

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 24 January 2020

Present:

Cllr C Guglielmi (Chairman)	Cllr J Henry
Cllr J Aldridge	Cllr S Hillier
Cllr D Blackwell	Cllr M Maddocks
Cllr M Hardware	Cllr J Moran
Cllr D Harris	Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr M Durham (substituted by Cllr Maddocks), Cllr M Garnett (substituted by Cllr Henry), Cllr M Mackrory and Cllr A Wood.

2 Declarations of Interest

There were none

3 Minutes

The minutes of the meeting held on 22 November 2019 were agreed and signed.

4 Identification of Items Involving Public Speaking

There were none.

Minerals and Waste

5 Pitsea Landfill

The Committee considered report DR/01/20 by the Chief Planning Officer.

Members noted that the current application relating to landfill was agreed by the Committee in 2015, subject to conditions and a legal agreement. However, the legal agreement had not been completed, so planning permission allowing the site to operate beyond 31 December 2015 had not been issued. The landfill has continued to operate in principle with the conditions of the 2007 planning permission, so landfilling of non-hazardous waste has continued since 31 December 2015, in breach of planning control. This report asked members to confirm that no enforcement action should be taken at the present time and that the operator be given six months to produce proposals to resolve the situation.

Members noted:

- When the application was made in 2015, it was expected that a lot of household waste would be redirected to the Tovi waste facility at Courtauld Road, so extending the life of the landfill site. However, this had not occurred to the extent anticipated and the site ceased to receive non-hazardous waste in December 2018. However inert materials continue to

be imported by road and barge and are required to achieve to the restoration of the site

- With regard to the pedestrian footbridge, as proposed by the applicant in 2015, Cllr Pat Reid, the local Member, had made a representation to the Committee, drawing attention to the concerns of local residents, who hoped that it would still be installed, as the traffic presented a danger to pedestrians. In response, it was pointed out that Veolia had encountered ongoing difficulties from Network Rail and had already incurred considerable financial outlay. The construction of a bridge while a requirement of the legal agreement it had not been required on highway and safety capacity grounds. Veolia were unwilling to proceed further, but they were still keen to provide some public benefit, and were exploring other options, including traffic management on the existing bridge to improve pedestrian access. It was also pointed out that the number of HGVs was reducing and would dwindle to zero in time.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of eight in favour, none against, with two abstentions, it was

Resolved

That, taking into account the results of harm assessment carried out on 20 December 2019, it is not considered expedient to take enforcement action at this time. However the situation will be reviewed within 6 months of the date of the report (by 24 July 2020), should the applicant not have come forward with revised proposals that allow completion of a legal agreement and issuing of a planning permission to address the breach of planning control.

County Council Development

6 Junction 7A M11 link

The Committee considered report DR/02/20 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some changes to the conditions.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development
- Green Belt
- Landscape, Trees and Ecology
- Heritage
- Amenity
- Flood Risk and Drainage
- Highways

Following comments made by Members, it was noted:

- As originally envisaged, the link road between Junction 7A and Sheering Road was designed with two arms: a southern arm which would carry westbound traffic from the new junction towards Harlow; and a northern arm which would carry eastbound traffic from Harlow towards the junction/M11. This design is now not needed in the short to medium term due to the changes in the anticipated phasing of emerging development and the desire to focus upon and prioritise sustainable non-motorised transport infrastructure for development to the north of Harlow (Gilston area).
- The area to the north of the link is currently the preferred site for the Princess Alexandra Hospital. However, at the current time this development is not committed. The interim scheme is therefore to ensure best value, deliverability and outcome in the short to medium term.
- Updated traffic modelling has been undertaken and the dual carriageway (in both directions) on the phase A link orientation, which forms the interim scheme, means no overall loss of lane capacity.
- The interim scheme should also be compatible with a northern bypass in the future.
- This application does not require any land outside the red line of the existing permission.
- This area does form part of the Green Belt, and the application has been assessed as such. Albeit, it is confirmed that the Epping Forest District Council emerging plan does propose to remove this area from the Green Belt. Epping Forest District Council has made no comment on the proposal.
- Noting this is an interim scheme, should in the future the applicant not wish to construct phase 2A and 2B as originally approved further applications for consideration would have to be made (as required by condition 24).

