

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL ARE PLANNING COMMITTEE
23 JANUARY 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 7

Application Number	FUL/MAL/18/01365
Location	South Embankment Northey Island Maldon
Proposal	Removal of concrete blocks facing embankment. Infilling of borrow ditch and lowering of embankment to allow saltmarsh habitat creation behind (0.15ha). Construction of closing bank to prevent flooding to adjacent field to east. Repair to section of embankment to west.
Applicant	Mrs Nina Crabb - The National Trust
Agent	Mrs Nina Crabb - The National Trust
Target Decision Date	12/02/19
Case Officer	Kathryn Mathews
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Major application Member call-in by Councillor Miss Miriam R Lewis in the public interest - particularly concerned about the conflict with our SMP and the adopted "hold the line" position. Member call-in by Councillor Mrs Brenda D Harker in the public interest. Member call-in by Councillor Stephen J Savage at the request of Maldon Town Council and public interest.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	No apparatus located in the proposal and no objection to the proposed car/vehicle parking area	Noted.

7.4 Representations received from Interested Parties (summarised)

- **One** further letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Northey Island very important asset – calming breakwater, without it upper reaches would become shallow and a risk for navigation, reduces wave action, provides shelter to its west for water sports	The scheme is intended to protect the island from flooding and land loss in the long term
Would not protect, enhance and ensure the longevity of the island	The scheme is intended to protect the island from flooding and land loss in the long term
Contrary to Policy S1 as would increase flood risk	Refer to section 5.6 of report
Contrary to Policy D1 as sea bank non-designated heritage asset	The Conservation Officer has not identified the existing sea wall as a heritage asset
Contrary to Policy N1 as would destroy feature of historic interest and damage nature	Refer to sections 5.3 and 5.7 of report
If sediment recharge going ahead at north of island extended to this site, existing sea bank would remain safe for many decades	A refusal of planning permission on this basis could not be justified
Any project which changes tidal flows and channels can have an adverse impact on neighbouring properties	It is not predicted that the proposal would materially affect neighbouring properties
Suggests that the scheme is a small part of a larger National Trust scheme	There is no indication as part of the application that this is the case

In response to the letter of objection referred to in section 7.4 of the agenda report, the applicant has advised that there has been ongoing consultation with the tenant farmer over the past 4 years and there is no intention to impede farming activities in anyway. The final details are to be discussed once a contractor has been appointed.

8. **PRE-COMMENCEMENT CONDITIONS**

- 8.1 Pre-commencement conditions (relating and construction management) are recommended. The applicant/agent agreed to the conditions relating to flood risk (condition 3) and archaeology (conditions 4 and 5) on 10 January 2019 but, as the applicant has since confirmed that no changes to the CEMP are envisaged, condition 9 no longer needs to be a pre-commencement condition. Therefore, it is recommended that the wording of recommended condition 9 is amended to read as follows:-

9. PROPOSED CONDITIONS

- 9 The development shall be carried-out in accordance with the Construction Management Plan dated 21 January 2019. REASON To prevent disturbance pollution and impacts on habitats in accordance with Policies S1, S8, D1, D5, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.