposed development is part of efforts by Essex Highways to regenerate Templefields Enterprise Zone and reduce congestion, improve traffic flows and make journey times more predictable.

2. SITE

Templefields Industrial Estate lies on the north-eastern perimeter of Harlow. It comprises a mix of large warehouses and smaller office and workshop spaces, as well as car-parking and access roads. The industrial estate is designated as an Enterprise Zone and has a Local Development Order.

The Templefields industrial estate is bounded to the north and west by the River Stort, to the south by the main line railway between London and Cambridge and bounded on the east by Cambridge Road (A1184), which runs from Harlow northwards to Bishop Stortford.

Cambridge Road is an access point to Harlow from the north and separates the residential area of Old Harlow town to the east and the large industrial/ commercial area to the west.

Travelling from the south, Cambridge Road narrows from a dual carriageway down to a single lane road just prior to the proposed development site, which is located approximately 75m south of River Stort crossing. Cambridge Road at this point is bound on both sides by trees and shrubs and the west side adjacent Templefields Industrial Zone the trees are backed by a 5m high grassed bund.

Part of the application site is identified as being within the Green Wedge in the Harlow Local Plan.

Part of the application site is within, and the rest of the scheme adjoins, the Harlow Mill and Old Road North Conservation Area.

The nearest listed structure is Harlow Mill Restaurant - a Grade II Listed Building, located to the north west of the application site.

River Way is the only access into the Templefields Industrial Estate and provides access from Edinburgh Way in the southwest of the industrial zone. River Way

heads north east into the industrial area but is a cul-de-sac at present not linking in the east to Cambridge Road. The proposed scheme would provide access to River Way from the A1184 Cambridge Road.

The new signalised 3-arm (T) junction would be north of the A414 Edinburgh Way / A1184 Cambridge Rd roundabout.

3. PROPOSAL

The proposals would provide an access from Cambridge Road from River Way, such that River Way would cease to be cul-de-sac.

The proposals would provide an access to the industrial estate/Enterprise Zone for traffic travelling north on Cambridge Road into River Way and would comprise a filter and left turn lane on Cambridge Road. The proposals would also allow traffic from River Way to go south on the A1184 Cambridge Road via a right turn only. Construction of the junction would require realignment of the carriageway and associated footpaths on the western side of the carriageway, widening the road which would require removal of the bund which lies on the west side of the existing carriageway.

The proposed access would be a signal controlled junction with traffic only able to turn right out of River Way and access left from Cambridge Road.

The proposal includes a pedestrian island on Cambridge Road to provide pedestrian access to the site. It is further proposed to provide a pedestrian crossing across River Way. New street lighting is provided.

The feeder lane into River Way would be to the west of Cambridge Road and in order to facilitate the construction would require the removal of an existing bund (5m high and 30m wide) and vegetation.

38 trees would be removed including 35 Category B trees (no trees have a Tree Preservation Order). This accounts for 70% of the existing vegetation.

There would be ancillary operations including an updated drainage strategy.

There would be replacement planting consisting of 264m of new hedgerow, 54 replacement trees and 325m² of grassed verge and embankment.

It is proposed there would be off site mitigation at Markhall Wood located 1.75km from the application site to compensate for the loss of 0.72 hectares of habitat. A number of compensation measures are proposed which include;

- Re-establish suitable coppice regime;
- Remove invasive and non-native species;
- Selectively thin oak standards;
- Create deadwood habitat;
- Restock trees and shrubs with native species of known local provenance;
- Diversify herb layer;
- Opening up rides, and;

- Control enrichment of woodland soils.

4. POLICIES

The following policies of the [Adopted Replacement Harlow Local Plan \(ARHLP\) \(2006\)](#) provide the development plan framework for this application. The following policies are of relevance to this application:

Adopted Replacement Harlow Local Plan (2006 updated 2009)

- NE1 – Green Wedge
- NE11 – Trees and Hedgerows
- NE15 – Biodiversity
- BE10 – Conservation Areas
- BE6 – Listed Building
- ER1 – Existing Employment Area
- ER6 – Retaining Existing Employment Areas
- SD2 – Regeneration
- BE16 – External Lighting
- BE17 – Noise Pollution
- BE12 – Archaeology
- BE13 – Archaeology
- BE14 – Archaeology

Planning restrictions have been relaxed in the Enterprise Zone through a Local Development Order. Templefields North East Local Development Order (LDO) was Adopted in July 2014. It applies only to the land at Templefields North East, Harlow. The LDO grants planning permission subject to conditions and limitations as set out in the Order and the LDO Schedule. Any development that does not comply with the conditions and limitations of the LDO will require planning permission. This Local Development Order provides a further layer of planning permissions in addition to planning permissions provided by The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the Town and County Planning (Use Classes) Order 1987 (as amended) and planning permissions granted through the normal planning application process.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting

permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The new Harlow Local Development Plan will replace ARHLP and will set out the framework to guide and shape development in Harlow to 2031. However it is too early in its development to have any weight in the decision making process.

