



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
8 SEPTEMBER 2021**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, E L Stephens and Miss S White
In attendance	Councillor C Morris

262. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

263. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K W Jarvis and R H Siddall J V Keyes.

264. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 16 June 2021 be received.

Minute No. 147 - 21/00415/FUL - Land North of Orchard Way, Mope Lane, Wickham Bishops

That the following text outlined in bold replaces the word 'Officer':- 'Councillor E L Stephens declared a non-pecuniary interest in Agenda item 6, 21/00415/FUL - Land North of Orchard Way, Mope Lane, Wickham Bishops, as she was an acquaintance of the **Architect**.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 16 June 2021 be confirmed.

265. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters and the lead flood authority for this case.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters. She had met the agent and visited Blue House Farm with the North Fambridge Parish Council.

266. 21/00554/FUL - THE ESSEX WILDLIFE TRUST NATURE RESERVE, BLUE HOUSE FARM, BLUE, HOUSE FARM CHASE, NORTH FAMBRIDGE

Application Number	21/00554/FUL
Location	The Essex Wildlife Trust Nature Reserve, Blue House Farm, Blue House Farm Chase, North Fambridge
Proposal	Deepening a 22ha. wetland scrape in three locations. Construction of raised walkway, screening bunds, base for wildlife hide and areas above the waterline for roosting and nesting birds. Installation of 2000m of anti-predator fence to a height of 1.8m to replace existing anti-predator fence.
Applicant	Essex Wildlife Trust
Agent	Harry Smith – Essex Wildlife Trust
Target Decision Date	28 September 2021
Case Officer	Kathryn Mathews
Parish	PURLEIGH AND NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Major Application

It was noted that a Members' Update had been circulated prior to the meeting that detailed further correspondence from North Fambridge Parish Council, Essex County Council SuDS Team and Natural England. Following the Officer's presentation, the Agent, Mr Marc Outten, addressed the Committee.

The Chairman then opened the debate and a short discussion ensued.

Councillor Durham proposed that the application be approved in accordance with the Officer's recommendation subject to conditions as outlined in the report and following the receipt of Natural England's agreement to the Habitats Regulation Assessment which Officers have sent to them. This was duly seconded by Councillor Keyes. The Chairman put the proposal to the Committee and upon a vote being taken it was unanimously approved.

RESOLVED that the application be **APPROVED** subject to Natural England's agreement of the Habitats Regulation Assessment and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in complete accordance with the approved drawings:

- Location Plan
- Location Plan – Overview
- EWT/BHF/RoundMarsh/v1/KH
- Cross sections

REASON: To ensure that the development is carried out in accordance with the details as approved.

3 No fencing or other means of enclosure (except for the predator fence proposed) shall be erected unless details of the location, height and design of the means of enclosure has been submitted to and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved details and retained as such in perpetuity.

REASON: In the interests of the character and appearance of the area, in accordance with Policies S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.

4 There shall be no exportation from the site of any material excavated from the site and no importation of material to the site to raise existing ground levels.

REASON: In the interests of the amenity of local residents and highway safety, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the NPPF.

5 No development shall take place unless and until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include the following:

- i) the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) control measures for mud and dust from site operations and ensuring no dust emissions leave the boundary of the site;
 - c) lighting arrangement for the site during construction;
 - d) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - e) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- ii) prevent the pollution of ground and surface waters. This will include the location of any hazardous materials including fuel from vehicles and equipment.
- iii) where any soils that are known to be contaminated are being excavated or exposed a site waste plan shall be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care.

REASON: In order to minimise nuisances and disruption to local residents and pollution, in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPG.

6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (May 2021), hereby approved.

REASON: To conserve and enhance Protected and Priority species and allow the local 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), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

- 7 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the local 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), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

- 8 No development shall take place unless and until a flood warning and evacuation plan for the construction period has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON: As the site is located in an area at high risk of flooding, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

- 9 No floodlighting or other external form of illumination of the site shall be provided during construction.

REASON: In order to minimise light spillage in the interests of the character and appearance of the rural area within which the site is located and to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan.

- 10 Construction works shall be carried out only during the months of October and/or November.

REASON: In order to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.

- 11 The results of the monitoring of the re-establishment of vegetation shall be submitted to the local planning authority within a year of the commencement of the works hereby approved along with details of a scheme of re-planting (including timing) if vegetation has not re-established. Any re-planting shall be carried-out in accordance with the details approved.

REASON: In order to protect and enhance wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.

The meeting closed at 7.47 pm.

MRS M E THOMPSON
CHAIRMAN