



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
9 JULY 2020**

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

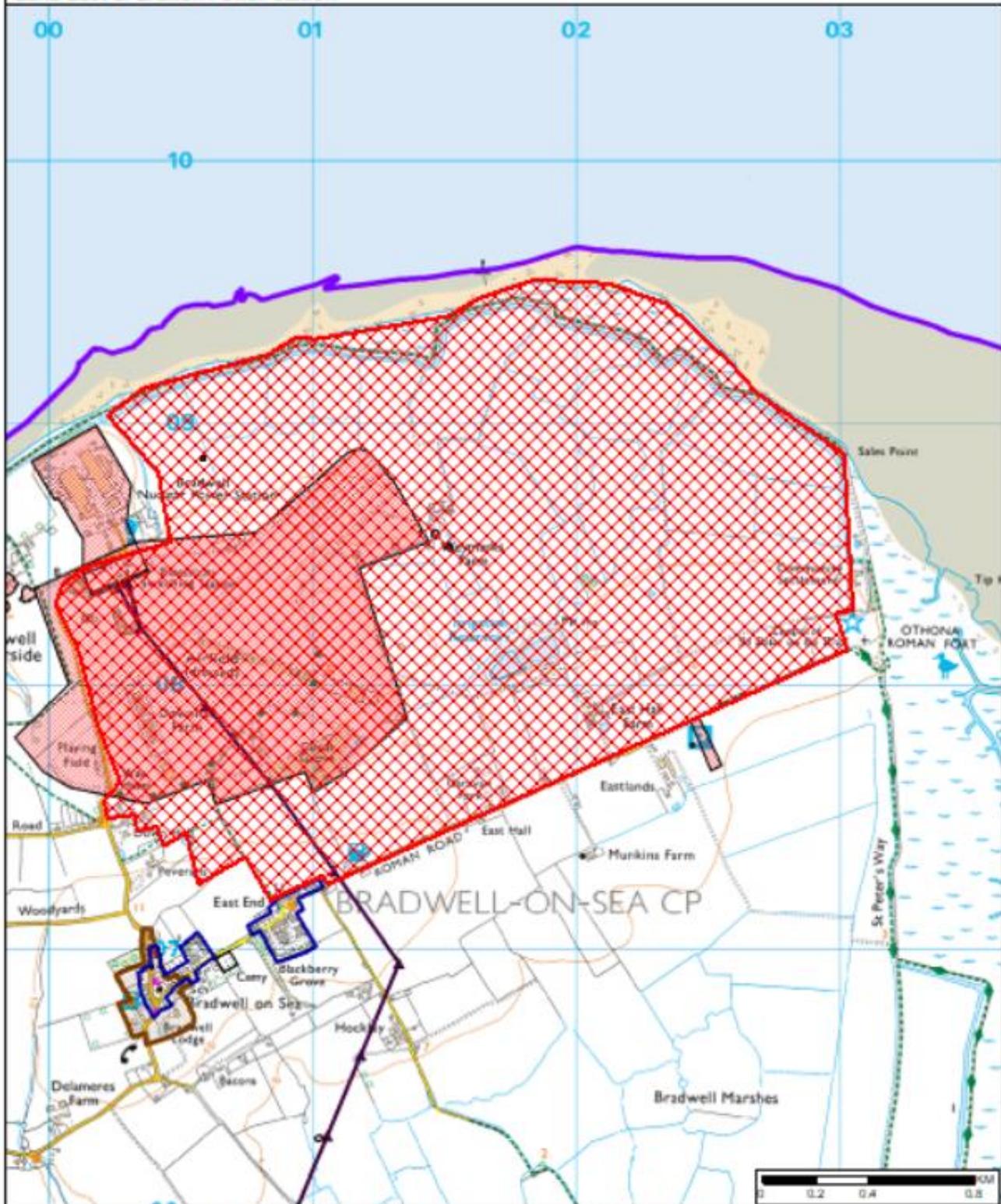
1. RECOMMENDATION

APPROVE subject to the conditions outlined in section 9.

2. SITE MAP

Please see overleaf.

