

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Monday, 1 November 2021 at 10:30.

Present:

Cllr J Jowers (Chairman)	Cllr L Bowers - Flint
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr A Sheldon
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware
Cllr S Kane	

1. Membership, Apologies, Substitutions and Declarations of Interest

Cllr Guglielmi sent apologies for whom Cllr L Bowers-Flint substituted. Cllr Dr R Moore sent apologies for whom Cllr A Sheldon substituted. Cllr B Aspinell sent apologies.

Councillor J Fleming declared a non-pecuniary code interest in item 5.1 of the agenda (Minute 4) concerning the land between the A120 and A133, to the east of Colchester and west of Elmstead Market. Cllr Fleming considered that as this was a code interest, she would be excluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on the 24th September 2021 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) Greenacres, Packards Lane, Wormingford.
To consider report DR/21/21 relating to the continuation of use of waste recycling facility without compliance with condition 11 (HGV Movement Times) of planning permission ESS/09/18/COL that was for "Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Additional Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00 – 16:30 hours on Good Fridays" to now allow for 6 HGV movements between 05:30 – 06:00 hours; 10 HGV movements between 06:00 – 07:00 hours and 10 HGV movements between 07:00 – 07:30 hours to allow more flexibility in early morning movements periods.
Location: Greenacres, Packards Lane, Wormingford, CO6 3AH
Ref: ESS/11/21/COL

Public speaker:

- Agent on behalf of the applicant: Mr Paul Calder – speaking for
- 2) Land between the A120 and A133, to the east of Colchester and west of Elmstead Market
To consider report DR/22/21 relating to a 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 associated works and landscaping.
Location: Land between the A120 and A133, to the east of Colchester and west of Elmstead Market
Ref: CC/TEN/31/21

Public speakers:

- On behalf of Wivenhoe Town Council: Cllr Andrea Vaughan – speaking against
- Landowner: Mr Charles Gooch – speaking against
- On behalf of Ardleigh South Services: Mr Kevin Happs – speaking against
- Local resident: Mr Phil Robinson – speaking against
- Local resident: Mr Bill Marshall – speaking against
- Applicant: Mr James Davidson – speaking for
- Local member: Cllr Mark Cory

4. **Greenacres, Packards Lane, Wormingford**

The Committee considered report DR/21/21 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriate location for future expansion of activities and policy guidance.
- Environmental aspects
- Noise
- Lighting/Ecology
- Traffic

In accordance with the protocol on public speaking the Committee was addressed by Mr Paul Calder, the agent speaking on behalf of the applicant. Mr Calder made several points:

- The applicant was requesting the continued lawful use of the existing site, together with allowing HGVs to leave the site at 05.30am, 30 minutes earlier than was currently permitted.
- Some of the noise complaints raised by local residents may not be attributed to the site as, for example, CCTV footage had previously shown that the site was not in use at the time of one particular complaint. In addition, it was possible that some complaints made by residents could be

attributed to the neighbouring industrial sites as opposed to the applicant themselves.

- Allowing earlier HGV movement times would allow for more efficient collection and treatment of waste, as well as contributing to sustaining a local employer.
- The agent reported that during an on-site meeting with the Case Officer on the 14th August, the Case Officer stated that subject to the relocation of the HGV parking area to the east and the applicant engaging in liaison meetings to ensure that any operational issues could be resolved, they would be minded to recommend approval.
- The publication of the report had made apparent harm to the amenity of local residents by virtue of noise and lighting that the applicant had been unaware of previously. The applicant believed that these issues were capable of resolution with further dialogue.
- In order to allow these technical matters to be addressed, the agent requested refusal or deferral of the item.

Following comments and concerns raised by members, it was noted:

- The concerns of residents living near the site and on the routes of the HGV movements were noted by the Committee.
- The Liaison Committee, which brought together the applicant, local residents, Parish Councillors, the Local Member and the Case Officer, had been quiet during the Covid-19 lockdowns. However, the officers were optimistic about reintroducing meetings in the future.
- Officers reported that lighting conditions were already in place, however, due to security and safety many of the lights used on the site were sensor triggered, thus, were often activated by wildlife during the night-time. This lighting was a visual disturbance that disrupted the natural dark countryside sky.
- A new building with an acoustic barrier on the site was already approved for construction, which could assist in reducing the noise disturbance created by the site.
- It was noted that it would be possible to defer the decision to allow the applicant more time to put forward updates to their application.

