

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.**

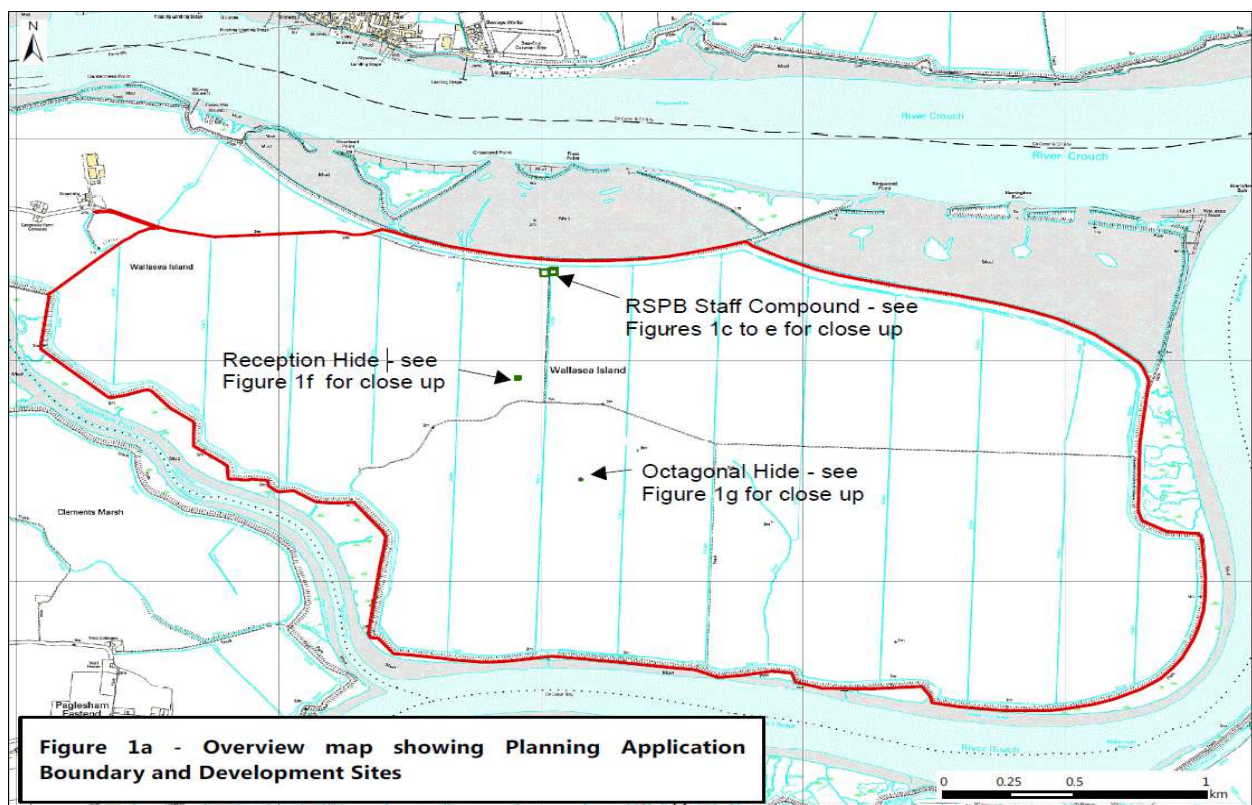
Ref: **ESS/12/17/ROC**

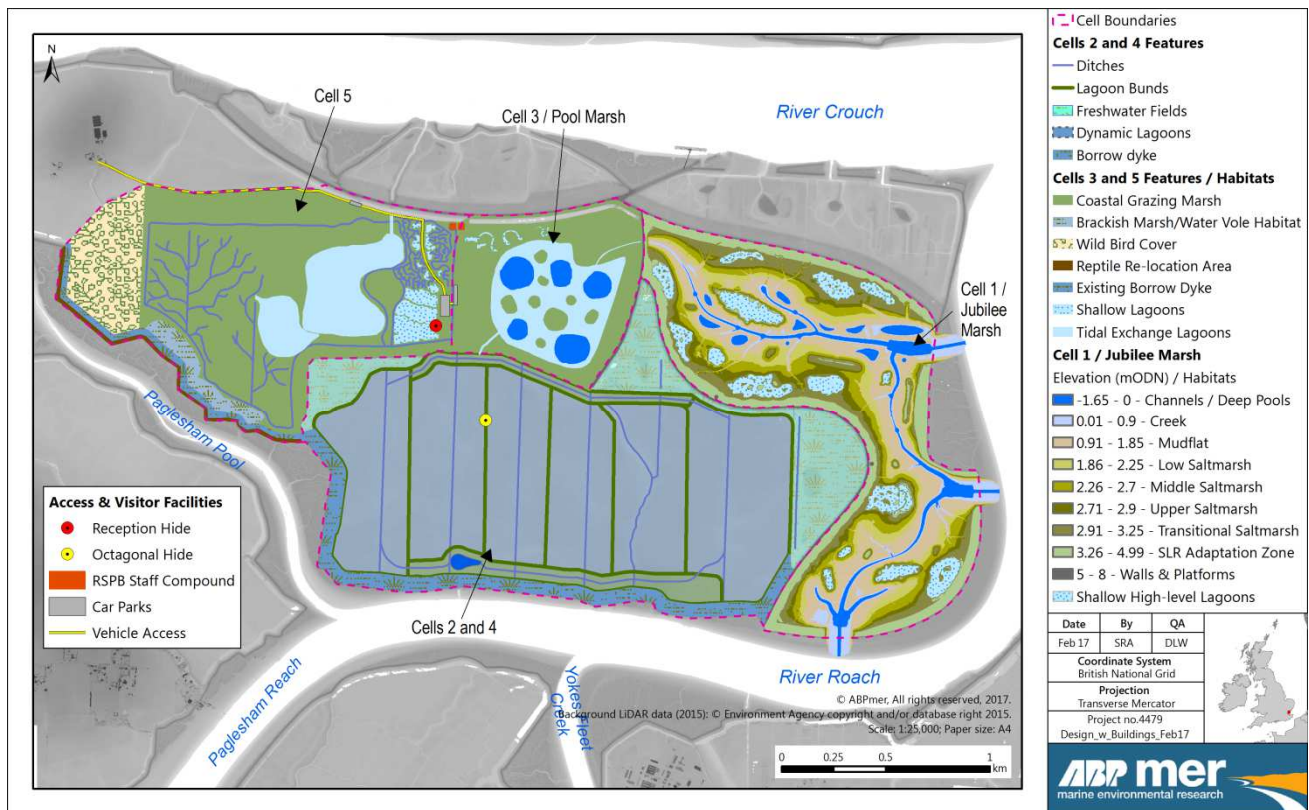
Applicant: **RSPB**

Report by Acting Head of County Planning

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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 ABP Mer 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