

DR/22/21

Report to: DEVELOPMENT & REGULATION (1st November 2021)

Proposal: COUNTY COUNCIL DEVELOPMENT - New link road between the existing A120 and A133 inclusive of a grade separated dumbbell junction at the A120, with new accesses to an existing petrol station (Ardleigh South Services) and Colchester Waste Transfer Station; a new roundabout at the junction with the A133; and two intermediate roundabouts along the link road. Together with other associated works and landscaping

Ref: CC/TEN/31/21

Applicant: Essex County Council

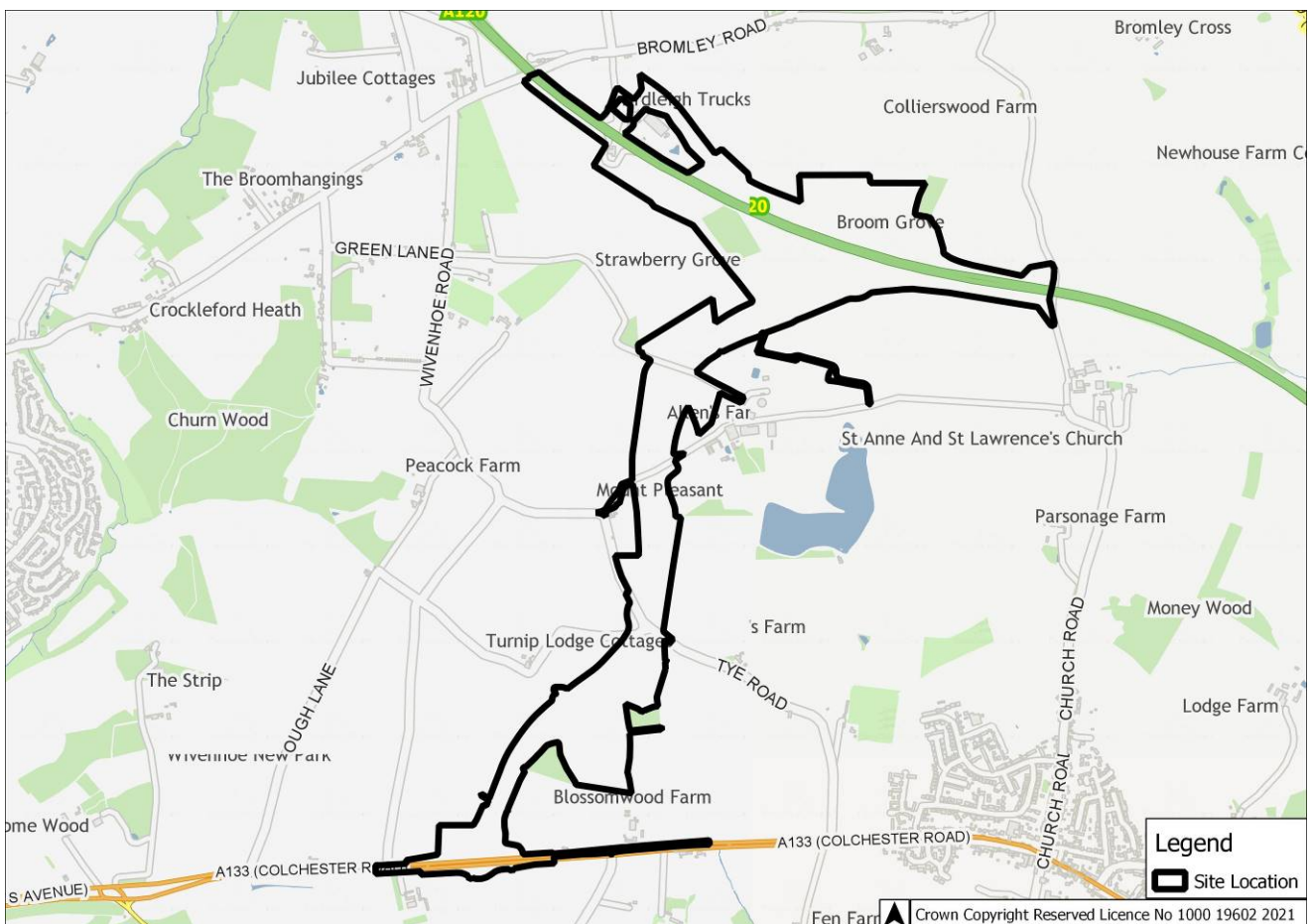
Location: Land between the A120 and A133, to the east of Colchester and west of Elmstead Market

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

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1. BACKGROUND

In 2019 Essex County Council (ECC) successfully bid for funding to help support planned housing growth across the County. Essex's bids to the Government's Housing Infrastructure Fund (HIF) totalled more than £500 million and covered vital transport infrastructure improvements.

In August 2019 it was announced that the A120/A133 link road and the Colchester Rapid Transit System (RTS) scheme had been successful in securing funding, receiving £99 million.

Seven options were initially developed by ECC for the route of the link road which, following initial assessment, was narrowed down to four viable options. The four options/routes were then subject to a six-week public consultation in November 2019. A preferred route was then chosen based on consideration of stakeholder feedback received; engineering feasibility; environmental constraints; cost/benefit analysis; and objective fulfilment.

In May 2020, ECC's Cabinet approved the proposed preferred route (option 1C variant) to go forward as part of a formal application for planning permission. It was at this point that the County Planning Authority was engaged by the applicant with an EIA Scoping Opinion and pre-application advice sought.

Local Finance Considerations

Section 143 of the Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 to require local planning authorities to have regard to any local finance considerations, so far as material to the application. Local finance consideration means a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown. Section 143 of the Localism Act does not however in any way define the weight to be given to this, with this remaining for the decision-maker i.e. the local planning authority to decide.

It will be noted from the 'Representations' section of this report that some concerns have been raised about the Council's ability to fairly and objectively determine this application, in context of the HIF. For reference, in respect of this, it is initially sought to confirm that this application is being determined by Essex County Council, as County Planning Authority (CPA), under provisions of Regulation 3 of the Town & Country Planning General Regulations 1992 which allow for an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, to be determined by the authority concerned. A clear distinction exists between the Council's role as County Planning Authority and as Highway Authority/Essex Highways.

The HIF funding has been considered as part of the determination of this application. However, for the avoidance of doubt, the existence of the HIF as a local finance consideration, is not considered in this case to principally override all other considerations. The application must be considered/determined in

accordance with the of Town and Country Planning Act 1990 (as amended) as a whole.

2. SITE

The area to which this application relates is an area of land to the east of Colchester and west of Elmstead Market, measuring approximately 80.9 hectares. The red line area (shown black on the plan on the front page of this report) principally covers land in between the A120 and the A133, albeit does in part extend north of the A120 and south of the A133. Although the application area does include a number of stretches of existing public highway, the land to which this application relates is mostly arable (agricultural). The land is a generally flat and open plateau landscape, with fields divided by hedgerows that incorporate characteristic hedgerow trees.

The closest statutory ecological designations, at international or national level, are Wivenhoe Gravel Pit SSSI and Ardleigh Gravel Pit SSSI some 1km to the south and north respectively. Albeit the impact risk zones for a number of further afield SSSI do also extend to include the area to which this application relates. The nearest local designation is Pyecats Corner Verges and Walls Wood, approximately 400m and 500m respectively to the west. There are two areas of lowland mixed deciduous woodland that are considered likely to be Ancient Woodland; Strawberry Grove and Broom Grove located near the proposed slip roads connecting the scheme to the A120.

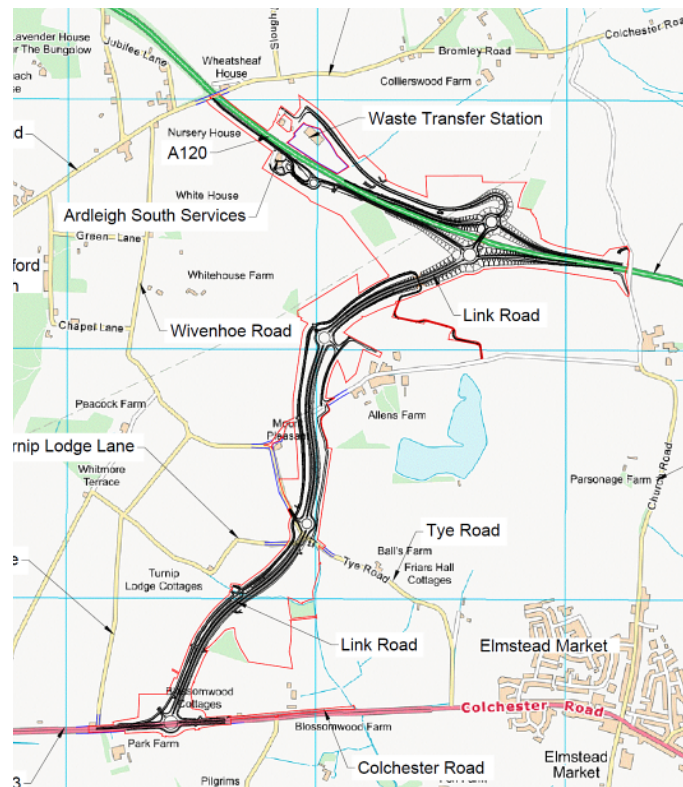
Within the planning application boundary is one historic building (a non-designated cast iron milepost), 22 known archaeological remains, 8 historic landscapes and 39 historic hedgerows. Turnip Lodge Lane, which is also within the application boundary is a protected lane (non-designated heritage asset). The nearest heritage asset, outside the red line boundary, is Allens Farmhouse, approximately 100m from the site, which is a Grade II listed building.

This site is also located within a sand and gravel safeguarding area.

3. PROPOSAL

The application seeks planning permission for a 2.4km dual carriageway between the A120 and A133, to the east of Colchester. The scheme would be supported by a new grade separated dumbbell junction on the A120, with new accesses to the existing petrol station (Ardleigh South Services) and Colchester Waste Transfer Station (WTS). Together with a new roundabout at the junction with the A133, and two intermediate roundabouts along the link road, as shown on the below drawing.

Extract from submitted 'Site Location Plan', drawing no. B355363A-LNK-PLA-LNK-DR-C-0002 (Rev A)

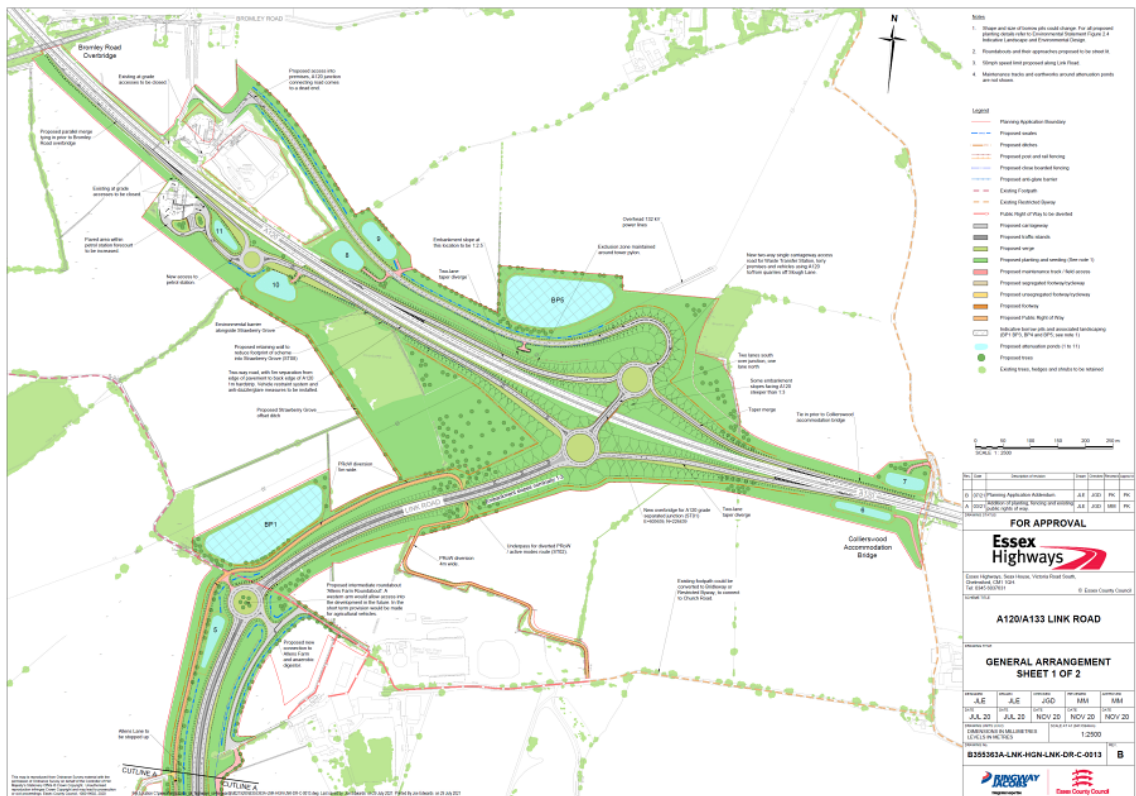


In addition to the link road, the application proposes a 5m wide segregated footway/cycleway from the new roundabout on the A133 junction up to Allens Lane. From Allens Lane, the footway/cycleway is proposed to also be designated for horse riders so a walker, cyclist and horse rider way (WCH), where it would extend north before turning east through an underpass under the link road to connect to footpath 2 (east of Allens Farm).

The construction of the development is anticipated to take two years, with works proposed to begin in spring 2022. To support the construction period, the applicant has indicated that potentially four borrow pits could be utilised, within the red line area, with restoration of these principally proposed as water bodies.

The below general arrangement plans show the proposals in a detail, including the aforementioned elements of the scheme in context of the main link road routing.

General Arrangement Sheet 1 of 2, drawing no. B355363A-LNK-HGN-LNK-DR-C-0013 (Rev B)



General Arrangement Sheet 2 of 2, drawing no. B355363A-LNK-HGN-LNK-DR-C-0014 (Rev B)



The application is accompanied by an Environmental Statement, submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary, dated 03/08/2021) is provided at Appendix 1. To confirm, officers are content that the Statement submitted accords with the Regulations. A review and assessment of the conclusions formed with the Statement can be found within the appraisal section of this report.

4. POLICIES

The following policies of the North Essex Authorities' Shared Strategic Section 1 Plan (2021), Tendring District Local Plan (2007) and the Essex Minerals Local Plan (2014) provide the primary development plan framework for this application.

North Essex Authorities' Shared Strategic Section 1 Plan

SP1 – Presumption in favour of sustainable development

SP3 – Spatial strategy for North Essex

SP6 – Infrastructure and connectivity

SP7 – Place shaping principles

SP8 – Development and delivery of a new garden community in North Essex

SP9 – Tendring/Colchester Borders Garden Community

Tendring District Local Plan

QL2 – Promoting transport choice

QL3 – Minimising and managing flood risk

QL11 – Environmental impacts and compatibility of uses

COM1 – Access for all

COM2 – Community safety

COM12a – Bridleways

COM19 – Contaminated land

COM20 – Air pollution/air quality

COM21 – Light pollution

COM22 – Noise pollution

COM23 – General pollution

EN1 – Landscape character

EN4 – Protection of the best and most versatile agricultural land

EN6 – Biodiversity

EN6a – Protected species

EN6b – Habitat creation

EN7 – Safeguarding mineral supplies

EN11a – Protection of International sites: European sites and Ramsar sites

EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites

EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

EN13 – Sustainable Drainage Systems

EN23 – Development within the Proximity of a Listed Building

EN29 – Archaeology

TR1a – Development affecting highways

TR1 – Transport assessment
TR3a – Provision for walking
TR4 – Safeguarding and improving Public Rights of Way
TR5 - Provision for cycling

Essex Minerals Local Plan

S6 – Provision for sand and gravel extraction
S8 – Safeguarding mineral resources and mineral reserves
S9 – Safeguarding mineral transshipment sites and secondary processing facilities
S10 – Protecting and enhancing the environment and local amenity
S11 – Access and transportation
S12 – Mineral site restoration and after-use

In addition to the above, albeit the development is located completely within the justification of Tendring, given the strategic nature of the proposal and the likelihood of cross boundary implications, the following policies of the Colchester Borough Council Core Strategy (revised 2014) and Colchester Borough Council Development Policies (revised 2014) are also considered of relevance.

Colchester Borough Council Core Strategy

SD1 – Sustainable development locations
SD2 – Delivering facilities and infrastructure
UD2 – Built design and character
PR1 – Open space
PR2 – People-friendly streets
TA1 – Accessibility and changing travel behaviour
TA2 – Walking and cycling
TA3 – Public transport
TA4 – Roads and traffic
ENV1 – Environment
ER1 – Energy, resources, waste, water and recycling

Colchester Borough Council Development Policies

DP1 – Design and amenity
DP2 – Health assessments
DP14 – Historic environment assets
DP17 – Accessibility and access
DP18 – Transport infrastructure proposals
DP20 – Flood risk and management of surface water drainage
DP21 – Nature conservation and protected lanes

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 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 218 and 219 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.

The North Essex Authorities' Shared Strategic Section 1 Plan which is shared by Braintree District Council, Colchester Borough Council and Tendring District Council has been adopted. Section 2 of the Plan which will include the more local policies and designations and will be different for each Council has however yet to be adopted by any of the NEAs.

With regard to this, Section 2 of the Tendring and Colchester Plans is currently being examined by Inspectors appointed by the (*newly called*) Secretary of State for Levelling Up, Housing and Communities. In terms of progress, following examination session, Tendring District Council undertook a six-week public consultation on proposed Main Modification between 16 July and 31 August 2021. All representations received during this consultation have been forwarded to the Inspectors, who will take them into account in coming to their final recommendations on legal compliance and soundness of the Section 2 Local Plan and the modifications that will need to be made to the Plan before Tendring can proceed to its formal adoption. Colchester similarly are proposing Main Modifications, however their consultation on these is currently on-going (4 October to 15 November 2021). Whilst Section 2 of both Plans is therefore progressing, as neither have yet been found sound, it is not considered that full weight can be given to policies within either of these. That said, given the stage that these Plans are at, it is considered that reference, as appropriate, can be made to policies which are of relevance.

Section Two Tendring District Local Plan – Publication Draft (2021)

SPL1 – Managing growth
SPL3 – Sustainable design
HP1 – Improving health and wellbeing
HP3 – Green infrastructure
PPL1 – Development and flood risk
PPL3 – The rural landscape
PPL4 – Biodiversity and geodiversity
PPL5 – Water conservation, drainage and sewerage
PPL7 – Archaeology
PPL9 – Listed buildings
CP1 – Sustainable transport and accessibility
CP2 – Improving the transport network

Section Two Colchester Local Plan – Publication Draft (2021)

SG1 – Colchester’s spatial strategy
SG7 – Infrastructure delivery and impact mitigation
ENV1 – Environment
ENV3 – Green infrastructure
ENV5 – Pollution and contamination land
CC1 – Climate change
PP1 – Generic infrastructure and mitigation requirements
DM1 – Health and wellbeing
DM15 – Design and amenity
DM16 – Historic environment
DM20 – Promoting sustainable transport and changing travel behaviour
DM21 – Sustainable access to development
DM23 – Flood risk and water management
DM24 – Sustainable urban drainage systems
DM25 – Renewable energy, water, waste and recycling

5. CONSULTATIONS

Summarised as follows:

TENDRING DISTRICT COUNCIL AND COLCHESTER BOROUGH COUNCIL
(joint response) – Following receipt of the Inspector’s final report and conclusions on the soundness of the Section 1 Local Plan, which included the Tendring Colchester Borders Garden Community proposal, the Councils have now adopted this part of the Plan – confirming their commitment to this important long-term development. Tendring District Council, Colchester Borough Council and Essex County Council will now work together on the preparation of a Development Plan Document (DPD) for the garden community.

The proposed A120/A133 link road is an essential component, in addition to the Rapid Transit System (RTS) and Park and Choose, of the up-front infrastructure required to support the delivery of the garden community. The way the link road supports, impacts upon and integrates with the garden community proposal will be of key importance going forward. As the Councils progress with the DPD and related master planning there will need to be policies in the DPD that can ensure that the infrastructure for the TCBGC and wider area succeeds in enhancing

connectivity and avoids creating severance.

Not only will the link road support the delivery of the garden community, but it will also achieve a number of indirect benefits for improving wider transport connectivity, supporting communities and businesses in the Tendring/Colchester area, which the Councils are very keen to see delivered.

The Council is aware that the government's award of Housing Infrastructure Funding (HIF) is conditional on the link road being delivered and the first homes being built within an anticipated timeframe. This aligns with the wider trajectory anticipated by the Section 1 Local Plan and the anticipation that new homes will come forward in a timely manner to maintain a future housing supply for the two Councils.