20/00157/F UL
Land East of Brawell Power Station



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	28/04/2020
MSA Number:	100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site encompasses a large area of land to the east of the Bradwell Nuclear Power Station, west of the Bradwell Bird Observatory, north of East Hall Farm and to the south of Blackwater Estuary, measuring approximately 460 hectares. It is noted that five sites are excluded from the application site. Those sites are East Hall Farm, Peartree Cottages, New Weymarks Cottages, Weymarks Farm and The Control Tower.
- 3.1.2 The application site is mainly arable land which includes part of the former World War II military airfield and runway and very limited number of buildings, which are predominantly large corrugated steel agricultural buildings. A number of private roads and farm tracks traverse the site providing access to the fields. There are also some ditches mainly along the northern part of the application site.
- 3.1.3 Access to the site would be gained off High Street at the war memorial. The access road is a private unnamed road.
- 3.1.4 The site is generally flat and it largely lies within Flood Zones 2 and 3.
- 3.1.5 A borrow dyke runs in an east-west direction within the north of the site along the lower end of the flood defences. To the north of this borrow dyke extends the network of coastal nature conservation designations including Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.
- 3.1.6 Residential properties are sited mainly outside the application site (with the exception of those referred to above, which have been excluded from the red line boundary). A caravan site is also to the south of the site; however, the largest part adjacent to the application site is agricultural land. The previous Nuclear Power Station abuts the site to the west.

3.2 Description of proposal

- 3.2.1 Planning permission is sought for preliminary intrusive ground investigations on the land to the east of Bradwell Power Station. These works will help assist in the design of any new nuclear power station that may be proposed on the site. The proposed works build on previous preliminary investigations approved and undertaken in accordance with planning permission 17/01128/FUL and its associated discharge of condition permissions.
- 3.2.2 The works would be temporary in nature and can be considered as two elements; the ground investigation comprising of exploratory holes across the site and the load test investigation; together with associated works including two temporary site compound areas.
- 3.2.3 The first component of the works is the Ground Investigation Campaign which consists of exploratory holes sunk into the ground using a variety of techniques, including rotary, sonic and cable percussive drilling, cone penetration testing and the

formation of machine excavated trial pits. The second component, the Load Test Investigation, consists of four principle aspects. The first would be forming an excavation within the ground and installing various loading tests at the base of the excavation. The second would be to form (at varying heights) earth filled berms, from the material obtained from the excavation. The third aspect would be to undertake long-term monitoring of both of the berms and the installed load test within the excavation. The final aspect would be to reinstate the excavation with the excavated material.

3.2.4 The exploratory holes required are shown indicatively on plan 4126577-MMD-00-XX-DR-C-0005. The intrusive ground investigations proposed would consist of:

- Up to 30 rotary / sonic drilled (cored) explanatory holes, to a proposed maximum depth of approximately 100 metres below ground level (bgl).
- Up to 130 cable percussion boreholes, to a maximum depth of 50m bgl;
- Associated in-situ testing including strength and permeability testing;
- Up to 60 Cone Penetration Test (CPT) probes, to a proposed maximum depth of 50m bgl; and
- Up to 30 trial pits and observation pits, to a proposed maximum depth of 5m bgl.

3.2.5 The Load investigation will involve:

- a 200m by 100m wide, 8-10m deep (approximate) open cut excavation will be formed to expose the top of the unweathered London Clay.
- Surface and underground measuring instrumentation, with approximately 40 vertical holes formed.
- Two 4m diameter and one 7m diameter plate load tests and the bottom of the excavation.
- Excavated material will be reused on the site to form controlled engineered embankment earth fill tests. Two engineered and instrumented earth fill embankments are proposed; one approximately 80m by 100m, 6m high embankment and one 80m by 120m, 8m high embankment will be constructed to simulate the proposed site backfilling for the nuclear power station. Additional area for spoil storage for the top soil and superficial deposits will be provided.

3.2.6 It should be noted that the siting of these works are shown indicatively and only shows the general location of the exploratory holes to take place as part of the proposed ground investigation and load test investigations.

3.2.7 The trial pits and observation pits would be backfilled with the soil arisings and reinstated with topsoil replaced at the surface. Any previous boreholes that are identified and are of interest will be marked and protected for future use.

3.2.8 The Ground Investigation Site Compound layout is shown on plan 412657-MMD-00-XX-DR-C-0004. It will be bound by 2.2m high security fencing and will include a fuel storage area, an area for equipment storage and deliveries, a skip, a welfare area and parking for up to 24 vehicles.