There being no further points raised, the resolution, was proposed by Councillor D Harris and seconded by Councillor J Fleming. Following a unanimous vote of 11 in favour,

Resolved

That planning permission be refused for the following reason:

The proposed early morning vehicle movements (between 05:30 – 06:00 hours) and associated activities (arriving site personnel and their preparatory activities in preparing the HGV's) would cause harm to the rural character of the locality and harm to local amenity from unacceptable noise emissions and artificial light pollution contrary to Policies 10 and 12 of the Essex Waste Local Plan (2017); Policy DP1 of

the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014); Policy SP1 of the North Essex Authorities' Shared Strategic Section 1 Plan (Adopted February 2021), emerging policies ENV5 and DM15 of Section Two Colchester Publication Draft Local Plan (Oct 2021) and the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW).

5. Land between the A120 and A133, to the east of Colchester and west of Elmstead Market

The Committee considered report DR/22/21 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development and Alternatives
- Highway Design
- Landscape and Ecology
- Geology and Soils
- Heritage
- Amenity (including noise and vibration, air quality and lighting)
- Human Health
- Flood Risk and Drainage
- Climate Change
- Public Sector Equality Duty and Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Cllr Andrea Luxford Vaughan, speaking on behalf of Wivenhoe Town Council. Cllr Luxford Vaughan made several points:

- The road would have a detrimental effect upon wildlife, ancient woodland, cultural heritage, noise, air quality and light pollution.
- There were no confirmed costs or timescales, which could lead to significant problems with the delivery. In addition, the land was not owned by the applicant and potential threat of judicial review or discovering archaeological remains on the site could add delays to construction.
- There was no provision for funding for A120 improvements within the scheme.
- The plans did not comply with Climate Emergency Declarations and environmental damage could be catastrophic.
- There was not an up-to-date Development Plan in place to support the application.
- The Green Cordon scheme could offer a cheaper, quicker, and more environmentally sound option and would ensure the Rapid Transit System would work and comply with national and local planning policy.

In accordance with the protocol on public speaking the Committee was addressed by Mr Charles Gooch, speaking as a landowner. Mr Gooch made several points:

- The proposed high-level lighting at the roundabout on the A133 would have significant landscape, wildlife, and environmental impacts, thus, initially at least, should be kept at a minimum and low level only. This would also reduce the effect on neighbouring properties in this rural location.
- Once the Link Road was operational, Elmstead Road could become congested. It was already heavily used and was not wide enough for traffic to pass safely, as could be seen by the damage to the highway verge. It would become a useful route for access to the Link Road, once operational. The report suggested that a Traffic Regulation Order could be placed on Elmstead Road in the future, however, this should be considered sooner.
- An amendment concerning Basin 3 and access from Tye Road to the retained land had been agreed in principle, however, had not been included within the planning application.

In accordance with the protocol on public speaking the Committee was addressed by Mr Kevin Happs, speaking on behalf of Ardleigh South Services. Mr Happs made several points:

- A comparison between 2019 and 2026 traffic projections showed a 78% reduction in potential customers for Ardleigh South Services. In addition, the proposed reconfiguring of the Services was not user friendly and denied a direct ingress and egress to the Services.
- If the Services were no longer viable then the access would no longer be needed and a more environmentally friendly option for the scheme could be considered, for example, by reducing the impact on the ancient woodland in Strawberry Grove.
- National Highways had expressed concerns that the roundabout and infrastructure at and around Ardleigh South Services would not be able to cope with the predicted traffic levels.
- The scheme did not accord with the Local Plan as it was to be approved and constructed ahead of the master-planning process that the Plan required. In addition, the scheme conflicted with environmental policies within the Plan.
- There was a lack of local stakeholder support for the scheme.

