



**MINUTES of
DISTRICT PLANNING COMMITTEE
9 JULY 2020**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, Miss A M Beale, V J Bell, M F L Durham, CC, M R Edwards, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

1059. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting.

A roll call of all Members present was taken at this point.

1060. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick and J V Keyes.

1061. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 3 June 2020 be approved and confirmed.

1062. DISCLOSURE OF INTEREST

The following disclosures of interest were made:

In relation to Agenda Item 5 – 15/01327/OUT Lane North and West of Knowles Farm, Wycke Hill, Maldon:

- Councillor C Mayes declared a non-pecuniary interest as she knew the owner of Knowles Farm.

- Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on matters relating to this application.

In relation to Agenda Item 6 – 20/00157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea:

- Councillor Mayes declared a non-pecuniary interest as she was a member of the Bradwell Working Group.
- Councillor Mrs Channer declared a non-pecuniary interest as she was an Essex County Councillor and the County Council were involved in the Joint Member Bradwell Board (JMBB) with Maldon and although she did not sit on this board there was joint working which related to Bradwell.
- Councillor B E Harker declared an interest as Chairman of the Bradwell B Working Group and a member of the JMBB. He advised that he would leave the meeting at the end of Agenda Item 5.
- Councillor A S Fluker declared a non-pecuniary interest as a member of the both JMBB and Bradwell B Working Group.
- Councillor N J Skeens declared a non-pecuniary interest as he was a member of the Bradwell B Working Group.
- Councillor M G Bassenger declared a non-pecuniary interest as he was a member of the Bradwell B Working Group.
- Councillor K M H Lagan declared a non-pecuniary interest as he had held conversations with local groups who objected to the proposed work.
- Councillor Mrs M E Thompson declared a non-pecuniary interest as a member of the both JMBB and Bradwell B Working Group, advising that it was not directly related to this application.
- Councillor Miss S White declared a non-pecuniary interest as a member of both the JMBB and Bradwell B Working Group.
- Councillor M W Helm declared a non-pecuniary interest as a member of the Bradwell B Working Group.
- Councillor R G Boyce declared that although he agreed with nuclear power in principle and for reasons that were not planning reasons he had concerns regarding this application and would therefore be abstaining from voting, for his personal vote.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council. He advised that he was the Deputy Cabinet Member for Economic Development which included planning and a member of the JMBB.

1063. 15/01327/OUT - LAND NORTH AND WEST OF KNOWLES FARM, WYCKE HILL, MALDON, ESSEX

Application Number	15/01327/OUT
Location	Land North And West Of Knowles Farm, Wycke Hill, Maldon, Essex
Proposal	C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.
Applicant	Mr Nick Mann - Dartmouth Park Estates Ltd.
Agent	Nathaniel Lichfield and Partners
Target Decision Date	31.08.2020
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Local Development Plan (LDP) site allocation Site S2(b)

It was noted from the Members' Update that there a proposed amendment to conditions 4 and 42 and informative 6.

Following her presentation of the application and in response to a question regarding delivery of the relief road mentioned within the application, the Officer advised that proposed the Section 106 agreement (S106) would require a financial contribution towards the construction of the relief road and these together with contributions already secured would be used by Essex County Council (ECC) to build the relief road. There were no timescales detailed within the S106 but ECC were working with the Council to deliver the relief road in accordance with the infrastructure delivery plan.

The Chairman advised Members that under the Council's public participation scheme one submission had been received from Nicolas Mann, the Applicant. In line with the public participation scheme he had reviewed the submission and the Lead Specialist Development Manager proceeded to read out the submission received. The Chairman then moved the Officers' recommendation of approval subject to the conditions detailed within the report. This was not supported.

Councillor N G F Shaughnessy declared a non-pecuniary interest in this item of business as she knew one of the objectors.

