

**ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION**  
**COMMITTEE 28 July 2017**

**Item 5.1**

Page 28

Amend the drawing annotation to 'Cells 2 and 4' (delete 'Cells 2 and 3').

Page 38

Delete 'CANEWDON PARISH COUNCIL – No comments received'.

Page 57

Under Condition 2 include:

'Supplementary submission – Equestrian Access/Counterwall Carification by RSPB dated 16 June 2017.'

The existing permission ref ESS/44/14/ROC is appended to this addendum for cross reference.

**Item 6.1**

Page 93

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

Page 102

Replace with "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."

Replace with "The proposal is to provide an alternate route into the industrial estate to enable smoother traffic flows, reducing congestion and improving predictability of journey times."

Page 105

Replace with "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 that the development would be in accordance with Policy BE17 of the ARHLP"

#### **Item 7.1 DR/33/17**

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Revised Statistics for minor applications:

<b>Minor Applications</b>	
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	<b>100%</b>
Nº. Pending at the end of May	<b>9</b>
Nº. Decisions issued in June	<b>2</b>
Nº. Decisions issued this financial year	<b>14</b>
Nº. Delegated Decisions issued in June	<b>1</b>

## APPENDIX A

ESS/44/14/ROC - Included for Information

### ESSEX COUNTY COUNCIL

#### TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

##### **Town and Country Planning (Development Management Procedure) (England) Order 2010**

In pursuance of the powers exercised by it as County Planning Authority, Essex County Council has considered an application to carry out 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 450,000m<sup>3</sup>**

##### **At Land at Wallasea Island, Rochford, Essex, SS4 2HD**

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to GRANT PERMISSION FOR the said development subject to compliance with the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration 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.

*Reason:* *To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

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

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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,

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- 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.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Rochford District Development Management Plan Policies DM30 and DM5, Rochford District Core Strategy Policies URV2, ED1, GB1, T3, T8, ENV1, ENV2, ENV3, URV1 and NR13 and Essex and Southend Waste Local Plan Policies W9B, W3C, W10E, W10H, W4C, W4A and W4B.*

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery other than
  - The installation of handrails as set out in the application form dated 22 August 2013, supporting statement entitled 'Ref ESS/54/08/ROC/Approval of details 14A: Addition of handrail conveyor belt access track' dated 22 August 2013 and drawing ref C807-SKT-017 dated 14/08/13, approved on 03 September 2013 under permission ref ESS/54/08/ROC,
  - The siting of a septic tank and generator as set out in drawing ref C807-DAP-039 Rev 01 dated 03/09/12 and detailed in the email from RSPB dated 09/09/12, approved on 11 October 2012 under ref ESS/54/08/ROC,
  - The one replacement and one new welfare cabin as set out in the email from RSPB dated 09 September 2012, approved on 16 October 2012 under permission ref ESS/54/08/ROC,
  - The diesel tank as shown on drawing ref C807-DAP-051 Rev A (06/08/12), approved on 21 August 2012 under ref ESS/54/08/ROC,
  - The two welfare cabins and water vole containers as set out in the application form dated 04 May 2012, supporting statement entitled 'Ref ESS/54/08/ROC/Approval of details 11A' dated 04 May 2012 and Appendices 1 and 2, approved on 30 May 2012 under permission ref ESS/54/08/ROC,
  - The electricity substation as set out in the application form dated 26 March 2010, statement entitled 'Ref ES/54/08/ROC/Approval of details