5. CONSULTATIONS

HARLOW DISTRICT COUNCIL – No objection, as it is considered that the economic benefits of the proposal outweigh the potential negative impact of development;

ENVIRONMENT AGENCY - No comments received;

HISTORIC ENGLAND - No comments to make;

ECC's NOISE CONSULTANT – No objection. It is considered the proposal should not result in an increase in noise levels for nearby sensitive receptors. Deaccelerating and accelerating vehicles at the junction does have the potential to result in elevated road traffic noise levels. However, this is likely to be off-set by the reduction in noise level resulting from the reduction in average speed along Cambridge Road resulting from the junction.

ECC's AIR QUALITY CONSULTANT - No objection;

ECC's LIGHTING CONSULTANT - No objection, subject to a condition relating to lighting design details.

HIGHWAY AUTHORITY – No objection;

PLACE SERVICES (Ecology) - No objection, subject to conditions relating to Mitigation Plan for Legally Protected Species or Priority Species and a Biodiversity Offsetting contract;

PLACE SERVICES (Trees) - No objection, subject to a condition relating to Tree Protection Plan;

PLACE SERVICES (Urban Design) – No comment;

PLACE SERVICES (Landscape) - No objection, subject to conditions relating to Tree Pit Construction Details and a landscape maintenance plan;

PLACE SERVICES (Historic Buildings) – No objection, as the impact of the proposed development on the conservation area is not considered substantial;

PLACE SERVICES (Historic Environment) - No objection, subject to a condition relating to a programme of archaeological work;

LOCAL MEMBER – HARLOW – Harlow North - Any comments will be reported;

6. REPRESENTATIONS

13 properties were directly notified of the application. 3 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Is this road required as roads to other existing access are being improved	See appraisal
2 sets of lights within approximately 60 metres of each other will lead to further road congestion, noise and pollution.	See appraisal
Where is the bus stop going to be moved to?	It is known that the bus stop would have to be moved. Moving a bus stop is a legal process that is dealt with under highway legislation
In order to access / exit site from / to the north vehicles will have to go through the new junction twice on each journey and also use the already busy roundabout at Harlow Mill station.	See appraisal
At the moment this stretch of road is the green gateway into Harlow this will be lost if the bund and trees are removed. Complete loss of Bund, vegetation and trees.	See appraisal
No need for this road as industrial zone is already occupied.	Noted. The Zone does currently have high levels of occupancy
Road safety audit have concerns over new access road as highlighted in report	See appraisal
Ensure the occupier (Hoddesdon Distribution Ltd) has sufficient yard area to continue their	Additional car park land will be provided to offset the loss of

operation	useable space for the construction of the new road. The design team are currently undertaking further tracking of the proposed carpark
Provide access to the retained land north of River Way	Access will be provided and will be included as part of the detailed design submission.
Incorporate the existing bell mouth in a land transfer to another company as this land otherwise serves no purpose as part of the proposed scheme	Should this land be deemed surplus to requirements following detailed design, further discussions will be held with the relevant parties to determine a suitable solution

7. APPRAISAL

The key issues for consideration are:

- A. Principle and Need
- B. Traffic & Highways
- C. Heritage Impact
- D. Green Wedge
- E. Residential Amenity
- F. Landscape and Visual Impact
- G. Ecology and Biodiversity

A NEED & PRINCIPLE

The NPPF was published on 27 March 2012 in an attempt to reform the planning system and make it less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. It goes on to state that these roles should not be undertaken in isolation, but should be sought jointly and simultaneously through the planning system.

Paragraph 7 of the NPPF in defining the social role states '*by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being*'.

Paragraph 7 in defining the economic role states '*by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation*'.

Paragraph 7 continues in defining the environmental role, stating '*contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to*

a low carbon economy.' An assessment of impacts associated with the proposed location can be found in the following sections of the appraisal.