In accordance with the protocol on public speaking the Committee was addressed by Mr Phil Robinson, speaking as a local resident. Mr Robinson made several points:

- The scheme did not provide adequate mitigation measures to minimise the impact on Turnip Lodge Lane, a non-designated heritage asset.
- The lane would be an important feature within the garden community, and there were not adequate safeguarding measures in place for it.
- The hedgerow alongside the lane should be retained and any gaps within it should be infilled.

- The erection of hoarding alongside the area facing the lane during the construction period would shield the lane from noise and dust.
- The erection of a physical barrier or similar during the operational periods of the road would shield the road's adverse effects from the lane users.

In accordance with the protocol on public speaking the Committee was addressed by Mr Bill Marshall, speaking as a local resident. Mr Marshall made several points:

- The applicant, Essex Highways, was submitting the application to Essex County Council, which could raise concerns about a conflict of interest.
- The HIF conditions would not be met or kept, as the HIF would not cover the new access to the Colchester Waste Transfer Station, and National Highways would take 25% of the £65 million contribution of the HIF for the Link Road.
- It was not clear how any cost and time overruns would be paid for.
- Local residents had expressed concern over the scheme.
- The proposed lighting would affect local residents.
- Over 600 hectares of Grade 1 agricultural land was proposed for use for the development.
- Tendring District Council and Colchester Borough Council stated in 2019 that the delivery of housing for the Garden Community at 125 units per year until 2033 was not actually needed for their housing requirement.

In accordance with the protocol on public speaking the Committee was addressed by Mr James Davidson, speaking on behalf of the applicant. Mr Davidson made several points:

- It was not possible for Ardleigh South Services or the Waste Transfer Station to retain their existing accesses within the scheme. Whilst other options for access to the Services had been considered, these would have meant that the Link Road would either not achieve its objectives or not be accepted by National Highways.
- Whilst the turning circles for HGVs within the Services would be tight, these had been checked and the design was considered to be the most functional possible.
- Road users would be able to decide to exit the A120, both westbound and eastbound, to travel to the facility, and this would be aided by signage. Modifications had been made to the design based on representations and discussions with the Services.
- There was a need for street lighting at the roundabouts and their approaches and exits as these would be 'Conflict Areas'. However, there was no need for lighting in between the roundabouts.
- Landowners had been engaged with throughout the process in order to find the most appropriate solution for both parties, in some cases by changing the proposals in line with comments.
- Working group meetings had been held with Tendring District Council and Colchester Borough Council to align the design with the objectives of the Garden Community

- The scheme severance would be restricted to the eastern end of Turnip Lodge Lane, with no other physical disturbance to the rest of the lane.
- The indirect impact of the scheme upon Elmstead Road was acknowledged, and to deal with this, the closure of central reserve gap on A133 has been included to prevent collisions. In addition, further restrictions would be considered through a Traffic Regulation Order.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Mark Cory, speaking as the local member. Cllr Cory made several points:

- Deferring the proposal would enable more time to correct outstanding factors. These included: further work on greening modifications that had not yet been taken into consideration, existing delays to the project and the Development Plan Document for the Garden Community area still being in its early stages.
- The proposal failed to link to the existing infrastructure and settlements with active travel. It failed the Garden Community principles enshrined in Section 1 of the joint Essex Authorities Local Plan.
- The scheme would not include active travel links or crossings around the A133 as the new road met it, meaning there would be no active travel connections to the surrounding communities of Elmstead, Wivenhoe or beyond. This would prevent residents of the Garden Community from using active travel links to visit the nearby communities, particularly including the nearest train station in Wivenhoe.
- It was not possible to measure the impact of a new road built to enable the building of a Garden Community whilst excluding the impact of the Garden Community itself. The report stated that including the garden community, there would be an increase of approximately 256,000 tCO₂e relative to the scenario without the Garden Community.
- There was not sufficient ecological information available for the determination of this application.