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- 3A' and drawing numbers 60148989/3519/SK/P4A dated March 2010 and 60148989/3519/SK/P4B dated March 2010, approved on 13 October 2010 under permission ref ESS/54/08/ROC, as amended by the application dated 25 August 2011, covering letter dated 25 August 2011, drawing refs BAU.3600-001-B dated 14/04/11 and NJM-3600-006-C dated 18/05/11 and supporting statement entitled 'Ref ESS/54/08/ROC/Non-material Amendment 2A – Electricity Substation', approved on 10 October 2011 under ref ESS/54/08/ROC/NMA4,
- The new compound location as set out in the application form dated 26 March 2010, statement entitled 'ref ES/54/08/ROC/Approval of details 3B' and drawing number 60148989/3519/SK/P4A dated March 2010, approved on 13 October 2010 under permission ref ESS/54/08/ROC,
  - The radial conveyor as set out in the application form dated 22 July 2010, accompanying statement entitled 'Ref ES/54/08/ROC/Approval of details 5A' and drawing number 60148989/3519/SK/P3 Rev 01 dated May 2010, approved on 11 August 2010 under permission ref ESS/54/08/ROC,
  - The canopy over the generator as set out in the application form dated 14 April 2014, statement entitled 'RSPB Wallasea Island Wild Coast Project ref ESS/54/08/ROC/Approval of details 15A: Canopy for generators' dated 10 April 2014 and drawing refs C807-SKT-055 Rev 03 dated 05/03/14 and 4017-14-01 dated 12/02/14, approved on 18 June 2014 under permission ref ESS/09/14/ROC, and
  - The new welfare facilities, the relocation of the existing security hut, and the provision of a new, secure spare parts store as set out in the application form dated April 2014, statement entitled 'RSPB Wallasea Island Wild Coast Project ref ESS/54/08/ROC/Approval of details 15B: Welfare Facilities/Container for RTE Southern Inlet and Outlet Structures and Relocation of Security Hut' dated 14 April 2014 and drawing refs C807-SKT-063 Rev 01 dated 08/04/14, C807-DAP-039 Rev 02 dated 08/04/14 and C807-SKT-061 Rev 1 dated 03/04/14, approved on 18 June 2014 under permission ref ESS/09/14/ROC,

shall be erected, extended, installed or replaced on the site without the prior agreement in writing of the Waste Planning Authority.

*Reason: To enable the Waste Planning Authority to adequately control the development, to minimise its impact on the local area to minimise the impact upon the landscape and to comply with Waste Local Plan Policy W10E.*

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

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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.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with Waste Local Plan Policy W10E and Rochford District Development Management Plan Policy DM5.*

5. Dust suppression and mitigation on site shall be carried out in accordance with the Dust Assessment Report by Wardell Armstrong dated November 2008.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Waste Local Plan Policy W10E.*

6. Except for temporary breaching works<sup>1</sup> (which shall not exceed 70dB LAeq), 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, 42-44dB LAeq 1hr in the evening and 42dB LAeq 1hr at night, 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, 42-44dB LAeq 1hr in the evening and 42dB LAeq 1hr at night. 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.

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<sup>1</sup> The temporary breaching works referred to under Condition 6 are defined as breaching of the existing sea walls.

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Reason: *In the interests of amenity and to comply with Waste Local Plan Policy W10E.*

7. The free field Equivalent Continuous Noise Level (LAeq 1hr) at noise sensitive properties adjoining the site shall not exceed 70dBLAeq for the duration of the temporary breaching works referred to under condition 6. The temporary breaching works shall not take place for longer than a period of 8 weeks per calendar year unless prior written approval has been given by the Waste Planning Authority.

Reason: *In the interests of amenity and to comply with Waste Local Plan Policy W10E.*

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 (day, evening, night). Within any 3 month period, noise monitoring shall be undertaken during the daytime, evening and night-time period. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: *In the interests of amenity and to comply with Waste Local Plan Policy W10E.*

9. The ship/wharf/pontoon-based crane excavator, ship/wharf/pontoon-based mobile plant excavator and hopper shall not be used on the site unless it has been enclosed with sound insulating material/measures to minimise transmission of structure borne sound in accordance with the details set out in the application form dated 12 April 2012 and supporting statement entitled 'Ref ESS/54/08/ROC/Approval of details 10A – Noise reduction measures' dated 13 April 2012' or as otherwise approved in writing by the Waste Planning Authority. The approved insulation shall be maintained at all times for the life of the development hereby permitted.



