

**DR/24/20**

**Report to:** DEVELOPMENT & REGULATION (28 August 2020)

**Proposal:** COUNTY COUNCIL DEVELOPMENT – Construction of two new slip roads and associated works to provide access between the A120 and the B1018 Millennium Way (to and from the west only)

**Ref:** CC/BTE/34/19

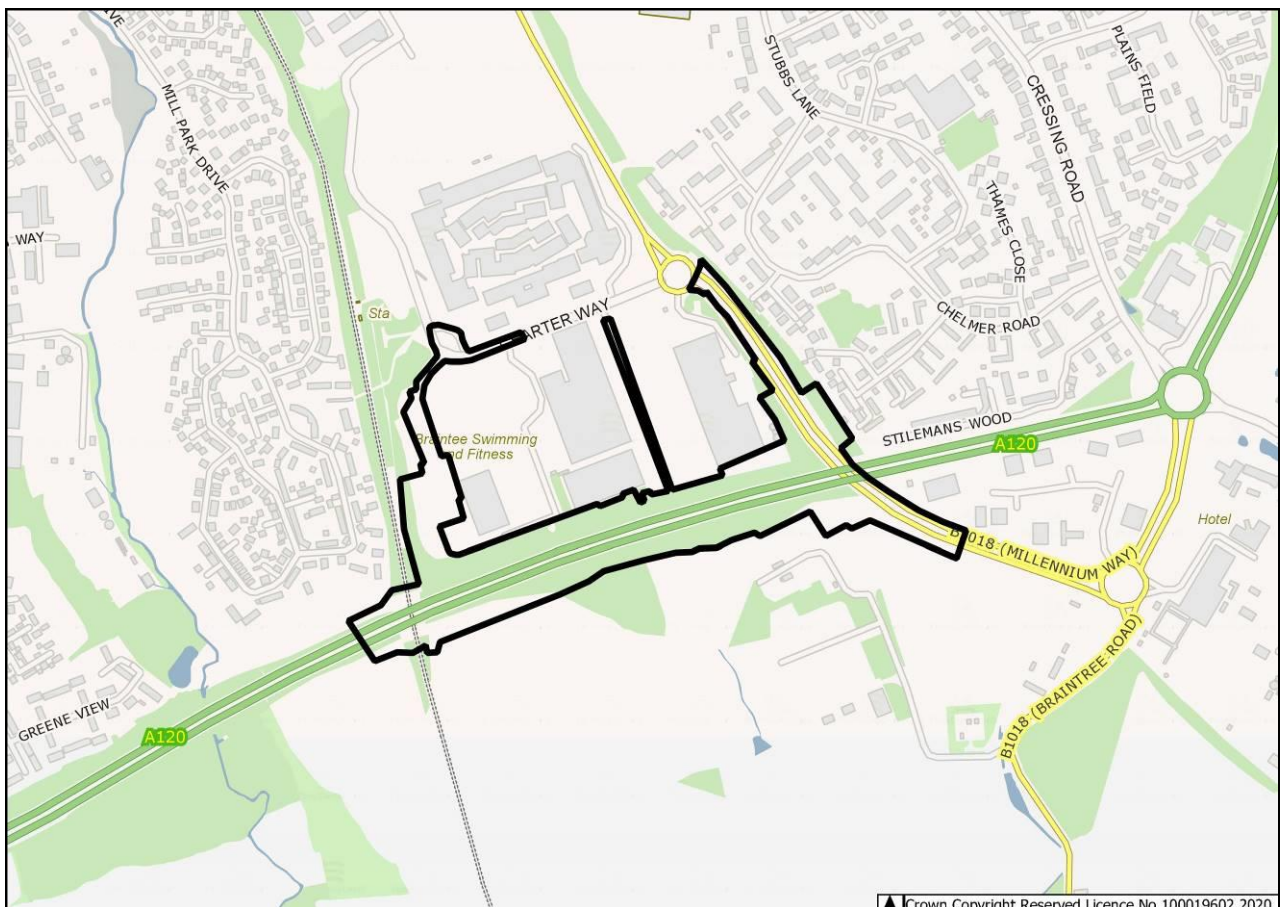
**Applicant:** Essex County Council

**Location:** A120 / B1018 Millennium Way, Braintree

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Tom McCarthy Tel: 03330 320943

The full application can be viewed at <https://planning.essex.gov.uk>



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## 1. SITE

The area to which this proposal relates predominately comprises highway land: the A120 and Millennium Way (B1018) and the land (highway verge) immediately adjacent. Additional land is however included for the provision of the merge/tie-ins with Millennium Way, landscaping and for access and construction purposes.

The A120, at this point, is bound to the north by commercial (Braintree Retail Park and Freeport), leisure (Braintree Swimming and Leisure) and residential uses. To the south is an electricity sub-station and agricultural fields albeit, as detailed below, planning permission has also been granted for a DIY warehouse and battery store with an application pending determination for a supermarket. The A120 is crossed, in this location, by two bridges: a railway bridge and a road bridge carrying Millennium Way and it is via Millennium Way which the aforementioned commercial and leisure activities are accessed.

The closest residential development to the proposed development is 50m to the north of the A120 (Reed Meadows/Bamboo Crescent) and east of Millennium Way (Mundon Road/The Spinney). The Alec Hunter Academy School is some 500m north of the proposed development.

There are no nationally designated ecological sites within the immediate vicinity although two Local Nature Reserves (Hoppit Mead and Bocking Blackwater) are located 1.5km and 1.8km from the site respectively and there are five Local Wildlife Sites within 2km (the closest being 0.7km away).

There are no Air Quality Management Areas in the area. However, four Noise Important Areas (NIAs) identified as noise 'hotspots', experiencing high levels of noise from road traffic, are located within 1km.

No Listed Buildings or Scheduled Monuments are located within the red line and the proposal is not within a conservation area.

The River Brain is located approximately 250m to the west of the site. A toe drain runs immediately to the south of the site, flowing parallel to the A120 from east to west, before joining a small ordinary watercourse. The site is located in a groundwater vulnerability zone, a groundwater nitrate vulnerable zone and a surface water nitrate vulnerable zone. The site is however within Flood Zone 1.

Lastly, and mainly for reference as this development does not directly impact on any of the aforementioned, below is a list of recent relevant planning applications submitted or determined by Braintree District Council near the application site:

- 13/01476/FUL - Erection of DIY retail warehouse with associated access, car parking and landscaping and improvement works to the A120/B1018 at land to the south of Millennium Way – Approved
- 18/00549/OUT - Outline application with some matters reserved, for residential development of up to 250 dwellings with access considered at land between Long Green and Braintree Road, Long Green, Cressing - Refused (appeal lodged)
- 18/01927/FUL - The laying out of a 49.9 MW battery storage facility, fencing

and access road on land adjacent to Braintree 400 kV substation, Braintree Road - Approved

- 18/02048/FUL - The formation of a new slip road and associated access improvements off Millennium Way / B1018 (including enhancements of the Millennium Way / B1018 roundabout); extension to the existing northern car park to create up to 400 additional car parking spaces; amendments to the southern car park entrance and exit; and associated landscaping improvements - Approved
- 18/02188/FUL - Demolition and improvements to the northern entrance of Freeport Village, Charter Way including the addition of 330sqm of retail floorspace; the creation of a new management suite extending to 458 sqm; reconfiguration of northern service yards; improvements to the approach of the Centre through the car park; landscape improvements to the southern entrance including signage at the south east corner; landscape improvements to the Middle Mall, together with the expansion and relocation of existing toilets from the western to the eastern area and demolition of corner features within the Centre – Pending determination
- 19/00360/FUL - Part demolition of Unit C1 - 4 and Unit B8 and construction of new anchor unit with shopfront extending to 631 sqm (GEA) incorporating retail at ground floor (600 sqm GIA) and a storage only mezzanine (292 sqm GIA), construction of two retail units extending to 380 sqm (GEA), alterations to the rear service yard, relocation of existing cycle rack to the southern entrance, new shopfront to Units B8, B7 and C3, creation of footpath along western approach heading to the northern entrance from the train station and landscaping works at Freeport Village, Charter Way – Approved
- 19/01352/FUL - Construction of a Class A1 food store (Aldi) with associated car parking, access roads, servicing and landscaping, including the reconfiguration of the car park for the approved DIY store at land off Millennium Way – Pending determination

## **2. PROPOSAL**

In essence this application is for a pair of slips roads to connect the A120 eastbound carriage to Millennium Way (B1018) northbound; and Millennium Way northbound and southbound to the A120 westbound carriage. The slip roads would provide direct access on and off the A120 to and from the west thereby removing the need to utilise Galleys Corner Roundabout (as existing) for such a journey.

As shown on the photo below, the A120 at this point runs through a cutting with steep embankments covered with a strip of dense highway trees and scrub.

