
Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 28 July 2017

Present:

Cllr C Guglielmi (Chairman)	Cllr M Mackrory
Cllr G Butland	Cllr M Maddocks
Cllr I Henderson	Cllr R Massey
Cllr J Henry	Cllr R Moore
Cllr S Hillier	Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr J Abbott, Cllr M Garnett, Cllr M Hardware (substituted by Cllr R Massey) and Cllr A Wood (substituted by Cllr M Maddocks)

2 Declarations of Interest

Cllr M Mackrory declared a personal interest in agenda items 5.1 and 5.2, the Wallasea Island Wild Coast Project, as a member of the RSPB. (Minutes 5 & 6 refer.)

3 Minutes

The minutes of the meeting held on 23 June 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/30/17, relating to proposed changes to planning permission in respect of the development of a coastal nature reserve, and 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.

References: ESS/13/17/ROC & ESS/12/17/ROC.

Public speakers: Andrew St Joseph and Sue Dobson speaking against
Jeff Kew speaking for.

2) 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.

Reference: CC/HLW/21/17.

Public speakers: Chris Gooch speaking against
David Sprunt speaking for.

Minerals and Waste

5 Wallasea Island Wild Coast Project - modifications

The Committee considered report DR/30/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda. Members also noted that, although reports DR/30/17 and DR/31/17 were separate applications and the minutes would reflect this, they were closely inter-related and would be considered together at the meeting.

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
- Policy considerations
- Green Belt
- Flood Risk
- Public access
- Landscape and visual impact
- Ecological impact
- Amenity impact
- Equality issues.

In accordance with the protocol on public speaking the Committee was addressed by Mr Andrew St Joseph, a local resident representing himself and several other nearby property owners. Mr St Joseph raised a number of concerns:

- The application does not allow for adaptation to sea level rise (RWLP 11B refers)
- It does not provide adequate protection from flooding (ENV 2 refers)
- It is not a sustainable proposal (ENV 3 refers)
- The bulk of the island remains unprotected; a new submission should be made, giving higher priority to protecting people
- A counter wall will need to be built at some stage; should this be at public expense?

Sue Dobson, County Access Officer for Essex for the British Horse Society, then

also spoke against the application. Mrs Dobson objected specifically because of the prohibition of equestrian access and made reference to several issues:

- No evidence of health and safety issues
- Adequacy of the width of paths
- Policy 10 of the RWLP explicitly encourages the creation of bridleways
- This project uses public money but is discriminatory
- There has been little consultation.

Jeff Kew, Projects Development Manager, RSPB, then spoke on behalf of the applicant. Mr Kew made several points:

- As a charity, the RSPB provides access where possible
- A flood risk assessment has been made; and no representations have been received from those living and working on the island
- The RSPB will work with the Environment Agency, which will be responsible for ongoing sea wall maintenance
- Equestrian access is provided in many sites but was not considered appropriate here
- There is no link with the national bridleway network

Members noted that no existing equestrian access would be removed and that a management regime would be in place to monitor the salinity and temperatures in the proposed lagoons.

There being no further issues raised by Members, the resolution was proposed and seconded. Following a unanimous vote in favour, it was

Resolved

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,

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;

Design and Access Statement, Supplementary Submission - Equestrian Access/Counterwall Clarification by RSPB dated 16 June 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.

6 Wallasea Island Wild Coast Project - buildings

The Committee considered report DR/31/17 by the Acting Head of County Planning, alongside report DR/30/17, as noted under item 5, above.

Members particularly noted that such an application as DR/31/17 would normally be dealt with by the District, but, as these were so closely inter-related, Rochford DC had delegated the responsibility to the County Council.

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
- Green Belt, Landscape and Visual Impact
- Amenity Impact
- Ecological Impact
- Flood Risk/Water Pollution
- Traffic and Highway Impact.

There being no further issues raised by Members, the resolution was proposed and seconded. Following a unanimous vote in favour, it was

Resolved

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.

County Council Development

7 Land to west of Cambridge Road, Harlow

The Committee considered report DR/32/17 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
- Traffic & Highways
- Heritage impact
- Green Wedge
- Residential amenity
- Landscape and visual impact
- Ecology and Biodiversity.

In accordance with the protocol on public speaking the Committee was addressed by Mr Chris Gooch, a local resident. Mr Gooch raised several concerns:

- The extra set of traffic lights will cause extra congestion, pollution and noise; those wishing to enter the Enterprise Zone from the north will have to go through these lights twice, both on entry and exit
- Giving drivers the ability to exit right onto the Cambridge Road will be at the expense of local residents, pedestrians and other road users
- The Enterprise Zone does not need these changes; it is already shows high levels of use
- The loss of the bund will expose both local residents and other road users to the noise of the Enterprise Zone, which is permitted to operate around the clock
- Several concerns have been raised regarding potential concerns and flaws in the layout.

David Sprunt, Principal Transportation Strategy & Engagement Officer, Essex County Council, then spoke on behalf of the applicant. Mr Sprunt made several points:

- This has been under consideration for 10 years but has only just received appropriate funding, from Essex County Council, Harlow Council and the local LEP
- The changes will save a two mile round trip to access the top end of the cul de sac; emissions at the junction will rise slightly but overall emissions will decrease, because of the shorter distance
- Existing pollution levels are well below European Union limits and will remain so
- The increase in traffic arising from the new Junction 7A will be balanced

- out by the decrease in traffic along Cambridge Avenue
- There will be no tree loss and mitigation in respect of vegetation.

Members noted that:

- The two sets of traffic lights should work in tandem, to maximise traffic flow
- Only 30 metres of the 129 metres long bund would be removed
- A team will be working on the infrastructure of the Temple Fields site, to encourage cycling and pedestrian access, and with the local bus company to facilitate the availability of suitable public transport. An informative should be added to the decision notice to this effect
- Extensive modelling had been carried out in respect of the different traffic options.

There being no further issues raised by Members, the resolution 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 additional informative and 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.

Information Items

8 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/33/17, applications, enforcement and

appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

One correction was noted:

The percentage of Minor Applications within the agreed extensions of time should read 100%.

The Committee NOTED the report.

9 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 25 August 2017 at 10:30am in Committee Room 1, County Hall.

There being no further business the meeting closed at 11:45am.

Chairman