A lengthy debate ensued, a number of Members commented on the application raising concerns about a variety of issues. In response to these concerns and questions raised Officers provided further detailed information which included:

- the percentage of affordable housing provided by the scheme;
- how the proposed relief road would be delivered, that the sum anticipated to be required for construction of the relief road was identified at the time the Council's Local Plan was developed and that this funding had been secured through Section 106 Agreement. The Officer also provided Members with

information regarding why the construction of the proposed relief road would be carried out by Essex County Council Highways rather than the developer as had originally been proposed.

- the requirement for a Strategic Phasing plan was covered in proposed condition 8.
- non-compliance with conditions relating to landscaping etc. would be an enforcement matter.
- the proposed bridleway location was identified, and Members were advised that its location remained unchanged from what was proposed in 2017.
- a horse crossing was not part of the proposal and had not been requested by Essex County Council highways to be included in the S106.
- the location of the proposed vehicular access to the site and Members were advised that if the relief road did not come forward in time, potential alternative means of access would be reviewed.
- proposed condition 33 included green infrastructure management and surface water requirements.

The Officer explained that details of the phasing, buffers, building heights etc. were not part of this application but would come forward with the reserved matters application, when submitted would need to accord with the Parameter Plans which form part of the outline application. Assessment of any reserved matters application would include the impact the proposed development had on local residents.

Councillor Miss S White raised some concerns and then proposed that the application be deferred for reason of there being insufficient information and until some of the questions had been answered. This proposal was duly seconded. In response the Lead Specialist Place sought confirmation what information Members' would be seeking if the deferment was agreed and advised that further information relating to the relief road was outside the applicant's control. The Chairman then advised Councillor Miss White that he would not be allowing her proposal.

In response to a question regarding including further information in the legal agreement, the Lead Specialist Place provided further detail regarding the relief road, highlighting how the Council would be working with Essex County Council to deliver the relief road.

The Chairman put the proposal for approval of the application, as set out in the Officers report, but upon a vote being taken this was declared lost. The Chairman then sought from Members sustainable reasons for refusal.

In response to some suggested reasons given by Members, the Lead Specialist Place provided clarification in respect of financial contributions as set out in the Council's policies, the detail available as part of the outline application and further points of clarification in respect of the relief road. The Officer reminded Members that this was an allocated site within the Local Development Plan.

Following further lengthy debate, Councillor S P Nunn proposed that the application be refused, contrary to Officers' recommendation, for reasons relating to the lack of

certainty in respect of access and infrastructure causing potential concerns regarding traffic movement including emergency services. This proposal was duly seconded.

In response to a question regarding the height and location of buildings, the Lead Specialist Place advised that this detail was not set out in the outline application. Councillor N G F Shaughnessy requested that it be noted that residents of her Ward had raised concern regarding three storey buildings being close to existing properties and the change to the location of the existing bridleway. The Lead Specialist Place advised that Highways had not raised any objection in relation to the bridleway.

In response to the proposal, the Lead Specialist Place sought clarification on this and reminded Members of the need to ensure it was as robust as possible.

Further debate ensued and there was some discussion around deferring the application although this was not agreed.

The Chairman then put the proposal in the name of Councillor Nunn and upon a vote being taken was agreed.

RESOLVED that this application be **REFUSED** for the reason that there is a lack of certainty with respect to access and infrastructure causing potential concerns regarding traffic movement including emergency services, contrary to Policies S3, S4, T2 and I1 of the approved Maldon District Local Development Plan.

Councillor M F L Durham left the meeting at this point and did not return.

1064. 20/00157/FUL - LAND EAST OF BRADWELL POWER STATION, DOWNHALL BEACH, BRADWELL-ON-SEA

Councillors Mrs P A Channer and B E Harker left the meeting at this point and did not return.