Photo taken from the cover of the Planning Statement submitted with the application, looking west towards Millennium Way road bridge (date unknown)



The applicant has suggested that the proposed scheme was developed from a highway improvement option for the A120 identified by Highways England. As land available for the scheme is restricted, options available for effective intervention it is suggested are however limited. To this end, the scheme proposes the eastbound slip would diverge from the A120 east of the railway bridge, rising on an embankment to join the existing Millennium Way bridge approach embankment (at an approximate height of 6m). The available land is constrained by the presence of the retail park to the north of the A120 so a retaining wall is proposed to support the eastbound slip. The westbound slip is proposed to leave Millennium Way on an embankment (again at approximately 6m in height), which similarly to the off-slip would be supported by short retaining walls to minimise land take and impacts on surrounding land uses and the A120, before merging with the existing A120 to the east of the railway bridge.

In addition to the construction of the two new slip roads associated earthworks and retaining walls described above, and shown on the below drawing, the proposals include:

- installation of new traffic signals on Millennium Way;
- landscaping;
- new or re-positioned boundary fencing;
- improvement and small extension of the street lighting;
- creation of a new maintenance lay-by on Millennium Way; and
- installation of a drainage system to attenuate the additional surface water



runoff.

Extract from 'General Arrangement Drawing', drawing no: B3553T69-01-001 (Rev F), dated 02/20



The construction period for the proposal has been estimated at 18 months, albeit this would be confirmed upon appointment of the main works contractor. Construction hours are furthermore anticipated to be 08:00 to 18:00 Monday to Friday with potential limited working on Saturdays and in the evenings but again this would be confirmed by the main works contractor.

### 3. POLICIES

The following policies of the Braintree District Local Plan Review (2005) (BLP) and the Braintree District Core Strategy (2011) (BCS) provide the development plan framework for this application. The following policies are of relevance to this application:

#### Braintree District Local Plan Review (2005) (BLP)

Policy RLP54 – Transport Assessments

RLP62 – Development Likely to Give Rise to Pollution or the Risk of Pollution

RLP63 – Air Quality

RLP64 – Contaminated Land

RLP65 – External Lighting

RLP69 – Sustainable Drainage

RLP80 – Landscape Features and Habitats

RLP81 – Trees, Woodland Grasslands and Hedgerows

RLP84 – Protected Species

RLP90 – Layout and Design of Development

## Braintree District Core Strategy (2011) (BCS)

Policy CS7 – Promoting Accessibility for All  
CS8 – Natural Environment and Biodiversity  
CS9 – Built and Historic Environment

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should 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 achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission 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 an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may 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 NPPF.

Braintree District Council, along with Colchester and Tendring Councils, submitted Section 1 of their Local Plan to the Planning Inspectorate on 9 October 2017 for examination. Due to cross-boundary policies and allocations Braintree, Colchester and Tendring Councils intend to share an identical Section 1 of their Local Plans with this covering a number of strategic issues including infrastructure, housing numbers and proposals for three new garden communities. Specific policies and

allocations relating to each District/Borough would follow in Section 2 of the Local Plan, which is due to be considered through later separate examinations.

In the Inspector's letter to the North Essex Authorities, dated 10 December 2018, a pause in the examination was announced, while the NEAs carry out further work on the evidence base and Sustainability Appraisal. In respect of this a technical consultation on an additional Sustainability Appraisal, additional evidence base documents and suggested amendments to Section 1 of the Plan was undertaken by the NEAs and a response issued to the Inspector. Further examination hearings were subsequently held in January 2020 and in May 2020 the Inspector wrote with two main options to move forward:

- To propose and consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan; or
- To withdraw the Plan from examination.

Only on 31 July 2020 the NEAs wrote to the Inspector requesting that they wish to proceed with the first option – namely to consult on main modifications to remove the Colchester / Braintree Borders and West of Braintree GC proposals from the Plan and requested the Inspector accordingly formally recommend the Main Modifications to make the Plan sound and legally compliant. With the NEAs programme predicting a formal consultation on the modification for six weeks mid to late August 2020.

Whilst the aforementioned modifications will potentially make the Plan sound and legally compliant, as the Inspector's formal response (finalised modifications) are not yet in the public arena and these have not been consulted on it is considered the Section 1 of emerging Plan holds limited weight, in the determination of applications, at the current time with Section 2 holding very limited weight. The following policies are nevertheless noted of relevance, as currently drafted:

#### Braintree District Council Local Plan – Publication Draft for Consultation (2017)

LPP44 – Sustainable Transport  
LPP48 – New Road Infrastructure  
LPP50 – Built and Historic Environment  
LPP51 – An Inclusive Environment  
LPP55 – Layout and Design of Development  
LPP60 – Heritage Assets and their settings  
LPP67 – Natural Environment and Green Infrastructure  
LPP68 – Protected Species, Priority Spaces and Priority Habitat  
LPP69 – Tree Protection  
LPP70 – Protection, Enhancement, Management and Monitoring of Biodiversity  
LPP71 – Landscape Character and Features  
LPP73 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards  
LPP78 – Flood Risk and Surface Water Drainage  
LPP79 – Surface Water Management Plan  
LPP80 – Sustainable Urban Drainage Systems  
LPP81 – External Lighting

## Cressing Parish Neighbourhood Plan 2017-2033 (CNP)

Whilst the A120 itself at the point to which this application relates does not form part of the Neighbourhood Plan area, land to the south and Millennium Way (south of the road bridge) does. Relevant policies of the Neighbourhood Plan are detailed below:

Policy 1 – Protecting and Enhancing the Natural Environment

Policy 3 – Maintaining the Character and Integrity of the Parish

Policy 8 – Design, Layout, Scale, Character and Appearance of New Development

Policy 10 – Provision of Electric Vehicle Charging Points (supporting text only)

### **4. CONSULTATIONS**

Summarised as follows:

BRAINTREE DISTRICT COUNCIL – No objection.

ENVIRONMENT AGENCY – No objection.

NATURAL ENGLAND – No comments to make.

HIGHWAYS ENGLAND – No objection.

HIGHWAY AUTHORITY – No comments to make.

NETWORK RAIL – Due to the proximity of the proposed development to the railway it is strongly recommended that the developer contacts [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;
- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;
- adversely affect any railway land or structure;
- over-sail or encroach upon the airspace of any Network Rail land; and/or
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Additional information/advice is also provided in respect of maintenance requirements; drainage; plant and materials and scaffolding within close proximity of the railway; piling; fencing; lighting; and noise and vibration.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.



LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme; a maintenance plan for the drainage scheme; and a scheme to minimise the risk to offsite flooding caused by surface water runoff and groundwater during construction.

#### THE COUNCIL'S LANDSCAPE, ECOLOGY, TREE, HISTORIC BUILDING AND ARCHAEOLOGY CONSULTANTS

Landscape – No objection. Detailed landscape proposals to mitigate existing vegetation removal will be required as part of a planning condition. We would expect to see a degree of screening through new shrub/tree planting. The latest submitted Site Plan proposes an area of native grass planting around the B&Q car park area. Additional planting is recommended to ensure a degree of screening is delivered. It is noted that there is no planting proposed along B&Q yard due to proposed levels and unavailability of space for soft landscaping.

Ecology – Satisfied that sufficient ecological information is available for determination. The information submitted provides certainty in terms of the likely impacts on Protected and Priority species and with mitigation measures secured it is considered the development can be made acceptable in ecological terms. The mitigation and compensation measures (including that proposed off-site) proposed in the Biodiversity Statement & Mitigation Plan nevertheless need to be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority species particularly bats, badgers, reptiles, great crested newts, nesting birds and hedgehogs, as well as to compensate for lost habitat.

Comments provided by the Council's arboricultural consultant are supported in terms of veteran tree management. Furthermore suggestion is made that the management plan should ideally be longer term than just five year. A landscape and ecological management plan is recommended to be secured by a condition in this regard, irrespective of period this actually covers (five years or more).

Arboriculture – No objection subject to conditions. Veteran tree group (G12 as surveyed) whilst not proposed to be removed will however deteriorate in quality given that the trees will be so close to the road. Problems arising from close proximity to the road are likely to include contaminated run-off, accidental impact damage, compaction and inappropriate pruning. For this reason, it is recommended that should be afforded the protection via the management plan for the proposed landscaping. Management of this group of trees should include proper specialist surveying, tagging to identify each one and bespoke long-term prescriptive management plans. It may be also be possible and appropriate for protective fencing to be erected at the end of the construction period to further protect these veterans.

Historic Buildings – No comments to make.

Archaeology – No objection.

## THE COUNCIL'S NOISE, AIR QUALITY AND LIGHTING CONSULTANT –

Noise – Should planning permission be granted, it is recommended that a condition be included to ensure that a quantitative assessment of construction noise and vibration is carried out prior to the commencement of works.

With respect to traffic noise, concern exists that residents who already experience noise levels in excess of the Significant Observed Adverse Effect Levels (SOAEL) would be subject to perceptible increases in noise. However, should the resurfacing of the westbound A120 take place as planned by Highways England in 2022, these receptors would experience potentially significant increases in noise for less than one year (assumed project completion in 2021). Given the temporary nature of this period it is not considered that this would be long enough to result in additional adverse health effects.