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*Reason: To ensure minimum disturbance from the operations and avoidance of nuisance to the local area and to comply with Waste Local Plan Policy W10E.*

10. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

*Reason: To protect the amenities of local residents, to limit the impact of noise arising from the site and to comply with Waste Local Plan Policy W10E.*

11. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: To ensure minimum noise disturbance from operations on site and to comply with Waste Local Plan Policy W10E.*

12. The construction of conveyors and pipelines 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), except for pipeline construction that does not cross Allfleets Marsh<sup>2</sup>

and at no other times, or on Sundays, Bank or Public Holidays.

The construction of the wharf and pontoon shall only be carried out during the following times:

07:00 – 19:00 hours Monday to Friday

07:00 – 13:00 hours Saturdays

and in any case shall be carried out outside of the bird overwintering period

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<sup>2</sup> Allfleets Marsh was previously known as 'The Defra Site' and is shown on Figure 2 'Location, Extent and Topography of the Defra Realignment Site' Oct 08.

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(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

unless for temporary operations specified in Condition 6, which may only be carried out during hours outside of those specified above with the prior written approval of the Waste Planning Authority.

Unloading of the waste material at the unloading facility and transfer by conveyor/pump shall be permitted 24 hours a day.

***Reason:** In the interests of limiting the effects on local amenity, to control the impacts of the development on the existing Allfleets Marsh site and to comply with Waste Local Plan Policy W10E.*

13. Machine movements and type of machinery for stripping and replacement of retained soils shall take place in accordance with the application form dated 26 March 2010, statement dated 24 March 2010 and drawing number 60148989/3519/SK/P13 (March 2010), approved on 22 April 2010 under permission ref ESS/54/08/ROC.

***Reason:** To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with Waste Local Plan Policy W10E.*

14. No retained topsoil, subsoil and/or soil making material shall be stripped or

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handled unless it is in a dry and friable condition<sup>3</sup> and no movement of soils shall take place:

- a) During the months November to March (inclusive), unless otherwise approved in advance in writing by the Waste Planning Authority.
- b) When the upper 300mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- c) When there are pools of water on the soil surface.

*Reason: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with Waste Local Plan Policy W10E.*

15. Stockpile heights of any material on site shall not exceed the height of the existing sea wall or proposed cell dividing walls and shall only be in the location identified in the application dated 18/04/11, supporting statement dated 22/04/11 and drawings numbered 60101958/3563/02 rev 10 (14/04/11) and 3182/15/9 Rev A (17/03/11), approved on 03 June 2011 under permission ref ESS/54/08/ROC/NMA3.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and to comply with Waste Local Plan Policy W10E.*

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.

*Reason: For the protection of ground nesting birds and to comply with Rochford*

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<sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

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*District Core Strategy Policy ENV1.*

17. The development hereby permitted shall take place in accordance with the Shipping Management Plan as set out in the letter from RSPB dated 18 May 2010, application form dated 18 May 2010 and submission entitled 'Ref ESS/54/08/ROC/Approval of details 4A' dated 18 May 2010 together with appendices 1-2, approved on 16 June 2010 under permission ref ESS/54/08/ROC.

*Reason:* *To ensure the development does not have unreasonable impact on other river users or activities and to comply with Waste Local Plan Policy W10E.*

18. No breach of the sea walls shall take place until details of the number, location and design of cycle parking facilities (in addition to the temporary bike rack shelter details as set out in the application form dated 05 February 2015, document entitled 'RSPB Wallasea Island Wild Coast Project Bike Rack Shelter' dated 29/01/15 and drawings Map 1 dated 24/02/15, Map 2 dated 24/02/15, Map 3 dated 26/02/15 and Map 4 dated 26/02/15, approved on 31 March 2015 under permission ref ESS/09/14/ROC) have been submitted to and approved in writing by the Waste Planning Authority. The details shall ensure that the facilities are secure, convenient and covered and provided prior to occupation and retained at all times. The development shall be implemented in accordance with the approved details.