The NPPF contains a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The LDO safeguards the eastern portion of River Way for 'Strategic Infrastructure'. The Design Code (adopted July 2014) (the design code works alongside the LDO to create a certain, fast-track permitted development framework for target sectors within the LDO area) states that "*A new access point connecting River Way to Cambridge Road (A1184) will transform the accessibility, sustainability and investment potential of the site by:*

- *enhancing the connectivity of the site to the local and strategic road network in Harlow;*
- *providing a continuous through-route allowing bus operators to provide more regular and financially viable services;*
- *enhancing east-west pedestrian movement between the employment area and Harlow Mill station;*
- *enhancing the sustainability of the area and the potency of potential travel planning measures which aim to reduce congestion; and*
- *reducing and dispersing congestion on the A414, Edinburgh Way."*

Essex County Council is developing a series of improvements in Harlow and funding has been secured to improve the A414 Edinburgh Way/Cambridge Road Roundabout. Main works include:

- Dual carriageway for Edinburgh Way between Cambridge Road and River Way Roundabouts.
- Upgrade of the A414 Cambridge Road Roundabout including a dedicated left turn lane from the south to the west along the A414.
- Improve traffic signals at the East Road junction with Edinburgh Way, maintaining a crossing point on the A414 for pedestrians and cyclists.
- With the exception of East Road, vehicles that access premises on Edinburgh Way will be prohibited from turning right due to the new central reservation. Vehicles at the East Road junction will be able to turn in both directions at the traffic signals.

Harlow Council has raised no objection to the proposed development, stating that "*the LDO at Templefields North East seeks to create a new eastern access for the LDO area onto Cambridge Road to transform the accessibility, sustainability and investment potential of the site*".

It is considered that the proposed development would facilitate continued growth and innovation within the Enterprise Zone by increasing connectivity to the wider road and pedestrian network and as part of Essex County Councils improvement programme within Harlow. The LDO safeguards the application site for a new access point, and as such the principle of the development is considered proven. The environmental impacts of the scheme will however be assessed further.

B TRAFFIC AND HIGHWAYS

Section 4 of the NPPF seeks to promote sustainable transport and states amongst other matters that *“Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion”*.

Neighbour representations have been received regarding the creation of further congestion as a result of the proposed traffic lights and junction.

The Highway Authority has raised no objection to the proposal stating that the submitted modelling demonstrates that the junction works within capacity, with or without the implementation of Junction 7a, up to and beyond year 2036.

Harlow Council has raised no objection stating that *“the delivery of a new eastern access for the Templefields site would address traffic and highway safety concerns in the locality of the Templefields Employment Zone, and is part of a wider strategic framework to improve traffic movement around Harlow...therefore the infrastructure would help support the regeneration and renewal of the Employment Area”*.

It is therefore considered that the proposal is in accordance with the NPPF and the LDO.

C HERITAGE IMPACT

The application site is part located within and adjacent to the Harlow Mill and Old Road North Conservation Area. The conservation area boundary spans both sides of the Cambridge Road (A1184), which divides it into an eastern and a western half. The Harlow Mill Restaurant is a Grade II Listed Building and is located circa 75m from the application site.

Section 12 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 128 seeks to protect the setting of a heritage asset and states amongst other matters that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.

Paragraph 132 continues to states amongst other matters that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require*

clear and convincing justification”.

Policy BE6 of the ARHLP states that *“Proposals for the extension or alteration of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following:*

- 1. The character that forms its value as being of special architectural or historic interest;*
- 2. The particular physical features that justify its statutory protection;*
- 3. Its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas”.*

Furthermore, Policy BE10 states that *“New development in Conservation Areas or development that affects the setting, surrounding area, or inward and outward views will be granted planning permission providing:*

- 1. It does not harm the character or appearance of the Conservation Area;*
- 2. The scale, height, form, massing, elevation, detailed design, materials, and layout respect the character of the Conservation Area;*
- 3. The proposed land use is compatible with the function and activities of the Conservation Area”.*

Polices BE12, BE13 and BE13 of the ARHLP relate to the protection of Scheduled Ancient Monuments, preservation of archaeological remains and archaeological field evaluations respectively.

A total of 40 cultural heritage assets have been identified within the planning application. Of these 28 are archaeological remains, eight are historic buildings and four are historic landscapes. These comprise one Scheduled Monument, one Conservation Area, one Listed Building and 37 non-designated assets.

ECC’s Historic Environment consultant has stated that there is a *“Possible presence of Roman material relating to Harlow Roman Town on the Templefields Industrial Estate”*. Subject to a programme of archaeological work, which could be secured by condition should permission be granted, no objection is raised. It is therefore considered that, subject to the imposition of a suitable condition, the proposal is in accordance with Policy BE12, BE13 and BE14, and the NPPF.