After resurfacing there would only be four receptors subject to an increase in noise of more than 1 dB(A), and the maximum of these would be 1.1 dB(A). These increases are only marginally above what would be considered as potentially significant and would be present for only two years until the eastbound carriageway is resurfaced. While it is considered that these increases are undesirable, they are of short term.

Air Quality – No objection. The applicant has demonstrated that there would not be any significant air quality effects associated with the scheme. However, it is recommended that, should planning permission be granted, an appropriate condition be included to ensure that the development or construction works shall not commence until a dust management plan or equivalent plan has been submitted to and approved in writing by the planning authority. The plan should contain details of all dust controls and management measures, proposals for dust monitoring and inspections, procedures for handling and responding to complaints and contingency plans dealing with abnormal circumstances or dust issues.

Lighting – No objection subject to a condition securing a final lighting design prior to the installation of any fixed lighting.

CRESSING PARISH COUNCIL – No comments received.

LOCAL MEMBER – BRAINTREE – BRAINTREE EASTERN – No comments received.

LOCAL MEMBER – BRAINTREE – BRAINTREE TOWN – No comments received.

## **5. REPRESENTATIONS**

290 address points were directly notified of the application. The application was also advertised by way of site notice and press advert. Seven letters of representation have been received. These relate to planning issues, summarised as follows:

### Observation

Our client occupies premises at Charter Way Retail Park to the immediate north of the A120. Part of the leasehold ownership is included within the red line application boundary. No objection in principle to the development but concerns exist about the scheme involving land within the leaseholding and impact on the existing business.

Increased noise, construction traffic and contractors parking vehicles in nearby residential estates.

We enjoy newts, slow worms and grass snakes near our home and this development would take away the natural habitat of these creatures. Concerns in this regard also raised about the extent, duration and timing of ecological surveys undertaken.

Over the last 10 years development in this area has destroyed wildlife and pushed it further towards residential dwellings as their habitat has been desecrated. This is now the last corridor of sanctuary along the A120. Suggested the individual releases 2-3 slow worms and common lizards (even newts) per month into the proposed area of work during Spring and Summer after finding them basking within their property.

There really is no need for a road across this greenbelt land and I wholeheartedly and strongly object to it. The scheme is a pointless road for shoppers to get faster access to the retail/commercial uses off Millennium Way. The A120 is also only during rush hour and the retail park on Saturdays.

Considered this application should have been subject to EIA.

### Comment

The application details were revised during the course of determination to remove the original suggestion that the area to which this query relates would be utilised as part of the development proposals. Please refer to drawing no. B3553T69-00-020 (Rev D) which confirms the aforementioned.

See appraisal

See appraisal

See appraisal

See appraisal. For clarity, it is however confirmed that the development is not within the Green Belt.

The development was screened for EIA in April 2019 following a specific request for a Screening Opinion (ref: CC/BTE/07/19/SO). The Opinion based on the criteria of a development falling within 10(f) and guidance within

the National Planning Practice Guidance concluded EIA was not required.

The traffic data being used is too old / out of date (from November 2013) to be meaningful. For example, the housing estate off Mill Park Drive, didn't fully exist in 2013.

The impact of the scheme on the local road network was tested using VISSIM Traffic Modelling software in 2018. This is specialist traffic modelling software which analyses the predicted traffic movements on a vehicle by vehicle basis. The traffic model was originally built from raw data in 2014/15 to investigate options for improving the highway capacity of the A120 Galleys Corner Roundabout and support the bid for funding.

Following the successful bid, and in support of this application, the models were updated to replicate existing traffic conditions and then for the base year 2021 (originally intended year of opening of the scheme) and +15 years (2036). The results of this modelling have been submitted in support of the application and are discussed in the appraisal section of this report.

There is no specific mention of how the sound echoes around/along the river Brain Valley. The original A120 was specifically designed to be at a level near that of the river Brain with associated vegetation to screen any noise and act as a buffer to absorb noise from the A120. The additional hard landscaping, resulting from this development, will only encourage noise echoes and will bounce the noise around and throughout the valley. Noise screening will be essential to counteract the significant additional noise generated by traffic rising up from the A120 to B1018 and along and back up Millennium Way and around Chapel Hill roundabout.

See appraisal

No acknowledgement that Millennium Way traffic wishing to go towards Cressing or Tye Green will need to generate more 'local' traffic whilst using

Noted albeit it is considered that if an individual was travelling to Cressing or Tye Green there would be not necessarily be any reason or anything

the roundabout to travel back past the new slip roads, let alone those with modern sat navs directing people off the direct traffic queue to Galleys roundabout via the B1018 to pick up a smaller queue back on to the A120. Not implementing a design that allows for road users to turn directly from the slip road towards Cressing will clog up the local roadway, especially Chapel Hill roundabout.

The slip roads are not going to be enough to limit the traffic congestion at Galleys Corner roundabout. Considered that there should be something such as traffic lights at the roundabout, especially on the Cressing Road Junction which can be very busy.

Visual impact

Clarification sought about the post construction use of construction areas and particularly works proposed to the east of Millennium Way adjacent to Mundon Road.

Is night-time working proposed?

Is there any danger of subsidence?

Broadly supports the proposal and associated benefits that will result, not least, the improvement in reducing congestion.

to gain from coming off the A120 and using the slips and travelling back on Millennium Way to Galleys Corner. It would be more logical to stay on the A120 up to Galleys Corner as existing.

The proposal has been put forward as an intervention to ease congestion at Galleys Corner not as an alternative to the need for this roundabout as an interchange to the roads which are currently accessed from it.

Noted

See appraisal

All construction compounds will be restored to the former condition and use. With regard to the area adjacent to Mundon Road, this area is included with the red line as utility diversions are required in this location. In addition a new maintenance layby is proposed to be created.

Construction hours of 08:00 to 18:00 Monday to Friday with potential limited working on Saturdays have been suggested. These would be confirmed a later date pursuant to details secured by condition (construction management plan) in the event that planning permission is granted.

Retaining walls are proposed to support the slips themselves. Any claim resulting from alleged subsidence from the development or increased traffic on Millenium Way would be a civil issue.

Noted



The application is not supported by a Transport Assessment or Statement nor have the proposed traffic signals on the B1018 been identified on a site plan and accompanied with analysis justifying their need or location.

No specific Transport Assessment or Statement has been submitted, albeit a range of evidence and information was submitted in support of the applications for proposed funding.

The results from the more recent traffic modelling undertaken has however been submitted in support of this application.

The proposed location of traffic signals are shown on drawing no B3553T69-01-001 (Rev F). Whilst technical justification has not been advanced in terms of need for these, it is understood that the full traffic model identified a need to control queues on the slip road and prevent congestion backing up on to the A120.

The exact boundaries of both Highways England and ECC's land ownership have not been shown, thus, it is not possible to ascertain the exact amount of third-party land required for the works to be implemented.

Land ownership per-se is not a material planning consideration and the CPA therefore do not need feel there is a need to request a specific plan showing this. The applicant has responded stating: 'Discussions have taken place directly with all landowners whose land is required for the scheme'.

Request that the merge and diverge arrangements for the proposed slip roads be shown so the impact on third-parties can be confirmed.

See drawing no B3553T69-01-001 (Rev F).

Requested that the proposed landscaping / vegetation as referenced on plan B3553T69-35-002 rev C is conditioned so sightlines to signage of the adjacent commercial development/use is unobstructed.

In that event planning permission is granted full details of landscaping would likely form a condition. The applicant in respect of this has however suggested that 'planting will not be any higher than it is at present on the northern boundary of the A120'.

The application references additional potential improvements to the existing shared footway / cycle way along the eastern side of Millennium Way but no further detail is provided?

This is only aspiration. No such improvement works actually form part of this proposal.

Request to review traffic and swept path

The results from the modelling work

analysis which support the proposal design as submitted.

undertaken have been submitted in support of this application. With regard to swept path analysis the applicant has commented that the scheme has been designed to Highways England and local highway standards, which includes ensuring the suitability of the scheme for a standard 15.5m articulated combination HGV and a 16.5m maximum articulated HGV. Neither Highways England or the Highway Authority has requested further details on the proposal.

Why is there only one lane at the eastbound off-slip and why are yellow boxes proposed?

It is understood that the traffic modelling has shown there is no need for two lane slips. The yellow boxes are proposed to ensure traffic can flow from and on to the slips, when traffic signals allow, without vehicles on Millennium Way blocking access.

## **6. APPRAISAL**

### **A PRINCIPLE OF DEVELOPMENT AND NEED / JUSTIFICATION**

The NPPF at paragraph 8 when describing sustainable development states that in an economic role, the planning system should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

Expanding, paragraph 81 states that policies should c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.