- 3.2.9 The Load Test Investigation Site Compound layout is shown on plan 412657-MMD-00-XX-DR-C-0003 Rev P3. The plan shows the area required for excavation, two surcharge test bunds of heights between 6m and 8m and an 8m high spoil storage bund. The compound also includes a wheel wash, plant and materials storage / laydown area and a topsoil storage area. There is a settlement / retention / pollution control pond within the northern part of the compound and a contractor's office and welfare building to the south. A temporary foul water cesspool is also included within the southwest of the site. The area would be bound by 2.2m high security fencing.
- 3.2.10 It should be noted that both of the proposed compound areas utilise existing areas of hardstanding and means of access.
- 3.2.11 In terms of the access to the site, it is noted that the site would be accessed via an unnamed road leading to Bradwell Power Station at the war memorial. Primary accesses as shown on drawing 412657-MMD-00-XX-DR-C-0005 would be mainly used to provide access to site compound for workers, visitors and deliveries. The secondary accesses and unsurfaced farm tracks would only be used for gaining access to the approach routes to the exploratory hole locations. Appropriate traffic management measures such as signage, appropriate use of banksmen and a speed limit of 15mph on primary routes and 10mph on all other internal routes would be applied.
- 3.2.12 With regard to internal vehicular movements, detailed daily movement information has been submitted, of which details are discussed and assessed below, in the relevant 'Access, Parking and Highway Safety' section of the report.
- 3.2.13 Generally, the proposed site working hours are 07:00 to 20:00 hours Mondays to Fridays and alternate weekends (Saturdays and Sundays), with no work on bank holidays. Notwithstanding this, it is stated that borehole drilling and trial pitting would be restricted to daylight hours and the submitted Noise Appraisal report identifies working locations where different working hours will be applied based on daytime and evening noise thresholds. The site will be manned by security 24 hours a day seven days a week.
- 3.2.14 A number of documents have been submitted in support of the application including a Phase 1 Contaminated Land Desk Study, a Noise Appraisal, an Ecological Appraisal, a Heritage Statement and a Flood Risk Assessment.
- 3.2.15 The application has been supported by an indicative programme of works which outlines the following:
- Site establishment – 3 weeks from commencement
 - Load test area set up – 3-5 weeks from site establishment
 - Excavation and earthwork – 3-5 months from load test area set up
 - Load test equipment/pile set up – 4-6 weeks mostly in parallel with last month of excavation and earthwork
 - Monitoring period – Up to 1.5 year from load test set up
 - Potential extended monitoring period – 6 months from main monitoring period, if required
 - Backfill of excavation /demobilisation – Up to 6 months from completion of load test

Background of the application

- 3.2.16 It should be noted that in 2009 the area of land to the south and east of Bradwell Power Station comprising approximately 298 hectares was nominated into the Government's Strategic Siting Assessment (SSA). In the National Policy Statement for Nuclear Power Generation 2011 (EN 6), the Government concluded that this site in Bradwell is potentially suitable for nuclear new build. On that basis and in order to investigate the potential new Nuclear Power Station at Bradwell-on-Sea, the current application has been submitted to the Local Planning Authority.
- 3.2.17 It is noted that a number of applications have been submitted in relation to the decommissioning of the previous Bradwell Nuclear Power Station; however, it is the currently proposed operational works do not relate with the previous Nuclear Power Station and the application site extends outside to the east of the Bradwell Nuclear Power Station.

3.3 Conclusion

- 3.3.1 Having taken all material planning considerations into account, it is found that the development would be acceptable in principle and it would not have a detrimental impact on the character and landscape of the area, the nearby nature conservation designations, the ecological receptors, the environment as a whole, the amenities of the nearby residential occupiers or the highway safety and highway network. The development would be also acceptable in terms of flood risk. Therefore, subject to appropriate conditions, including those safeguarding the implementation of mitigation measures regarding noise, disturbance, contamination and protection of any archaeological remains, the development would be acceptable, and it is therefore, recommended for approval.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7..... Sustainable development
- 8..... Three objectives of sustainable development
- 10-12..... Presumption in favour of sustainable development
- 38..... Decision-making
- 47 – 50..... Determining applications
- 54 – 57..... Planning conditions and obligations
- 102-111 Promoting sustainable transport
- 124-132 Achieving well design places
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development. Amongst others, policy S1, which provides the background of the key principles in decision making states that when determining development proposals, the following will need to:

- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;
- 2) Support growth within the environmental limits of the District;
- 3) Enable and adapt to the effects of climate change by limiting greenhouse gas emissions through the efficient use of energy and use of renewable alternatives, coastal management, and mitigating against flooding;
- 4) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;
- 5) Conserve and enhance the natural environment; and
- 6) Conserve and enhance the historic environment.