ECC’s Historic Building consultant has stated that *“The proposed alteration is considered to undermine the setting of the adjacent Harlow Mill and Old Road North conservation area by revealing a currently screened incongruous element in to its setting. The opening created is relatively limited with the majority of the screening remaining. The existing industrial estate is very well screened from the highway which significantly reduces the impact of the industrial estate upon the setting of the conservation area. In addition the west side of the conservation area is enclosed which reduces the importance of the external setting on the west side of the conservation area. The proposals are considered to be detrimental to the setting of the conservation area by revealing an incongruous element however the impact is not considered substantial”*.

Based on the proposed replacement screening and requirement within the NPPF that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.

The proposed development is part of wider efforts to regenerate Templefields Enterprise Zone and reduce congestion, improve traffic flows and make journey times more predictable. The LDO safeguards the eastern portion of River Way for 'Strategic Infrastructure'. As previously considered *"A new access point connecting River Way to Cambridge Road (A1184) will transform the accessibility, sustainability and investment potential of the site by:*

- *enhancing the connectivity of the site to the local and strategic road network in Harlow;*
- *providing a continuous through-route allowing bus operators to provide more regular and financially viable services;*
- *enhancing east-west pedestrian movement between the employment area and Harlow Mill station;*
- *enhancing the sustainability of the area and the potency of potential travel planning measures which aim to reduce congestion; and*
- *reducing and dispersing congestion on the A414, Edinburgh Way."*

Accordingly, the proposed development would facilitate continued growth and innovation within the Enterprise Zone by increasing connectivity to the wider road and pedestrian network and as part of Essex County Council's improvement programme within Harlow. The LDO safeguards the application site for a new access point, and as such the principle of the development is considered proven. In this respect the public benefits of the scheme are considered to outweigh the less than substantial harm to the setting of the listed building and conservation area.

On balance therefore the scheme is considered to be consistent with policies BE6 and BE10 and the NPPF.

D GREEN WEDGE

The application site includes a section of the Cambridge Road (A1184) and an area to the west, which is allocated as a Green Wedge. The proposal includes the eastern end of River Way (the main road through the Templefields Industrial Estate), which is located within Templefields Industrial Estate.

The Green Wedge currently consists of a densely vegetated and mature tree covered bund approximately 190m in length which runs along the western edge of Cambridge Road and currently separates the Industrial Estate from the A1184.

The new filter road would connect Cambridge Road to River Way whilst removing 0.72 hectares of woodland, vegetation and trees. The proposed development would add 220m of hardstanding to facilitate the new access road off the Cambridge Road. Currently the vegetated bund acts as a visual screen to the Industrial Site to users of Cambridge Road. However, the eastern side of the carriageway is also vegetated.

Policy NE1 states that *"Green Wedges will be protected from inappropriate development. Permission will not be granted, except for small scale development proposals and the replacement of existing buildings which do not have an adverse*

effect on the roles of the Green Wedges which are identified below:

- 1. Providing a landscape design feature which is fundamental to the character of the town;*
- 2. Protecting and enhancing the inherent qualities of the landscape and keeping areas as natural as possible;*
- 3. Retaining the open character of existing uses and safeguarding the land from inappropriate development;*
- 4. Preserving sites of ecological value and maximising potential for biodiversity in Harlow;*
- 5. Separating neighbourhoods, housing areas and industrial areas;*
- 6. Preserving the setting and special character of a number of historic sites and areas;*
- 7. Contributing towards the amenities of local residents”.*

It is considered that the proposal is not in accordance with Policy NE1 as the large scale proposal would remove a large proportion of the western Green Wedge along Cambridge Road and have an adverse effect on the roles of the Green Wedge. The existing landscape features would be removed and replaced by the new access road, opening up views into the Industrial Estate from Cambridge Road and reducing the screening and separation of the residential properties to the east from the industrial estate. Replacement landscaping and planting is proposed which could be secured by condition. In addition, compensatory planting at Marks Hall could also be secured by a condition should permission be granted.

Whilst the proposal would therefore conflict with the aims of policy NE1, measures are proposed to offset and mitigate the impact on the Green Wedge which does help mitigate the harm caused to the Green Wedge.