Specifically, in terms of transport, paragraph 102 details that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

As described by the applicant in support of this application, the A120 corridor is a vitally important lifeline for the movement of goods and people in Essex. And, this development would provide direct access to and from Millennium Way (B1018) to free up capacity, reduce congestion and delays to A120 through traffic on the A120 at Galleys Corner roundabout. Galleys Corner roundabout is a five-arm roundabout that provides a key access point into Braintree via Millennium Way, in addition to forming the main route into Braintree Freeport. Delays are regularly experienced at the roundabout, with substantial queuing on the A120 westbound in the morning peak and eastbound in the evening peak. A significant reduction in traffic flows around Galleys Corner Roundabout would encourage developers and businesses to reappraise the benefits of developments in and around Braintree whilst also improving travel times on the A120 in general.

Albeit a specific scheme is not outlined within the development plan and/or any land allocated/safeguarded for such improvement, a number of references to the congestion at Galleys Corner can be found within all adopted plans forming part of the development plan, including policy CS7 of the BCS which states 'the Council will work with partners to improve accessibility, to reduce congestion and reduce the impact of development upon climate change'. The supporting text to Policy 10 of the CNP also states (paragraph 4.8.12): 'The A120 / B1018 junction at the north of the Parish, known as Galleys Corner, is the main access point to and from Cressing Parish from the strategic highways network. The junction is therefore vital for residents of the Parish to access jobs, services and facilities in the surrounding area. The junction is operating beyond its intended capacity, experiencing significant congestion at peak periods and significantly increasing journey times for Cressing Parish residents. Subject to reviewing the detailed design of a scheme, the Parish Council would support proposals which reduce congestion, improve journey time reliability for Cressing Parish residents, improve safety with a reduced collision rate, and improve resilience at the Galleys Corner junction. Where possible, improvements to Galleys Corner should be prioritised ahead of wider strategic improvements to the A120, or as a minimum the proposed improvements should be incorporated into the A120 strategic improvement plan as a key component.' In principle it is therefore considered that schemes such of this are broadly supported at a spatial policy level.

In support of this conclusion, it is also noted that the scheme has successfully been awarded funding from the Department for Transport through the National Productivity Investment Fund (NPIF), Highways England and Braintree District Council particularly giving the associated economic growth potential the development would subsequently support/allow.

The development is designed to relieve traffic congestion at Galleys Corner Roundabout as a medium-term solution, in advance of a longer-term and separate improvement scheme for the A120 that Highways England are currently progressing.

Accepting or acknowledging the importance of the A120, and with regard to this the requirement to ensure features such as roundabouts function effectively and in turn do not become traffic hotspots or barriers to future planned or aspirational growth, no in principle land use objection is raised to this development coming forward. That said, albeit the majority of this application relates to highway land, the proclaimed benefits of this development must, on balance, outweigh any resulting impacts which cannot be satisfactorily mitigated on or off-set. These potential impacts / issue areas are discussed below in context of the proposal with assessment of the specific highway improvement/benefit contained within the 'Highways' section.

## B LANDSCAPE AND VISUAL IMPACT

Policies CS8 and CS9 of the BLP relate to the natural environment and biodiversity and the built and historic environment. Policy CS8 in respect of landscape states that 'development must have regard to the character of the landscape and its sensitivity to change'. Expanding policy CS9 seeks to 'secure the highest possible standards of design and layout in all development'. The policy then lists various criteria or considerations including respecting and responding to local context. Policy RLP80 of the BLP in this regard states 'development that would not successfully integrate into the local landscape will not be permitted'. With RLP90 requiring landscape proposals to furthermore promote and enhance local biodiversity.

The proposed development is located within the South Suffolk and North Essex Clayland National Character Area. The character area is described as a 'gently undulating...plateau' with 'numerous small-scale river valleys'. The 'traditional irregular field patterns' are highly characteristic of the area, which are interwoven with a 'complex network of...hedgerows, ancient wood, parklands, and meadows'. Expanding it is suggested that the A120 (amongst other roads) and settlements including Braintree already impact on the rural landscape in terms of 'visual and auditory intrusion', and that 'increased light pollution from major roads and urban development has detracted from the rural character'. It is recognised that there is a need to invest in new and improved 'high-quality infrastructure...' throughout the area to 'help link people with places', but it looks to ensure this is provided 'without being the cause of damage to or degradation of natural assets'.

At a local scale, the site falls along the north-western boundary of the B18 Silver End Farmland Plateau Landscape Character Area, as identified in the Landscape Character of Braintree District (Landscape Character Assessment) (2006), with the local boundary running along the A120 and then south along the Millennium Way. The urban area of Braintree, north of the A120, falls outside the descriptions of the landscape character area. At present, on both sides of the A120 corridor, dense highway trees and shrubs line the verges which rise-up from the road forming visual screening to the adjacent land uses from users of the highway. Long distance views of the site are visible along the A120 corridor from the residential properties in south Braintree which sit on a rising topography; the distance and existing vegetation along the highway corridor softens the visual impact of these views.

Photo taken looking east, towards Galleys Corner, from Millennium Way road bridge. Residential properties which back onto the A120 visible

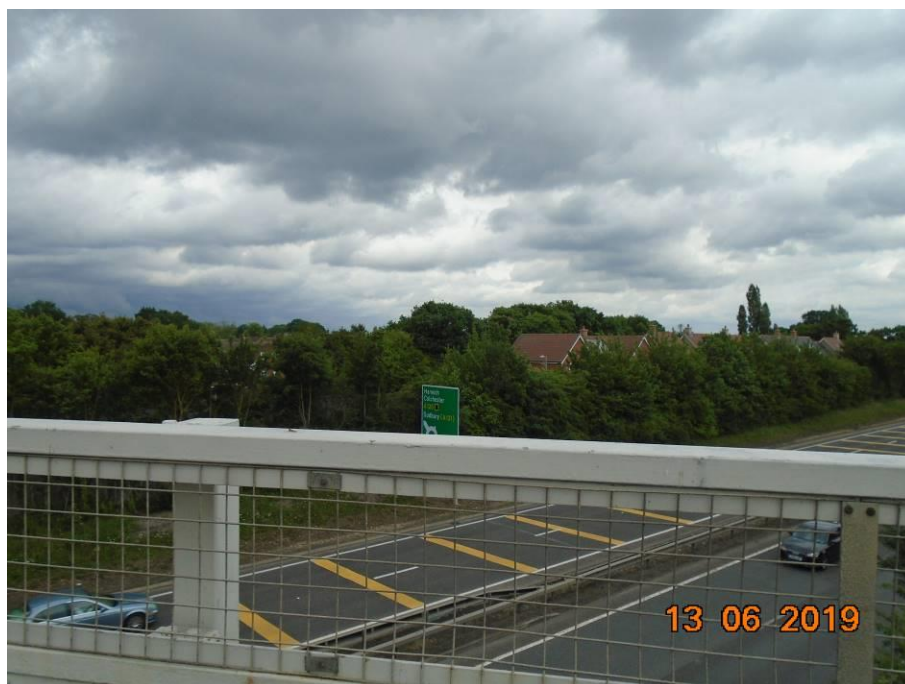


Photo taken looking west from Millennium Way road bridge. Residential properties just visible behind the commercial unit rooflines and existing highway vegetation.



The construction of the proposed slip roads necessitates the removal of roadside vegetation, including trees, on both sides of the A120 and give the scale of removal proposed the arboricultural impact is considered high within the Arboricultural Impact Assessment submitted in support of the application. The

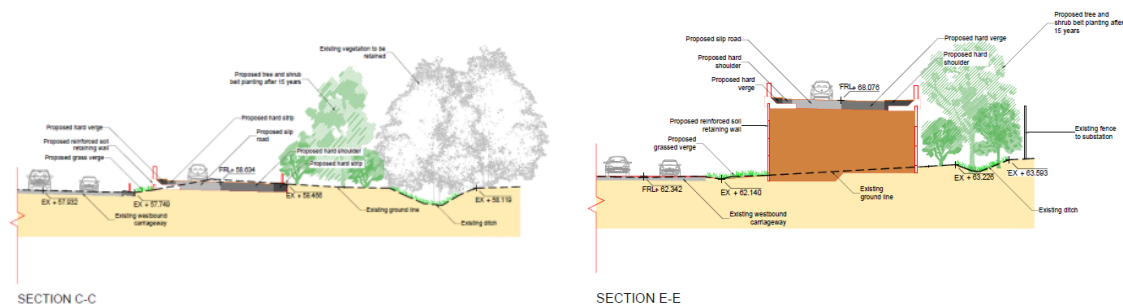


Mitigation planting is proposed to replace some of the trees and shrubs which would be lost. For the off-slip this is principally to the west (within the area proposed to be used as a construction compound) and against the lower section of the retaining wall. However, in places there would be no highway verge / green screen maintained between the slips and adjacent use fencing/hardstanding as shown below. For this reason a pattern is proposed to be incorporated into the retaining wall to add a bit of visual interest.

Figure 10: Proposed Roadway Section. This technical drawing shows a cross-section of a proposed roadway. The top part shows a road with a centerline, shoulders, and various features like trees, lighting poles, and signs. The bottom part shows a side view of the road with a car park area and a road sign. The drawing is labeled with '400' and '400' at the ends.