Application Number	20/00157/FUL
Location	Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea
Proposal	Application to carry out ground investigations, load test and associated works in connection with a proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.
Applicant	Bradwell Power Generation Company Limited
Agent	N/A
Target Decision Date	EOT: 17/07/2020
Case Officer	Devan Hearnah
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Not Delegated to Officers Major Application

The Members' Update circulated prior to the meeting detailed an amendment to paragraph 5.3.4 of the report and advised that a consultation response and seven

additional letters of objection had been received. An amendment to condition 5 was also detailed.

Following the Officers' presentation, the Chairman advised Members that under the Council's public participation scheme three submissions had been received from:

- an objector, Ms Gemmill;
- Ms Allen on behalf of Bradwell-on-Sea Parish Council;
- the Applicant, Mr Murdoch (Project Development Director).

In line with the scheme Chairman had reviewed the submissions and the Lead Specialist Development Manager proceeded to read out the submissions received. The Chairman then moved the Officers' recommendation of approval subject to the conditions detailed within the report and Members' Update. This was duly seconded.

A lengthy debate ensued and a number of Members raised detailed concerns regarding the proposal. The Lead Specialist Place reminded the Committee that the application was for temporary, not permanent works with any harm being removed in five years and did not facilitate or grant anything in relation to a power station at Bradwell.

The Specialist: Development Management advised that the site would be restored to its current condition once works had taken place. During the further discussions that ensued and in response to a number of concerns raised, the Officer provided the Committee with detailed information regarding the proposed works, which included:

- impact on the character and appearance of the area, including noise;
- heritage and impact on the World War 2 buildings, with particular concern being raised in relation to the Watch Tower and hangers.
- there being no requirement for net biodiversity gain due to temporary nature of the works;
- Impact on noise and light of adjacent residential properties;
- The close proximity of ecological receptors, the Officer clarified the nearest was 950m away.
- Hours of work and how those proposed were outside of the Council's policy;
- Environmental impact, it was noted that the Royal Society for the Protection of Birds had raised concerns;
- Flood risk.

Members were advised by Officers that a number of the concerns raised would be addressed and monitored through the proposed conditions.

The Chairman then moved the proposal to approve the application in accordance to the conditions as set out in the report. Upon a vote being taken this was declared lost.

During the vote, Councillor A S Fluker clarified that in accordance with paragraph 4.9 of the remote meetings protocol he would not be voting on this item of business. He left the meeting at this point and did not return.

The Chairman then sought reasons for refusal from Members.

Councillor E L Bamford proposed that the application be refused, contrary to Officers' recommendations, for reasons that there was no evidence that the massive scale of the proposals had been agreed by the Government, making it necessary to undertake **the proposed** extensive groundwork investigations and insufficient information **provided with regard to and¹** the effects on the wildlife and heritage sites. This proposal was duly seconded.

In response to the proposal, the Lead Specialist Place advised Members against a reason relating to the nuclear power station as this application was not for that and such matters were for consideration as part of the Development Consent Order process. He explained that Officers did not consider the application had an impact on ecology having taken into consideration the consultation response from Natural England. The Officer clarified that Members needed to consider the harm from the application in relation of the character and appearance of the area.

Councillor C P Morley left the meeting at this point and did not return.

Following further discussion and assistance from the Lead Specialist Place it was agreed that the reasons for refusal should relate to:

- Noise and disturbance on ecology matters;
- The historic environment referring to archaeology and the heritage assets.

In response to a question the Committee were advised that to include a reason that stated lack of information it was necessary to clearly identify what information was lacking.

The Chairman then put the proposed refusal for the two reasons as discussed, advising that the wording of the refusal would be delegated to Officers in consultation with the Chairman of the Committee. Upon a vote being taken this was duly agreed.

RESOLVED that this application be **REFUSED** for reasons relating to noise and disturbance on ecology matters and the impact on the historic environment referring to archaeology and the heritage assets. The exact wording of the refusal is delegated to Officers in consultation with the Chairman.

The meeting closed at 4.22 pm.

R G BOYCE MBE
CHAIRMAN

¹ District Planning Committee – 13 August 2020 (Minute No. 1137 refers).