Templefields Industrial Estate is allocated as an Existing Employment Area. Policy ER6 states that *“Within the existing and allocated Employment Areas planning permission for change of use or redevelopment to uses other than those identified in Policy ER5 will be permitted if:*

- 1. The amount or range of sites or premises available for employment use would not be reduced below the level required in the Local Plan period;*
- 2. The proposal will not lead to the loss of an employment site of high quality;*
- 3. There is a demonstrable lack of market demand for employment over a long period, and the efforts made to market the site for business, industry and warehousing have been demonstrated to the satisfaction of the Council;*
- 4. The development would be accessible by means other than the car;*
- 5. The proposal would be in accordance with the sequential approach to development;*
- 6. The proposal would not generate levels of traffic on surrounding roads which would result in congestion or loss of amenity”.*

The proposal would provide a second route into the Industrial Estate for vehicles and pedestrians, and would be facilitated within the estate by the removal of an area of hardstanding to connect with River Way. The proposal is to provide an alternate route into the industrial state to enable smoother traffic flows, reducing congestion and improving predictability of journey times.

Policy ER1 states that *“To take advantage of the economic strengths and opportunities in Harlow, particularly the town’s locational advantages, the Local Plan and other Council investment plans and strategies, will promote sustainable economic regeneration and renewal. The overall growth in employment opportunities is to be achieved through the following:*

- 1. Ensuring an adequate supply of suitable employment land;*
- 2. Actively promoting sustainable economic regeneration and renewal;*
- 3. Seeking appropriate infrastructure development;*
- 4. Integrating transport, housing, employment, educational and cultural facilities;*
- 5. Encouraging economic diversity and knowledge-based business clusters where appropriate;*
- 6. Supporting a partnership approach to the development of land”.*

SD2 states that *“To maximise the opportunities offered by Harlow’s status as a Priority Area for Economic Regeneration, development proposals that facilitate regeneration and renewal of the urban fabric and infrastructure in order to improve the local economy will be permitted. This will be achieved through a partnership approach where appropriate”.*

Templefields industrial estate currently has one access point via River Way from Edinburgh Way. It is proposed the access would enable an alternative access to the Industrial Estate from Cambridge Road to improve accessibility and reduce congestion. It is considered this would be in accordance with SD2 and ER1 of the ARHLP by seeking to create conditions that would promote development and regeneration.

Harlow Council has raised no objection to the proposal stating that *“the proposed scale of the junction would help prevent the proposal for having a significant impact on the Green Wedge and BAP woodland. The potential impact of the junction of the Green Wedge and Woodland would be limited by the proposed grass verges, which would comply with the landscaping requirements of the LDO Design Guide”.*

On balance, the impact upon the Green Wedge needs to be weighed against the requirement within the NPPF to *“building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”.* It is therefore considered, that on balance, subject to securing on site and off site replacement planting, the economic need for the improved access to the industrial outweighs the harm to the Green Wedge and is considered to be in accordance with Policy SD2, ER1 and ER6 of the ARHLP, the requirements within the NPPF and the LDO.

E RESIDENTIAL AMENITY

A number of residential properties back on to Cambridge Road to the east, accessed from Old Road. The closest residential property is located 30m from the application site, separated by residential gardens and existing vegetation

The application states that the proposed scheme would induce an increase of road traffic on River Way; approximately 4000 vehicles a day.

Policy BE16 states that *“External lighting proposed for any development will not be granted planning permission if any of the following apply;*

- 1. It is unacceptably visually intrusive;*
- 2. Its use would cause an unacceptable disturbance to the surrounding area;*
- 3. It causes danger to road safety;*
- 4. It is proven to have an adverse effect on sites of wildlife importance.*

Where permission is granted, development will be required to minimise light spillage through the use of good design, screening and deflecting of the source; and the nature and intensity of the lighting and its hours of use will be carefully controlled”.

The application includes new artificial lighting and range from 6m to 10m in height. Cambridge Road and River Way currently have a number of lighting columns. Additionally, no vegetation removal along the eastern side of Cambridge Road is proposed and as such, would continue to act as a screen to nearby residential properties. It is therefore considered, subject to a condition relating to a lighting scheme, that the proposal is in accordance with Policy BE16 of the HLP.

The application also includes an Air Quality Scoping Assessment that states *“Furthermore there are no exceedances within local diffusion tube monitoring in the base year. The initial findings indicate that there is unlikely to be a significant adverse effect as a result of the proposed scheme”.*

The NPPG states in relation to Air Quality that *“Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)”.*

The application site is not within an Air Quality Management Area (AQMA). The Simple Assessment concludes that all worst-case relevant receptor locations modelled are unlikely to be exposed to exceedances of the annual mean NO₂ or PM₁₀ air quality objective threshold (40 µg/m³). Overall the schemes impact is considered to be ‘not significant’. ECC’s Air Quality Consultant supports these findings and as such, raises no objection.