In terms of the on-slip, vegetation loss would be mitigated through the inclusion of new highway planting which would enhance retained vegetation blocks. In context of this visually, the development is most likely to impact on users of the A120, with potentially more distant / exposed views of the highway for nearby residential properties.

Extract from 'Landscape Sections', drawing no. B3553T69-35-016, dated May 19 showing sections through on-slip including retained/enhanced vegetation



Overall, neither the Council's landscape or arboricultural consultant has raised an objection to the development coming forward. Whilst the slips would have a visual presence, in context of the locality it is not considered that these per-se would be out of keeping. It is accepted that the character and visual appearance of the A120 would change as a result of the proposal – principally due to the loss of the highway verge and existing vegetation and that that this would be a negative change. However, the impact of this would primarily be experienced by users of the A120 who themselves are transient. Furthermore, permanent changes / impacts to views of the retaining view for example from the north and not considered so intrusive or detrimental to warrant refusal.

Mitigation and replacement landscaping has been incorporated where possible and subject to the securement of a finalised soft and hard landscape, and boundary treatment scheme, together with a landscape management plan by way of condition, the development is not considered contrary to policies RLP80, RLP81 or RLP90 of the BCS; or policies CS8 or CS9 of the BCS; or policy 8 of the CNP.

## C ECOLOGY

An Extended Phase 1 Habitat Survey was undertaken in March 2018, where the site and its immediate surroundings were considered for their potential to support protected and notable species. Targeted protected species surveys were undertaken for Great Crested Newt (May 2018), badger (March 2018), bats (March to October 2018), reptiles (May to July 2018) and dormouse (May to September 2018) and the findings of these have informed a proposed Biodiversity Mitigation Plan submitted with this application. In respect of this and the aforementioned species:

**Great Crested Newts:** Surveys undertaken indicate that a number of ponds in the locality of the site are used by GCN. Accordingly, the assumption is made that surrounding terrestrial habitat is also likely to be used. Guidance issued by Natural England is however that a population estimate survey is not required when potential habitat being lost is less than 0.5ha and ponds identified as being used by GCNs are between 100-250m away. A Precautionary Working Method Statement is nevertheless proposed to ensure impacts are kept to a minimum.

**Badgers:** Surveys identified a defunct subsidiary sett to the south of the A120 but outside the red line boundary. Whilst defunct given the unpredictable nature of

badgers it is recommended that prior to construction this is re-checked and a walkover undertaken of the site extent for badger activity.

Bats: No bats were observed emerging or re-entering during the dusk emergence surveys conducted on the eight trees. No evidence of roosting bats was also recorded during the two endoscope surveys conducted. Bat foraging and commuting activity was recorded along scrub, hedgerow and woodland habitats and as such an assessment of tree potential for roosting bats has been undertaken. With regard to this, it is recommended that trees identified with low potential or more for roosting, identified for removal, be soft felled under supervision of a bat licenced ecologist.

Reptiles: Low populations of slow worm and common lizard were recorded throughout the areas surveyed, albeit a particularly good population of slow worm was found in one area. Noting killing or injuring reptiles is protected under the Wildlife and Countryside Act (1981) various mitigation measures including translocation of reptiles encountered to receptor areas north and south of the scheme extents are proposed.

Doormouse: The proposed development is not on the basis of surveys undertaken likely to affect this species or any habitat supporting dormice.

As alluded in the previous section, the construction of the proposed development would however result in the removal of quite a considerable amount of vegetation which in part doubles a potentially habitat for a number of species. Whilst specifically no direct significant impacts are suggested as a result of this development coming forward the policy position within policy CS8 of the BCS, policy RLP84 of the BLP and policy 1 of the CNP is inter-alia that any and all adverse impacts to protected species should be minimised and/or satisfactorily mitigated or off-set.

In respect of this, whilst some 'new' or replacement habitat could be created through the proposed landscaping scheme; an equivalent quantity and quality of habitat cannot be fully delivered to achieve net biodiversity improvement. Accordingly, an off-site location is proposed to offset any negative impact of the development not otherwise mitigated within the red line. Whilst this is not ideal, in this instance the site identified is at least still within Braintree District: Levelly Wood, Shalford.

Levelly Wood lies 5.4 miles northwest of the development site and has potential to provide opportunities for woodland restoration and enhancement. The restoration and compensation planned for Levelly Wood will yield an overall net gain of 9.73 units – a 0.95 unit gain in comparison to the identified harm/loss resulting from the development.

The Council's ecological consultant has raised no objection in principle to the development subject to securement of the mitigation measures proposed to limit adverse impacts; securement of the offsite mitigation to ensure overall net biodiversity gains; and a landscape and ecological management plan. Whilst it is acknowledged that this development would result in the loss of potential habitat through the removal of vegetation it is accepted that existing site constraints do

give little scope for alternatives. On balance, in context of the suggested severity of impact and that this can be suitably mitigated partially on-site with net-benefits achieved off-site it is considered that ecological impact is not a reason to withhold planning permission. With the aforementioned secured by way of condition it is accordingly considered the development complies with the various policies relating to ecology and protected species within the development plan.

#### D AMENITY IMPACT (NOISE, VIBRATION, AIR QUALITY AND LIGHTING)

Policy RLP62 of the BLP details that planning permission will not be granted for development which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences unless adequate preventative measures are proposed or can be secured.

##### Noise & Vibration

The proposal would introduce new carriageway which has the potential to result in new adverse impacts for nearby receptors. The resulting changes/variations in traffic flow and speeds on the existing road network could also have impacts for receptors. Furthermore, there are the more 'temporary' potential impacts associated with the construction phase of the development.

Noise and potentially vibration levels would be elevated in the immediate vicinity during the construction phase of the development. However, given the limited nature of the construction phase and that mitigation measures such as timing and phasing of works which can limit the significance of impact it is not considered that impacts from the construction stage of the development alone would give rise to the need for further specific consideration subject to appropriate securement of a construction management plan by condition.

That said, it is noted by the Council's noise constant that as there are currently many unknowns about the construction phase of the development and no quantitative predictions are made about the severity of potential impact albeit temporary. Whilst it is not necessarily disagreed that subject to best practice impact would not be significant, it is suggested that to prevent a situation where residents are potentially reliant on action under the Control of Pollution Act 1974, through Braintree District Council, that such an assessment should be undertaken to inform the construction management plan and any mitigation required to support the construction phase of the development itself.

During operation, so post completion, a comparison of do minimum vs do something (i.e this development) has been undertaken. With respect of this, in 2021 the do something scenario suggests some 1033 dwellings and 20 other sensitive receptors would experience an increase in noise level (LA<sub>10,18hr</sub>) of between 0.1-0.9dB; 1508 dwellings and 18 other sensitive receptors would experience an increase of between 1.0-2.9dB; 70 dwellings and three other sensitive receptors with no change; 194 dwellings and three other sensitive receptors would experience a 0.1-0.9dB decrease; and one dwelling and two other sensitive receptors would experience a 1.0-2.9dB decrease during day time.

In the long term (2031), the comparison of do minimum vs do something (i.e this development) suggests some 2164 dwellings and 40 other sensitive receptors experiencing an increase in noise level ( $LA_{10,18hr}$ ) of between 0.1-2.9dB; 13 dwellings experiencing an increase of between 3.0-4.9dB; 88 dwellings with no change; and 541 dwellings and six other sensitive receptors experiencing a 0.1-2.9dB decrease during day time. At night, the number of dwellings experiencing noise levels above 55dB is predicted at 79 (0.1-2.9 above 55dB) with some 30 experiencing at decrease of between 0.1-2.9dB and four dwellings with no change.

The Council's noise consultant notes that short term significant effects are predominately due to the alleviation of the PM peak congestion. Accepting this and that the starting point for consideration of noise effects in the short term, as considered by Highways England, is 3dB(A) clarification was however requested if anything was proposed to offset or mitigate the identified less than 3dB increases. With regard to this, it is understood that modelling was undertaken to determine the effectiveness of additional noise barriers. However, a noise barrier over 1.5km in length along the A120 would be needed and it was deemed by the applicant that this was not proportional to the effects predicted noting guidance from Highways England. It was nevertheless suggested that low noise surfacing on the A120 would reduce traffic noise. The A120 is maintained by Highways England and therefore outside the immediate control of the applicant but it is understood that given the Noise Important Areas identified around the A120 that resurfacing works are proposed in 2022 (westbound) and 2024 (eastbound). With the low noise surfacing for the westbound carriage implemented the applicant has sought to suggest only four residential receptors would be subject to potential significant effects, i.e. a noise level increase of 1 dB(A) or more and the absolute noise level in excess of the SOAEL. The maximum increase in noise from these four receptors is 1.1 dB(A). These potential significant effects are then completely removed when modelling considers the eastbound carriageway resurfacing.

Although not ideal in so much as the CPA would not normally accept or entertain the suggestion that mitigation would be delivered by a third party and/or programme of works not formally part of the development being considered, the Council's noise consultant has not raised an objection to the development accepting these are short term impacts. There is also relative confidence that Highways England irrespective of this proposal will need to implement the low noise re-surfacing works given the existence of the noise important areas. Obviously the longer between this work being completed and the scheme being operational, the longer the potential for significant impacts to the identified receptors. However, it is noted that when the PM peak is removed in the do-minimum scenario, the predicted noise level changes are throughout the day no greater than 0.2dB(A).