- 5.1.2 As noted above, the proposed development relates to ground investigations that will assist with and inform the design and layout of any new Nuclear Power Station on the site. Policy D4 clearly states that the Council will strongly support the principle of the development of a new nuclear power station at Bradwell-on-Sea. It should be noted that the development which is subject of this application is not for the erection of a new Nuclear Power Station; however, the proposed engineering operations are considered to be necessary to be carried out in order to understand the ground conditions which may have a direct impact upon the layout, the design and site specific issues that will need to be taken into consideration for the final design, layout and construction of any future facility. As stated above, the proposed development will build on the works carried out under permission FUL/MAL/17/01128.
- 5.1.3 The site is located within and in close proximity to the network of coastal nature conservation designations and therefore, the impact of the development on the designated sites as well as any protected species within the site would be required to be assessed and, if necessary, mitigated. This is further assessed at the relevant 'Impact on the SSSI and protected habitat' section below.
- 5.1.4 The proposed development site has been identified by the Historic Environment Record (HER) as having archaeological potential. It is, therefore, necessary to ensure that geological deposits are preserved. This is also separately assessed at the relevant section below.
- 5.1.5 The proposed operational works would take place outside the defined development boundary of Bradwell and therefore, the impact on the landscape and character of the area should be assessed. A section discussing the impact of the development on the landscape and character of the area is included below.
- 5.1.6 The development by reason of its nature and location is likely to have an impact on ecological recipients and the environment in general. For that reason, a contaminated land study and a noise appraisal have been submitted to the Local Planning Authority. This impact is also assessed in detail below.
- 5.1.7 Although temporary, the development would generate employment, and this is supported by Policy E1 of the Local Development Plan (LDP). As noted in the Application Form submitted, the development would generate 30 full-time employment posts for a temporary period. Although it is accepted that such technological operations would require a highly skilled workforce which is unlikely to be found locally, would most probably support the local economy for the period of the operations. However, this would be a material consideration of limited weight.
- 5.1.8 In light of the above, it is considered that, subject to mitigation of any impact of the development on the designated sites, protected habitats, the environment, the archaeology assets and the landscape it is considered that the principle of development is acceptable.
- 5.1.9 Other material planning considerations, including impact on the amenity of the nearby occupiers and flood risk are also assessed below.

5.2 Visual Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create high quality built environments for all types of development.
- 5.2.2 The NPPF states that “*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.
- 5.2.3 The proposal is for intrusive ground investigations that would inform the design of a potential Nuclear Power Station. The proposed works are temporary in nature and during the proposed engineering operations plant and machinery would be present on site together with other equipment, such as seismic monitoring equipment and fencing around the holes for protection purposes. A number of vehicles would be also present during the proposed works.
- 5.2.4 A maximum number of boreholes and trial pits have been included within the submission. A condition could be imposed capping the level of development on site as part of any approval to ensure that this number is not exceeded.
- 5.2.5 It is recognised that by its very nature the proposed development would be out of context with the rural character of the site. However, given the scale of the site at 460 hectares, the fact that the various elements of the works would not take place concurrently and also that they would be temporary in nature, it is considered that the impact on the open countryside would not be detrimental to such an extent that would warrant refusal of the application on visual grounds.
- 5.2.6 In relation to the associated works, two site compounds are proposed to be formed on existing hard surfaced areas; one within the southern part of Downhall Farm and one to the west of Weymarks Farm and to the south of the airfield runway. The compounds would be temporary and would accommodate facilities such as welfare and storage areas, as well as the areas required for the Load Testing.
- 5.2.7 It is noted that the structures within the compounds would not be higher than 10m. A site compound is, by its very nature of limited architectural merit and of a temporary nature. Its function is directly related to and necessary for the enabling works and the structures within the site compound would not be highly visible from public vantage points. In this respect its impact is not considered to be materially harmful to the character of the area and consequently is acceptable for this type of application. It should be noted that this was the approach adopted by Maldon District Council (MDC) as part of application 17/01128/FUL and therefore, it would be unreasonable not to adopt this approach as part of this application. Whilst the bunds created at the Load Test Area Site Compound would be fairly high (up to 8m), it would consist of natural materials and would be temporary in nature. Therefore, whilst these elements would be more visible than the structures within the Site Compound Area, it is also not considered that the impact of the Load Test area would be materially harmful to the character of the area.