Policy BE17 states that *“Planning permission will be granted if noise sensitive developments are located away from existing sources of noise and potentially noisy developments are located in areas where noise will not be such an important consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others”.*

The Outline Environmental Management Plan states that *“Activities on site will be managed and undertaken in a manner to minimise impact on the surrounding environment as far as reasonably practicable.”*

In relation to noise the report states that a number of measures will be in place

during construction which includes *“All work will be undertaken in accordance with the guidance detailed in BS 5228: 2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites, Part 1: Noise and Part 2: Vibration”*. Additionally the application states that *“it is identified that no road links on the highway network that are in proximity to sensitive receptors would experience such an increase noise levels”*. It is therefore considered, subject to the proposed condition that the development would be in accordance with Policy BE17 of the ARHLP.

F LANDSCAPE & VISUAL IMPACT

Paragraph 113 of the NPPF states that *“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”*.

The proposal would add 220m of hardstanding to facilitate the new junction whilst removing an area of vegetation and trees. The proposal would add a new access and open up views into the Enterprise Zone. A number of residential properties gardens back onto the eastern side of Cambridge Road but these are well screened by existing vegetation on the eastern boundary of Cambridge Road.

Neighbour representations have been received relating to this stretch of road currently being the green gateway into Harlow, which would be lost if the bund and trees are removed. The proposal would lead to the loss of an area of woodland, however compensatory planting and landscaping is proposed in line with the LDO Design Guide.

It is proposed to create 264m of new hedgerow, plant 54 replacement trees and create 325m² of grassed road verge and embankment. ECC's Landscape Officer states that *“the proposed road verges are sufficient and tree and plant species are appropriate for the area”*.

It is considered that removal of part of the Green Wedge to facilitate the new access road would be an incongruous element to Cambridge Road and open views into the Industrial Site. However, ECC's Landscape Officer has raised no objection subject to a number of conditions which could be secured should permission be granted. These relate to Tree Pit construction details and a landscape maintenance plan. Furthermore it is considered, that on balance, the new entrance would enable easy of access to the Site in compliance with the LDO and the NPPF.

G ECOLOGY AND BIODIVERSITY

The proposed development would provide a new access to the Industrial Estate and require the removal of existing soft landscaping to open up the access. Compensatory planting and ecological enhancements are proposed in nearby Markhall Wood and could be secured by condition should permission be granted.

Paragraph 109 states that *“The planning system should contribute to and enhance the natural and local environment by:*

- protecting and enhancing valued landscapes, geological conservation interests and soils;*
- recognising the wider benefits of ecosystem services;*
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”.*

Policy NE11 states that *“In considering applications for development affecting trees or hedges the Council:*

- 1. May require a survey of the site and the trees and hedges concerned;*
- 2. Will oppose the loss of trees and hedgerows of amenity value and wildlife importance;*
- 3. Will serve Tree Preservation Orders to protect trees with public amenity value;*
- 4. May impose conditions on planning permissions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction”.*

Furthermore Policy NE15 states that *“Planning permission will not be granted for development that would harm habitats or other features of the landscape identified as priorities in the UK, or the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature. If granted, planning permission may be subject to conditions, obligations or management agreements for the provision of appropriate mitigation and/or compensatory measures”.*

The proposed development would see the loss of 0.72 hectares of woodland and scrub. Markhall Wood has been identified as the most suitable location to deliver compensation measures due to its location and potential to provide sufficient opportunities for woodland restoration and enhancement. A number of compensation measures are proposed which include:

- Re-establish suitable coppice regime;
- Remove invasive and non-native species;
- Selectively thin oak standards;
- Create deadwood habitat;
- Restock trees and shrubs with native species of known local provenance;
- Diversify herb layer;
- Opening up rides; and
- Control enrichment of woodland soils.

The compensation measures would be managed for 10 years and would be

prepared and secured as part of a proposed management agreement between Essex County Council and Harlow Council. ECC's Ecologist has raised no objection to the scheme subject to a condition relating to the proposed offsetting and would ensure no development or on site vegetation clearance works takes place until evidence of a contract that secures the delivery of the submitted offsetting scheme has been provided.