Turning to long term identified impacts, the 13 dwellings who are predicted to experience an impact above 3dB during day time are all located adjacent to the B1018 with the increase a result of additional traffic on this road. The impact in context is however predicted to be minor as levels remain below the SOAEL and for this reason no objection to the development has been raised by the Council's consultant.



## Air Quality

The applicant has submitted an Air Quality Assessment in support of the development. This concludes that modelled concentration of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are below annual mean Air Quality Objectives at all modelled worst case receptor locations.

Out of the 21 modelled receptors 14 are nevertheless predicted to experience an increase in annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations. That said, as detailed above, the increase is not predicted to result in exceedances of the annual mean NO<sub>2</sub> and PM<sub>10</sub> AQOs and as such suggests detailed dispersion modelling is not required.

The Council's air quality consultant in view of the information presented is content with the conclusions formed. That said, whilst it is accepted that the applicant has demonstrated that there would not be significant long term impacts resulting, it is recommended that a dust management plan be secured by separate condition or as part of the construction management plan for the construction phase of the development. Subject to securement of this, no objection on air quality grounds or in context of policy RLP63 of the BLP is raised to the development coming forward.

## Lighting

Policy RLP65 relates to external lighting and details that lighting should be designed/considered as an integral element of the development; low energy lighting should be used; the alignment of lamps and provision of shielding should minimise spillage and glow, including into the night sky; lighting intensity should be no greater than necessary to provide adequate illumination; there should be no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users; and lastly no unacceptable harm to natural ecosystems. This position is further replicated in RLP90.

In terms of lighting, a review of existing street/highway lighting has found most columns to be in good structural condition and well positioned. However, some changes are needed to the positioning of existing lighting columns and also some additional lighting is needed to facilitate the development. In respect of this, as the A120 is not lit (only at junctions), lighting on the slips is proposed to be kept to a minimum – four x 10m light columns supporting the off-slip and three x 10m light columns supporting the on-slip. The type and specification of luminaire proposed is to limit light spill with no upward tilt.

No objection to the lighting scheme or design has been raised by the Council's however as this is still a preliminary design it is required that a condition be applied should planning permission be granted requiring final details to be confirmed prior to installation.

## E HIGHWAYS

As detailed earlier in this report, references to the need for improvements to congestion at Galleys Corner are frequent within the supporting text of many policies of the development plan. With regard to this, the impact/potential benefits of the scheme on the local road network was tested using VISSIM Traffic Modelling software in 2018. This is specialist traffic modelling software which analyses the predicted traffic movements on a vehicle by vehicle basis. The traffic model was originally built from raw data in 2014/15 to investigate options for improving the highway capacity of the A120 Galleys Corner Roundabout and support the bid for funding.

Following the successful bid, and in support of this application, the models were updated to replicate existing traffic conditions and then for the base year 2021 (originally intended year of opening of the scheme) and +15 years (2036). The results of this modelling are shown below:

Extract from Table 1: Modelled changes to maximum queues and average delay per vehicle as a result of the scheme

Junction	am 2021			am 2036			pm 2021			pm 2036			Sat 2021			Sat 2036		
	Predicted de waiting time queue length [m]	Increase in max queue length [m]	Increase in delay per vehicle [s]	Predicted de waiting time queue length [m]	Increase in max queue length [m]	Increase in delay per vehicle [s]	Predicted de waiting time queue length [m]	Increase in max queue length [m]	Increase in delay per vehicle [s]	Predicted de waiting time queue length [m]	Increase in max queue length [m]	Increase in delay per vehicle [s]	Predicted de waiting time queue length [m]	Increase in max queue length [m]	Increase in delay per vehicle [s]	Predicted de waiting time queue length [m]	Increase in max queue length [m]	Increase in delay per vehicle [s]
Galley's Round	176	-124	-40	289	-180	-54	284	-111	-45	333	-139	-80	78	-45	-5	222	-190	-15
A120 West	227	-120	-14	365	-199	-20	360	-190	-21	363	-412	-2	1053	-428	-36	1080	-455	-11
Downing Road	155	-101	-40	175	-1	-12	244	-86	-17	312	-1	-9	335	-167	-141	322	-6	-9
A120 North	1581	-1321	-40	1581	-306	-12	210	-102	-14	535	-438	-44	1577	-1458	-45	1579	-978	-25
Fowling Farm	121	-26	-12	165	35	30	41	-12	-5	56	-29	-5	36	-12	-9	137	-43	-15
Total junction																		
Millennium Way	36	9	3	257	-185	-82	650	-614	-124	681	-696	-450	33	29	2	104	-51	-3
Millennium's	23	-1	43	85	-45	-54	105	-72	-178	105	-42	-429	51	47	133	106	0	124
Newton Road North	40	-12	15	58	-25	11	58	-3	25	27	-25	31	103	-44	95	140	56	140
Fowling Farm	52	0	-6	31	-1	-26	38	-2	-12	40	-1	-11	50	21	-12	74	2	-15
Newton Road South	36	20	1	257	-78	-20	102	-61	-42	281	-183	-51	353	-4	-46	351	5	-40
Total junction																		
Millennium Way South	13	2	6	11	12	6	58	2	4	24	22	18	71	46	14	66	124	30
Freemantle road	5	-3	-3	10	-5	-4	30	0	0	0	0	0	0	0	0	0	0	0
Freemantle	15	0	50	12	3	38	30	14	-80	229	-124	-207	80	159	-10	119	117	-15
Millennium Way North	8	11	39	8	11	42	233	-215	-55	269	-275	-483	20	31	19	30	72	12
Total junction																		
Millennium Way left turn to A120 on slip	0	33	6	0	41	6	0	37	7	0	37	7	0	43	8	0	40	8
Millennium Way Right turn	0	38	9	0	41	10	0	37	11	0	37	11	0	44	11	0	41	13
Millennium Way right turn to A120 on slip	0	57	19	0	40	30	0	35	19	0	35	20	0	73	19	0	88	11
Millennium Way Southbound	0	57	4	0	40	4	0	35	3	0	33	3	0	73	6	0	88	6
A120 off slip turn from to Millennium Way	0	65	13	0	87	14	0	55	11	0	72	11	0	275	36	0	3173	66
Total junction																		

Negative numbers represent a reduction in maximum queue of vehicle delay

As can be seen from the above, the modelling shows that the proposal should result in significant reductions for the majority of users of the Galleys Corner roundabout junction. It is also likely to provide significant reductions in delays on most approaches to the Fowling Farm junction in the PM peak hour and in 2036 at the Braintree Freeport junction. At the same time the model suggests that the additional delays introduced by the new slip roads on Millennium Way would be minimal.

The modelling also seeks to suggest that these benefits are likely to be sustained over time such that the 2036 predicted delay with the development is still less than delays modelled in 2021 without the scheme.

### Temporary Construction Impact

Initially it is predicted that the construction phase of the development would be approximately 15-18 months consisting of an advance works contract and then main works contracts. The advance works would consist of utility diversions and associated civil works and tree works. The main works contract would then likely comprise a number of phases and principally seek to build one slip followed by the other, potentially allowing operation of one slip independently whilst works on the

other are on-going.

Plans submitted with this application propose the main construction compound to the north-west of the site, between the railway line and the car park for the leisure centre. Some traffic management measures would likely be required to facilitate this, but these would likely be minimal and to no detriment to business or users.

Standard working hours of 8:00-18:00 hours Monday to Friday, excluding Bank Holidays are suggested albeit it is noted that these may be subject to change. Some Saturday and/or night time working or deliveries may also be required to limit disruption, the need for road closures and the operation of the retail park.

Noting specific concern raised from a third party about contractors parking in nearby residential areas, the Preliminary Construction Traffic Management Plan seeks to confirm that all contractor parking will be restricted to a dedicated parking area on the site, under license for the landowner.

In terms of additional vehicle movements, the importation of the bulk material during the earthwork stage (building up the levels for the retaining wall and slip to sit) it is estimated would give rise to 20 HGV deliveries for a period of five weeks for each slip. Deliveries would be planned for outside peak traffic times as well as peak operation of the retail park (especially weekends). Where possible material will be delivered directly to the point of work, with fill material proposed to be delivered directly from the A120. This will also prevent the need for HGVs carrying fill material to travel on Millennium Way to the main construction compound.

Whilst it is not predicted that construction traffic would give rise to significant issues, it is considered that a construction management plan and delivery/contractor travel plan could be secured by condition, if considered necessary and appropriate from a nearby amenity perspective.

## F OTHER ISSUES

### Flood Risk and Drainage

The NPPF at paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This position is replicated in policy CS8 of the BCS.

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. As 'essential infrastructure' the exception test only needs to be applied when the development is within flood zones 3a and 3b.