The Councils generally support the selected route for the link road and the proposed junction positions, which were informed by the public consultation efforts in November 2019 but are also mindful that there will be further matters to be addressed moving forward. For example, the Councils are supportive of the measures to include appropriate non-vehicular crossing points, in particular the segregated link towards the northern end of the link road. The Councils are keen to work with the Highway Authority to ensure that the additional surface crossing points and walking/cycling route along the Link Rd can integrate effectively into the movement framework for the garden community, and beyond into adjoining areas.

Another key consideration will be ensuring the format, timing and phasing of the link road achieves the right balance in both 1) creating the appropriate additional capacity on the highway network required to accommodate a garden community and in delivering the wider economic and social benefits outlined above; and 2) supporting the long-term objectives of achieving 'modal shift' and encouraging the use of more sustainable forms of low emission transport including walking, cycling and public transport. From this Councils' perspective, this balance is critical to the success of the garden community and to address wider objectives in relation to environmental sustainability and addressing climate change. The Councils look forward to working with the Highway Authority as part of the master planning process to consider how the link road will be implemented and delivered to improve and promote sustainable movement from the outset, potentially aligned to safeguarding capacity for future users.

The Councils welcome efforts to reduce the environmental impacts of the road. The process of master planning for the Garden Community is at a very early stage and will be shaped, in time, by the preparation of the DPD, associated technical studies and evidence base and community engagement. The environmental mitigation associated with the link road needs to be effective and deliverable and create opportunities to ensure an appropriate integration with the garden community itself.

We welcome that the Environmental Statement in support of the planning application gives an appropriate level of consideration, not only to the role and impact of the road as a stand-alone piece of new infrastructure, but also (as far as is possible at this stage of the process) to the cumulative impact that arises from the potential needs and demands of the proposed garden community and other developments expected in the area. It is important that all recommendations for

mitigation and enhancement provided in the Environmental Impact Assessment are carried forward into the delivery of the link road.

The Councils recognise that the link road application has needed to proceed in advance of the master planning of the garden community and that in this respect it is difficult to fully assess the significance of certain environmental impacts on all potential future receptors. Therefore, it will be important that the authorities continue to work together as the scheme evolves and the Highway Authority may wish to consider a degree of flexibility within any relevant planning conditions to allow for any adjustments that might be required in the future.

The main matters to be reviewed and monitored will be particularly important in respect of the following:

- The approach to and future management of adjoining green infrastructure, borrow pits, balancing ponds and their potential wider role and relationship to the garden community. There are important areas to the east and west of the Link Road that are likely to play an important role in the wider green infrastructure approach to the garden community.
- The approach to biodiversity and habitat creation in relation to adjoining land and the maintenance of an effective nature corridor both along the link road and the maintenance of links across it. The Councils will seek to ensure that wider ecological networks and corridors, as well as local landscape character, is fully considered, including the need to enable safe wildlife connectivity across/under the Link Road.
- Flexibility in detailed design to ensure that appropriate noise mitigation measures can be integrated in due course to reflect land uses adjacent to the link road.
- The further consideration of landscape and visual impacts, for example related to the above approach to noise mitigation, to ensure that the garden community can be successfully integrated going forward, without intrusive impacts on wider landscape character or visual amenity.
- The approach to sustainable movement and achieving modal shift, including consideration of measures to promote more sustainable travel patterns and behaviours and further consideration of how the link road can be implemented and delivered to improve and promote sustainable movement from the outset, potentially aligned to safeguarding capacity for future users.

TENDRING DISTRICT COUNCIL: ENVIRONMENTAL HEALTH – It has been noted that there are a number of “embedded” mitigation techniques outlined for each potential environmental impact, most of these factors are also covered by “essential” mitigation requirements, to reduce the significance of any adverse impact the proposed development would have on nearby residential premises. It is requested that all measures outlined within the specific mitigation areas are followed to ensure best practice is being achieved.

Air quality: The air quality report and associated appendix indicate no significant adverse impact on air quality; as such no embedded mitigation has been proposed. It is however requested that a dust management plan, with information on control measures in relation to minimising dust dispersal and potential subsequent complaints be secured should planning permission be granted.

Private water supplies: Providing all reasonable steps are taken and recommended mitigation measures are followed, to reduce the adverse impact on the current private water supplies, no objection is raised in this regard.

Contaminated land: The factual ground investigation is awaited. The findings/conclusions of this will draw out conclusions which can then be reviewed. Due to the lack of information at this stage concerning this report, we are unable to comment any further at this time.

Noise and vibration: Assessments undertaken in relation to the proposed development and the impact of noise and vibration on nearby noise sensitive receptors, have confirmed that works will cause a significant adverse impact. To combat this a mixture of embedded and essential mitigation has been identified. However, it is also outlined, that even with a number of mitigation measures in place, there will still be an observed adverse impact. Given this, and the significance of the application, officers from within the EP are requesting all measures outlined in the report are adhered to.

COLCHESTER BOROUGH COUNCIL: ENVIRONMENTAL HEALTH – Satisfied that standard lighting and noise levels are met and that proposed would not have a detrimental impact on the Borough's rural landscape.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

NATIONAL HIGHWAYS – No objection, informative provided in respect of s278 Agreements. Negotiations have been on going between Essex County Council, Colchester Borough and Tendring District Councils and National Highways regarding the provision of a new junction and link road, to support the TCBGC and extensive work has been undertaken to identify a scheme to connect the proposed link road with the A120 Trunk Road. This proposed layout for the new junction, as submitted as part of this application, is broadly acceptable and as such, in accordance with Section 175(b) of the Highways Act 1980 (as inserted by The Infrastructure Act 2015), National Highways consent to the formation of an access on to the A120 Trunk Road.

Future Traffic conditions

Extensive modelling has been carried out, in support of the proposed link road and the associated TCBGC, to predict future traffic conditions. The modelling work undertaken, would indicate that there are, potentially, a number of developing problems at various locations, with the link road and the fully built out garden community in place.

The modelling results indicate that the link road and the associated development would have a small impact on journey times along the A120. The models predict that queues on the westbound and the eastbound off-slips to the A120/A12 junction (A12 Junction 29) do not extend back and impact the A120/A12 mainline flows in either of the am or pm peaks in 2026 (the scheme opening year). However, the maximum queues at the westbound off-slip approaching the A12/ A120 roundabout at A12 J29 often occupy the full length of the slip road in the am peak in 2026. So, there is little spare capacity.

The 2041 Sensitivity Test Vissim models (developed using the ECW Strategic model) predict capacity issues at the A12/A120 westbound merging section which results in queues along the A120, as the ECW models predict higher flows along the A120 and A12.

In the 2041 future year scenarios, the queues on the A120 westbound off-slip to the A12/A120 roundabout at A12 J29 are predicted to extend back onto the A120 carriageway, due to the addition of the link road and the development trips.

The proposed link road and the associated roundabout junctions themselves appear to operate within capacity and do not have significant impacts on the adjoining network in the opening year of the scheme. In the 2041 forecast year, the westbound off-slip queues from the newly proposed roundabout during the pm peak approach the available queuing space; and the merging section from the newly proposed roundabout onto the A120 westbound does not provide enough capacity to accommodate the predicted level of demand.

These capacity issues are potentially of concern. The issues that are forecast in 2041 should be monitored and, if necessary, managed once the scheme opens to traffic, with a view to bringing forward mitigation where necessary, particularly in respect of queues which in the longer term are predicted to exceed the space available to accommodate them.

In respect of the issues reported on the A120 westbound off slip to A12 J29, the provision of the link road in fact diverts traffic away from this junction, although by 2041 the potential queue is showing that the queue could reach back on to the main line of the A120. It is accepted this is very much a worst-case scenario and this may or may not occur. Given the above and the fact that it is traffic generated by the garden community rather than the link road itself, it is suggested that this is revisited as part of future planning applications for development within the garden community and if issues are identified these are addressed at that point.

HIGHWAY AUTHORITY – The Highway Authority is satisfied that the proposal is not contrary to national/local policy and is compliant with appropriate design/safety criteria. The proposed access to the strategic road network (A120 and A133) is needed to enable the proposed TCBGC, helping future traffic management and supporting those travelling from Tendring to Colchester as set out in the adopted and emerging local plans for the area.

The Highway Authority would not wish to raise any objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

ESSEX BRIDLEWAY ASSOCIATION – Very concerned at the number of inaccurate statements made within the Planning Statement where they relate to the WCH access and connectivity. These statements give a false impression of the proposals and compliance with policy.

The link road would sever restricted by-way 162_21; albeit a diversion and underpass are proposed to ensure connectivity. Unfortunately, the diverted route

terminates on footpath 162_2 meaning that equestrians, cyclists and horse drawn carriages would not be able to proceed further and would need to turn back. Suggestion is made the footpath may be updated to restricted by-way or bridleway but this is not guaranteed.

The provision made for the WCH with regard to connectivity is welcomed. However, we are disappointed that equestrians are yet again short-changed in terms of use of this. We at the very least ask that equestrians are permitted to use the WCH southwards to the proposed Tye Road roundabout.

With regard to the construction programme, it is requested that working times do not include evenings or weekends due to the likely impact of HGVs on the surrounding lanes. These lanes are most used for recreation during the evenings and at weekends.

BRITISH HORSE SOCIETY – No comments received.

ESSEX AREA RAMBLERS – Restricted by-way 162-2 would be severed by the proposal. The general arrangement plans for the link road show PRoW 162-2 being diverted and an underpass provided where it crosses the proposed highway. This PRoW would then turn south and link with the proposed 5m segregated footway/cycleway running adjacent to the western edge of the proposed highway to the southern end of the link road at the A133.

The provision of the segregated footway/cycleway along the western edge of the proposed link road is welcomed and in principle the revised arrangement for 162-2 seems acceptable. However, clarification is sought on why the PRoW is only a 4m width east of the underpass.

Turnip Lodge Lane is proposed to be stopped up for vehicular traffic but form part of a walking, cycling and horse-riding network. A signal-controlled Pegasus crossing for walking, cycling and horse riding is proposed across the link road just south of the proposed roundabout junction with Tye Road. Although the amended proposal indicates a 50mph speed limit on the link road, concerns remain about the safety of an at-grade signal-controlled crossing.

In conclusion it is suggested: 1) the development should conform to NPPF paragraph 98 at all stages; 2) existing PRoWs, or acceptable alternatives, should remain open at all times during construction; 3) the diversion of PRoW 162-2 and the provision of an underpass is acceptable, subject to having a width of 5m throughout its length and subject to detailed design; 4) we welcome the provision of the segregated footway/cycleway along the western edge of the proposed link road; and 5) the Ramblers have concerns about the safety of an at-grade signalled crossing for walkers, cyclists and horse riders on a dual 2 lane carriageway road with a 50mph speed limit, and will need to be convinced that this is acceptable.

ESSEX LOCAL ACCESS FORUM (comments received albeit not directly consulted) - The 5 metre wide segregated footway / cycleway separated from and on the west side of the new A120-A133 link road is welcome. However, a footway / cycle way is not a WCH (walking cycling horse-riding) path as it is not available to horse-riders. In keeping with the Local Plan enhancement policy, the 5 metre wide

way should be designated as a restricted public byway.

At the south, A133 end, it is not clear how the WCH route would be accessed by users in any direction other than from the west. WCH users from the west are able to slip off, but it is not clear how users of this WCH route will join / leave the A133 from other directions. Is the WCH route accessed by using the new roundabout on the A133? If so, the proposed pedestrian signalised Puffin crossing must at the very least be a Toucan crossing available to all Non-Motorised Users (NMU).

There are bus stops and Elmstead public footpath 26 (PRoW 162_26) just west of the proposed new roundabout junction of the link road and the existing A133. No safe pedestrian crossing is shown. There must be provision for a safe crossing of the A133 in this area suitable for pedestrians including people with buggies and mobility impaired users to ensure the bus service remains accessible in both directions.

The proposed diversion of public byway Elmstead 21 (162_21) / Ardleigh 36 (158_36) by and near Allens Farm has unacceptable features. A roundabout is proposed on the A120-A133 link road west / NW of Allens Farm about on the route of Elmstead Byway 21. The roundabout has a vehicular east arm to Allens Farm and an NMU west arm to the NMU route (preferably a restricted byway) along the west side of the link road. It is not clear why the byway is not linked across / over / under the roundabout on its existing line. The proposal is to divert the byway north and south alongside the new A120-A133 link road to an underpass somewhat to the NE. This increases journey times for walkers in particular. This diversion route must legally be a byway to ensure that Elmstead Byway 21 remains available to all users - walkers, cyclists, horse riders, carriage drivers and wheelchair users. The width of the diversion of the byway on the east side to the underpass must be 5 metres - not the 4 metres as shown.

The proposed diverted eastern end of the Elmstead Byway 21 would terminate on Elmstead public footpath 2 which means that the byway would be a dead-end for non-pedestrian users. Plans state that "Existing footpath could be converted to Restricted Byway, to connect to Church Road". The eastern continuation as a byway is a must, not a "could".

Tye Road east and the vehicular connection of Turnip Lodge Lane with Tye Road west are due to be stopped up. Tye Road west is shown as forming the western arm of a new roundabout on the link road, but it does not continue as an eastern arm. The east-west vehicular route ceases to exist although NMU connectivity is provided by a proposed at-grade Pegasus crossing. Whilst an at-grade Pegasus crossing might be acceptable initially, plans must show when and how a grade separated NMU crossing or roundabout will be provided to connect both ends of Tye Road so that safe and easily accessible east-west connectivity is maintained.

It is extremely disappointing that this scheme by Essex County Council, who are supporting climate change, sustainable transport and healthy lifestyles, still has the same shortcomings as in the pre-application proposals and does not cater for all WCH users.

COLCHESTER CYCLING CAMPAIGN (comments received albeit not directly consulted) – Object. The plans for the link road have been developed and published before the masterplan for the new garden community and before the location for the new “park and choose” facility has been decided. This makes it impossible to gain a meaningful understanding of how suitable the proposed link road will be for cyclists. The impact of this is that it is impossible to judge if the routes will meet the core design principles.

The current design has a 5m wide segregated footway / cycleway alongside the link road. The cycleway should be physically segregated from the footway with a divider and not just paint as per LTN 1/20. The current design shows the 5m segregated footway/cycleway running out where it joins the A133. Clarity is needed on how cyclists should travel to and from areas such as Wivenhoe, the university and Colchester. The A133 is not a safe or suitable road for utility cyclists and the current design would deposit cyclists on the north side of the A133 with no means of travelling west towards Colchester and no way of crossing the busy dual carriageway. This is wholly unsatisfactory and there must be clarity about how cyclists can safely travel to and from the link road from the east and west. This lack of clarity here ensures that the link road fails on the core design criteria of coherence and, directness and safety.

The current design does not show controlled crossings over the access roads from the link road into the garden community. This would leave walkers and cyclists in extreme danger from motor vehicles coming in or out of the garden community at speed, which isn't helped by the wide entrance radii. We believe that grade separated crossings should be provided at these points and that the proposed crossings of the link road itself should be grade separated rather than light controlled crossing.

The speed limit of the A133 should be reduced to 40mph in both directions between the top of Clingoe Hill to the 30mph sign near the Greenstead roundabout. This will make the current and future pedestrian/cyclist crossings safer and allow a greater density of motor traffic, enabling more frequent traffic light phasing which will help active travel. The speed of the A133 should be reduced to 50mph between the top of Clingoe Hill and the new link road roundabout to improve safety. In order to ensure connectivity to the north of the community for cyclists we believe it is vital that the current footpath from Church Road, Elmstead Market to Bromley Road over the A120 is upgraded from a footpath to a bridleway with a suitable surface and access for cyclists and horse riders.

Finally, it seems implausible that a dual carriageway link road designed for high-speed motor vehicles will achieve the modal shift to public and/or active travel that Colchester Borough Council and Essex County Council aspires to for the garden community.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme for the site; submission of a maintenance plan for the surface water drainage system; and measures proposed to minimise the risk of offsite flooding and pollution from surface water run-off and groundwater during construction.

ENVIRONMENT AGENCY – No objection.

NATURAL ENGLAND – No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Advice is nevertheless provided on soils, biodiversity net gain and other generic natural environment issues.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – Do not wish to offer any comments.

THE GARDENS TRUST – Do not wish to comment on the proposals at this stage. It is however emphasised that this does not in any way signify either our approval or disapproval of the proposals.

CPRE – No comments received.

FORESTRY COMMISSION – Recommends that the link road scheme includes compensatory woodland planting and that the total area of planting is more than one hectare.

WOODLAND TRUST (comments received albeit not directly consulted) – Object on the basis of direct loss of Strawberry Grove. Strawberry Grove appears on maps dated in the 1870s and is considered within the application as likely ancient woodland. As per paragraph 175 of the NPPF development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. There is no wholly exceptional reason for the development in this location and as such this development should be refused on grounds it does not comply with national planning policy.

Further to this, in terms of paragraph 170 of the NPPF, where an application involves the loss of irreplaceable habitats, such as ancient woodland, net gains for biodiversity cannot possibly be achieved. The development should be evaluated as meeting the wholly exceptional test before the compensation strategy is considered for the loss of irreplaceable habitats.

Whilst we recognise that Strawberry Grove is adjacent to the existing A120, the proposals will lead to further increase noise and light pollution from traffic and dust pollution during both the construction and operational phases of the road; all of which will detrimentally impact the woodland and likely result in the loss of local biodiversity. The woodland will also be subject to increased nitrogen oxide emissions from vehicles, which can change the character of woodland vegetation.

It is acknowledged that the applicants have adopted compensatory planting ratios as recommended by the Trust to account for the loss of an irreplaceable habitat, but the only appropriate form of mitigation is total avoidance followed by the provision of a sufficient buffer zone. The slip road should be re-configured to ensure that a 30m buffer zone can be provided to the ancient woodland.

ESSEX POLICE – No comments received.

ESSEX FIRE & RESCUE – No comments received.

HEALTH & SAFETY EXECUTIVE – No comments received.

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

THE COUNCIL'S URBAN DESIGN, LANDSCAPE, ECOLOGY, TREE, HISTORIC BUILDINGS AND ARCHAEOLOGY CONSULTANTS (PLACE SERVICES) –

Urban Design: No comment

Landscape: The landscape is relatively open and exposed due to large-scale fields and the plateau being slightly elevated in the wider landscape. Blocks of woodland and vegetation along field boundaries do reduce the exposure and visibility, though long-distance open views are still available. The site falls within the Landscape Character Area 7A Bromley Heaths, though the assessment assesses the impact on all LCA's within a 1km study area. The assessment has judged that the significance of residual effect on 7A on a local level is moderate adverse (during construction to 15 years of operation (summer)) with the inclusion of landscape mitigation measures.

Overall, the assessment concludes that the proposed scheme would have significant adverse effects on local landscape character and on some views from footpaths and residential properties during construction and year 1 of operation, which we are generally in agreement with.

The proposed development would result in the removal of a total of 114 trees and hedges, including 4 no. category 'A' trees, 31 no. category B trees/groups/hedges, 75 no. category C trees/groups/hedges and 4 no. category 'U' trees and a section of Strawberry Grove. This is despite the route option being chosen to minimise the effect on landscapes and habitats.

As highlighted by the Ecology consultant, many of the hedgerows crossing the route are classed as important under the Hedgerows Regulations 1997, which is largely due to their historic significance, rather than for their wildlife and landscape significance.

Notwithstanding the predicted impacts, we welcome the inclusion of an indicative Landscape and Environmental Design which has taken into consideration the landscape character by including blocks of woodland planting and species rich grassland. If minded for approval we would expect to see full planting proposals and specification provided as part of a condition. The specification should be in line with British Standards and include details of planting works such as preparation, implementation, materials (i.e. soils and mulch), any protection measures that will be put in place (i.e. rabbit guards) and any management regimes (including watering schedules) to support establishment.

We also note that the Landscape and Visual chapter refers to essential mitigation methods. One recommendation is “the sensitive design of attenuation ponds to integrate these into the landscape, reduce visual intrusion and enhance visual amenity (in line with landscape, environmental design and related sustainability objectives 2 and 6)”. We would support this statement and would emphasise the need to ensure the attenuation areas provide biodiversity benefits and are sympathetic to their landscape surrounds. We stress that the ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided, where possible, or where water velocity and pipes don't allow, vegetation screening would be advised.

The management and maintenance of any landscape proposal is essential to its establishment and overall success in minimising landscape and visual impacts long-term. As part of any planting specification, we ask that where large areas of dense planting are proposed, such as the woodland planting, we would advise that rabbit-proof mesh fencing/netting is used around the planting area, rather than individual shrub shelter guards. Where shelter guards are proposed, to reduce the use of standard plastics we would expect biodegradable guards to be used. Given many of the products on the market need to be removed and composted in industrial facilities to biodegrade, we would also prefer plastic free guards where possible, as these do not necessarily have to be removed at the end of their lifespan.