There being no further points raised, the resolution, including the amendments in the Addendum, was proposed and seconded. Following a unanimous vote of ten in favour, it was

Resolved

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

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

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 of the application dated 29 August 2019, together with drawings titled 'Alternative Interim Phase 2A Site Location Plan', drawing no. B3553F05-0100-

DR-0009 (Rev P01), dated 19/07/19; and 'Alternative Interim Phase 2A Site Plan', drawing no. B3553F05-0100-DR-0010 (Rev P0), dated 17/07/19; 'and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

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 policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), CP6 (Achieving Sustainable Urban Development Patterns), CP9 (Sustainable Transport), GB1 (Green Belt Boundary), GB2A (Development in the Green Belt), HC1 (Scheduled Monuments and Other Archaeological Sites), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP3 (Water Quality), RP5A (Adverse Environmental Impacts), RST3 (Loss or Diversion of Rights of Way), U1 (Infrastructure Adequacy), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects), U3B (Sustainable Drainage Systems), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL7 (Planting Protection and Care of Trees), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention), LL11 (Landscaping Schemes), ST3 (Transport Assessment), ST4 (Road Safety), ST5 (Travel Plans), ST7 (New Roads and Extensions or Improvements to Existing Roads) and ST9 (Stansted Aerodrome Safeguarding) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

3. No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall be based on the drawing titled 'Alternative Phase 2A Design Landscape Mitigation Figure 7-3a', drawing no. B3553F05-3000-DR-0758 (Rev P01), dated Aug 19, unless otherwise agreed in writing by the County Planning Authority, and shall include details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details.

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

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 mitigate impacts of the development on the natural environment in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention) and LL11 (Landscaping Schemes) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

4. No development shall take place until a Landscape and Ecological Mitigation and Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:

- a) Aims and objectives of management;
- b) Appropriate management options for achieving aims and objectives;
- c) Prescriptions for management actions;
- d) Preparation of an annual work schedule/plan; and
- e) Details of the body or organisation responsible for management

and for ecology:

- a) Full detailed designs of all ecological mitigation measures, including those referred in the 'Biodiversity Statement and Mitigation Plan', document no, B3553F05-3000-REP-0055 and shown on the drawing titled 'Figure 8-2 Alternative Phase 2A Design Ecological Mitigation Plan, drawing no. B3553F05-3000-DR-0772 (Rev P0), dated 17/01/2019, unless otherwise agreed in writing by the County Planning Authority;
- b) Proposed monitoring of mitigation measures and how contingencies and/or remedial action will be identified, agreed and implemented; and
- c) Details of the body or organisation responsible for monitoring and management

The mitigation and management plan shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL10 (Adequacy of Provision for Landscape Retention) and LL11 (Landscaping Schemes) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

5. No development shall take place until a detailed Noise Mitigation Plan has been submitted to the County Planning Authority for review and approval in writing. The mitigation plan shall confirm specification of the link road surfacing and any other measures proposed to limit noise impact within the application area. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of residential amenity and to mitigate environmental noise impact in accordance with policies RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties) and DBE9 (Loss of Amenity) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

6. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures, the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement submitted pursuant to application ref: CC/EPF/08/17, unless otherwise agreed in writing by the County Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in accordance with policies RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties) and DBE9 (Loss of Amenity) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

7. No fixed lighting shall be erected or installed on-site until final details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. That submitted would be expected to follow the principles suggested within the drawings titled 'Road Lighting Layout Plan Sheet 5 of 7', drawing no. B3553F05-1300-DR-0005 (Rev P01), dated 14/02/18; and 'Road Lighting Key and Notes', drawing no. B3553F05-1300-DR-0015 (Rev P01), dated 14/02/18, unless otherwise agreed in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design, the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground, angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

The lighting design/plan shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key

areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with policies CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), ST7 (New Roads and Extensions or Improvements to Existing Roads) and ST9 (Stansted Aerodrome Safeguarding) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

8. Prior to commencement of development, a Bird Hazard Management Plan to prevent the utilisation of the site by hazardous bird species shall be submitted to the County Planning Authority for review and approval in writing. The submitted plan shall include, but not be limited to:
 - Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
 - Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers; and
 - Measures to limit access to attenuation ponds through the erection of goose proof fencing.