This site is located within Flood Zone 1 and therefore has a low risk of fluvial flooding. The existing flood risk from surface water is however considered to be medium, which must be assessed as a Flood Zone 2 categorisation as per guidance within the Braintree District Council Level 1 Strategic Flood Risk Assessment. In respect of this it is understood that there are flow paths within the carriageway of the existing A120 (adjacent to both slips) which give rise to this risk. The proposed interaction with the existing extents and with regard to this the proposed toe of embankment drainage would mitigate predicted ponding and also ensure risk is passed elsewhere. The diversion and culverting of the ordinary watercourse adjacent to the A120 has also been sized to ensure existing capacity is retained.

In terms of added flood risk because of the development, increased run-off would be mitigated through the provision of on-site attenuation storage (oversized pipes) within the verge. The proposed drainage design is shown to maintain the existing discharge rate for the 100% (1 in 1 year) event and all subsequent events up to the 1% (1 in 100 year) AEP event including a 20% uplift in rainfall intensity to make allowance for climate change.

Both the Environment Agency and Lead Local Flood Authority have raised no in-principle objection to the development coming forward, from a flood risk perspective. The LLFA have however recommended a number of conditions relating principally to the final design of the drainage scheme and the on-going management/maintenance of this. However, with these conditions attached to any decision issued it is considered the development would comply with the relevant aspect of policy CS8 of the BCS and policy RLP69 of the BLP in respect of sustainable drainage.

### Heritage

A Cultural Heritage Statement has been submitted in support of this application which confirms that there are 17 heritage assets within 1km of the red line area. In view of the distance of these from the site, no direct impact on setting is nevertheless considered to result.

With require to archaeology, archaeological remains have been recorded to the northwest of the development area. However, the northern side of the A120 has been greatly modified as existing by the highway, retail park and leisure centre. It is therefore considered highly unlikely that any archaeology of interest remains in situ. Along the southern boundary of the A120 no impact on any archaeological remains is furthermore anticipated due to the distance between the area of known interest and works likely took place to support construction of the A120 originally. No objection or concerns in respect of policy CS9 are therefore raised to the development coming forward.

### Contaminated Land

The preliminary land contamination assessment submitted with this application has acknowledged that as existing there is limited site specific information on the ground and groundwater conditions underlying the site. Key issues of potential

contamination include:

- The proposed widening of the A120 (creation of the slips) and Millennium Way (southern embankment) will require cutting through raised ground of unknown fill;
- The UKPN Electricity Substation located adjacent to the on-slip is a potential source of ground contamination; and
- The Potential to encounter unidentified contamination within shallow soil or groundwater.

Whilst it is not considered contamination is likely a barrier to this development coming forward, as recommended within the aforementioned assessment, should planning permission be granted it is considered that an intrusive ground investigation should be undertaken to inform the proposals and any remediation which may be required. The findings of the intrusive ground investigation are to be submitted to the CPA for review and approval in writing prior to commencement of the development, in accordance with policy RLP64 of the BLP.

## **7. CONCLUSION**

It is considered that there is an identified and acknowledged need, through varying commentary with the development plan, for schemes or initiatives with the aim of easing congestion at Galleys Corner roundabout. This scheme has been put forward as a medium term solution to ease congestion at the roundabout by removing traffic currently utilising the roundabout to access Millennium Way. The provision of the slips would allow traffic on the A120 to directly join with Millennium Way and also traffic on Millennium Way to join the A120 (westwards only) whereby removing the need to use Galleys Corner for such purposes. The traffic modelling undertaken, in support of this application, has predicted both immediate and long term benefits (easing of congestion) with furthermore no significant impacts or hold-ups resulting elsewhere.

It is nevertheless considered that the development would give rise to some landscape and ecology impacts. These impacts are not however considered so severe to warrant refusal as it is accepted that these can be satisfactorily mitigated and/or off-set (albeit in part off-site in terms of ecology). From an amenity perspective, it is also noted that increases in noise levels and emissions for some nearby receptors would likely result. That said, predicted long term impacts or increases in respect of noise would be below the Significant Observed Adverse Effect Levels and for air quality (nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) concentrations) below annual mean Air Quality Objectives. On balance, it is therefore considered that the proposal does to represent sustainable development as per the NPPF definition subject to the securement of appropriate safeguards and mitigation by way of planning conditions.

## **8. RECOMMENDED**

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

1. The development hereby permitted shall be begun before the expiry of five



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).

*For reference with regard to this, it will be noted that usually a three year commencement period is detailed on planning permissions. Specific request was however made for a longer period in light of current circumstances (COVID-19 pandemic) and uncertainties facing many sectors of the economy and the County Planning Authority have no concerns with this agreeing to this additional flexibility in this instance.*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 24/05/2019, together with drawings titled 'Location Plan', drawing no. B3553T69-00-033 (Rev C), dated 03/20; 'Site Plan', drawing no. B3553T69-00-020 (Rev D), dated 03/20; 'General Arrangement Drawing', drawing no. B3553T69-01-001 (Rev F), dated 02/20; and 'Landscape Sections', drawing no. B3553T69-016, dated May 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 RLP54 (Transport Assessments), RLP62 (Development Likely to Give Rise to Pollution or the Risk of Pollution), RLP63 (Air Quality), RLP64 (Contaminated Land), RLP65 (External Lighting), RLP69 (Sustainable Drainage), RLP80 (Landscape Features and Habitats), RLP81 (Trees, Woodland Grasslands and Hedgerows), RLP84 (Protected Species) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); policies CS7 (Promoting Accessibility for All), CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment), 3 (Maintaining the Character and Integrity of the Parish) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

3. Prior to the removal of any vegetation or trees as identified within the drawings titled 'Trees At Risk Of Removal and Retention Plan Sheet 1 of 2', drawing no. B3553T69-35-013 (Rev A), dated 02/19 and 'Trees At Risk Of Removal and Retention Plan Sheet 2 of 2', drawing no. B3553T69-35-014 (Rev A), dated 02/19, an Arboricultural Method Statement inclusive of proposed timetable for works and a Tree Protection Plan detailing measures proposed to protect retained vegetation and trees, during the construction period, shall be submitted to the County Planning Authority for review and approval in writing. The development shall be undertaken in

accordance with the approved details.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with policies RLP80 (Landscape Features and Habitats), RLP81 (Trees, Woodland Grasslands and Hedgerows), RLP84 (Protected Species) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); policies CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment), 3 (Maintaining the Character and Integrity of the Parish) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

4. Prior to the commencement of the main works contract, a landscape and boundary treatment scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include full details of areas to be planted with species, sizes, spacing, protection and programme of implementation, together with full details of all proposed hard landscaping (including the design and specification of the appearance of the retaining walls) and fencing. The scheme shall be implemented as approved with planting taking place within the first available planting season (October to March inclusive) following completion of the development hereby permitted or identified phase. For the avoidance of doubt, the scheme to be submitted is expected to broadly follow the design principles and details contained on the drawings titled 'Preliminary Landscape Design Drawings Sheet 1 of 3', drawing no. B3553T69-35-001 (Rev C), dated 05/19; 'Preliminary Landscape Design Drawings Sheet 2 of 3', drawing no. B3553T69-35-002 (Rev C), dated 05/19; 'Preliminary Landscape Design Drawings Sheet 3 of 3', drawing no. B3553T69-35-003 (Rev C), dated 05/19; 'Landscape Elevations (Wall 2)', drawing no. B3553T69-35-017 (Rev A), dated Mar 20; 'Landscape Elevations (Wall 3)', drawing no. B3553T69-35-018, dated May 19; and 'Landscape Elevations (Wall 4)', drawing no. B3553T69-35-019, dated May 19.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), in the interests of visual amenity and to comply with policies RLP80 (Landscape Features and Habitats), RLP81 (Trees, Woodland Grasslands and Hedgerows), RLP84 (Protected Species) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); policies CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment), 3 (Maintaining the Character and Integrity of the Parish) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

5. 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: In the interest of the amenity of the local area and to comply with policies RLP80 (Landscape Features and Habitats), RLP81 (Trees, Woodland Grasslands and Hedgerows), RLP84 (Protected Species) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); policies CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment), 3 (Maintaining the Character and Integrity of the Parish) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

6. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The LEMP shall include the following:
- Description and evaluation of features to be managed including but not limited to existing veteran trees;
  - Ecological trends and constraints on site that might influence management;
  - Aims and objectives of management;
  - Appropriate management options for achieving aims and objectives;
  - Prescriptions for management actions;
  - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - Details of the body or organisation responsible for implementation of the plan; and
  - Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity, to ensure appropriate management is undertaken for the soft landscape features, 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 to comply with policies RLP80 (Landscape Features and Habitats), RLP81 (Trees, Woodland Grasslands and Hedgerows), RLP84 (Protected Species) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); policies CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment), 3

(Maintaining the Character and Integrity of the Parish) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

7. The development hereby permitted shall be implemented in accordance with the biodiversity mitigation measures detailed within Section 5 of the 'Biodiversity Statement & Mitigation Plan', document ref: B3553T69-RP-036, dated 17/07/19. The mitigation measures referred shall be implemented and followed in full during the course of construction.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, 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 to comply with policies RLP80 (Landscape Features and Habitats) and RLP84 (Protected Species) of the Braintree District Local Plan Review (2005); policy CS8 (Natural Environment and Biodiversity) of the Braintree District Core Strategy (2011); and policy 1 (Protecting and Enhancing the Natural Environment) of the Cressing Parish Neighbourhood Plan 2017-2033.