*Reason:* *To ensure appropriate cycle parking is provided and to comply with Waste Local Plan Policy W10E, Rochford District Core Strategy Policy T8 and Rochford District Development Management Plan Policy DM30.*

19. No breach of the sea walls shall take place until details of the number, location and design of powered two wheeler parking facilities have been submitted to and approved in writing by the Waste Planning Authority. The details shall ensure that the facilities are secure, convenient and covered and provided prior to occupation and retained at all times. The development shall be implemented in accordance with the approved details.

*Reason:* *To ensure appropriate powered two wheeler parking is provided and to comply with Waste Local Plan Policy W10E, Rochford District Core Strategy Policy T8 and Rochford District Development Management Plan Policy DM30.*

20. Areas within the site for the purposes of loading/unloading and manoeuvring of vehicles shall be implemented, retained and used in accordance with the details set out in the application dated 13 July 2009, statement dated 13 July 2007 and Drawing Numbers 60039950/3563/SK05 rev 03 (June 2009),

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60039950/3563/SK06 Rev 02 (June 2009), 60039950/3563/SK07 Rev 02 (June 2009) and 60039950/3563/SK08 (June 2009), approved on 24 July 2009 under permission ref ESS/54/08/ROC.

*Reason: To ensure appropriate loading/unloading facilities for vehicles are provided in the interests of highway safety and to comply with Waste Local Plan Policy W10E.*

21. The development hereby permitted shall take place in accordance with the Traffic Management Plan as set out in the application dated 13 July 2009, statement dated 13 July 2007 and Drawing Numbers 60039950/3563/SK05 rev 03 (June 2009), 60039950/3563/SK06 Rev 02 (June 2009), 60039950/3563/SK07 Rev 02 (June 2009) and 60039950/3563/SK08 (June 2009), approved on 24 July 2009 under permission ref ESS/54/08/ROC.

*Reason: To ensure construction vehicle movements are adequately controlled in the interests of highway safety and local amenity and to comply with Waste Local Plan Policy W10E.*

22. No breach of the sea walls shall take place until details of the car parking areas, bays and surfacing materials have been submitted to and approved in writing by the Waste Planning Authority. The car parking areas shall be retained in the approved form for the life of the development 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. Temporary car parking shall take place in accordance with the details as set out in the application form dated 25 August 2011, covering letter dated 25 August 2011, supporting statement entitled 'Ref ESS/54/08/ROC/Approval of details 8A – car park extension' dated 25 August 2011 and attached drawing ref Figure 3a, approved on 04 October 2011 under permission ref ESS/54/08/ROC.

*Reason: To ensure there are adequate facilities for off street parking and to comply with Waste Local Plan Policy W10E, Rochford District Core Strategy Policy T8 and Rochford District Development Management Plan Policy DM30.*

23. No breach of sea walls shall take place until the areas for car parking indicated on drawing number 4154\_Fig\_Realign9\_Habitats\_Cell1\_Rev6 dated Oct 14 have been clearly marked for the parking of cars and any other vehicles that may use the site. These areas shall be retained and maintained for parking and shall be used for no other purpose.

*Reason: To ensure there are adequate facilities for off street parking and to comply with Waste Local Plan Policy W10E, Rochford District Core Strategy Policy T8 and Rochford District Development Management Plan Policy DM30.*

24. The vehicular hardstanding parking bays indicated on drawing number 4154\_Fig\_Realign9\_Habitats\_Cell1\_Rev6 dated Oct 14 shall have minimum dimensions of 2.5 metres x 5.0 metres and shall be retained in this form for the life of the development.