Ecology: We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional details of mitigation measures for bats during the construction period are submitted prior to determination. Although it is acknowledged that potentially this could be secured by condition, albeit not considered ideal as there is a slight risk that effective mitigation measures may not be possible to deliver.

With regard to reptiles, 0.2 hectares of reptile habitat would be removed and there is a low population of slow worms and common lizards present. We are satisfied that adequate and proportionate compensation is being proposed which meets Government Standing Advice. We note that the landscaping includes the creation of a large amount of suitable and connected habitat for reptiles to compensate for the loss of 0.2ha split across four or five locations.

Subject to a condition requiring a farmland bird mitigation strategy, no objection is raised in terms of the loss of three skylark territories during the construction period. The six plots proposed to be provided within the aforementioned strategy, to be secured by condition, would provide sufficient mitigation.

Long-term management and maintenance of the ecological features should furthermore be secured by planning condition.

Trees: The Landscape and Environmental Design has included blocks of woodland planting. We concur with the Landscape consultant's view that full planting proposals and specification would need to be secured by condition, should planning permission be granted.

Historic Buildings: The Cultural Heritage Desk-Based Assessment (DBA) submitted has been undertaken using the appropriate standards and guidance. Within the 300m study area there are two historic buildings assessed to be of high value, the Grade II Listed Allens Farmhouse and the Grade II* Listed Elmstead Hall (Assets 25 and 31). In addition, the non-designated milepost within the 300m study area is considered to be of local importance but of negligible value. Within the 1 km study area there are 14 historic buildings assessed to be of high value. With a robust assessment of the impacts of the scheme and effective mitigation measures, to limit the impacts, or maximise any enhancements to the significance of the heritage assets, no objections are raised.

Archaeology: No objection subject to conditions securing a programme of archaeological and geoarchaeological investigation; the undertaking of the work agreed as part of this programme and subsequent evaluation of findings; a mitigation strategy (if appropriate); and submission of a post excavation assessment.

THE COUNCIL'S NOISE, AIR QUALITY, LIGHTING AND CLIMATE CHANGE CONSULTANTS (JACOBS) –

Noise: No objection, albeit it is noted that the only noise mitigation proposed is the use of Low Noise Road Surfacing (LNRS). Whilst attenuation from this measure has not been included in the noise modelling, it is recommended that the use of LNRS be secured by an appropriate planning condition.

Air quality: The revised submission of the construction dust assessment is appropriate for the proposed scheme. The amendments made, in light of design changes and subsequent consideration of ecological impacts, has not materially changed the outcome of the dust assessment nor the mitigation measures proposed. Mitigation measures are recommended for inclusion within a Dust Management Plan (DMP). It is recommended the DMP is a condition of this application, to be approved prior to the commencement of works.

The operational assessment (road transport emissions) is appropriate and has provided detailed appendices for specific sections of the air quality assessment. Satisfactory amendments have been made to Appendix 6.1, which now provides the clarification sought, regarding monitoring data year and site selection for verification. The proposed application is considered acceptable on air quality grounds.

Lighting: Should planning permission be granted, it is recommended a condition is included to ensure that no lighting be installed until it has been shown that mitigation can be implemented to allow bats to cross all proposed lit areas at their usual foraging height throughout the hours of darkness.

Climate change: The applicant's submitted climate change assessment follows appropriate guidance for the proposed scheme and has a net benefit in terms of emissions (without inclusion of the Garden Community scenario). Appropriate mitigation measures are recommended for the construction phase and are discussed in the Environmental Management Plan.

ELMSTEAD PARISH COUNCIL – First and foremost we wish to express our disappointment in the amount of time given to comment on this application when it has taken planners months to prepare this application, yet us as layman are expected to review within a month. It feels like our comments are not welcome, respected or will be taken into account. It furthermore feels as if the process was intentionally obstructive to local government being able to represent the public's view from an educated position.

Officer comment

The County Planning Authority has consulted in line with accordance with legislative requirements and the Council's adopted procedures.

It is very obvious from studying the lengthy documents that the real reason for the proposed link road has nothing to do with the easing of the traffic travelling through Colchester from west to east, but its construction is only for the proposed garden community. The need for the link road as a regional road has never been proven – there is simply no evidence that it is required. In addition, this planning application has been submitted at a time when the Department for Transport is reviewing its road programme and the demand for and cost-benefit of new roads due to pandemic-related changes reductions in car movements.

A link road is problematic because it will make driving too easy for residents of the garden community and will therefore increase traffic in Colchester. If the garden community does go ahead, there should only be a connector road on the A12/A120 where the park and choose hub should be located. With the promise of a rapid transit system the garden community should be connected to Colchester only by bike, foot and public transport.

Surveys: We question why Ringway Jacobs, road builders, were asked to undertake the environmental study and not an independent, specialist company. If Ringway Jacobs are the chosen road builder for this project surely this is a conflict of interest. We would ask if the correct tender process was followed, and if so, what that process was, and which other contractors were asked to take part.

Many of the surveys are stated as being desktop surveys which is very different to having a survey carried out in the field. Many of the surveys are also under the year required to effectively study wildlife. It is understandable that COVID delayed these surveys, however that is no excuse for not doing them in the correct manner. They are still essential and if not done properly the project should be delayed until completed for due diligence.

No preliminary Mineral Resource Assessment has been carried out and a more comprehensive air pollution survey should be conducted, as the greatest impacts show a major decrease in air quality throughout Elmstead, to a sufficient degree to negatively impact residents' health.

Environmental: Ancient woodland at Strawberry Grove is being decimated although in our original objections to a link road we were assured in the response that any road would not involve this. This is a designated Lowland Mixed Deciduous Woodland and destruction of areas like this are in direct conflict with national and

local policy. Net biodiversity is relatively untested to date and is regardless an inadequate response to destruction of habitat on this scale for a project there is no proven need for it.

We understand 75 metres of Turnip Lodge Lane is to be destroyed despite this being a Protected Lane (and therefore a Non-Designated Historic Asset) of high regional importance due to its historic integrity and aesthetic value. It is a historic, beautifully peaceful single-track lane enjoyed by many walkers, cyclists and horse riders. As the proposed link road will cut right across this Lane and will run close alongside the Lane for the entire length of its originally protected portion, the entire Lane and its setting will potentially be severely damaged for all users and for all time. As a Non-Designated Heritage Asset, ECC is obliged to fully assess the impact of the link road on the Lane and minimise the impact on it. The current assessment/impact minimisation undertaken by ECC cannot be seen as a full analysis as ECC only assessed the landscape impact of the link road upon the lane at a single point of its c.500 m length so does not take into account the impact of the link road on the whole lane.

We acknowledge that any hedges/trees etc that are destroyed would be replanted / replaced but it will take 15 years of growth and density to reach what is being destroyed so we can only assume that you will be planting saplings. If essential green corridors such as this are to be destroyed, replacement routes to maintain the web of habitats in the surrounding area should be established prior to any removal of existing structures. High quality agricultural land / soils will also be lost.

There is no provision proposed to shield Elmstead from the noise, light, sight and air pollution of the road, despite acknowledging there will be substantial effects from all. An earthwork berm and/or cutting such as used in the A120 would massively reduce the impact of the road on Elmstead and is a favoured solution.

There is also no mention of offsetting the carbon cost of the road construction.

Road: We note there is a service road to be constructed whilst the link road is being built. Where is this to be sited as nowhere on the plan does it show where this is to be? If this service road is to be sited to the east of the link road, therefore, nearer Elmstead we object strongly. The link road will inevitably cause wider scale damage to green corridors, hedgerows etc and cause long term damage to an area that should be a green buffer. The service road plans should be part of the planning documentation. The construction of the site is on a very tight deadline which allows very little slippage on build which could result in 24 hour working. The application does not directly say this but there is a caveat to say extra hours could be worked if needed. What assurance do we have that these will be reasonable?

What happens if the road is not completed by March 2024 the date given to obtain planning permission? Given the unusually tight timeframe, more thought should be given to precautions in case of unforeseen circumstances.

It is stated that the Rapid Transport System is not part of the planning application so what guarantees are there that this will be completed?

It is stated that there is a green corridor along the road which will reduce to 33m between Tye Road and the A133 roundabout. Why is this the smallest width of corridor nearest the village of Elmstead? What justification is there for this?

Traffic: The traffic document is an extensive list of detrimental side effects, but somehow concludes due to 'other effects' the outcome will be beneficial. The data being used in the application is from 2017. Working patterns have changed in the last year 20/21 so to ignore economic change is reckless and irresponsible. Brexit has also had an impact on employment and commute patterns, therefore, why do we now need a major new road?

The application quotes "Ultimately, the RTS will play a key role in intercepting and reducing traffic which would otherwise travel into the town. Commuters travelling from Tendring will be able to access the RTS services from the new Link Road/A133 corridor, while residents of the Garden Community, as well as other nearby areas, will be able to easily access the services without using a car." This would indicate that residents from the Tendring area will use the A133 as well as the A120 to get on to the link road, depending where they live in Tendring. This will result in more traffic going through the village of Elmstead which is not acceptable. Elmstead does not have the capacity to accommodate more traffic than it already does as the village sits on both sides of the A133 without controlled crossings and junction changes to enable both sides of the village to be accessed easily. When residents live in the garden community there will be an increase in the volume of traffic on local roads as the infrastructure of schools, healthcare, shops etc will not be in place – there has to be a trigger of 4500 homes to build a school and health services so potentially this could be year 18 of a 30 year build.

There is no provision made regarding horses in the rights of way/underpass, despite the link road severing bridlepaths.

Conclusion: There is plenty more we could object to but have just highlighted a selection of points to demonstrate the impact this road will have on the village of Elmstead Market particularly and the surrounding villages and countryside. Residents are going to be forced to suffer air, noise and light pollution and a loss of privacy as a result of the construction and operation of this rising road. This has, is and will continue to have a detrimental impact on their health and wellbeing. They will have to wait 15 years in order to gain any protection from planting mitigation as mature hedging and tree are being replaced with saplings. It is unacceptable that any residents should suffer financially, mentally and physically in this way.

We note that Government WebTag documentation is very clear that there are principles that must be followed. In particular, there must be a clear rationale for any proposal and it must be based on a clear presentation of problems and challenges that establish the 'need' for a project.

There must be consideration of genuine, discrete options, and not an assessment of a previously selected option against some clearly inferior alternatives. A range of solutions should be considered across networks and modes. We do not feel this has been done. A link road was decided on and five routes presented. The public were not presented with:

1. Do-nothing

2. Access road at the north of the 'garden community' to connect into the strategic network, with only public transport, walking and cycling access to Colchester, the University, Wivenhoe and Elmstead Market.

In addition, there has never been any evidence, starting with the Housing Infrastructure Fund bid that precipitated this project, that there is any regional need or rationale for the link road. This planning application therefore fails against the WebTag methodology because it has not considered, or presented the public with, 2 key options.

ARDLEIGH PARISH COUNCIL – No comments received.

GREAT BROMLEY PARISH COUNCIL – No comments received.

WIVENHOE TOWN COUNCIL – Do not support this application because we have never been presented with evidence that it is justified in a regional road capacity context and there are more relevant projects (e.g. improvements to the A120) that should be prioritised. The application ignores all current government reviews on road building and will not aid the modal shift local authorities are committed to achieving. The application does not comply with national or local policy and contradicts the Climate Emergency Declaration made by Colchester Borough Council and Tendring District Council and the goals of the Essex Climate Action Commission.

The link road is unwanted and unnecessary, as well as being environmentally devastating. The application has large gaps in its evidence base and the conclusions made don't bear scrutiny.

Questions are raised as to the ability of officers and Councillors to decide without predetermination given the HIF funding and the conditions attached to this. To present to the public than an independent and fair assessment of the application is to happen, we would insist that ECC investigate a time extension to the HIF bid conditions. This would allow any assessment of the roads merits to be considered alongside an up-to-date DPD. Additionally, the link road only represents one half of the proposed transport solution for the garden community – detailed proposals for the RTS should be assessed alongside it. As the only current benefit of the road is the supply of houses, we would propose that the scheme needs to be reworked to provide a restricted service road from the development into Colchester and not a through route that will promote easy car use over public transport. The road shouldn't permit through traffic from the A133 to the A120 as this will only encourage car dependency. Free access across the site will undermine the commitment towards the modal shift.

Due to the extensive nature of the application and the limited time to respond, we are unable to list in detail all the areas where this application fails to comply with policy. However, a simple and unacceptable example of this is that the application is not being submitted with an approved, current, or workable development plan. Reference to the 2017 issues and options plan should be dismissed as this plan has been rejected, does not relate to the current proposed location of the link road, and shows a RTS route that has never been consulted on by the applicant and is not one that is currently being considered.

This is even more pertinent as the reports on traffic modelling for the new road are skewed by an unrealistic modal shift associated with an unproven RTS. Working alongside local transport representatives, we do not believe there is a route (even with additional priority measures added), that will render any RTS route a quicker alternative to the car. However, if there is evidence to contradict this assessment it needs to be presented alongside this application.

Cultural heritage: Significant impact on 124 cultural heritage elements have been identified. 22 archaeological remains have also been identified, although this could just be a fraction of what may be destroyed once construction starts. Not only are the value of these remains unknown, their discovery has the potential to cripple the unachievable time scales set in the HIF funding agreement. This is an unrealistic risk to the project's viability.

Air quality, noise and vibration, light pollution, human health and visual impact on the landscape: No evidence-based consideration of the impact of the link road on air quality in the garden community has been submitted. However, we are horrified to learn that the construction phase alone will produce a minimum of 14,804 tons of CO₂. Although there is currently no data for air quality within the site, it is totally reasonable to assume a dual carriageway, with an adjacent, or bisected, new town of up to 9000 homes will generate a significant rise in pollution from nitrogen dioxide, particulate pollution (like silt, fuels, salt, and heavy metals) which will lead to an unacceptable risk from air pollution to the new community and potentially those surrounding it. There is also insufficient evidence to assess the impact on the four AQMAs in Colchester. As the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refer to air pollution as one of the considerations to be addressed in planning applications we submit that this application fails to do that.

We note that light, noise, and vibration created by the scheme will be detrimental to all living things. We also do not feel that the impact on the landscape has been fully explored or mitigated against. For instance, the road could be submerged into the landscape along most of its length. Providing visual and noise mitigation. Additionally, there is no reference to visual and noise screening of the overall development from the A133 and A120. As planting mitigation takes so long to establish and provide any benefit, even without a masterplan, this work should be included in the first phase of any work that takes place on this site.

Water quality, flood risk and drainage: Sixpenny Brook, Tenpenny Brook and Salary Brook (that all discharge into the River Colne) and will all be affected by the movement of contaminated soil and road run off both during and after the construction phase. The environmental report does not examine the impact of development on the nearby Ardleigh reservoir and its ecology.

Traffic and transport: Traffic modelling reports are unrealistic, and we feel are deliberately confusing in order to obfuscate. For instance, no tolerance has been added for additional usage due to 'induced traffic'. Flawed data and illogical assumptions do not lead to independent decision making. The Greenhouse Gas Emissions estimates submitted with this application defy any logic in parts. In the 'do-minimum' option, greenhouse gases will be almost the same as when a new

dual carriageway is built, and again when 20,000 cars arrive with the new town. This type of evidence being submitted undermines the credibility of the whole application.

ECC's current Transport Strategy states its' aim as to 'Reduce carbon dioxide emissions and improve air quality through lifestyle changes, innovation and technology'. We cannot therefore understand why the solution would be to spend £100million on a road and RTS based on a diesel bus.

One justification for the new road is that it will relieve congestion in the town centre, yet evidence has still not been made available to demonstrate that a modal shift will work, and people will use the RTS.

Geology, soils and minerals: National protection of valued resources such as sand and gravel have been ignored and no surveys have yet been done on geology, soils and minerals. The exception is the extraction of gravel to create borrow pits – their purpose being to dewater the ground to make it easier to tarmac. Notwithstanding concerns raised about the borrow pits, the location of these to the east of the road is opposed as accordingly they will provide no value for the garden community.

Environmental impact: Survey data is based on too few visits and not at times of the day when nocturnal/crepuscular species would have been more obvious. The presence of barn owls is a clear omission to the recordings as they are known to be present on site. The bat count is predictably low given the limited number of visits.

The rural area, whilst rich in farmland and mature hedge borne wildlife, is not a recognised wildlife venue as single-track roads prevent safe passage. However, it has been and continues to be an important area for wintering finches and bunting. Hedgerows are abundant with these species. The report mentions loss of habitat for key species but does not mention the truncation of several natural wildlife corridors which enable land-based wildlife to commute between habitats. Biodiversity Net Gain is a doomed attempt to reconcile nature and economic growth.

Biodiversity: The truncation of mature hedgerows at multiple intersections effectively destroys terrestrial wildlife corridors for safe passage and disaffects the continuity of the ecosystem applicable to such networks of mature hedges. Such critical degradation would effectively be a tipping point for many species which would amount to extinction from the area. It is highly unlikely that the natural resource has been identified and secured which would offset this impact; although we remain open to, and would be willing to expertly scrutinise, any evidence to the contrary.

The government's planning rules allow loss of irreplaceable habitat for "wholly exceptional reasons" such as for "nationally significant infrastructure projects", this application cannot however be classified in that way. We do not support in any way that the loss of elements like ancient woodland in Strawberry Grove can be 'offset' by planting a few saplings and grass seed.

We do not believe there is a place for half measures such as offsetting and net gain. Habitat restoration and creation is not best secured by allowing tradable destruction of habitats elsewhere.

Climate change: Electric vehicles (which are not even proposed for the RTS) have little or no improvement in their carbon footprint over fuel-powered vehicles; because the electricity needed to charge them is generated by burning fossil fuels (this is well documented), but the pollution from particulates other than fuel are the same. The proposed link road and associated RTS have been planned with no apparent integration of lighter grade networks for individual electric vehicles such as scooters/mobility vehicles which are now affordable for the majority and surely a quicker mode of independent transport for commutes of six miles or less.

Layout of the road and site specifics: We do not support the proposal to terminate Tye Road on the eastern side of the link road. The road currently provides important access across this site and is well used by cyclist and pedestrians as a route around a valued and rare example of a particular type of rural Essex landscape.

We believe the lack of a pedestrian crossing across the road at the Allen roundabout and the elongated diversion to the PRow here is counterintuitive to human behaviour. The location of the proposed Park and Choose should not be left until a later stage. The masterplanning and the road layout should be done simultaneously. We support the suggestion made by Colchester Cycle Campaign for a time phased one way system and bus gate on the junction with A133.

In terms of construction, the A120 overbridge superstructure will necessitate the total closure of both sides of the road. A commitment to keeping the A120 open with all lanes must be considered, during peak hours. The proposed 5 borrow pits will be filled with 540k m³ tonnes of soil for the road. There could be an issue here with natural springs, causing a massive environmental disaster. There's no report of a detailed plan of potential results.

Other queries:

Appointment of contractor

- 1) Did the appointment of Ringway Jacobs follow the correct tender process?
- 2) If so, what was this?
- 3) Which other contractors were asked to take part?
- 4) Does the production of the environmental study by the road builder (Ringway Jacobs) not present a direct conflict of interest?
- 5) Why was an independent consultant not used?

COVID-19

- 1) What consideration has been given to the changes in economy, employment trends and commute patterns due to COVID 19?

Other infrastructure

- 1) Given that the upgrading of the A120 is part of the list in section 1 policy of essential infrastructure that needs to be secured before the new town can proceed; what impact does this have on the timescales set out in the HIF funding agreement

in terms of housing delivery?

2) What consideration was given to the phasing of other infrastructure delivery in the Jacobs traffic modelling reports? For instance, the trigger point for delivery of a secondary school is 4,500 homes. Therefore, with a build out rate of no more than 250 a year, all students will have to commute out of the settlement until, at a minimum of, year 18 of the build.

WIVENHOE SOCIETY (comments received albeit not directly consulted) – Object. The proposed design seems designed to provide an alignment that could be incorporated into a future Colchester Southern Bypass. The southern roundabout connecting with the A133 appears to be positioned so that an extension of the road can pass across the triangle of land bounded by the B1027, the A133, and Elmstead Road, and then through the fields between Wivenhoe and the University of Essex campus at Wivenhoe Park, as was intended when the southern bypass was proposed. The triangle of land is included as part of the Garden Community, a point that has always seemed strange, since it is cut off from the rest by the A133.