Following comments and concerns raised by public speakers, it was noted:

- The representation from Place Services, as detailed in the report, suggested that there was not sufficient ecological information submitted to assess the proposal and its impact. This concern specifically related to bats; including the impact proposed lighting would have on bat flight paths and whether mitigation proposed would be appropriate. In view of the nature of the concern, Place Services nevertheless approved for this information to be secured by condition.
- This application only concerned the Link Road. Further plans concerning active travel principles would likely come forward with the residential led applications within the Garden Community area. A memorandum of understanding existed between Essex Highways, Colchester Borough Council and Tendring District Council, which sought to share information and knowledge about this project and enable such applications to effectively carry forward and expand on principles proposed.

- Statutory comments were available to view on Essex County Council's website and the contents of the letters of public representation received were summarised within the report.
- Regulation 3 of the Town and Country Planning General Regulations 1992 allowed this application to be determined by Essex County Council as County Planning Authority.
- The construction and environmental management plan proposed to be secured by condition would allow officers to secure details of hoarding and barriers, if considered necessary.
- In their capacity as the Minerals and Waste Planning Authority, Essex County Council officers had not raised an objection to the development from a mineral safeguarding perspective.
- The access around Basin 3 had not been altered based on feedback from the landowner. However, the condition relating to drainage would allow this amendment to be secured, should this be put forward by the applicant in due course.
- Traffic management measures could be used on Elmstead Road to help control the traffic. It was, however, not possible to include the requirement for a Traffic Regulation Order to be placed upon Elmstead Road as a planning condition as this would not meet the tests.
- The description of the development included '...with new accesses to an existing petrol station (Ardleigh South Services) and Colchester Waste Transfer station.'
- The road would enable infrastructure that would support the Garden Community.
- The wording of the conditions sought to allow flexibility with the permission, so that as the Development Plan Document was produced, the potential for modification to the landscaping design and borrow pit restoration, for example, would be achievable.
- Officers noted that they were comfortable to give the recommendation to approve the application based on the information which had been submitted in support of the proposals.

Following comments and concerns raised by members, it was noted:

- The HIF funding had to be spent by 2024. It would be possible for this to be renegotiated by the applicant; however, this was not a material planning consideration.
- The Local Plans of Tendring and Colchester had outlined the requirement for the Link Road.
- It was suggested that the Link Road could encourage greater car use and harm the rapid transit system and the ability for this to be quicker than private transport. There was a potential alternative proposal of a Green Cordon, however, this was not progressed at the meeting.
- According to modelling, it was clear that the Garden Community could not come forward without a scheme to alleviate traffic in Colchester first.

- The Link Road was one part of the transport package proposed to support the emerging Garden Community. It was possible that the scheme could facilitate a change in the mode of travel currently used, for example, by using a Park and Ride service. The benefits of this change in travel habits would be felt by the whole community, rather than just the Garden Community.
- Further improvements to connectivity could be secured through the Development Plan Document process and negotiated in the future as part of the applications within the Garden Community area.
- It was noted that there had to be a material planning consideration in order to defer the application.
- Place Services had agreed to the ecology conditions within the report.
- A Traffic Regulation Order on Elmstead Road would need to be progressed separately. It would not be possible to require a Traffic Regulation Order, by way of planning condition as the outcome of the process was unknown. The applicant was a Highway Authority with public responsibility, hence, if Traffic Regulation Orders were required these would be introduced in the future.
- The loss of 0.05 hectares of ancient woodland from Strawberry Grove was due to exceptional reasons, and the proposal was considered to be the most environmentally sensitive option possible. As required by footnote 63 of the National Planning Policy Framework, the public benefit of the Link Road would outweigh the loss of Strawberry Grove due to the social and economic benefits associated with the wider Garden Community allocation.

There being no further points raised, following a vote of 9 in favour, 1 against, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992,

That 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

¹ 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.

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 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).

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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;

² 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.

- 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 writing³. The strategy shall seek to outline measures/mitigation proposed to compensate the loss or displacement of Farmland Bird territories which have been identified as being lost or displaced. The Strategy shall include the following:
- 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

³ 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.

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).

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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).

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/23/21; applications, enforcement and appeals statistics, as at the end of September 2021.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 26 November 2021, to be held in the Council Chamber, County Hall, Chelmsford. Training was to take place on Monday 22 November.

There being no further business, the meeting closed at 12:47am.