- 5.2.8 As noted above land to which the site compound areas would be sited are already hard surfaced and therefore the siting of the proposed compound areas would not result in any loss of existing vegetation. Furthermore, the retention of the existing vegetation along the eastern and western boundaries of the site compound areas provides some screening of the site compound areas from public views. Whilst views of the Load Test area would be more significant and would impact on the existing landscaping as stated above the views would largely be of natural materials stored in bunds. In addition, it is proposed to infill the boreholes once the investigation works are complete. Therefore, there is no objection in relation to the impacts on existing landscaping.
- 5.2.9 The parking area and equipment storage is to be located within the site compound and as such there would be no requirement new hardstanding for car parking area to be laid out and any consequent loss of existing natural landscape.
- 5.2.10 In light of the above, it is considered that the proposed development, by reason of its temporary nature, distance from public vantage points and that it would not encroach into the natural landscape resulting in any further loss existing character, would not have such a significant impact on the open countryside that refusal on such grounds can be justified.
- 5.2.11 Notwithstanding the above considerations, and although the effects of this proposal in total are known to be temporary and limited at any point in time, due to the extent of the work area proposed, a landscape and visual appraisal report has been submitted to cover the entire development area. The report assesses the landscape and visual effects of the proposed development, taking into consideration the national significance and local landscape character of the area.
- 5.2.12 It is stated that significant residual landscape effects would result from the load test area and the drilling rigs, which would directly affect approximately 25ha of the Bradwell Drained Estuarine Marsh Landscape Character Assessment (LCA), for a temporary period of up to two weeks in respect of the rigs and three years in respect of the load test area. However, mitigation in the form of avoiding concurrent working of multiple survey stations within approximately 100m of the coastal footpath (Public Right of Way (PRoW) 241-15) or programming works at multiple survey stations within approximately 100m of the coastal footpath (PRoW 241-15) to occur within concentration and short periods of time, avoiding popular walking periods has been proposed. This can be secured via a condition securing that the development is carried out in accordance with the detail contained within the landscape visual appraisal.
- 5.2.13 Given that the landscape would be restored to its predevelopment condition once the operations are complete, and given the mitigation set out above and within the Landscape and Visual Appraisal Report, it is considered that there would not be significant residual effects on views from settlements, recreational roads, local roads or tourist attractions / facilities resulting from the development. Furthermore, the long-term harm is not considered substantial and therefore, subject to a condition requiring the development to be carried out in accordance with the mitigation proposed within the Landscape Visual Appraisal, it is not considered that the impacts on the landscape would constitute a reason for refusal as there would be no permanent direct or indirect landscape effects.

5.2.14 Whilst it is accepted that that there are potential effects in both landscape and visual terms, given that they will only be temporary and localised, no objection is raised in terms of the impact of the development on the landscape or the locality more widely.