*Reason: To ensure there are adequate facilities for off street parking and to comply with Waste Local Plan Policy W10E, Rochford District Core Strategy Policy T8 and Rochford District Development Management Plan Policy DM30.*

25. An 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 Cell 1. 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.

*Reason: To ensure that the land is rehabilitated to a suitable condition to support use as a coastal nature reserve and to comply with Rochford District Core Strategy Policies URV2 and ENV1 and Waste Local Plan Policy W10E.*

26. The Rights of Way and Permissive Routes as shown on Figure 17 dated September 2008 and as amended by the email from RSPB dated 20 March 2009 entitled 'PROW Supplementary Submission' shall be maintained in perpetuity<sup>4</sup>.

*Reason: To ensure public access to the site is maintained and to comply with Waste Local Plan Policy W10G.*

27. The unloading facility shall be constructed and maintained in accordance with the details as set out in the application form dated 08 December 2009, supporting statement (ref ES/54/08/ROC/Approval of details 2A) dated November 2009 and Drawing Numbers 60101958/3563/01 Rev 03 (09/10/09), 60101958/3563/02 Rev 04 (23/10/09) and 60101958/3563/03 Rev 01 (09/10/09), as amended by email from RSPB dated 10 February 2010,

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<sup>4</sup> 'In perpetuity' means for the life of the development hereby permitted.

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and as amended by the application dated 18/04/11 and supporting statement dated 22/04/11 together with drawings numbered 60101958/3563/01 Rev 05 (14/04/11), 3182/15/27 rev A (14/04/11), 3182/15/26 Rev A (14/04/11), 3182/15/15 Rev A (17/03/11), 3182/15/14 rev A (17/03/11), 3182/15/9 Rev A (17/03/11), 3182/15/5 Rev D (07/04/11) and 3182/13/1 Rev A (14/04/11) approved on 03 June 2011 under permission ref ESS/54/08/ROC/NMA2

and as amended by the modifications to the equipment on Pontoon B and the Dolphin Hopper detailed in the application dated 18/02/13, email from RSPB dated 18/02/13, supporting statement 'Modifications to the Pontoon Equipment' dated 18/02/13 and drawing numbers 12-Q1304-01 Rev A04 dated 03/01/12 and 12-Q1304-L01-T Rev A01 dated 11/01/13, approved on 25 February 2013 under ref ESS/54/08/ROC/NMA12

and as amended by the modifications to the infrastructure landward of the jetty detailed in the application dated 07/03/13, email from RSPB dated 25/03/13, supporting statement 'Modifications to the Pontoon Equipment' dated 07/03/13 and drawing numbers NJM-3600-004-G, 12-Q1304-L01-VC3-2 Rev A1 dated 11/01/13 and 12-Q1304-L01-CV04-3 Rev A1 dated 11/01/13, approved on 26 March 2013 under ref ESS/54/08/ROC/NMA13.

*Reason: To minimise the impact on the local area and to comply with Waste Local Plan Policy W10E.*

28. 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.

Reason: To minimise the impact on the local area and to comply with Waste Local Plan Policy W10G.

29. Dewatering basins shall not be constructed unless 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 5C' and drawing number 60148989/3519/SK/P30 Rev 01 dated May 2010, approved on 11 August 2010 under permission ref ESS/54/08/ROC.

Reason: To ensure the adequate provision of dewatering facilities and to comply with Waste Local Plan Policy W10E.

30. Prior to the breach of Cell 1, details of landscaping shall be submitted to and approved in writing by the Waste Planning Authority. The details shall include areas to be planted together with species, spacing, protection and programme of implementation. The scheme shall be implemented within the next available planting season (October to March inclusive) in accordance with the approved details and maintained thereafter.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended) to improve the appearance of the site in the interest of visual amenity and to comply with Rochford District Core Strategy Policy ENV1 and Waste Local Plan Policy W10E.

31. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 30 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the operations shall be replaced by the applicant 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.

Reason: In the interest of the amenity of the local area and to ensure the car park area is adequately screened and to comply with Rochford District Core Strategy Policy ENV1 and Waste Local Plan Policy W10E.

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'



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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.

***Reason:** To ensure the development is appropriately designed in order to minimise the impact on the locality and to comply with Rochford District Core Strategy Policy URV2 and Waste Local Plan Policy W4A.*

33. Access by river shall be provided in accordance with the feasibility study as set out in the application form dated 06 July 2010 and statement entitled 'Ref ESS/54/08/ROC/Approval of details 6A', approved on 02 August 2010 under ref ESS/54/08/ROC.

***Reason:** To ensure appropriate river access is provided and to comply with Waste Local Plan Policy W10E.*

34. Prior to the breach of Cell 1, an archaeological evaluation/watching brief of major relict creeks shall be carried out to determine the extent of archaeological deposits. The evaluation shall be submitted to and approved in writing by the Waste Planning Authority, prior to the breaching of Cell 1.

***Reason:** To ensure that adequate archaeological investigation and recording has been undertaken prior to development taking place and to comply with Rochford District Core Strategy Policy ENV1.*

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35. No site offices shall be erected on site unless in accordance with the details set out in the application dated 13 July 2009, statement dated 13 July 2007 and drawing numbers 60039950/3563/SK05 Rev 03 (June 2009), 60039950/3563/SK06 Rev 02 (June 2009), 60039950/3563/SK07 Rev 02 (June 2009) and 60039950/3563/SK08 (June 2009) approved on 24 July 2009 under permission ref ESS/54/08/ROC,

the details as set out in the application form dated 07 June 2012, supporting statement entitled 'ESS/54/08/ROC/Approval of details 12A: Main works office and accommodation' dated 07 June 2012, 'Location Plan' Rev 04 dated 21/09/11, email from RSPB dated 18 July 2012 and enclosed drawing ref C807-DAP-036 Rev 02 dated 13 April 2012 and email from RSPB dated 01 August 2012, approved on 02 August 2012,

and the details as set out in the application form dated 09/09/12, supporting statement entitled 'Ref ESS/54/08/ROC/Approval of details 13A: Main works accommodation – addition of canteen' dated 09/09/12 and drawing number C807-DAP-039 dated 03/09/12, approved on 26 September 2012 under ref ESS/54/08/ROC,

or in accordance with details and elevations of the location and design which have been submitted to and approved in writing by the Waste Planning Authority. The site offices shall be erected in accordance with the approved details.

***Reason:*** To ensure the site offices are appropriately designed in order to minimise the impact on the locality and to comply with Rochford District Core Strategy Policy ENV1 and Waste Local Plan Policy W10E.

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.

***Reason:*** To ensure the development is appropriately designed to manage flood risk and to comply with Rochford District Core Strategy Policy ENV3 and Waste Local Plan Policy W4A.

37. No breaching of the cell walls shall take place until details of signage to show

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the status of proposed intertidal creeks in terms of public access rights and to mark the breaches for navigational safety have been submitted to and approved in writing by the Waste Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In the interests of navigational safety and to comply with Waste Local Plan Policy W10E.*

38. The development hereby permitted shall be completed by 31 December 2025, 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.

*Reason: To enable the Waste Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with Rochford Core Strategy Policies URV2 and URV1 and Waste Local Plan Policy W10E.*

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 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 2025. The unloading facility, conveyor and pipeline shall be removed within 12 months of completion of the final phase of development.

*Reason: To enable the Waste Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use and to comply with Rochford Core Strategy Policies URV2 and URV1 and Waste Local Plan Policy W10E.*

40. Waste material shall not be imported to the site by any other means other than via the River Crouch and deposited via the unloading facility approved under Condition 27. No waste material shall be imported to the site via the public highway.