The existing junction between the B1027 and A133, sited to the west of the proposed link road, has very limited provision for traffic proceeding northbound from the B1027 and then east towards Elmstead Market. This is because that direction currently sees much less traffic than to the west towards Colchester. However, the proposed link road will change the traffic flows because many drivers will access the A12 towards Chelmsford by taking the link road and the A120 rather than driving across Colchester. The existing B1027/A133 junction will not be able to accommodate the traffic proceeding to the link road and the A120 from the B1027 northbound, because the signalled turn from the westbound to the eastbound A133 carriageway at this junction can accommodate only a few small vehicles or one large vehicle waiting for a green signal aspect. Greater numbers of vehicles will tail back onto the westbound carriageway, causing a safety hazard and/or obstruction to traffic heading west. Rather than leave this problem to materialise when the link road is built, it would be better to resolve it now as part of the design.

The design of the link road as a dual carriageway does not seem remotely justified. In the documents presented to ECC on 26 May 2020, the road was proposed as a '50mph dual carriageway'. No intermediate junctions were shown at that time, and it appeared that intermediate junctions might be grade separated (otherwise 50mph would not be possible). The current proposal is better, in the sense that it now realistically shows flat junctions at two intermediate points but access in and out of the garden community development does not require a 2.5km urban motorway style road, which can be traversed from one end to the other in a few minutes. A road something like the Via Urbanis Romanae in Colchester would be perfectly reasonable. The two intermediate flat roundabouts mean that the road has three short sections of dual carriageway, which will not be traversable at speed. In any case, there is no need for speed given the short distance along the link – at 30mph the entire distance could be covered in 3 minutes, or slightly more, allowing time to traverse the intermediate roundabouts and signalled crossings. A single carriageway road would not divide the community in two as much as a dual carriageway. However, positioning the road along the edge of the development would avoid dividing the community, requiring a junction with the A133 further east, nearer to Elmstead Market. In short, the proposed road needs rethinking.

The proposed link road cuts the Garden Community in two (not evenly, there is much more land to the west of the road). Since the dual carriageway will be a major linear obstacle with only a few crossing points at or near the intermediate roundabouts, it hardly seems consistent with the idea of the development as a 'community'. Indeed, perhaps the location of the road will segregate the 'community' into two parts by design, making it possible to provide a social housing area separated from the more expensive properties.

LOCAL MEMBER – TENDRING – TENDRING RURAL WEST – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – WIVENHOE ST ANDREW – The application is premature in relation to the masterplanning for the development site, most notably the lack of a complete Development Plan Document (DPD). Such significant infrastructure planning needs to go hand-in-hand with the development masterplan. Colchester Borough Council is the lead authority responsible for the DPDs. Consequently, I suggest that ECC as lead-authority on the successful £99 million HIF bid, requests from central government an extension to the time period drawing down on this bid funding. Lastly, further focus needs to be given to greening this significant piece of infrastructure. Currently, the plans do not meet the government's latest environmental commitments of sustainable infrastructure.

6. REPRESENTATIONS

This application was advertised by way of site notice and press advert. 75 properties were also directly notified of the application. 26 representations have been received. These relates to planning issues, summarised as follows:

Observation

Many sections of the application form have not been completed or disclosed. Section 3 should disclose that major site investigation works have already taken place.

Concern about the imposition of 9,000 homes and the so called 'garden community' planned for the area between the Greenstead Estate in Colchester and Elmstead and the link road between the A133 and the A120.

Comment

Officers are content that the application form has been completed to a sufficient level to enable validation. The development to which this planning application relates has not commenced and therefore the applicant ticking no to the corresponding box within Section 3 is correct. Whilst preliminary site investigations have taken place this is not a marker for commencement of a specific development.

Whilst this development seeks to support the planned garden community, this application is just for a link road between the A120 and A133. The actual application(s) for development of the garden community will be considered separately by Colchester and Tendring Council's.

The road would cross a working farm, be near protected wildlife areas, listed buildings and ancient woodland.

See appraisal.

Whilst traffic along the A133 is often at a standstill and a road would alleviate this to some extent, as a standalone objective, the eventual outcome of so many more homes with cars accessing it will not.

See appraisal.

I feel sure that planning for the road is already well underway so my objections will go unheard, and the road will be built no matter what.

All representations submitted are reviewed and formally appraised through the planning application process. Whilst the garden community forms an allocation within Section 1 of Local Plan, there is no guarantee that planning permission will be granted for proposals coming forward in respect of that designation.

Ringway Jacobs appear to be the 'responsible party' for almost all aspects of the build with no accountability to a higher authority in terms of time or specification.

Jacobs are the planning agent acting on behalf of the applicant (ECC). The application is being assessed/determined by ECC in its capacity as County Planning Authority. Jacobs, as a company, are also the County Planning Authority's noise, air quality, lighting and climate change consultants and have been consulted on the application. However, different members of staff were involved in the review undertaken on behalf of the CPA to those involved in putting the application together for ECC as applicant. For the avoidance of doubt, Jacobs are not in any way involved in the final decision-making process. Without prejudice, should planning permission be granted, the project would also be tendered to the open market for appointment of a contractor to build out the development.

This is called a link road but it doesn't link anything.

The road links the A120 to the A133.

A dual carriageway is totally inappropriate and will increase traffic levels between these two roads which will ultimately route additional traffic

See appraisal.

through Elmstead as traffic seeks short cuts to other villages east of Colchester.

The proposal will increase pollution, specifically increasing carbon dioxide and nitrogen oxide, in an area that is currently rural and agricultural. It will also significantly increase both noise pollution and light pollution.

See appraisal.

It will destroy valuable ancient woodlands and wildlife habitats and corridors for many birds and mammals including Bat, fox, badger, deer, buzzard, kestrel, red kite and many other birds in at risk categories. No amount of mitigation can realistically offset the massive impact. Animal roadkill is also likely to be an additional long-term issue.

See appraisal.

The road goes against national and local policies and is against both Colchester and Tendring's declared climate emergencies. It appears that the only purpose of this road is to enable construction of a garden community which in itself is controversial.

See appraisal.

On balance, support the creation of the link road. With any luck, it will reduce traffic in the Tesco Hythe area, as it will allow traffic to reroute away from the small town roads that they currently don't have an alternative for. However, given there is going to be a new town there (which I definitely do not support), this road must be built before the housing - otherwise there will be little option for the residents of this new estate to use the existing infrastructure, which isn't up for the job. To be honest, it's a shame this road isn't extended over the river all the way around to Marks Tey, thus giving residents a real choice to drive around Colchester and not through it.

Noted and see appraisal.

At a time when the climate emergency is very real, we should not be encouraging more cars on to the road and therefore

See appraisal.

more polluting fossil fuels. The easier and more convenient it is for people to drive the more this will happen.

The most worrying effect of this road to the people of Colchester and living in the areas nearby is the potential of even higher air pollution in a town already seeing high air pollution levels directly impacting residents health. Building new roads is not sending the right message. People need to be encouraged to change their ways by working locally, cycling or taking public transport...we need to focus on making these the easy and convenient options.

See appraisal.

This is not a well-thought through plan and will not result in less traffic or better traffic management. Colchester needs forward-thinking, innovative and brave solutions to how we travel in and out and around our town.

See appraisal.

What part in a climate emergency does a new road play? More vehicular traffic, more pollution and illness, more destruction of the environment and loss of biodiversity. There is no need for another road on a dead planet!

See appraisal.

Investment would be more wisely invested in public services, health and the environment.

Noted.

Building this road and providing more motor vehicle capacity will induce more people to drive due to more convenient routes. As the majority of energy for the production and usage of motor vehicles comes from sources that emit greenhouse gases, this increased motor traffic will have a negative impact on the planet's climate. Motor vehicles also produce polluting gases and particles that will negative impact the health and life of residents in and near Colchester, including those that do not make use of the road, and those who are doing their best to avoid having a negative climate impact.

See appraisal.

Instead of building this unnecessary road for private motor traffic, government money should be spent on alternative measures to aid transport east of Colchester, including safe and direct segregated cycle routes to Elmstead Market, Wivenhoe, Ardleigh, and other nearby towns and villages. Bus routes should also be provided that serve people in those areas.

Noted.

I see no benefit to the link road other than to help increase motor traffic levels on yet another bypass which will not improve traffic levels, congestion or pollution levels as all previous bypasses have failed to do. It comes to no surprise whatsoever to see the level of driving gone up over 3 billion in Essex when you see the ever-repeating road building and expansion to relieve congestion rather than investment in better quality or improved walking and cycling infrastructure.

See appraisal.

The proposals impede those who walk and cycle, including yet more substandard shared paths that do not meet the requirement of the Equality Act or the new LTN1/20 Cycling Infrastructure Standards. The link road also goes against the Governments own plans 'Gear Change' to improve walking and cycling and cut the level of motor traffic. This whole design needs to be completely redesigned with an impetus walking and cycling.

See appraisal.

There is an unproven need for a road of this scale to access a single housing development, especially given concerns over climate change, air quality and the need to reduce car use to enable and encourage healthier lifestyles.

See appraisal.

All new UK roads have led to an increase in motor traffic (with the possible exception of the M180 between Thorne and Broughton in Lincolnshire). I have severe reservations about the

Noted.

figures produced concerning traffic generation on the A133 through Colchester and associated air quality.

I doubt the effectiveness of the associated Rapid Transit System in assisting modal change. Its success will depend on its cheapness of use and its reliability. A 10min frequency will require the closure of Brook Street to through traffic as well as the reinstatement of a two-way High Street; while I have no objection to those two changes, I doubt whether our politicians have the courage and determination to see it through, which will mean that the RTS will be effectively stillborn.

Noted and see appraisal.

A radical option for a road to access the Salary Brook development exists but has not been given proper consideration. It will instantly control traffic growth and ensure the viability of the RTS. The green cordon could be in place 24/7 or timed to avoid creating extra motor traffic at peak times. Money will be saved as a dual carriageway will no longer be needed: a single track road will do. The Salary Brook estate should have no other entrances/exits into the local road network. This option should at least be modelled before a decision is made.

See appraisal.

The link road as it stands is completely inadequate in detail to have any confidence that there will be a safe alternative to use of motor transport. Although there is provision of one cycle lane, there is no indication of any crossings to access it or to leave it and similarly no indication of it being joined up to anything that is safe and adequate. Reference in support of this is made to LTN 1/20 Cycle infrastructure design.

See appraisal.

Air pollution in Colchester exceeds legal levels in several areas and plans have been created in an attempt to ensure improvements. Fundamental to this is

See appraisal.

reducing road traffic and encouraging alternative choices including cycling and walking to improve the health of the population and reduce the reliance on motor transport.

Whilst accepting there is pressure to accommodate more people in Colchester, this should not be done to the detriment of the health of those all who already live here.

See appraisal.

The role of the planning department should be more than just accommodating more people and fulfilling quotas. More attention needs to be paid to public health measure and this involves promotion of clean air, clean water and an environment where it is safe to exercise without being intimidated or killed or maimed by fast moving traffic. Giving people alternatives to encourage active transport requires detailed well thought through road schemes with appropriate segregation.

See appraisal.

The time given between the validation date and consultation end has been insufficient to plough through the vast amount of documentation linked to this application.

The application was advertised and consulted on in accordance with relevant legislation. The length of the consultation period is derived from the aforementioned and not specifically set by ECC.

Noise and light pollution.

See appraisal.

Landscape impact.

See appraisal.

Disruption during construction.

See appraisal.

Loss of probable ancient woodland at Strawberry Grove as well as damage to established hedgerows both of which impact habitat for species including rare/protected species such as dormice, bats and badgers all of which have been evidenced in the area.

See appraisal.

<p>The construction phase total emissions would be 14,804tCO₂e. Operations phase emissions are stated to be GHG Emissions (tCO₂e) 13,518. And by 2041 with traffic 200,00tCO_e.</p>	<p>See appraisal.</p>
<p>The Greenhouse Gas Emissions design year figures submitted with the planning application cannot be correct.</p>	<p>See appraisal.</p>
<p>I'm not convinced the local infrastructure can cope with the 9000 houses this road is meant to support. Colchester can barely cope with the traffic levels now.</p>	<p>Consideration of the transport impact associated with the residential properties and other uses proposed as part of the garden community will be considered as part of the planning applications submitted in due course for these uses.</p>
<p>Any such road should be restricted to electric vehicles along with charging infrastructure to reduce the environmental impact on the surrounding countryside. Every house in the new development should also have EV charging as part of the planning approval.</p>	<p>Noted.</p>
<p>How much longer are the driving public going to have to put up with the flooding along Haven Way at the Hythe?</p>	<p>Comment does not directly relate to this proposal.</p>
<p>We would expect to be compensated for the impact the dual carriageway will have on the enjoyment of our home, living within a building site for the next forty years, the effect this has and will continue to have on our mental and physical health and the decrease in value that our property will suffer.</p>	<p>Any claim for planning blight under the Town and Country Planning Act 1990 or for compensation under the Land Compensation Act 1973 would be made to ECC as applicant/developer, separate to the terms of any planning permission granted.</p>
<p>The Cultural Heritage Desk-Based Study ignores the finds at Fenn Farm (ECCFAU 2008 etal) and Lufkins which were only found when agricultural reservoirs were planned. The Study is also not based on any field-walk or excavation to ascertain the archaeology; and gets local history incorrect. Local information and surveys seem to have been ignored.</p>	<p>See appraisal.</p>

<p>This application should be turned down until we have a Government incentive for (a) a joined up transport system and (b) a nationalised housing scheme.</p>	<p>Noted.</p>
<p>There are no proposals for increasing public transport provision or improve railway connections.</p>	<p>Noted, albeit not considered that the comment specifically relates to the proposal.</p>
<p>Just get on with it.</p>	<p>Noted.</p>
<p>A recent Essex County Council report made in response to objections to the link road by residents, signed and agreed by Councillor Wagland, states that the impact of housing in the Tendring and Colchester Borders Garden Community "is a separate question to the impact of the road. The housing is likely to be provided even if the road is not built". This is a clear admission that there is no justification or requirement for the provision of the link road, which in any case conflicts with the stated garden community aims of achieving a modal shift to sustainable means of travel and discouragement of car use.</p>	<p>Noted.</p>
<p>Since the original deadline for comments on this application, the severity of the climate change emergency has become much more apparent and the urgent need to take more drastic action to combat it in a shorter timeframe than previously envisioned has been recognized worldwide. In these circumstances it would be both unjustifiable and irresponsible if this unnecessary and environmentally damaging link road were to be approved and built.</p>	<p>See appraisal.</p>
<p>Request made that the temporary access road which links Tye Road to the access drive for Allens Farm be made a permanent feature of the proposals.</p>	<p>This request was incorporated into the project design as part of the revised/updated submission in August 2021.</p>
<p>Request made for an earth bund to be constructed to the east of the access road from Tye Road to Allens Farm for</p>	<p>This request has not been taken forward within the proposals. See appraisal for assessment of noise and visual impact</p>

additional noise and visual mitigation.

Confirmation is sought that the connection to the Anaerobic Digestion plant at Allens Farm is hard surfaced and capable of receiving HGVs.

Concerns with regard to drainage attenuation and proposed use of local ditches.

Elmstead Road will become a rat run which it is completely unsuitable for. Elmstead Road should be closed at its junction with the Brightlingsea Road (B1027).

Existing field drainage will be severed and will have to be replaced. Field irrigation rigs are also likely to be affected and accordingly re-designed.

Some gaps in the central reservation on the A133 are proposed to be closed. The gaps opposite Elmstead Road, Blossomwood Farm, Tye Farm, Fen Farm, Park Farm and Carpenters Lane should remain open from an agricultural perspective.

All field access must be retained or replaced.

Concerns over the impact of the high-level lighting on the roundabouts.

Concerns over the impact of the proposed use of the Ardleigh Services' site as the main access for construction traffic.

and proposed mitigation.

An equivalent length of maintained highway is proposed in comparison to existing. The length of maintained highway proposed does not connect to the entrance to the AD plant however it does connect to an area which as existing is used for HGV circulation.

See appraisal.

Noted. The gap in the central reservation in the A133 at Elmstead Road would be closed. However, no measures are proposed at the junction with the B1027 as part of the scheme. Potential does nevertheless exist, as suggested by the applicant, for a Traffic Regulation Order to be placed on Elmstead Road if this subsequently is identified as needed.

See appraisal.

The gap opposite Elmstead Road is proposed to be closed up, as are two of the three gaps near Park Farm. To access the A133 eastbound, vehicles would need to go around the new proposed roundabout.

Noted.

See appraisal.

The existing access to Ardleigh Services is proposed to be utilised as an initial site access. Whilst this would likely impact on operations as the site would have a dual use, for a temporary period,

it is understood that during the complete construction period the site would be able to stay open and operate – albeit potentially not at full capacity.

The proposed new access to Ardleigh Services is uncomfortably long and indirect for users and as a slip back onto the A120. See appraisal.

Impact on the viability of Ardleigh Services. See appraisal.

The proposed access arrangement for Ardleigh Services is unworkable. See appraisal.

The proposed design of the project has significant environmental and other impacts which are unnecessary (in that the link road could and should be delivered without them). The cost and environmental impact of the access arrangements is only necessary because Ardleigh Services is proposed to remain where it is. See appraisal.

The HIF is not justification for the compromises in terms of conflict with the Local Plan and the overall sustainability of the development. Alternative funding should be explored or at least an extension requested to the HIF. See appraisal.

The application is silent on the potential consequence of Ardleigh Services closing. Noted.

There are genuine shortcomings in the proposal arising from the decision to design and build ahead of the masterplanning process. See appraisal.

The proposal fails to deliver any prior extraction of sand and gravel. See appraisal.

The project requires significant quantities of infill material but details on where and how this will be sourced are limited. See appraisal.

<p>This proposal may benefit from being called-in by the Secretary of State for determination.</p>	<p>Noted.</p>
<p>National Highways has concerns about the proposed departures from standard.</p>	<p>See consultation section of the report.</p>
<p>Some of the plans do not show a fence or any drainage between the two-way slip road serving the dual purpose of access to Ardeigh Services, and entry to the westbound carriageway of the A120, and the westbound carriageway itself.</p>	<p>Noted.</p>
<p>The assessment of alternatives within the Environment Statement is not robust.</p>	<p>See appraisal.</p>
<p>We note Ringway Jacobs are the named agent on the application and prepared the Environmental Statement. We would be grateful therefore if you could confirm in what capacity they have been consulted by the planning department?</p>	<p>Jacobs are the planning agent acting on behalf of the applicant (ECC). The application is being assessed/determined by ECC in its capacity as County Planning Authority. Jacobs, as a company, are also the County Planning Authority's noise, air quality, lighting and climate change consultants and have been consulted on the application. However, different members of staff were involved in the review undertaken on behalf of the CPA to those involved in putting the application together for ECC as applicant. For the avoidance of doubt, Jacobs are not in any way involved in the final decision making process. Without prejudice, should planning permission be granted, the project would also be tendered to the open market for appointment of a contractor to build out the development.</p>
<p>Has the Environmental Statement been independently assessed by an environmental consultancy?</p>	<p>No</p>
<p>A field access off the spur road to the waste transfer station should be incorporated within the proposals.</p>	<p>This request was incorporated into the project as part of the revised/updated submission in August 2021.</p>

The spur road to the waste transfer station seems excess for its use/purpose. See appraisal.

Concerns about the location of borrow pit 5. Noted.

Comments received from Essex's Quality Review Panel have not been properly considered and/or adequately responded to. See appraisal.

It is clear from the concerns raised by the EQRP that a full review of the design of the Link Road should have been undertaken and a revised scheme reported back to EQRP before the application was submitted. The Applicant's response was simply to submit an Indicative Landscape and Environmental Design Plan and insert a table of Landscape, Environmental Design and Related Sustainability Objectives and Principles (Table 2.1) into the Environmental Management Plan (EMP) as part of the application.

The applicant clearly seems landscaping as a form of mitigation rather than leading the design intent. Noted.

Considered that the landscaping should have taken the form of a design code, especially as detailed design of the landscape is being treated more like a reserved matter. See appraisal.

COVID restrictions are not an excuse for not undertaking on-site surveys. Noted.

Regulation 25 requests for additional information rating to alternatives; surveys and baseline data; archaeology; significance of heritage assets; biodiversity and flood risk should be made. Noted.

The lack of measured baseline noise data is a fundamental issue that undermines the whole Noise Impact Assessment. If the wrong locations have See appraisal.

been used, then the noise levels should be properly tested at the correct locations. The impact from noise from this proposal goes to the heart of the design, the mitigation and the landscaping of the Link Road. If this is all based on incorrect predictions, then the whole scheme will fail. There is also no mention of potential impacts from vehicles using the new road to the waste transfer station.

Air quality monitoring should have been undertaken for significantly longer than two months. See appraisal.