The Preliminary Ecological Assessment (PEA) highlights the potential presence of nesting birds, reptiles and badgers within the area affected by the proposals, together with measures necessary to prevent an offence being committed. These measures, and the subsequent recommendation for further survey of potential Badger setts within the project note, should be implemented in full prior to the commencement of works. As such, ECC's Place Services has raised no objection to the scheme subject to a condition relating to a Mitigation Plan for Legally Protected Species and/or Priority Species. It is therefore considered subject to the imposition of conditions and the compensatory measures that the proposal is in accordance with Policy NE15 of the ARHLP and the NPPF.

The Arboricultural Impact Assessment provided states that 70% of the tree stock within the site is likely to be removed or partially removed. ECC's Arboriculturalist has raised no objection subject to a condition relating to tree protection works to ensure protection for the existing natural environment. It is therefore considered subject to the imposition of conditions that the proposal is in accordance with Policy NE11 and NE15 of the ARHLP, and the NPPF.

8. CONCLUSION

It is considered the need for the development has been proven within the LDO and as part of Essex County Councils planned wider improvements within Harlow. The new junction would ease congestion and facilitate a new access point in the Enterprise Zone and is supported by Harlow Council. Part of the application site is safeguarded by the LDO for 'strategic infrastructure' and as such it is considered the principle is established. However, the application site is partly located within a Green Wedge which would be lost as a result of the proposals. It is considered, that the loss of the Green Wedge, on balance is justified by the requirements within the NPPF for economic growth, the provision of infrastructure and ARHLP policies SD2, ER1, ER6 and NE1. The development would facilitate Harlow's economic agenda for the Enterprise Zone.

To compensate for the habitat loss, it is proposed as part of the application to provide opportunities for woodland restoration and enhancement at Markhall Wood, and as such is in accordance with Policy NE11 and NE15 of the ARHLP, and the NPPF. This could be secured through a condition requiring replacement habitat and beneficial long term management.

The application site is located within and adjacent to a conservation area, as well as in close proximity to a listed building. The NPPF seeks to protect the setting of a heritage asset. The removal of the existing woodland along Cambridge Road would open up views into the Industrial Site, however on balance it is considered that the scale of the access point and the proposed landscaping limits the impact on the setting of the Conservation Area and Listed Building and is considered in

accordance with Policy BE10 and BE6, and the NPPF. Subject to a programme of archaeological work, which could be secured by condition should permission be granted, it is considered that the proposal is in accordance with Policy BE12, BE13 and BE14, and the NPPF.

The removal of the existing vegetation will increase views into the Enterprise Zone, which is currently well screened along Cambridge Road. Replacement landscaping is proposed which will soften the views into the Industrial Site. It is therefore considered, that on balance the proposed development is in accordance with the NPPF.

It is considered the proposed artificial lighting is in accordance with Policy BE16 of the ARHLP as by the nature and number would not cause an unacceptable disturbance to the surrounding area, would not have an adverse effect on sites of wildlife importance and would not cause any issues to road safety. Furthermore existing screening would ensure that it is not unacceptably visually intrusive.

Finally, in relation to noise and air quality it is considered that the development would be in accordance with Policy BE17 of the ARHLP as there would likely be no adverse effects on nearby sensitive receptors.

Accordingly, on balance, it is considered that the proposal represents sustainable development in accordance with the NPPF and planning permission should not be withheld.

9. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 28th April 2017, together with
 - Planning Statement dated April 2017 reference B3553T20;
 - Arboricultural Impact Assessment dated 20th April 2017;
 - LINSIG Transport Data Modelling dated April 2017;
 - Heritage Statement dated April 2017;
 - Design Decisions, Relaxations and Departures Log reference DC20005;
 - Preliminary Ecological Appraisal dated 29th March 2016;
 - Ecological Supervision during removal of potential badger hole dated 29th November 2016 reference B3553T20;
 - Biodiversity Compensation Plan dated 20th December 2016;
 - Outline Environmental Management Plan dated April 2017 reference B3553T20;
 - Templefields Air Quality Scoping Assessment dated 6th April 2017

reference B3553T20;