*Reason: To ensure the development has no detrimental effect on the highway*

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*network or local amenity and to comply with Waste Local Plan Policies W10E and W4C.*

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 (prior to breaching).

*Reason:* *To allow the Waste Planning Authority to adequately monitor the site through site inspection and to comply with Waste Local Plan Policy W10E.*

42. No traffic associated with the construction of the development hereby permitted shall enter the site except outside of the hours of 08:30 – 09:00 and 15:00 – 15:30 Monday to Friday during school term times.

*Reason:* *In order to prevent the use of local roads during school times in the interests of highway safety and to comply with Waste Local Plan Policies W4C and W10E.*

**This permission is accompanied by a S106 Agreement.**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against the following policies of the development plan:

Policy DM5 - Light Pollution

Policy NR13 - Creation of Intertidal Habitats

**The Essex and Southend Waste Local Plan (WLP), Adopted 2001**

Policy W9B	-	Landfill and landraising for its own sake
Policy W3C	-	Need for Waste Development
Policy W10E	-	Development Control Criteria
Policy W10H	-	Airport safeguarding
Policy W4C	-	Access to waste management sites
Policy W4A	-	Flood Control
Policy W4B	-	Water Pollution

**Statement of Reasons**

It considered that the principle of development at Wallasea Island is established through RDCS Policies URV2 and ED1. It is further considered that, in light of unforeseen circumstances relating to the handling of the Crossrail material, there is a need for the proposed reduction in fill material in Cell 1 and the resultant design changes to Cells 1 and 5, in compliance with WLP Policies W9B and W3C.

Very special circumstances have been put forward for development within the Green Belt. Therefore, the proposed development would be considered to be in compliance with WLP Policy W10E, RDCS Policy GB1 and the requirements of the NPPF.

There are not considered to be any significant environmental or amenity impacts arising as a result of the proposed changes to the approved scheme. The existing reference to 'the majority of imported waste material shall be from the Crossrail tunnelling project' is proposed to be removed from the S106 Agreement. Conditions are proposed in relation to lighting and noise monitoring. Subject to the restrictions, the proposed development is considered to comply with WLP Policies W4A, W4B and W10E, RDCS Policies ENV1, ENV2, ENV3 and URV1 and RDDMP Policy DM5.

Since the development would not involve the importation of waste by road, it is

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considered to comply with RDCS Policies T3 and T8 and RDDMP Policy DM30. It is considered that bridleway provision would not be appropriate at the current time.

In terms of airport safeguarding, there is considered to be no increase in hazard to air traffic as a result of the current proposals. The continual review of the existing bird management plan would comply with WLP Policy W10H.

Overall, the proposals are considered to be acceptable. It is unfortunate that the Crossrail material could not be utilised in its entirety at Wallasea Island, but it is considered that the developer has used best endeavours to address the situation.

Finally, it is considered that there would be economic, social and environmental gains as a result of the proposed development, such that it would be considered to constitute sustainable development for the purposes of the NPPF.

**There are no other policies or other material considerations which are overriding or warrant the withholding of permission.**

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

The proposed development would be located adjacent to two European sites, namely the Crouch and Roach Estuaries Special Protection Area and the Essex Estuaries Special Area of Conservation.

The development would be directly connected with or necessary for the management of those sites for nature conservation.

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.

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

Essex County Council as Waste Planning Authority has liaised with the applicant for several months prior to the submission of the application. Several meetings have taken place to establish the application requirements.

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This is in addition to the regular contact which has been maintained with the applicant since the determination of application ref ESS/54/08/ROC, via the local liaison group, Technical Advisory Panel, and quarterly site monitoring visits.

Dated: 07 April 2015

COUNTY HALL

CHELMSFORD

Signed:

A handwritten signature in black ink, appearing to be 'A. Cook', written over a horizontal line.

Andrew Cook - Director for Operations, Environment and Economy