Impact on/to Turnip Lodge Lane as a protected lane. The impact of the proposal on the full stretch of the Lane has not been assessed. See appraisal.

A revised route for the link road could have reduced the impact on Turnip Lodge Lane or at least offered the opportunity for more mitigation. See appraisal.

Why does the link road have to be elevated? See appraisal.

Tree densities within the linear belts between the WCH and the link road need to be the highest possible. See appraisal.

The design and landscaping around proposed attenuation ponds should be reviewed to ensure these achieve best results all round. See appraisal.

Concerns about viewpoint 12 and this accurately representing views of/from the whole of Turnip Lodge Lane. Impacts are therefore underplayed and required mitigation missed. Noted and see appraisal.

The proposed location of attenuation pond 2 requires the removal of a significant length of hedgerow, when moving this a short distance would allow this to be retained. Attenuation pond 2 has been moved to the east side of the link road as part of the revised/updated submission in August 2021.

<p>Stopping up of vehicular traffic to Turnip Lodge Lane should happen very early in the construction programme.</p>	<p>See appraisal.</p>
<p>Why is ECC applicant and determining authority? Surely there must be a conflict of interest.</p>	<p>Regulation 3 of the Town & Country Planning General Regulations 1992 allows for an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, to be determined by the authority concerned.</p>
<p>Request made that the installation of hoardings as screening be considered as mitigation for more properties in close proximity to the development.</p>	<p>See appraisal.</p>
<p>Could it be confirmed is low noise road surfacing will be used across the whole scheme?</p>	<p>Low noise road surfacing is proposed to be used on the entire length of the link road.</p>
<p>Some landscaping should be planned to be undertaken at the start of construction works.</p>	<p>See appraisal.</p>
<p>The Department for Transport is reviewing its road programme due to pandemic-related changes in the demand for, and cost-benefit of, new roads. Why are ECC therefore pressing ahead with this proposal?</p>	<p>Noted.</p>
<p>Instead of a dual carriageway, consideration should instead be given to creating a connector road onto the strategic network (A12/A120) and preventing cars from leaving the south of the garden community.</p>	<p>See appraisal.</p>
<p>It is perverse and unreasonable to declare a climate emergency and yet add extra carbon and reject zero carbon options.</p>	<p>See appraisal.</p>
<p>There is a lack of evidence-based consideration of the impact of the A120-A133 link road on air quality in the garden community.</p>	<p>See appraisal.</p>

There is a lack of robust, evidence-based consideration given to induced traffic (more colloquially, “new roads generate new traffic”). This lack of consideration produces exaggerated estimates of benefits e.g. time savings and reduced congestion and underestimates of environmental disbenefits e.g. carbon emissions and air pollution (NOx, CO and PM2.5).

See appraisal.

This planning application fails Government’s WebTag methodology.

Noted.

It is inconceivable that the modelling submitted finds that the garden community does not add to congestion in Colchester. The conclusion that the impact on the strategic network is limited, due to the rapid transit system, and that the network is will be able to cope also seems open to challenge, particularly in terms of Junction 29 of the A12 and generally the A120.

See appraisal.

The proposal is contrary to policy or guidance in the Treasury Green Book. Treasury guidance requires optimism bias/contingency of around 44% for infrastructure projects of this type. The contingency for this project, according to a report prepared for Essex County Council last year, is only 17%.

Noted.

The proposal is contrary to the Climate Change Act 2008 (as amended), Clean Air Strategy, Clean Growth Strategy, 25 Year Environment Plan, Sixth Carbon Budget, Essex Transport Plan 2011, Essex County Council Climate Action Commission, Colchester Borough Council’s Climate Emergency Declaration and Tendring Borough Council’s Climate Emergency Declaration.

See appraisal.

Unacceptable financial risk to taxpayers taken in respect of the terms agreed for the HIF funding. The project is already

Noted.

reliant on additional developer contributions as the HIF wouldn't cover the construction costs.

Loss of Grade 1 agricultural land. See appraisal.

Impacts can not simply be offset by reference to 'net biodiversity gain'. See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development and Alternatives
- B. Highway Design
- C. Landscape and Ecology
- D. Geology and Soils
- E. Heritage
- F. Amenity (including noise and vibration, air quality and lighting)
- G. Human Health
- H. Flood Risk and Drainage
- I. Climate Change
- J. Public Sector Equality Duty and Human Rights

A PRINCIPLE OF DEVELOPMENT AND ALTERNATIVES

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

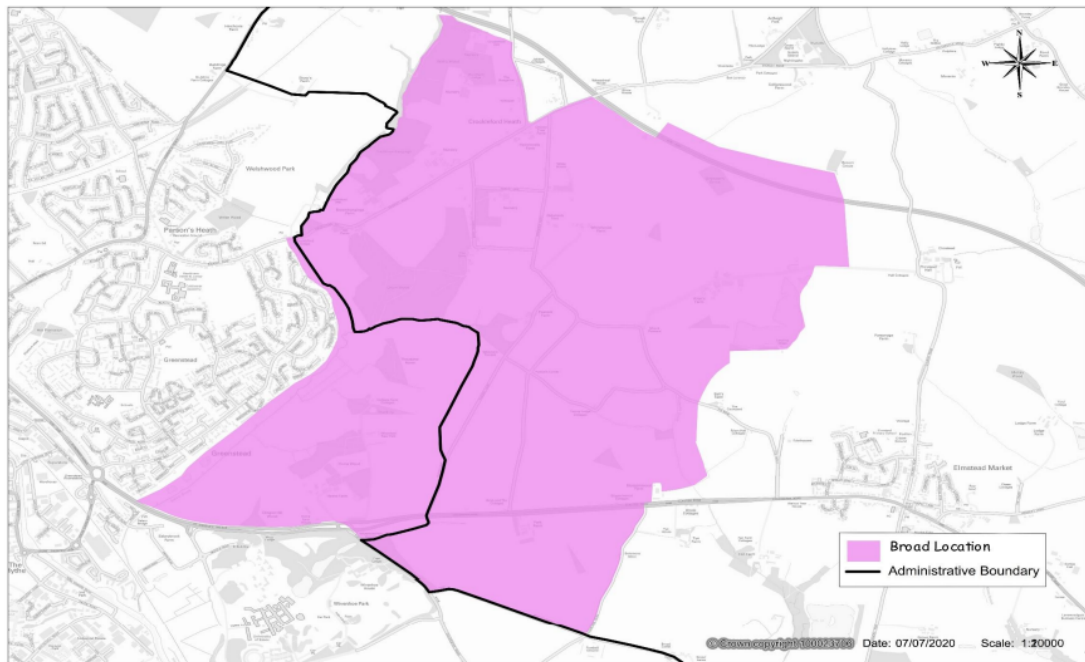
Specifically, in terms of transport, paragraph 104 details that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- 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.

Policy SP3 of Section 1 of the North Essex Authorities Local Plan, confirms that as part of the sustainable strategy for growth, the Tendring Colchester Borders Garden Community (TCBGC) will be developed and delivered at the broad location shown below.

Map 10.2 from Section 1 of the North Essex Authorities Local Plan



The TCBGC is planned to provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will also be delivered as part of the TCBGC beyond the current Local Plan period.

To realise the aspiration for the TCBGC policy SP6, which relates to infrastructure and connectivity, states that before any planning approval is granted for development forming part of the garden community, the following strategic transport infrastructure must have secured funding approval and planning permission:

- a) A120-A133 link road: and
- b) Route 1 of the rapid transit system as defined in the North Essex Rapid Transit System: From Vision to Plan document (July 2019).

Policy SP8 relates specifically to the TCBGC. This states that the garden community will be holistically and comprehensively planned with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. With regard to this, the policy outlines that a Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the TCBGC will be designed, developed and

delivered and no planning permission for development forming part of the garden community shall be granted until the DPD has been adopted.

Policy SP9 expands to confirm the DPD will define the boundary of the TCBGC and the amount of development it will contain. In terms of transportation, policy SP9 details “a package of measures will be introduced to encourage smarter transport choices to meet the needs of the new community and to maximise the opportunities for sustainable travel. Policy SP6 requires planning consent and full funding approval for the A120-A133 link road and Route 1 of the rapid transit system to have been secured before planning approval is granted for any development at the garden community. Additional transport priorities include the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access and to access the adjoining areas; park and ride facilities and other effective integrated measures to mitigate the transport impacts of the proposed development on the strategic and local road network. Longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic and local transport network and fully mitigate any environmental or traffic impacts arising from the development.”

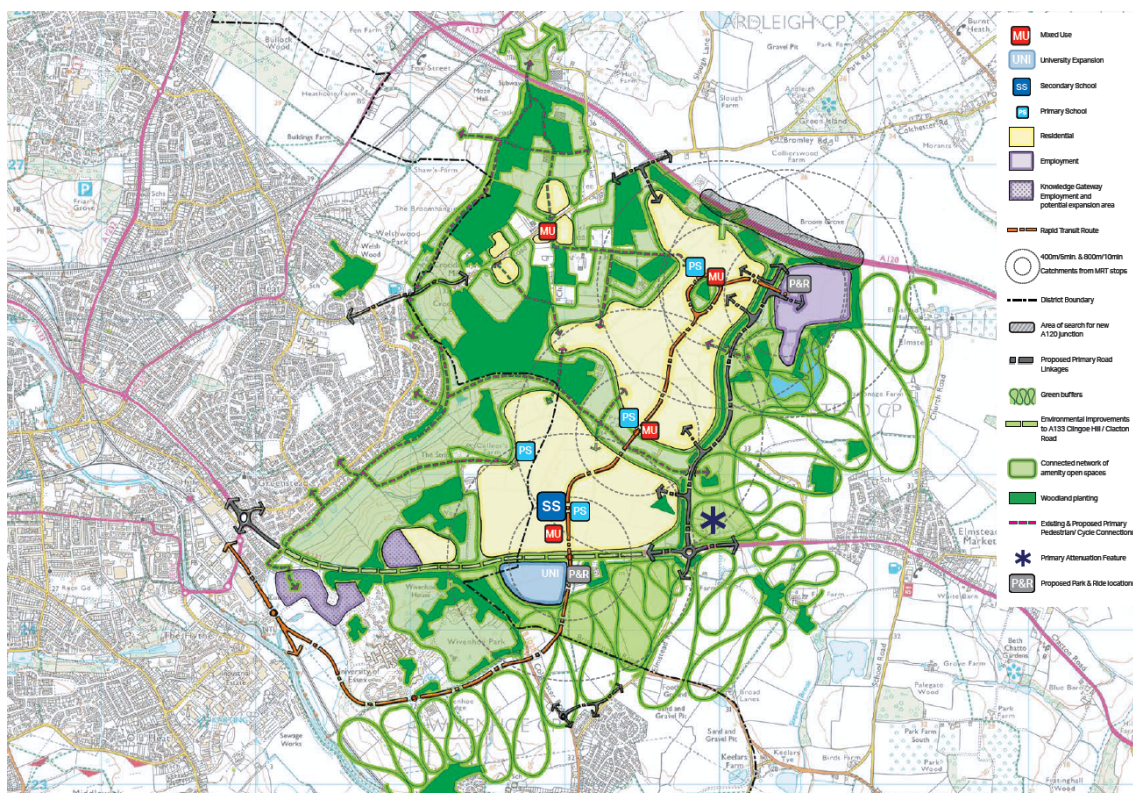
The principle of a link road between the A120 and A133 to facilitate the TCBGC has been established by Section 1 of the North Essex Authorities Local Plan. Policy SP6 requires planning approval for this before any other development associated with the garden community will be considered for approval. Accordingly, it is considered that Section 1 of the North Essex Authorities Local Plan has indicated that the garden community principally needs to be infrastructure led.

The DPD for the TCBGC, referred to within policies SP8 and SP9, however is not at a stage of production to have any real weight to inform the link road design and in this regard it will be noted that some representations received have accordingly sought to call this application premature.

The most recent published spatial expression of the TCBGC is contained within the concept framework (‘A Plan for Tendring Colchester Borders Garden Community Issues and Options Report November 2017’). An extract is provided for reference below, albeit it is noted that this plan only formed part of an issues and options paper and therefore as an expression is merely a potential option presented as a starter for discussion with interested parties.

It is not considered ideal that this application has come forward before the DPD for the garden community has progressed, indeed policy SP8 seeks to suggest that no development forming part of the garden community shall be granted until the DPD has been adopted. The Government’s award of Housing Infrastructure Funding (HIF) is however conditional on the link road being delivered and the first homes being built within an anticipated timeframe. The timeframe imposed for the HIF aligns with the wider trajectory anticipated by the Section 1 Local Plan and accordingly the lack of progress on the DPD would give rise to major deliver implications, if consideration of in-particular this proposal was delayed until production and adoption of the DPD, given the lengthy construction timetable associated with the link road.

'Draft Concept Framework' from A Plan for Tendring Colchester Borders Garden Community Issues and Options



Officers can understand the resistance to parcels/part of the TCBGC allocation coming forward until the DPD is in place. However, given the strategic nature of the link road, the need for this to be in place to support the delivery of the garden community and the development specific constraints which relate to the link road, it is not considered that determining this application prior to the production of the DPD will fundamentally undermine the principles envisaged for the garden community and/or the emerging quality or character of the garden community as a whole. This is however subject to appropriate consideration of the guiding aspirations for the area and these aligning with that proposed as part of this development.

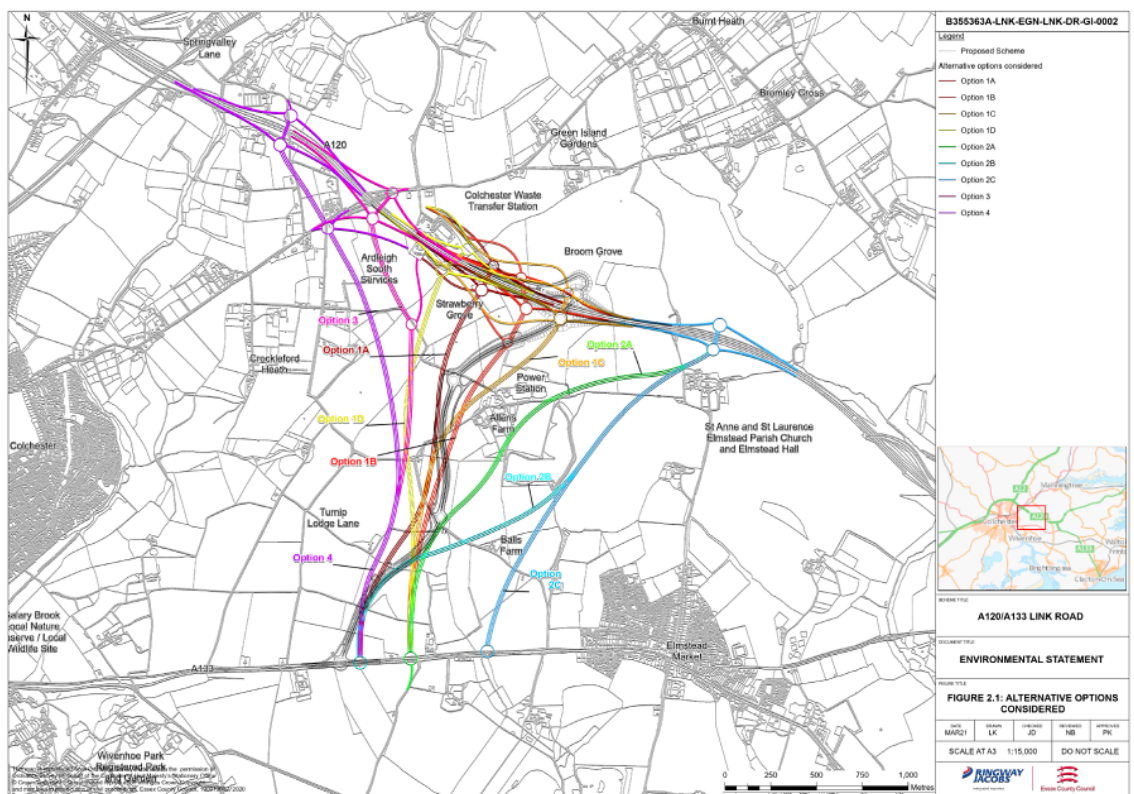
Alternatives

In context of the above conclusion, it is nevertheless noted that many representations received have raised concern about the proposed link road route and the consideration (or lack of) alternatives. Regarding the proposed route, several alternatives have been considered and appraised as part of the Environment Statement to support the route (option 1C variant) proposed by this application, see below drawing. Further commentary to that provided in the Environment Statement on the evolution process undertaken by the applicant and engagement sought can be found on a report produced for Essex County Council's Cabinet ([HYPERLINK](#)

<https://cmis.essex.gov.uk/essexcmis5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=V%2bnDru83bK0KFFudNBUr%2bk8nXHp3hTNQJm%2f0DEXhkGDv%2fqay3TspMQ%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFL>

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uCpMRKZMwaG1PaO=ctNJFf55vVA%3d" link) seeking to agree option 1C variant
as the preferred option for the A120 to A133 link road.

Figure 2.1 from the submitted Environment Statement 'Alternative Options Considered'



It is acknowledged that in addition to the actual route of the link road, questions have been raised about need in general, certain design features incorporated and some measures/restrictions not. The highway design of the link road is discussed in detail in the proceeding section of this report. Comments received relating to Ardleigh South Services are also appraised within this section of the report. However, for the avoidance of doubt, officers are content with the assessment of alternatives presented within the Environment Statement in terms of compliance with Regulation 18 (3)(d) and schedule 4, paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

B HIGHWAY DESIGN

Policy SP7 of Section 1 of the North Essex Authorities Local Plan relates to place shaping principles. The policy states that all new developments must meet high standards or urban and architectural design and respond positively to local

character and context to preserve and enhance the quality of existing places and their environs; protect and enhance assets of historical or natural value; incorporate biodiversity creation and enhancement measures; create well-connected places that priorities the needs of pedestrians, cyclists and public transport services above use of the private car; provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites; include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking (only criteria relevant to this proposal have been detailed).

Policy SP7 touches on many topic areas or considerations discussed later in this report in respect of the link road project and design. Specifically, with regard to highways, policy TR1 of the Tendring Local Plan (2007) requires submission of a transport assessment for all major developments with policy TR1a confirming that proposals will be considered in relation to the road hierarchy and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. Policies TR3a, TR4, TR5 and COM12a relate to provisions for walking and cycling, the safeguarding and improvement of Public Rights of Way and specifically Bridleways. With policy QL2 seeking to promote transport choice, COM1 seeking to ensure access for all, COM2 relating to community safety.

The applicant has stated that in addition to relieving traffic congestion in the wider road network, the proposed link road is aimed to support the allocated garden community. Transport modelling undertaken to support the Local Plan process, as well as the HIF bid, has evidenced that building homes at the TCBGC would lead to an increase in flow and journey times on local routes through Colchester and a worsening of congestion spots along the A133 approach. This worsening is considered significant after 1,000 homes have been built.

The link road would allow delivery of the more ambitious levels of housing building, up to circa 5,000 homes. Past this point there is a predicted sharp deterioration in network performance, even with the link road in place. However, when the Rapid Transit System (RTS) is also considered, the transport modelling shows that growth up to and beyond 7,500 homes can be accommodated, which is why both the link road and RTS are policy requirements to development coming forward within the TCBGC.

In terms of the link being a dual carriageway, assessment of whether a spine road providing access only would be sufficient has been considered. However, if a spine road providing access was created to the south it is suggested that this would load traffic onto the A133, which is a congested route into Colchester and would severely limit the growth of the garden including the opportunity for job creation. Meanwhile if a spine road provided only access to the A120 to the north of the site, this would load traffic onto the regional A120/A12 route which already has limited capacity. Hence, it is too suggested that this would limit growth of the TCBGC.

Furthermore, a northern only spine route would significantly lengthen trips to the University and town centre with the likelihood that traffic in Colchester would worsen.