- Road Safety Audit Stage 1;
- Written Scheme of Investigation for Archaeological Trial Trenching dated 24th April 2017 reference B3553T20;
- Site Location Plan dated April 2017 Drawing No DC20005-A-00-001;
- Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001;
- Existing Services Layout dated April 2017 Drawing No DC20005-A-27-001;
- Traffic Signal Approval Design Sheet 2 of 2 dated April 2017 Drawing No DC20005-A-13-003;
- Traffic Signal Approval Design Sheet 1 of 2 dated April 2017 Drawing No DC20005-A-13-002;
- Lighting Layout dated April 2017 Drawing No DC20005-A-13-001;
- Pavement Construction Details dated April 2017 Drawing No DC20005-A-07-001;
- Typical Cross Sections dated April 2017 Drawing No DC 20005-A-01-003;
- General Arrangement dated April 2017 Drawing No DC20005-A-01-001;
- Plan and Profile dated April 2017 Drawing No DC20005-A-01-002;
- Proposed Drainage Strategy dated April 2017 Drawing No DC20005-A-05-002;
- Existing Drainage Strategy dated April 2017 Drawing No DC20005-A-06-001;
- Email entitled RE: Templefields Planning Application dated 31st May 2017 (Sent 12:36);
- Email entitled FW: Templefields planning application - Confirmation of intent from HDC regarding implementation of Biodiversity Compensation Plan dated 15th June 2017 (Sent 14:05);
- Templefields Access Road Air Quality Simple Assessment dated July 2017;
- Site Compound Location Plan dated June 2017 Drawing No DC20005-A-24-001;

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

- 3 No development shall take place until a detailed mitigation plan for legally protected species, including badgers and reptiles, and nesting birds has been submitted to and approved in writing by the Planning Authority. The scheme shall be consistent with the recommendations in the submitted Preliminary Ecological Appraisal dated 29 March 2016. The development hereby permitted shall be carried out in accordance with the approved mitigation plan.
- 4 No development or on site vegetation clearance works shall take place until a Scheme for the remediation or offsetting of ecosystem and/or

biodiversity impacts at the site has been submitted to and approved in writing by the County Planning Authority. Without prejudice to the foregoing, the submitted Scheme shall include:

- (i) The identification of the receptor site or sites;
- (ii) The provision of evidence of a contract that secures the delivery of the offsetting scheme; and
- (iii) A management and monitoring plan

The development hereby permitted shall be carried out in accordance with the approved Scheme.

- 5 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 6 No development or on site vegetation clearance works shall take place until Tree Pit Construction details within Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001 and evidence of an anchor system has been submitted to and approved in writing by the County Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 7 The landscaping shall be implemented as per the Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 8 of this permission.
- 8 Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 7 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.
- 9 No development or any preliminary groundwork's shall take place until:
 - a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
 - b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction

period without the prior written consent of the County Planning Authority.

- 10 No fixed lighting shall be erected or installed until details of the location, height, tilt, lighting controls, lighting design, illuminance levels, uniformities, spill light contour lines on to Ordnance Survey mapping and consideration given to dimming after hours has been submitted to and approved in writing by the County Planning Authority. The details shall include a design summary to ensure the lighting is designed to an appropriate lighting standard will minimise the potential nuisance of light spillage on the local environment and adjoining properties and the lighting shall thereafter be erected, installed and operated in accordance with the approved details

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015

LOCAL MEMBER NOTIFICATION

HARLOW – Harlow North

Committee DEVELOPMENT & REGULATION

Date 28 July 2017

INFORMATION ITEM**Applications, Enforcement and Appeals Statistics**

Report by Acting Head of County Planning

Enquiries to Emma Robinson – tel: 03330 131 512

or email: emma.robinson@essex.gov.uk

1. PURPOSE OF THE ITEM

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

N°. Pending at the end of May

24

N°. Decisions issued in June

7

N°. Decisions issued this financial year

19

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

N°. Delegated Decisions issued in June

6

N°. applications where Section 106 Agreements pending at the end of June

6

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

94%

Nº. Pending at the end of May

9

Nº. Decisions issued in June

2

Nº. Decisions issued this financial year

15

Nº. Delegated Decisions issued in June

1

All Applications

Nº. Delegated Decisions issued in June

7

Nº. Committee determined applications issued in June

2

Nº. of Submission of Details dealt with this financial year

35

Nº. of Submission of Details pending at the end of June

72

Nº. of referrals to Secretary of State under delegated powers in June

0

Appeals

Nº. of outstanding planning and enforcement appeals at end of June

0

Nº. of appeals allowed in the financial year

1

Nº. of appeals dismissed in the financial year

0

Enforcement

Nº. of active cases at end of last quarter

30

Nº. of cases cleared last quarter

4

Nº. of enforcement notices issued in June

0

Nº. of breach of condition notices issued in June

2

Nº. of planning contravention notices issued in June

0

Nº. of Temporary Stop Notices issued in June

0

Nº. of Stop Notices issued in June

0