8. Prior to commencement of the main works contract, and in accordance with the Memorandum of Understanding: Commitment to Off-Site Compensation Habitat, dated 30<sup>th</sup> March, a final version of the Biodiversity Compensation Plan detailing the proposed off-site environmental mitigation for the development shall be submitted to the County Planning Authority for review and approval in writing. The Plan shall include a timetable for the works to take the place, details of funding to support planting and maintenance and at least a five year management schedule. The off-site compensation shall be completed in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, 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 to comply with policies RLP80 (Landscape Features and Habitats) and RLP84 (Protected Species) of the Braintree District Local Plan Review (2005); policy CS8 (Natural Environment and Biodiversity) of the Braintree District Core Strategy (2011); and policy 1 (Protecting and Enhancing the Natural Environment) of the Cressing Parish Neighbourhood Plan 2017-2033.

9. 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. 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 RLP65 (External Lighting), RLP80 (Landscape Features and Habitats), RLP84 (Protected Species) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

10. No development shall take place until a construction schedule has been submitted to and approved in writing by the County Planning Authority. The schedule shall include details on the proposed phasing or timetabling of the development which in turn will provide clarity and allow for partial or phased discharge of details submitted pursuant to other conditions.

Reason: In the interests of highway safety and amenity and to comply with policies RLP62 (Development Likely to Give Rise to Pollution or the Risk of Pollution) and RLP63 (Air Quality) of the Braintree District Local Plan Review (2005).

11. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall seek to confirm location and layout of construction compounds, provide details on proposed hours of working and proposed traffic management for deliveries and contractors. In terms of environmental management, and specifically biodiversity, the plan shall also seek to cover 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 the environment, amenity and biodiversity, to ensure suitable accountability for mitigation and measures proposed during the construction period and to comply with policy policies RLP62 (Development Likely to Give Rise to Pollution or the Risk of Pollution), RLP63 (Air Quality), RLP80 (Landscape Features and Habitats) and RLP84 (Protected Species) of the Braintree District Local Plan Review (2005); policy CS8 (Natural Environment and Biodiversity) of the Braintree District Core Strategy (2011); and policy 1 (Protecting and Enhancing the Natural Environment) of the Cressing Parish Neighbourhood Plan 2017-2033.

12. No development shall take place until a quantitative assessment of construction noise and vibration for the construction phase of the development has been submitted to and approved in writing by the County Planning Authority. The assessment shall be based on the finalised details of the construction programme, including the type and location of plant, machinery, equipment and works. The development shall subsequently be implemented in accordance with any mitigation works proposed as part of the assessment. For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 11.

Reason: In the interests of amenity and to comply with policy RLP62 (Development Likely to Give Rise to Pollution or the Risk of Pollution) of the Braintree District Local Plan Review (2005).

13. 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. The development shall be implemented in accordance with the approved scheme. For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 11.

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in policies RLP62 (Development Likely to Give Rise to Pollution or the Risk of Pollution) and

RLP63 (Air Quality) of the Braintree District Local Plan Review (2005).

14. 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. For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 11.

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 policy RLP62 (Development Likely to Give Rise to Pollution or the Risk of Pollution) of the Braintree District Local Plan Review (2005); policy CS8 (Natural Environment and Biodiversity) of the Braintree District Core Strategy (2011); and policy 1 (Protecting and Enhancing the Natural Environment) of the Cressing Parish Neighbourhood Plan 2017-2033.

15. No development shall take place until an intrusive ground investigation report has been submitted to and approved in writing by the County Planning Authority. The report shall seek to:
- Confirm the ground and groundwater conditions underlying the scheme, particularly in the areas of the proposed widening of the existing A120 and slip roads and to understand the extent and composition of any made ground, or reworked or imported engineered fill that is present;
  - Undertake soil sampling and chemical analysis of soils for potential contaminants (targeting mainly made ground) to facilitate an assessment of any potential risks to identified receptors. Therefore, determining the requirement for relevant health, safety and environmental practices during construction works and any other remediation requirements;
  - Undertake groundwater sampling and laboratory analysis to establish current groundwater quality beneath the scheme and to assess the potential risk to controlled waters where proposed works on the scheme will intercept groundwater table; and
  - Assess site-won materials to determine their suitability for reuse (under the CL:AIRE Definition of Waste: Code of Practice) and disposal routes for unsuitable materials

The development shall be implemented in accordance with findings and recommendation of the approved ground investigation report.

Reason: To ensure that contamination (and contaminated land) is duly considered and does not pose a risk during the development, to safeguard the environment and public and to comply with policy RLP64 (Contaminated



Land) of the Braintree District Local Plan Review (2005); policy CS8 (Natural Environment and Biodiversity) of the Braintree District Core Strategy (2011); and policy 1 (Protecting and Enhancing the Natural Environment) of the Cressing Parish Neighbourhood Plan 2017-2033.

16. 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- The proposed discharge rates from the slip roads (eastbound and westbound) would not exceed the overall existing discharge rates for the 1 in 1, 1 in 30, and 1 in 100 year return period including a 20% allowance for climate change.
- Sensitivity analysis for 1 in 100 plus 40% climate change allowance indicating the network capacity to meet the existing discharge rates.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 20% climate change event. In case of flooding the flow directions and time to clear up the water should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site shall be provided, in line with Chapter 26 of the CIRIA SuDS Manual C753. It is recommended that a comparative water pollution risk assessment using methods described in HEWRAT and Cira SUDS Manual C753, Chapter 26 Simple Index Approach are conducted to ensure adequate SuDS features are provided in the proposed surface water treatment train.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL 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 RLP69 (Sustainable Drainage) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review

(2005); policies CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

17. Prior to operational use, details of the agreement under which Highways England will be adopting all elements associated with the surface water drainage system and confirming liability for the maintenance of the slips, along with maintenance activities and frequencies shall be submitted to the County Planning Authority for review and approval in writing. 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 RLP69 (Sustainable Drainage) and RLP90 (Layout and Design of Development) of the Braintree District Local Plan Review (2005); policies CS8 (Natural Environment and Biodiversity) and CS9 (Built and Historic Environment) of the Braintree District Core Strategy (2011); and policies 1 (Protecting and Enhancing the Natural Environment) and 8 (Design, Layout, Scale, Character and Appearance of New Development) of the Cressing Parish Neighbourhood Plan 2017-2033.

#### Informatives

1. The development hereby permitted should not be commissioned until the existing pipes, which form part of the proposed highway drainage network, as identified on the approved design are cleared of blockages and are confirmed to be in good service condition.
2. Due reference should be given the information and advice contained within the consultation response received from Network Rail, dated 04/07/2019. In respect of this, it is recommended that contact be directly made with the Asset Protection Team at Network Rail prior to any works commencing on-site (AssetProtectionAnglia@networkrail.co.uk).

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## BACKGROUND PAPERS

Consultation replies  
Representations

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## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

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## **CLIMATE CHANGE EMERGENCY**

Braintree District Council has declared a Climate Emergency and aims to make its activities, as far as possible, carbon neutral by 2030. The declaration made relates only to the Council's activities e.g. heating of Council buildings; the Council's transport fleet; grid electricity used in buildings and for street lighting; and staff business travel. The Climate Local Strategy and Action Plan 2015-2018 does however cover a wider spectrum of factors i.e. District-wide improvements/initiatives rather than factors relating solely to Council operations/activities.

This report only concerns the determination of an application for planning permission. Due regard has however been given to relevant policies and guidance forming the development plan in terms of sustainability.

The Air Quality Assessment submitted in support of this application, concludes that modelled concentrations of local air quality pollutants of nitrogen dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>) are predicted to be below respective annual mean AQOs at all modelled worst-case receptor locations. Out of the 21 modelled receptors 14 are nevertheless predicted to experience an increase in annual mean NO<sub>2</sub> and PM<sub>10</sub> concentrations. That said, as detailed above, the increase is not predicted to result in exceedances of the annual mean NO<sub>2</sub> and PM<sub>10</sub> AQOs.

Whilst changes in air quality concentration may result from this proposal, and the submitted Air Quality Assessment does not specifically cover CO/CO<sub>2</sub> emissions, this development is not specifically putting or giving rise to an increase in vehicle use. Mindful of this and that this is an intervention to assist an existing traffic hotspot and to facilitate planned development/growth elsewhere, it is not considered that granting this permission would fundamentally undermine the declared climate emergency.

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## **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.

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

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

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Procedure)(England) Order 2015.

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**LOCAL MEMBER NOTIFICATION**

BRAINTREE – Braintree Eastern

BRAINTREE – Braintree Town