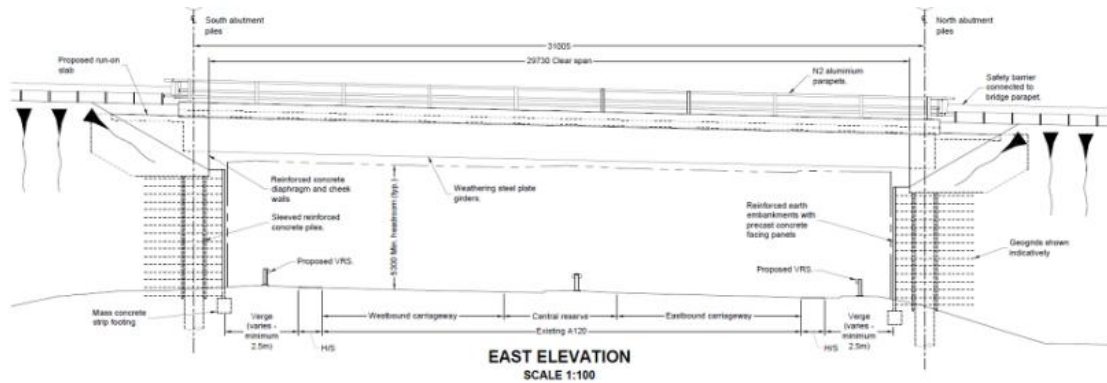
The justification for the link road and the support for it in policy is considered comprehensive. Whilst concerns have been raised that road building is never going to not lead to a step or gear change in thinking or the modal shift envisaged for the TCBGC, the link road is only one part of a package of infrastructure developments and initiatives proposed to support the garden community.

As detailed in the Proposal section of this report, the main design elements of the proposal in addition to the actual 2.4km 50mph design speed dual two-lane carriageway are:

- One grade separated dumbbell junction connecting the link road to the A120, with bridge across the A120;
- A new roundabout at the junction with the link road and A133;
- Two intermediate roundabout locations giving access to Allens Farm, Wivenhoe Road and the future TCBGC development;
- New access road to ECC's Waste Transfer Station north-west of the proposed A120 junction;
- New two-way access to Ardleigh South Services west of the proposed A120 junction;
- A 5m wide segregated footway/cycleway along the western side of the Link Road from the new roundabout at the A133 junction, up to Allens Lane;
- A 5m wide shared use PRow diversion from Allens Lane to a new underpass catering for walkers, cyclists and horse riders (WCH). The diverted shared use PRow diversion then becomes 4m wide, as it continues to the east of the underpass;
- Two at grade crossing points – one a Pegasus crossing (catering to horse riders, walkers and cyclists), located where the scheme crosses Turnip Lodge Lane; and a Toucan crossing proposed approximately 60m north of the A133 roundabout, to provide a link for walkers and eastbound cyclists so they can avoid the new A133 roundabout circulatory carriageway;
- Four borrow pits; and
- New farm maintenance access track near Allens Farm.

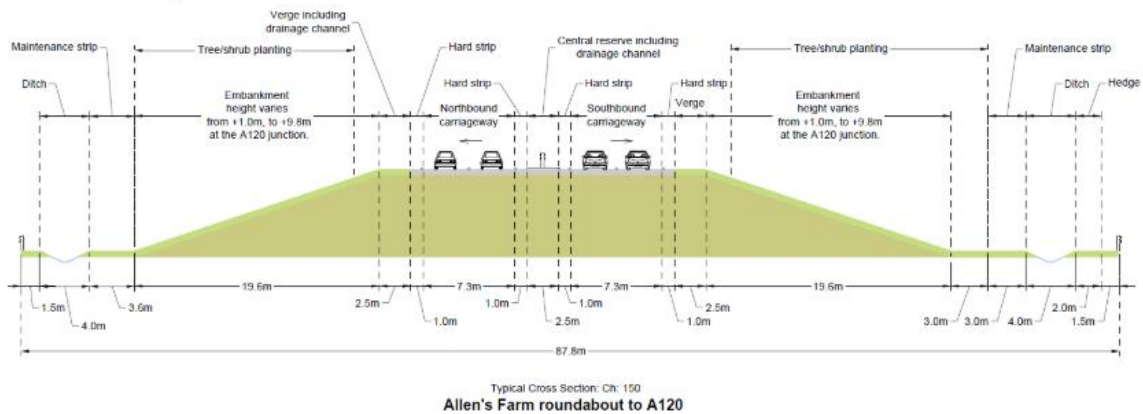
The proposal includes a number of structures including the A120 overbridge, WCH underpass, three culverts and a retaining wall adjacent to Strawberry Grove. As shown on the below the A120 overbridge would provide 5.3m minimum clearance to the A120 carriageway, with the top of the safety barrier on overbridge circa 9m above the A120 carriageway level.

Extract from 'Proposed A120 Overbridge ST01 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0001 (Rev A)

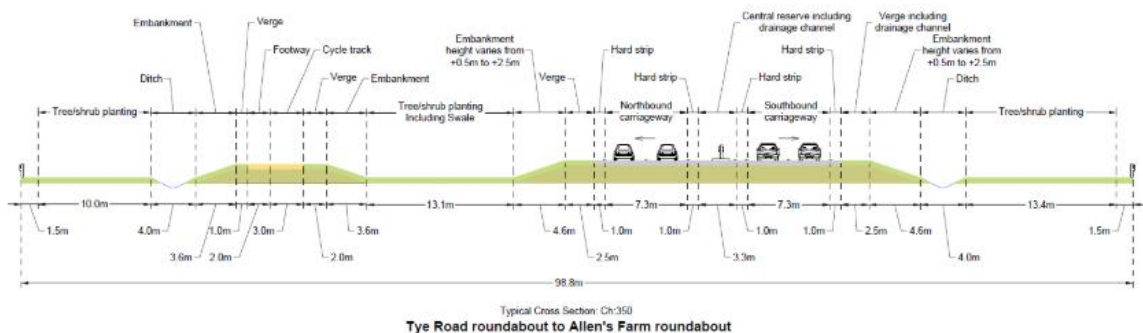


Progressing south from the A120, the road embankment which the overbridge would sit would reduce with the introduction of the WCH to the west of the carriageway and some linear landscaping and attenuation features incorporated within the proposals, as shown below on the cross sections through the link road at various points.

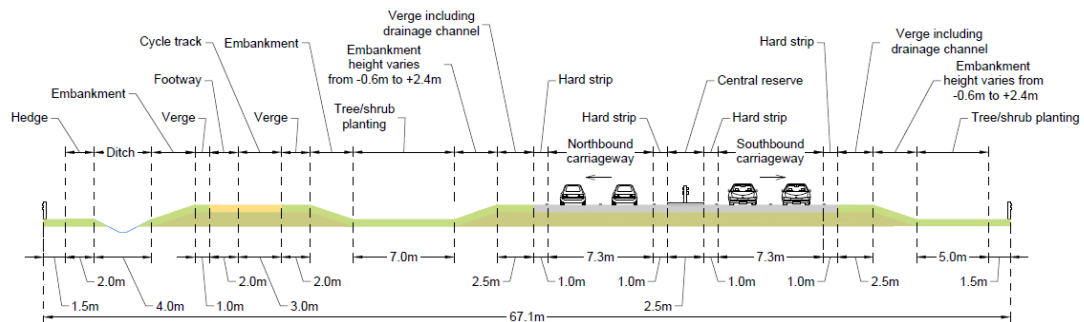
Extract from 'Typical Cross Section Sheet 2 of 3 – Allens Farm Roundabout to A120 to Tye Road Roundabout', drawing no. B355363A-LNK-HML-LNK-DR-C-0002 (Rev A)



Extract from 'Typical Cross Section Sheet 3 of 3 – Tye Road RBT to Allens Farm RBT', drawing no. B355363A-LNK-HML-LNK-DR-C-0003 (Rev A)



Extract from 'Typical Cross Section Sheet 1 of 3 – A133 to Tye Road Roundabout', drawing no. B355363A-LNK-HML-LNK-DR-C-0001 (Rev A)



Typical Cross Section: Ch: 700
A133 to Tye Road roundabout

In terms of policy, the provision of the footway and cycleway adjacent to the link road (in part a WCH) is considered as a concept and entity to accord with policies QL2, COM1 and COM2, TR3a, TR5 and COM12a. In respect of this and policy TR4 the link road would however sever PRow 162_21 (a restricted byway) and its connections with PRow 162_2 (a footpath) within Allens Farm. To counter this a new PRow route (usable by cyclists and horse riders) is proposed to be provided between PRow 162_21 west of the link road and PRow 162_2 east of Allens Farm via an underpass beneath the link road thus bypassing existing routes through Allens Farm. PRow 162_2 is also proposed to be upgraded to allow passage of cyclists and horse riders from PRow 162_21, eastward to the northern end of Church Road where it becomes maintainable highway, south of Elmstead Hall. It will however be noted that concerns have been raised that although the upgrading of PRow 162_2 to a bridleway would create a loop route for horse riders, horse drawn carriages which legally can use PRow 162_2 as a by-way would be faced with a dead end. That said, it is noted that this is an existing issue with PRow 162_2 as this currently terminates on a footpath. Subject to the above diversions and creations being secured by any planning permission granted, the Highway Authority has raised no objections to the development coming forward from a Public Right of Way perspective and as such no objection is raised in terms of paragraph 100 of the NPPF and taking opportunities to provide better facilities for users.

With regard to this, and concerns raised that the development has not gone far enough to support a modal shift, it is accepted that wider walking and cycling connectivity is not tackled by this application. However as per paragraph 110 of the NPPF it is considered that appropriate opportunities to promote sustainable transport have been incorporated and accordingly a foundation to instigate improved connections can be realised as the TCBGC evolves.

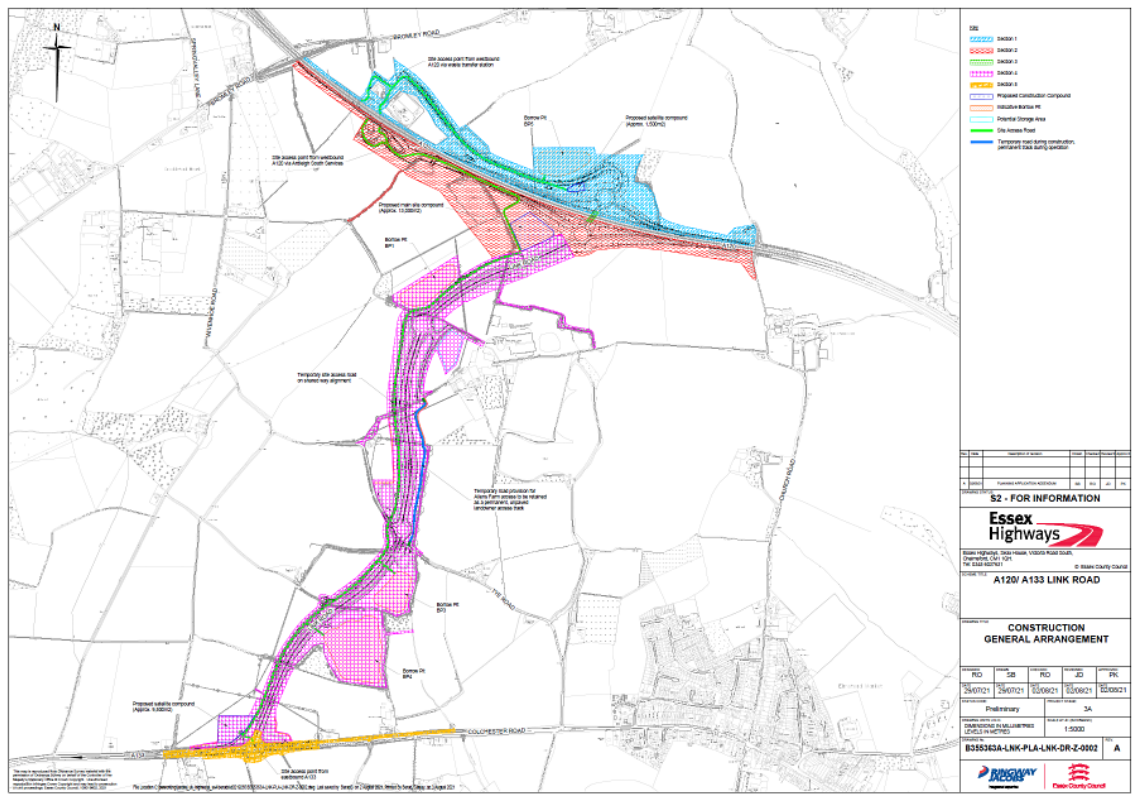
Turning back to the vehicular roads, the link road would also sever Turnip Lodge Lane, a protected lane, and this is proposed to be stopped up to vehicular traffic at Turnip Lodge Cottages. Tye Road, on the east side of the Tye Road / Wivenhoe Road roundabout would also be stopped up with a turning head proposed with a maintenance access to an attenuation pond. The highway modelling undertaken

has not identified any issues with the stopping up of these two roads and whilst locally the connection severance may be an inconvenience, the impact of this is considered to be greater from a landscape and heritage perspective (which is considered later in the report).

Construction Phase

The construction of the proposed development is anticipated to take two years. A Construction General Arrangement Plan, replicated below, has been submitted to show how the construction phase of the development would likely be phased.

'Construction General Arrangement', drawing no. B355363A-LNK-PLA-LNK-DR-Z-0002 (Rev A)



To supplement this, an Outline Construction Management Plan has also been submitted which provides information on likely construction traffic and routing and also how much fill material would be required to deliver the scheme. In respect of this, to confirm, should the four borrow pits proposed be utilised by the appointed contractor, the volume of fill material needed to be imported from off-site sources would likely be small. However, the suitability of material from the areas identified as potential borrow pits is not currently known so it maybe that all fill material is required to be imported. The Environmental Statement has sought to assess both scenarios.

With regard to construction traffic, whilst the majority of construction movements would be offline from the existing road network, assuming the proposed borrow pits are utilised, traffic management measures are identified as needed to facilitate initial site access, the construction of structures and connections to the A120 and A133. Initially construction access to the site is proposed to be gained from Ardleigh South Services and the existing waste transfer station access on the A120. Where road closures are required on the A120, the National Highways diversion route would be utilised via the B1035 from Horsley Cross, B1033, A133 and A1232. If the A133 is required to be closed, the diversion would be via the A120 and A1232; the A120 and A133 would not be closed at the same time; with the intention to also sever Tye Road / Wivenhoe Road and Allens Lane early in the construction.

Ardleigh South Services

As will be noted from the 'Representations' section of this report, specific concerns have been raised about the impact of the proposal both during construction and long term on the viability of Ardleigh South Services. With regard to this, initially it is sought to confirm that the proposal allows this facility to remain in current location. Yet, whilst the scheme does include revised access arrangements for the service station, the current owner of the site considers that the access arrangement proposed are unworkable.

Whilst consideration of the viability of this business is a material planning consideration, and that not having a direct access off the A120 may impact on trade, it is not considered that subject to suitable signage that having to access the site off a junction, via a slip road, would be a major deterrent to users in need of services offered. In addition, it is noted that the proposal also seeks to make the services easier to access for those travelling east and as the TCBGC comes forward the facility would have additional cliental in comparison to existing.

In respect of the option mooted that ECC should have sought to procure the site or relocate the facility as part of the proposals to avoid the need for the long slip (and loss of part of Strawberry Grove), it is acknowledged that the need to maintain access to this site has resulted in a highway solution which is heavily engineered for what would have otherwise likely been designed if this site didn't exist. However, equally the same could be said for the access road proposed for the waste transfer station. The issue is that with the new slips in place the existing access points to both these sites become either unusable or unsafe. From an economic perspective, and keeping the status quo, the applicant has sought to re-provide accesses to allow both the service station and waste transfer station to continue to operate.

It is accepted that there is an argument that a more environmental sensitive scheme could have come forward if, for example, the access to the petrol station was not needed or this would have been provided in a different way from the A120 or to the south, as Strawberry Grove would likely not then be impacted. However, this scheme is not before the CPA for consideration as a deliverable option.

C LANDSCAPE AND ECOLOGY

Landscape

Policy EN1 of the Tendring Local Plan (2007) states that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Particular conservation of the following natural and manmade features which contribute to local distinctiveness are proclaimed: estuaries and rivers, and the undeveloped coast; skylines and prominent views, including those of ridge tops and plateau edges; the settings and character of settlements and of attractive and/or vernacular buildings within the landscape; historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; native species of landscape planting and local building materials; and the traditional character of protected lanes, other rural lanes, bridleways and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement.

At a national level, the area to which this application relates forms part of the Northern Thames Basin National Character Area. This area is summarised as generally being land of a flat plateau; heavy and acidic soils supporting arable farmland; and sandy, gravelly soils supporting heathland, market gardening and orchards with river valleys divide the plateau. The character area has ancient and ancient semi-natural woodlands with field patterns influenced by the 18th and 19th centuries but with 20th century field enlargement. At a regional level the Essex Landscape Character Assessment assigns this area as E3 Tendring Plain character area; albeit a small part of the site is designated as the G4 Colchester and Environs character area. The Tendring Plain character area is characterised by a flat plateau of regularly shaped, arable fields bordered by low, clipped hedgerows, with occasional pasture fields, heathland areas and orchards. Narrow stream valleys cross the farmland, which incorporate some woodland and are enclosed and intimate in character. Elsewhere, woodland blocks are more dispersed, resulting in an open character, with pylons, masts and major road corridors apparent. Both the Tendring Plain and Colchester and Environs character areas have been assessed as having a moderate sensitivity to major transport developments. At a local level, the majority of the site is defined within the 7A Bromley Heaths character area.

The landscape character of this area would be directly affected by construction activities. Construction noise and machinery on haul routes and the temporary diversion of Allens Farm access road would also detract from the rural tranquillity of the landscape locally. There would also be vegetation removal required, including tree belts along the A120, most of the vegetation surrounding the Ardleigh South Services, hedgerows along field boundaries and a thin strip of likely Ancient Woodland on the north-eastern edge of Strawberry Grove. It is estimated that one category A and five category B trees and part of G179, a category C tree group, would be removed on the edge of Strawberry Grove.

The rural character of the area, between the A120 and A133, would be eroded by the proposal, initially during construction with uncharacteristic construction plant, compounds, stockpiles, haulage routes and bare earth. Post construction, as a significant piece of infrastructure, the link road would also result in a significant change to character and perception. The embankments to the A120 dumbbell junction would be circa 10m and the elevated nature of the road would be prominent in the landscape setting. The severance of Turnip Lodge Lane and Tye Road together with changes to many field boundaries brought out from the removal of hedgerows would furthermore be harmful to the historic nature or the existing landscape character and quality.

In respect of this and potential mitigation, during early operation the absence of tree belts and hedgerows removed would still be apparent. In time (15 years used for the basis of assessment submitted) landscape planting would nevertheless have established to the point that visually view of the link road would be diffused, albeit not to the extent to completely diffuse views of vehicular traffic on the link road.

Overall, it is considered that the development would have significant adverse effects on local landscape character and on some views from footpaths and residential properties. By year 15 of operation, adverse visual effects for most users of footpaths and for residents would have reduced, due to the establishment of planting mitigation. However, moderate adverse effects would remain from three representative viewpoints with close-range views of the development.

As detailed previously, it is considered unfortunate that the DPD for the TCBGC is not yet adopted as this would have potentially allowed the landscape design for the link to be a bit more reactive to the garden community area. The DPD would also have likely set certain aims or visions for the landscaping and provision of open space within the TCBGC which the link road design could have assisted with.

For this reason, the CPA requested the applicant took the development proposal, at pre-application stage, to the Essex Quality Review Panel (EQRP). Officers as part of this were keen to ensure that the design and landscape principles being suggested as part of this development were appropriate and sufficiently aspirational. It is fair to say that feedback received from the EQRP was quite critical. The conclusion summary of the Panel's report is provided below:

“Overall, the Panel are generally supportive of this link road coming forward in terms of its principle and alignment with the local area. However, whilst it is agreed in generic terms that the landscape objectives are meeting the minimum requirements of what should be achieved for this site, in terms of retaining certain landscape and ecological features, there is a consensus that they are not ambitious enough in terms of responding to the specific placemaking needs and context analysis that is required to respond to the changes towards the future garden communities that will be developed here. It is agreed across the Panel that this needs to be reviewed before the final planning submission of this scheme goes ahead, with further investigation into providing a more collaborative approach across all parties contributing towards the final design of this scheme and the upcoming garden community.”

As a result, the Panel feel strongly over the highly important and reasonable request that these considerations are reviewed and brought forward through the masterplanning stage to address the key considerations for this site; what the shape and form of the new landscape morphology to the West of the road contrasting to the East, in terms of the dynamic landscape requirements of the future. The introduction of 9,000 new homes means a greater necessity to provide for leisure, recreation, walking, cycling, etc. and the lack of considered thought towards this has led to a rather arbitrary landscape design development. It is felt that there have been many missed opportunities to improve the placemaking narrative of this site, in particular towards the proposals of the borrow pits, which would be a lot more advantageous towards the future development of the Garden Village, as well as the notion of increasing the accessibility across the road between the vast areas of landscape that exist here.”

The proposals submitted with this application for the environmental design of the link road are, disappointingly, as presented to the EQRP. However, for the avoidance of doubt, it is not considered that this design has been submitted on the basis that the applicant necessarily disagrees with the advice and recommendations given by the EQRP and/or are not willing or able to make changes/improvements. The landscaping proposals have, in this regard, been submitted solely for information only in terms of showing how mitigation measures, as well as environmental enhancements could be incorporated. Following the feedback received from the EQRP, rather than updating the actual environmental design drawings, the applicant sought to review the guiding objectives and principles which the environmental design is based.