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

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with ST9 of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

9. No development (including demolition, ground works, vegetation clearance) shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to the County Planning Authority for review and approval in writing. The CEMP shall follow the principles suggested within the Outline Environmental Management Plan, document ref: B3553-3000-REP-0056 (Rev P00.3), dated January 2017 and the Construction Phase Traffic & Transport Impact Assessment, document ref: B3553F05-0000-REP-0081 (Rev 1), dated January 2017 and with regard to construction cover similar areas/topics to that considered within the Construction Methodology Report, document ref: B3553F05-0000-REP-0076 (Rev P0), dated November 2016,

albeit with reference to the development hereby permitted and construction details shown on drawings titled 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 4 of 7', drawing no. B3553F05-3000-DR-0707 (Rev P0), dated 18/02/2019; 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 5 of 7', drawing no. B3553F05-3000-DR-0708 (Rev P0), dated 28/08/2019; and 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 6 of 7', drawing no. B3553F05-3000-DR-0709 (Rev P0), dated 28/08/2019, unless otherwise agreed in writing by the County Planning Authority.

In terms of environmental management, and specifically biodiversity, the plan shall include the following:

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

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

Reason: In the interests of highway safety and amenity, to make appropriate provision for conserving biodiversity during construction and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), RP3 (Water Quality), RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL7 (Planting Protection and Care of Trees), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention), ST3 (Transport Assessment), ST4 (Road Safety), ST5 (Travel Plans) and ST7 (New Roads and Extensions or Improvements to Existing Roads) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

10. No development or any preliminary groundworks shall take place until:

- a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
- b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

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

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and in accordance with policies CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), LL1 (Rural Landscape), LL7 (Planting Protection and Care of Trees) and LL10 (Adequacy of Provision for Landscape Retention) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

11. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation (trial trenching) and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

12. Prior to commencement of development but following completion of the archaeological work required by condition 11, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval and writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching or geophysical survey undertaken in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008)

13. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 11, a post-excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This shall include the completion of

post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

14. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority. The strategy shall include the following components:
1. A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action
- The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the NPPF.

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

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the NPPF.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

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

- Limiting discharge rates from the interim link road (including Campions roundabout) to 1l/s or the 1:1 Greenfield runoff rate (whichever is greater) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with policies RP3 (Water Quality), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

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

Reason: Construction works may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils, during construction, may limit the ability of the site to intercept rainfall and as such increased runoff rates. A construction surface water run-off management scheme is therefore required to mitigate the risks associated with this part of the development in accordance with policies RP3 (Water Quality), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems), of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

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

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality and in accordance with policy RP3 (Water Quality), of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

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

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the NPPF and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency's Groundwater Protection: Principles and Practice. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site is located upon Principal and Secondary A aquifers.

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

Reason: To ensure that the development is appropriately flood resilient and does not increase flood risk elsewhere, in line with paragraph 163 of the NPPF, and in accordance with policies U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

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

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the NPPF and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

24. Unless any alternative planning permission is granted, prior to the commencement of works pursuant to phase 2B (the northern arm link road) as permitted by planning application ref: CC/EPF/08/17 (or any variation to this permission), a scheme shall be submitted to the County Planning Authority for review and approval in writing detailing all works necessary to revert the interim phase 2A link, hereby permitted, to the original phase 2A link design as approved as part of planning application ref: CC/EPF/08/17. Details provided shall include a schedule of works, a construction method statement and measures proposed in terms of reinstatement/restoration of the areas affected. The works shall subsequently be undertaken in accordance with the approved details.

Reason: As this permission would sit alongside CC/EPF/08/17 it is considered important to secure the details proposed for the works associated with the removal of the additional carriageways and re-engineering of the interim phase 2A at the point of implementation of phase 2B from an environmental and amenity perspective and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), CP6 (Achieving Sustainable Urban Development Patterns), GB2A (Development in the Green Belt), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse

Environmental Impacts), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects), U3B (Sustainable Drainage Systems), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL11 (Landscaping Schemes), ST3 (Transport Assessment), ST4 (Road Safety) and ST7 (New Roads and Extensions or Improvements to Existing Roads) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

Informative

This permission is considered intrinsically linked to planning application ref: CC/EPF/08/17. The majority of conditions imposed on this condition are mirrored from this permission with reference also made to the Environmental Statement originally submitted with this application. Where slight amendments have been made to condition wording it is hoped that the applicant would proactively seek take on board any new requirements as part of combined details submitted, for the development as a whole, in due course.

7 Enforcement of Planning Control

The Committee considered report DR/03/19, updating members of enforcement matters for the period 1 October to 31 December 2019.

The Committee NOTED the report.

8 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/04/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

9 Dates of Future Meetings

The Committee considered report DR/05/20, listing the proposed Committee meeting dates to April 2021.

The Committee NOTED the report.

10 Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 28 February 2020, in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:15 am