The applicant has taken this approach given the nature of the feedback received and by potentially simply requiring a re-worked environmental design down the line, the DPD process may have evolved, but in any regard a contractor will be on board so there can be more certainty in terms of the use of borrow pits and the restoration potential of these.

This is a slightly unusual approach, and probably considered more akin to an approach taken with an outline application when landscaping would be proposed as a reserved matter. However, it is considered that the revised/updated landscape objectives are more ambitious, and the indicative designs provided do provide the CPA with sufficient certainty as to the impacts and what may be achievable from a landscaping perspective to be comfortable with a condition approach, should permission be granted.

Ecology

Policy EN6 of the Tending Local Plan (2007) states development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced. In exceptional circumstances, where the planning benefits are considered to outweigh the protection or enhancement of local biodiversity and geodiversity, appropriate compensating measures to outweigh the harm caused by the development must be provided. Policy EN6a relates to protected species, policy EN6b habitat creation, policy EN11a protection of international sites, policy EN11b protection of national sites and policy EN11c

protection of local sites.

The NPPF at paragraph 180 states:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

There are no statutory or non-statutory designated nature conservation sites within the application boundary. That said, the site does fall within the Impact Risk Zone for the following:

- Bullock Wood SSSI: 2.4 km to the west; designated for its uncommon woodland community types;
- Upper Colne Marshes SSSI: 2 km to the south-west; designated for its coastal habitats and the plant species that they support, as well as the presence of invertebrates and breeding birds of interest, including Redshank (*Tringa totanus*), Lapwing (*Vanellus vanellus*) and Shelduck (*Tadorna tadorna*); and
- Colne Estuary SSSI: 3.5 km to the south; designated for its internationally important overwintering populations of Black-tailed Godwit (*Limosa limosa*) and Dark-bellied Brent Goose (*Branta bernicla*) and nationally important over-wintering populations of Redshank, Dunlin (*Calidris alpina*), Sanderling (*Calidris alba*), Ringed Plover (*Charadrius hiaticula*) and Grey Plover (*Pluvialis squatarola*), together with nationally important breeding numbers of Little Tern (*Sternula albifrons*).

As noted previously in this report both Ardleigh Gravel Pit SSSI and Wivenhoe Gravel Pit SSSI are closer to the development site than the above but as geological designations it is not considered the development has the potential to adversely impact these.

In addition to the above, as there is a drainage connection between the application site and the Colne Estuary, the Colne Estuary SSSI is also a consideration as is accordingly the:

- Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area;

- Colne Estuary (Mid-Essex Coast Phase 2) Ramsar site; and
- Essex Estuaries Special Area of Conservation.

The land to which this application relates is predominantly characterised by intensive agricultural management, being a combination of arable and horticultural, with seasonal presence of livestock. Along most of the link roads route, there is relatively little semi-natural habitat, apart from hedgerows and roadside verges. However, there are two small fragments of Ancient Woodland and several small plantation woodlands. Many of the hedgerows are old and support a high frequency of mature Pedunculate Oak trees, often to the detriment of their shrub layer. Surveys have established the presence of a breeding population of Dormouse and four trees used by roosting bats, with wider evidence of bat movement through the landscape, with at least seven species recorded, including Barbastelle Bat.

The route has been selected to avoid significant effects for ecological receptors as far as is possible and the landscaping plans have sought to suggest that habitat connectivity can be maintained, while reflecting the character of local habitats and the needs of the species present and providing enhancement for biodiversity. The ecological 'offer' in the design includes an underpass that will be established as a safe crossing point for bats, which together with appropriate fencing, bat hop-overs and culverts at strategic locations, to reduce the barrier effect of the new road.

Best practice ecological protection measures will be employed during construction to reduce any harm to habitats and species. This will include the supervision of a qualified ecologist during vegetation clearance and site establishment, method statements for the safe removal of habitat features with the potential to support wildlife and adherence to best practice concerning the prevention of pollution.

Construction will however result in the loss of 0.05 ha of Ancient Woodland habitat from Strawberry Grove alongside the existing A120, will require the removal of habitat used by the local Dormouse population, and will lead to the loss of 3.8 km of hedgerow.

New hedgerows are proposed to be planted along the new road to replace those lost and to improve connectivity in the landscape. Although the loss of Ancient Woodland habitat is a residual effect, as it is considered irreplaceable, compensation in the form of 1.5 ha of new woodland at a ratio of 30:1, nearly doubling the size of Strawberry Grove, is proposed. In addition, Strawberry Grove will be enhanced to improve its suitability for Dormouse and 2ha of new habitat will be established immediately for this species, with a further 4ha of connected woodland and scrub and 500m of hedgerow within the landscaping plans that will be suitable for Dormouse.

Biodiversity Net Gain cannot be claimed where irreplaceable habitat is being lost. However, a calculation using the Defra Metric demonstrates a 15.13% increase in Habitat Units and a 20.29 % increase in Hedgerow Units as part of the development.

The loss of ancient woodland is a significant weakness to the proposal and link road design. That said, it is noted that if there are wholly exceptional reasons and

a suitable compensation strategy exists then potentially loss of such irreplaceable habitat can be deemed acceptable. Infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat is suggested within the NPPF as potentially being representative of wholly exceptional reasons and it is considered that such a case could be made that this proposal represents such a development.

D GEOLOGY AND SOILS

The Proposed Scheme predominantly crosses grade 1 (excellent quality) and some grade 2 (very good quality) Best and Most Versatile agricultural land. The development would therefore result in the loss of agricultural production across the land in question, with the agricultural land take approximately 64ha (excluding known temporary land requirements and land already developed). This site does however form part of a strategic allocation and the applicant has sought to suggest that the soils excavated will be treated as a resource and re-used as part of the development landscaping were appropriate.

Mineral Resource Assessment

The entirety of the project area is located within land which is designated as a Mineral Safeguarding Area (MSA) and accordingly policy S8 of the Essex Minerals Local Plan 2014 applies. Policy S8 requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a minerals resource assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource. A Mineral Resource Assessment (MRA) has been submitted with this application and this seeks to suggest that prior extraction ahead of the implementation of the A120/A133 link road is not practical.

The MRA finds that the mineral present under the site, equating to approximately 1.128mt, is of sufficient quality to have an economic use and in addition has the potential to be extracted on a commercial basis. As such, it is considered that by not prior extracting the mineral, a significant amount of locally import mineral resource would be sterilised by the proposed development. However, the MRA sets out an accepted justification for why prior extraction of the site is not practical.

Regarding this, it is acknowledged that the proposed road scheme is essential infrastructure required to deliver the proposed TCBGC, and that the scheme is being part funded through a grant which has time limits attached to it.

The MRA seeks to suggest that prior extraction would accordingly impact significantly on the construction programme of the development, to the point prior extraction is not feasible.

It is generally not considered that impact on development timescales would be a valid reason to allow the sterilisation of mineral. However, in this case, it is accepted that prior extraction would risk the forfeit of significant funding from the HIF as well as other planning contributions. This would not only be detrimental to the overall viability of the scheme itself but also more generally the TCBGC, given the policy requirement for the link road. Accordingly, it is considered that it is clearly

not practical, which is a key test of the appropriateness, to require the prior extraction of mineral ahead of the implementation of this non-mineral development. Especially in context that the applicant is proposing the use of borrow pits, if future investigations prove material which would be realised would be suitable for construction.

Furthermore, no objections are raised from a safeguarding perspective to Martells Quarry and/or the ECC Waste Transfer Station, given the changes proposed as part of these application to the accesses to these sites off the A120. It is not considered that the proposal in any way should seek to unduly impact on the operations of either of these sites.

E HERITAGE

A total of 126 cultural heritage elements were identified by the applicant within the Environmental Statement, comprising 70 within the actual red line boundary, 41 within the 300m study area and 15 additional elements within a 1km study area – albeit archaeological remains and historic hedgerows were not counted in the extended 1km study area.

Policy EN23 of the Tendring Local Plan (2007) states that development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. With regard to archaeology, policy EN29 similarly states that:

- i. Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.
- ii. Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.

Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define

- a. the nature and condition of any archaeological remains within the application site;
- b. the likely impact of the proposed development on such features; and
- c. the means of mitigating the impact of the proposed development in order to achieve preservation “in situ” or, where this is not merited, the method of recording such remains prior to development.

Where development is permitted on sites containing archaeological remains, any planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.

Construction is predicted to have a moderate or large adverse significance of effect on nine archaeological remains due to their partial or substantial removal. An additional seven archaeological remains will experience a slight significance of effect during construction. The footprint of the development may however also contain unknown archaeological remains and no on-site investigations have yet

been undertaken.

ECC's archaeology consultant has accordingly, whilst raising no objection in principle, requested conditions are attached to any planning permission securing a programme of archaeological and geoarchaeological investigation; the undertaking of the work agreed as part of this programme and subsequent evaluation of findings; a mitigation strategy (if appropriate); and submission of a post excavation assessment, in accordance with relevant policy.

With regard to listed buildings, Allens Farmhouse is the only historic building predicted to experience a moderate adverse effect during both construction and operation. Although landscaping proposals/mitigation may provide visual screening within and to the setting of this asset, it is not considered as part of the assessment submitted that this would decrease the significance of effect in any way.

Four additional historic buildings, Elmstead Hall, the Church of St Anne and St Lawrence, Group of 3 Tombstones approximately 30m North East of North East Corner of Chancel and the Barn approximately 100m South West of Collierswood Farmhouse, will experience impacts on their settings during construction and operation. Albeit this impact is assessed as only slight adverse, given the distance to the development and the settings of these assets are already influenced by the A120.

Turnip Lodge Lane, a protected lane (non-designated heritage asset), would be severed as part of the proposals and it is considered that this would have a significant adverse effect, which cannot in any way be avoided or mitigated against in context of the link road alignment proposed. Operational impacts, once the link road is constructed, are also not able to be adequately mitigated through landscaping to the end that there is a significant adverse effect on Turnip Lodge Lane both during construction and operation as a result of the proposal.

Construction will also involve partial or complete removal of 25 historic hedgerows. The removal of the historic fabric from these hedgerows will not be able to be mitigated or replicated immediately, resulting in considered moderate and large adverse residual significance of effects for all 25 hedgerows. An additional eight historic hedgerows will experience more limited impacts during construction, resulting in a slight adverse significance of effect.

The assessment submitted in support of this proposal in terms of heritage, similarly to the position formed with regard to ecology, has identified residual significant effects. These significant effects are predicted to 27 cultural assets (Allens Farmhouse, Turnip Lodge Lane and 25 historic hedgerows) and as part of the overall consideration of whether this proposal represents sustainable development or not need therefore to be weighed in the balance in terms of the significance of the asset, the harms identified and public benefits to the scheme as detailed within paragraphs 201, 202 and 203 of the NPPF.

F AMENITY

Policy QL11 of the Tendring Local Plan (2007) details that all new development should be compatible with surrounding land uses and minimise any adverse

environmental impacts. Policies COM20, COM21, COM22 and COM23 then pick up on specific considerations relating to air pollution/air quality, light pollution, noise pollution and general pollution.

Noise and Vibration

The development is predicted, as part of the noise and vibration assessments submitted, to have both beneficial and adverse effects on sensitive receptors. During the construction phase, potential significant effects have been identified for a number of noise and vibration sensitive receptors. These effects, however, would only affect a limited number of receptors (Mount Pleasant Cottages, Turnip Lodge Cottages and Allens Farm) and would be transient in nature (when plant is operating in close proximity).

At Mount Pleasant Cottages, site clearance, construction of haul roads, earthworks and capping layer activities are all predicted to result in a moderate impact magnitude when at the point nearest to this property. Works in this location are expected to last approximately 60 weeks, and therefore, it is likely that the total number of days with a moderate impact magnitude could exceed 40 in a six-month period, such that these activities are predicted to result in a significant effect.

Similarly, Turnip Lodge Cottages and Allens Farm are also likely to experience an impact of moderate magnitude for more than 40 days in a six-month period (for the site clearance, earthworks and pavement activities) such that significant effects are predicted.

Operational road traffic noise modelling has been undertaken for all noise sensitive receptors within the defined operational study area, as shown below, in respect of a number of scenarios. The development is predicted to result in both significant adverse and significant beneficial effects in both the short-term and long-term. All adverse effects, unsurprisingly, are within close proximity to the link road, whilst beneficial effects have been predicted along bypassed routes to the east of the scheme.

Table 11.19: Short-term noise impact – Do-Minimum 2026 vs Do-Something 2026

Scenario/Comparison: Do-Minimum 2026 against Do-Something 2026					
Change in Noise Level dB(A)		Daytime		Night-time	
		Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors
Increase in noise level, L _{A10,18hr} / L _{night}	<1.0	207	2	253	2
	1.0 – 2.9	6	0	6	0
	3.0 – 4.9	3	0	3	0
	>5	3	0	3	0
No change	0	0	0	120	1
Decrease in noise level, L _{A10,18hr} / L _{night}	<1.0	518	5	550	7
	1.0 – 2.9	548	10	408	8
	3.0 – 4.9	70	2	14	1
	>5	2	0	0	0

Table 11.21: Long-term noise impact with the Proposed Scheme – Do-Minimum 2025 vs Do-Something 2040

Scenario/Comparison: Do-Minimum 2026 against Do-Something 2041									
Change in Noise Level dB(A)		Daytime				Night-time			
		Without Garden Community		With Garden Community		Without Garden Community		With Garden Community	
		Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors	Number of Dwellings	Number of Other Noise Sensitive Receptors
Increase in noise level, $L_{A10,18hr} / L_{Night}$	<3.0	536	5	559	5	736	9	768	8
	3.0 – 4.9	3	0	3	0	3	0	0	0
	5.0 – 9.9	3	0	3	0	3	0	6	0
	>10+	0	0	0	0	0	0	0	0
No change	0	90	2	65	1	55	2	43	1
Decrease in noise level, $L_{A10,18hr} / L_{Night}$	<3.0	696	11	690	12	560	8	540	10
	3.0 – 4.9	29	1	37	1	0	0	0	0
	5.0 – 9.9	0	0	0	0	0	0	0	0
	>10+	0	0	0	0	0	0	0	0

Whilst the proposal is predicted to result in substantially more significant beneficial effects than adverse during operation. In context of the adverse effects, the short distance of some receptors from the development and the existing quiet rural environment, these significant adverse effects are considered to outweigh the significant beneficial effects afforded by the reduction in flow on the bypassed routes.

With regard to this some embedded mitigation is included in the proposal design i.e. low noise road surfacing. However, further specific noise mitigation such as barriers have been evidenced as either not cost effective or practicable to install. Accordingly, the outstanding adverse impacts resulting from the development in terms of noise and vibration need to be weighed in the planning balance in this instance.

Air Quality

The air quality assessment submitted in support of this application has assessed operational air quality effects across following scenarios:

- Base year (2019), to allow model outputs to be verified against monitoring results;
- Do-minimum scenario in opening year (2026);
- A120/A133 link road in opening year (2026);
- Do-minimum scenario in the future year (2041); and
- The cumulative scenario (i.e. link road and the garden community) in the future year (2041).

In respect of baseline conditions, no Air Quality Management Areas (AQMAs) have been declared by Tendring District Council. However, Colchester Borough Council has declared three AQMAs within its administrative boundary, due to exceedances of annual mean NO₂ Air Quality Objectives. Given the location of these, and reductions in traffic flows are generally expected as a result of this proposal, it is not considered that this development would adversely impact to the air quality conditions within these areas.

Looking at impacts predicted in opening year, the maximum modelled annual mean NO₂ concentration with the link road in place is predicted to be 37.6 µg/m³ which is still below the 40 µg/m³ Air Quality Objective. With regard to concentration changes, the biggest increase predicted at one location is +2.2 µg/m³. However, a 'medium' increase +2.0 µg/m³ is only predicted at one location, with all other increases predicted to be 'small' (or less than 2.0 µg/m³). It is however also of note that the scheme is also predicted to result in some reductions of NO₂ concentrations in some locations, with the greatest benefit noted at -6.1 µg/m³.

In terms of NO₂ concentrations in the cumulative scenario, similar to the opening year predictions, maximum predicted concentrations are 36.6 µg/m³. Some larger concentration changes are noted (biggest change being 2.8 µg/m³) and some of the benefits or reductions in concentrations are not as large (-5.9 µg/m³). However, as detailed the NO₂ concentration fits well within the Air Quality Objectives and as such the development is considered to comply with policy COM20.

Lighting

Whilst the link road in its majority is not proposed to be lit, lighting is proposed at both junctions with the A120 and A133 and at the two intermediate roundabouts on the link road. With regard to the WCH, solar studs are proposed to be installed along the entire route to facilitate safe use.

Whilst no objections are raised to the proposed installation of solar studs along the WCH, the Council's lighting consultant has raised concerns about the upward lux levels which it is considered would impact on the success of the proposed bat crossings. Accordingly, in the event that planning permission is granted it is considered that a blanket restriction on all external lighting should be imposed. This is not seeking to state that external lighting on the link road or WCH is fundamentally unacceptable, just that the package of lighting put forward is. The condition would allow the applicant to review the concerns raised and propose an alternative lighting strategy or details of mitigation to overcome reservations raised and to comply with policy COM21.

G HUMAN HEALTH

For the purpose of assessment, a detailed study area comprising the red line application area plus a 500m buffer was considered. Together with a wider study area used to understand the health profiles of the communities living in proximity to the proposed development.

The assessment undertaken by the applicant predicts the scheme to have both beneficial and adverse effects on population and health. Principally the negative effects or connotations are predicted to be felt by those living close to the development or already utilising the land as a result of amenity impacts or changes to air quality or noise levels for example.

However, in terms of human health, long term effects are suggested as overall positive due to the opportunities for increased physical activity and tackling health inequalities through the provision of safe, accessible routes (segregated pedestrian/cyclist facilities).

H FLOOD RISK AND DRAINAGE

Policy QL3 of the Tendring Local Plan (2007) seeks to ensure that flood risk is considered at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding. Expanding on this policy EN13 details proposals should incorporate measures for the conservation and sustainable use of water. Their overall design and layout of proposals should as such reflect this requirement.

The area to which this application is Flood Zone 1 (low risk of fluvial flooding) according to the Environment Agency's Flood Map. Regarding surface water flooding, similarly the area is at very low risk: less than 0.1 % (1 in 1,000) AEP of surface water flooding. However, some ponding is predicted within the floodplain of the ordinary watercourses, with a mainly low risk of flooding: less than 1 % (1 in 100) AEP. In general, the flood depth is predicted to be below 300 mm and the velocity less than 0.25 m/sec.

The proposed surface water drainage strategy ensures that the road will drain freely, existing surface water flood risk is managed with SuDS incorporated to provide attenuation. In respect of this a combination of swales and attenuation ponds are proposed as part of the drainage strategy, with the SuDS also contributing to the protection of the receiving waterbodies from any increased pollution risk resulting from the development with additional safeguards.

In principle the proposed drainage strategy is considered acceptable as no significant impacts have been identified as resulting from the development. The Lead Local Flood Authority have, to confirm, raised no objection subject to the securement of a finalised surface water drainage and maintenance plan by condition. Accordingly, subject to such conditions being imposed, no objections from a flood risk or drainage perspective are raised to the development coming forward.

I CLIMATE CHANGE

In July and August 2019, respectively, Colchester Borough Council and Tendring District Council declared a Climate Emergency and both Council's have subsequently produced and adopted Action Plans with the aim of being carbon neutral by 2030:

- Tendring Climate Emergency Action Plan 2020-2023
- Colchester Borough Council Climate Emergency Action Plan 2020

The Essex Climate Action Commission has also been set up by Essex County Council, as an independent body to advise the Council on how best to tackle the climate challenge and become a net zero emissions county. And, in this regard published the below report including a number of recommendations in July 2021:

- Essex Climate Action Commission – Net Zero: Making Essex Carbon Neutral

This reports 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 climate change and sustainability in general. This is so particularly in terms of the achieving sustainable development and the environmental objection of mitigating and adapting to climate change, including moving to a low carbon economy. The NPPF at paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The Environmental Statement submitted in support of the application includes 'climate' as a chapter of consideration. This seeks to predict the likely impacts or increase greenhouse gas emission against baseline date and do-minimum scenarios. In the do-minimum scenario in opening year (2026), operational road user greenhouse gas emissions are predicted to be 224,016tCO₂e. In the design year (2041) emissions are predicted to be 198,251tCO₂e. And, over a 60 year appraisal period (2026-2085) 12,101,180tCO₂e.

The construction phase of this proposal is predicted to result in 15,016tCO₂e; and management/operation (i.e. maintenance, lighting etc...) of the link road over a 60 year period predicted to result in 13,592tCO₂e.

Turning to road user emission, in opening year (2026) with the link road in place 224,603tCO₂e – an increase of 586tCO₂e in comparison to the do minimum scenario. In the design year (2041) emissions are predicted at 195,018tCO₂e – a decrease of 3,233 in comparison to the do minimum scenario; and over a 60 year period (2026-2085) emissions are predicted at 11,937,752tCO₂e – a decrease of 163,428tCO₂e in comparison to the do minimum scenario.

The inclusion of the garden community in the above scenario does lead to an increase in emissions across the study area, by 1,699 tCO₂e in the design year and 93,036 tCO₂e over the 60-year appraisal period, an increase of approximately 256,000 tCO₂e relative to the scenario without the TCBGC. The implication of this, is that when considered with the garden community as a whole the development may lead to an increase in greenhouse emissions. However, in terms of the acceptability it must be remembered that this is just the application for the link road and the predictions for the link road in comparison to existing infrastructure use predict a decrease in emissions.

Whilst small changes do make a difference, it is noted that the change in greenhouse gas emissions expected to result from the link road is estimated to account for less than 0.001% of the 3rd and 4th Carbon Budgets. During the 5th Carbon Budget period the operation of the scheme is estimated to lead to a beneficial impact on greenhouse emissions, but less than -0.0001% of

the 5th Carbon Budget. Accordingly, the changes in emissions are considered to be negligible in terms of Carbon Budgets. Accordingly, mindful that this is planned development/growth, it is not considered that granting this permission would fundamentally undermine the declared climate emergency and or unduly hinder the meeting of legislated and/or aspirational emission targets set.

PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS

Equalities Impact Assessments pursuant to the Public Sector Equality Duty

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications arising from the Council's statutory duties and obligations under the Equality Act 2010. 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.

Separate Equality Impact Assessments have been carried out as part of the road scheme progress, including in relation to the preferred route which forms the basis of the planning application.

Tendring District and Colchester Borough Councils may also have carried out Equality Impact Assessments as part of the progress of their Local Plans which reference the TCBGC and supportive infrastructure.

Human Rights

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights' ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual (including companies).

In carrying out the development pursuant to any grant of planning permission there is likely to be an impact would fall within the following provisions addressing the rights of property owners under the Convention, notably under the following articles:

Article 1 (of the First Protocol) - This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 - This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.

Article 14 - This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly, any interference with Article 8 rights must be necessary for the reasons set out.

Any interference with Convention rights must be necessary and proportionate.

In the case of each of these Articles the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public.

In the light of the significant public benefit that has been identified as arising from the construction of the proposed link road it is considered that it would be appropriate to grant planning permission. In considering this, the Council has considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be necessary and proportionate in the context of the delivery of the link road and is justified in order to secure the economic, social and physical regeneration that the link road will bring including supporting the delivery of the new TCBGC in the relevant Local Plans. In the circumstances, it is not considered that granting planning permission would constitute an unlawful interference with the individual property rights or other Convention rights taking account of the fact that those directly affected by the link road might be entitled to compensation proportionate to the loss which they incur as a result of having to give up their land for its construction or for the impact of the link road on their use of their property in accordance with statutory compensation rights in UK law.

The report sets out the public interest for granting planning permission.

8. CONCLUSION

It is noted that the principle of this development coming forward is clearly supported in planning policy. This is seen as an essential piece of infrastructure to realising the aspirations for the Tendring Colchester Borders Garden Community.

That said, concerns raised about the application being premature are acknowledged, in so much as this application has come forward before the production and adoption of the Development Plan Document which was envisaged effectively as the masterplan for TCBGC. However, it is not considered that the lack of DPD is a reason, in isolation, that this application for the link road should be refused in context of the funding secured which, as accepted by both Tendring Borough Council and Colchester Borough Council's, has accelerated the link road programme ahead of the DPD production.

Subject to suitable consideration of the TCBGC area, importantly it is not considered that determining this application prior to the production of the DPD would undermine the aspirations, quality or character of the garden community as this evolves in the future.

In respect of the proposed alignment and design of the link road, residual significant adverse effects from a landscape/ecology, heritage and amenity (noise) perspective have however been predicted.

With regard to this and the landscape/ecology impact, resulting from the proposed removal of Ancient Woodland, this is considered unfortunate. Although it is accepted that, in order to maintain (or propose) a deliverable two-way access to Ardleigh South Services, this has been put forward as a more environmentally friendly approach than the slip seeking to go around Strawberry Grove, which would effectively isolate the woodland between the slip and the A120.

The heritage impact, particularly the severance of Turnip Lode Lane, again is considered a disappointing consequence of the proposed alignment. The proposals do however maintain a significant part of the Lane and, through the proposed stopping up of the Lane to vehicular traffic, will allow this to form an important landscape, heritage and recreational feature within the garden community development going forward. The public benefits to the scheme are therefore considered to outweigh the residual harms to heritage.

in terms of identified significant adverse impacts to noise levels, 12 receptors are predicted to experience significant increases in noise levels which are simply either not possible or feasible to further mitigate.

Overall, whilst there is strong policy support for this link road, it is considered that the need for the link road and the benefits which would be realised need to be weighed in context of the significant impacts which are not able to be mitigated or offset.

On balance, it is considered that the benefits to the scheme do outweigh the harms and accordingly the development does represent sustainable development, subject to the securing of appropriate safeguards, mitigation and enhancements by way of planning conditions.

9. 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 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 06/04/2021, together with drawings titled 'Site Location Plan' drawing no. B355363A-LNK-PLA-LNK-DR-C-0002 (Rev A), dated 02/08/2021; 'General Arrangement Sheet 1 of 2', drawing no. B355363A-LNK-HGN-LNK-DR-C-0013 (Rev B), dated 07/21; 'General Arrangement Sheet 2 of 2', drawing no. B355363A-LNK-HGN-LNK-DR-C-0014 (Rev B), dated 07/21; 'Proposed A120 Overbridge ST01 General Arrangement', drawing no.

B355363A-LNK-SBR-LNK-DR-S-0001 (Rev A), dated 30/03/21; 'Proposed Strawberry Grove Retaining Wall ST08 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0008 (Rev A), dated 30/03/21; 'Proposed PROW Underpass ST02 General Arrangement, drawing no. B355363A-LNK-SBR-LNK-DR-S-0003 (Rev A), dated 30/03/21; 'Proposed Culvert ST03 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0004 (Rev A), dated 30/03/21; 'Proposed Culvert ST04 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0005 (Rev A), dated 30/03/21; 'Proposed Culvert ST06 General Arrangement', drawing no. B355363A-LNK-SBR-LNK-DR-S-0007 (Rev A), dated 30/03/21; 'Plan & Profile Sheet 1 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0004 (Rev A), dated 03/08/21; 'Plan & Profile Sheet 2 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0005 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 3 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0006 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 4 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0007 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 5 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0008 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 6 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0009 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 7 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0010 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 8 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0011 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 9 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0012 (Rev A), dated 02/08/21; 'Plan & Profile Sheet 10 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0013 (Rev A), dated 02/08/21; and 'Plan & Profile Sheet 11 of 11', drawing no. B355363A-LNK-HML-LNK-DR-C-0014 (Rev A), dated 02/08/21 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 SP1 – Presumption in favour of sustainable development, SP3 – Spatial strategy for North Essex, SP6 – Infrastructure and connectivity, SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies QL2 – Promoting transport choice, QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, COM19 – Contaminated land, COM20 – Air pollution/air quality, COM21 – Light pollution, COM22 – Noise pollution, COM23 – General pollution, EN1 – Landscape character, EN4 – Protection of the best and most versatile agricultural land, EN6 – Biodiversity, EN6a – Protected species, EN6b – Habitat creation, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, EN13 –

Sustainable Drainage Systems, EN23 – Development within the Proximity of a Listed Building , EN29 – Archaeology, TR1a – Development affecting highways, TR1 – Transport assessment, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity, S11 – Access and transportation and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

3. No development (including demolition, ground works, vegetation clearance) shall take place until a project/construction schedule has been submitted to and approved in writing by the County Planning Authority. The schedule shall include details on the proposed phasing and timetabling of the development, including reference to any specific stages in the construction period (e.g. advance works and main works contract) which in turn will provide clarity and allow for partial or phased discharge of details submitted pursuant to other conditions. The development shall be implemented in accordance with the approved scheme.

Reason: For the avoidance of doubt as to the proposed construction timetable and to enable the County Planning Authority to effectively consider whether information required pursuant to other conditions is required before any development takes place or if some works may be permissible.

4. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall specifically seek to confirm the location and layout of construction compounds, provide details on proposed hours of working, access/haul roads and routes, proposed traffic management for deliveries and contractors, measures proposed to reduce the potential for increased flood risk or pollution/contamination from surface water run-off during construction, any temporary mitigation measures proposed during the construction phase to reduce the potential for amenity impacts, the management of excavated soils/materials, a material audit and schedule of material movements (both import and export), in addition to the other topics and information indicatively covered within the 'Outline Construction Management Plan', document reference: B355363A-LNK-GEN-LNK-RP-Z-0005, dated 31/03/2021 and 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021 submitted in support of this application. 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;
- h) Use of protective fences, exclusion barriers and warning signs; and the
- i) Containment, control and removal of any Invasive non-native species present on site

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, highways, amenity and biodiversity, to ensure suitable accountability for mitigation and measures proposed during the construction period and to comply with QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, COM20 – Air pollution/air quality, COM21 – Light pollution, COM22 – Noise pollution, COM23 – General pollution, EN1 – Landscape character, EN4 – Protection of the best and most versatile agricultural land, EN6 – Biodiversity, EN6a – Protected species, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, TR1a – Development affecting highways and TR4 – Safeguarding and improving Public Rights of Way of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity and S11 – Access and transportation of the Essex Minerals Local Plan (2014).

5. In accordance with the project schedule approved pursuant to condition 3, no development of the borrow pits shall take place until full details of the proposed location, size, design and management of the borrow pits during construction have been submitted to the County Planning Authority for review and approval in writing. Without prejudice to the foregoing, the details provided shall include full technical drawings both during construction/use and as a restoration feature including appropriate engineering reports covering slope stability. Details of the landscaping proposed, as part of the restoration of any such features, shall be submitted setting out how the restored borrow pits would support the wider garden community aspirations and the landscape proposals for the link road (required pursuant to condition 12 of this permission). The development shall be implemented in accordance with the approved details.

Reason: Only indicative details of the proposed borrow pits have been provided with this application on the basis that currently there is no guarantee and/or planning requirement to utilise. That said, in the event that borrow pits are utilised, which as a concept is supported in planning terms, the submission of sufficient details as to the construction, design and long term management of such features is to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and

SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies QL3 – Minimising and managing flood risk, QL11 – Environmental impacts and compatibility of uses, EN1 – Landscape character, EN6a – Protected species, EN6b – Habitat creation, EN7 – Safeguarding mineral supplies, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites, EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites, EN13 – Sustainable Drainage Systems, TR1a – Development affecting highways and TR4 – Safeguarding and improving Public Rights of Way of the Tendring District Local Plan (2007) of the Tendring District Local Plan (2007); and policies S6 – Provision for sand and gravel extraction, S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

6. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a dust management scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods proposed to monitor emissions of dust arising from the development during the construction phase. The development shall be implemented in accordance with the approved scheme.¹

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in policies QL11 – Environmental impacts and compatibility of uses, COM20 – Air pollution/air quality, COM23 – General pollution, EN6 – Biodiversity, EN6a – Protected species, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007); and policy S10 – Protecting and enhancing the environment and local amenity of the Essex Minerals Local Plan (2014).

7. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until an intrusive Phase 2 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 site;
 - Undertake soil sampling and chemical analysis of soils for potential contaminants 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

For the avoidance of doubt, the requirements of this condition may be incorporated within the CEMP produced to satisfy condition 4 if preferable to the applicant.

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 (as necessary)

The development shall be implemented in accordance with findings and recommendations 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 policies QL11 – Environmental impacts and compatibility of uses, COM19 – Contaminated land, COM23 – General pollution, EN6 – Biodiversity, EN6a – Protected species, EN11a – Protection of International sites: European sites and Ramsar sites, EN11b – Protection of National sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007); and policy S10 – Protecting and enhancing the environment and local amenity of the Essex Minerals Local Plan (2014).

8. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a written scheme and programme of archaeological and geoarchaeological investigation has been submitted to the County Planning Authority for review and approval in writing. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including that within associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

9. In accordance with the project schedule approved pursuant to condition 3, prior to commencement of development but following completion of the archaeological work required by condition 8, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval in writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified undertaken in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

10. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 8, a post-excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy EN29 – Archaeology of the Tendring District Local Plan (2007).

11. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a tree survey, arboricultural impact assessment and arboricultural method statement has been submitted to the County Planning Authority for review and approval in writing. These details shall be supported by a tree protection scheme which shall include indications of existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, proposed to be retained, together with measures identified for their protection in accordance with BS:5837 “Trees in Relation to Construction”. The development shall be implemented and managed in accordance with the details approved.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity, landscape and ecology and to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies EN1 – Landscape character, EN6 – Biodiversity, EN6a – Protected species and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007).

12. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a detailed hard and soft landscaping scheme (inclusive of all boundary treatments, fencing and gates) has been submitted to the County Planning Authority for review and approval in writing. The scheme shall be based on the landscape, environmental design and related sustainability objectives and principles detailed within Table 1 of the document titled ‘Response to Essex Quality Review Panel Report’, document reference: B355363A-LNK-PLA-LNK-RP-LE-0001 (Rev A), dated 3 August 2021 and shall include details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented as approved.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the

development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to mitigate impacts of the development on the natural environment in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

13. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Landscape and Ecological Mitigation and Management Plan (LEMMP) has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:
- a) Aims and objectives of management;
 - b) Appropriate management options for achieving aims and objectives;
 - c) Prescriptions for management actions;
 - d) Preparation of an annual work schedule/plan; and
 - e) Details of the body or organisation responsible for management

and for ecology:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions and annual work schedule;
- f) Full detailed designs (written specification and technical drawings) of all proposed ecological mitigation measures, which for the avoidance of doubt are, at least, expected to comprise measures similar to that outlined in Chapter 8 – Biodiversity of Volume 2 of the Environment Statement, document reference: B355363A-LNK-EGN-LNK-RP-LE-0006 (Rev A), dated 03/08/2021; and the 'Environmental Management Plan', document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021, submitted in support of this application.
- g) Details of the body or organisation responsible for monitoring and management

The mitigation and management plan, which shall as a minimum cover 25 years post first public use of the link road, shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County

Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

14. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until an Ecological Design Strategy addressing the compensation of bats has been submitted to the County Planning Authority for review and approval in writing². The Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed bat hop overs;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;
 - e) Type and source of materials to be used where appropriate;
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) Persons responsible for implementing the works;
 - h) Details of initial aftercare and long-term maintenance;
 - i) Details for monitoring and remedial measures; and
 - j) Details for disposal of any wastes arising from works.

The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

15. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Farmland Bird Mitigation Strategy has been submitted to the County Planning Authority for review and approval in writing. The strategy shall seek to outline measures/mitigation proposed to

For the avoidance of doubt, the requirements of this condition may be incorporated within the LEMMP produced to satisfy condition 13 if preferable to the applicant.

- a) purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans; and
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details with any approved details/mitigation maintained thereafter in accordance with the LEMMP period.

Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with policies EN6 – Biodiversity, EN6a – Protected species and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

16. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until a Biodiversity Monitoring Strategy has been submitted to the County Planning Authority for review and approval in writing. The purpose of the strategy shall be to:
 - Determine the effectiveness of the biodiversity mitigation measures during the construction period;
 - Determine the effectiveness of the underpass and hop-overs in directing the movement of bats across the new road;
 - Provide monitoring to ensure the successful establishment and development of habitat creation measures; and
 - Monitor the impacts upon the Dormouse population

The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose;
- b) Identification of adequate baseline conditions prior to the start of development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication;
- h) Review, and where appropriate, publication of results and outcomes; and
- i) Publication of the results of the monitoring of bat hop-overs and underpass in a format that can help to provide evidence to inform future mitigation design on road schemes.

A report describing the results of monitoring shall be submitted to the County Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and

objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the County Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Biodiversity Monitoring Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate monitoring of biodiversity mitigation, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

17. If the development is not commenced within 2 years from the date of this permission, the ecological mitigation measures outlined in Chapter 8 – Biodiversity of Volume 2 of the Environment Statement, document reference: B355363A-LNK-EGN-LNK-RP-LE-0006 (Rev A), dated 03/08/2021; and the ‘Environmental Management Plan’, document reference: B355363A-LNK-EGN-LNK-RP-LE-0025 (Rev A), dated 03/08/2021, submitted in support of this application, shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of bats, reptiles, wintering and nesting bird developments; and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred and different ecological impacts, not previously addressed, are identified, revised and new or amended measures shall be submitted pursuant to Plans and Strategies secured by conditions 4, 13, 14, 15 and 16. In such an event, the development shall be undertaken in accordance with the updated/revised ecological measures and timetables.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate biodiversity mitigation in the event of a time delay in commencement, to allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); policies EN1 – Landscape character, EN6 – Biodiversity and

EN6b – Habitat creation of the Tendring District Local Plan (2007); and policies S10 – Protecting and enhancing the environment and local amenity and S12 – Mineral site restoration and after-use of the Essex Minerals Local Plan (2014).

18. 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 SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies COM21 – Light pollution, EN1 – Landscape character, EN6 – Biodiversity, EN6a – Protected species, EN6b – Habitat creation and EN11c – Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites of the Tendring District Local Plan (2007).

19. In accordance with the project schedule approved pursuant to condition 3, 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.

- If infiltration is proven to be unviable then discharge rates should be limited to 83l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, 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 first public use of the link road.

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 SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies QL3 – Minimising and managing flood risk, COM23 – General pollution and EN13 – Sustainable Drainage Systems of the Tendring District Local Plan (2007).

20. Prior to first public use of the link road hereby permitted, a Surface Water Drainage System Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, 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 SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities’ Shared Strategic Section 1 Plan (2021); and policies QL3 – Minimising and managing flood risk, COM23 – General pollution

and EN13 – Sustainable Drainage Systems of the Tendring District Local Plan (2007).

21. The entire length of the dual carriageway link road hereby permitted shall be provided with a Low Noise Road Surface as part of its design. For the avoidance of doubt, noting there are many Low Noise Road Surfacing products, as a minimum the product to be used for the link road shall have a Road Surface Influence of -3.5 dB or less.

Reason: In the interests of amenity, to reduce the impacts of road noise and to comply with policy COM22 – Noise pollution of the Tendring District Local Plan (2007).

22. Prior to any temporary or permanent diversion or stopping up of any existing Public Right Way, pursuant to the development hereby permitted, details of the proposed temporary and permanent Public Right of Way creations, diversions and stopping up orders shall be submitted to the County Planning Authority for review and approval in writing. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not result in reduced Public Right of Way connectivity temporarily or permanently and that appropriate enhancements are secured to the network to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL2 – Promoting transport choice, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for cycling of the Tendring District Local Plan (2007).

23. In accordance with the project schedule approved pursuant to condition 3, no development shall take place until detailed designs of the footway/cycleway and walker, cyclist and horse rider (WCH) path and the two at grade crossings proposed across the link road, hereby permitted as part of this development, have been submitted to the County Planning Authority for review and approval in writing. The details shall seek to confirm the proposed legal use of the path and crossings; the proposed construction finish of the path, crossings and associated underpass; any lining and signage proposed; and any lighting and/or barriers/fencing proposed. The footway/cycleway/WCH and crossings shall be constructed as approved prior to first beneficial use of the link road hereby permitted.

Reason: To ensure that the footway/cycleway/WCH is fit for purpose, is delivered in a timely manner and to comply with policies SP7 – Place shaping principles, SP8 – Development and delivery of a new garden community in North Essex and SP9 – Tendring/Colchester Borders Garden Community of the North Essex Authorities' Shared Strategic Section 1 Plan (2021); and policies QL2 – Promoting transport choice, COM1 – Access for all, COM2 – Community safety, COM12a – Bridleways, TR3a – Provision for walking, TR4 – Safeguarding and improving Public Rights of Way and TR5 - Provision for

cycling of the Tendring District Local Plan (2007).

BACKGROUND PAPERS

Consultation replies
Representations

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.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

In determining this planning application, the County 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 Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

TENDRING – Tendring Rural West
COLCHESTER – Wivenhoe St Andrew