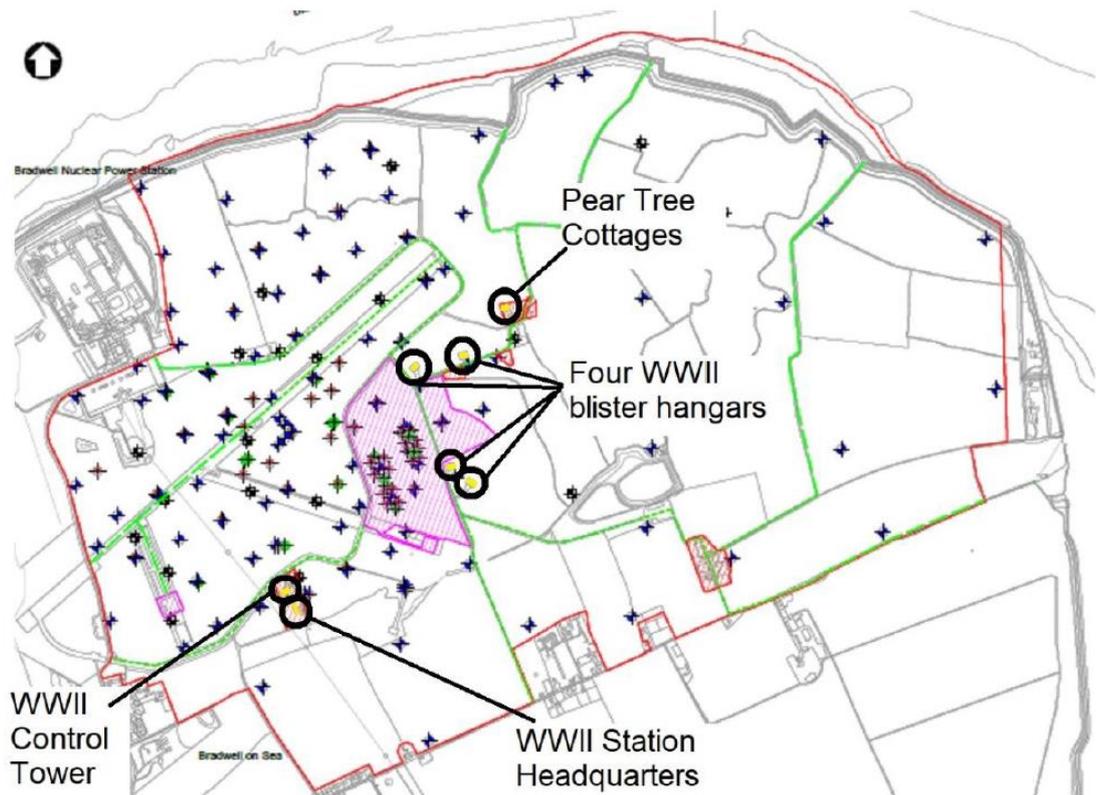
5.3 Heritage and Archaeology

5.3.1 There are four Grade II listed buildings located in close proximity to southern part application site which form part of East Hall Farm, although it is noted that they have been omitted from the red line boundary. Furthermore, Othona Community Settlement and Chapel of St Peter on the Wall are located to the west outside of the application site. Given the distance between the designated assets at the nearest Load Test area (1400m approximately to East Hall Farm and 3500m approximately to the Chapel of St Peter on the Wall) it is noted that the proposal will not cause any harm to the setting or significance of any designated heritage assets.

5.3.2 Notwithstanding the above, it should be noted that a draft List of Local Heritage Assets for the parishes of Bradwell-on-Sea and Tillingham was approved for public consultation by Maldon District Council's Strategy and Resources Committee on 20 February 2020. The buildings on that list qualify as non-designated heritage assets for the purposes of paragraph 197 of the NPPF. The following buildings within the application site have been included on the Bradwell draft list:

- Four WWII Blister Hangars;
- The Control Tower;
- The Station Headquarters (HQ);
- Peartree Cottages.

5.3.3 Whilst the proposed works are considered unlikely to harm the setting or significance of Peartree Cottages, The Control Tower or the Station HQ, there would be harm to the four WWII Blister Hangars as a result of the proximity of the Hangars to the ground-investigation site compound and load-test area. The siting of the assets has been annotated on the plan shown below. As the load test area will involve deep excavation and mounding of material up to 6-8m in height it is considered that the mounded material will overwhelm the setting of these buildings, detracting from their setting and significance by interrupting the flat, open landscape they sit within. It is emphasised however, that this harm is visual and not physical. There will be no loss of or damage to building fabric.



- 5.3.4 Notwithstanding the above, given that the ground investigation compound is a temporary feature it is considered that a condition requiring the removal of the compound within five years and returning the site to its condition prior to the work would reverse the visual harm on the hangars and their setting. As the works are estimated within the Heritage Report to approximately three years, it is considered that five years is a reasonable amount of time. Therefore, subject to this condition it is not considered that the harm to the non-designated heritage assets would amount to a reason for refusal.
- 5.3.5 The proposed development has however been identified by the Historic Environment Record (HER) as having archaeological potential.
- 5.3.6 It is noted that archaeological deposits are both fragile and irreplaceable and policy D3 of the LDP states that *“Where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out. This assessment must include consultation of the Historic Environment Record. The assessment should be carried out during an early stage of the planning process to identify the likely impact on known or potential heritage assets and assess their significance. The assessment will also provide the basis for potential mitigation strategies, including excavation, in situ preservation, and recording”*.
- 5.3.7 The application is accompanied by a Heritage Statement summarising the archaeological potential of the site and a Written Scheme of Investigations (WSI) detailing the archaeological work required in order to mitigate the impact of the proposed ground investigations. Although it is concluded that the overall impact on

the heritage assets would be low, mitigation measures are suggested within the Written Scheme of Investigations.

- 5.3.8 The Historic Environment Officer was consulted and raised no objection in terms of the impact of the proposed development on heritage or archaeological assets, subject to a condition, securing the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation. Therefore, this condition and one to ensure that the works are carried out in accordance with the WSI should be imposed.

5.4 Impact on the SSSI and protected habitats

- 5.4.1 The site is located within a sensitive location, adjacent to the Blackwater Estuary, which is an area subject to a number of international and national coastal nature conservation designations including:

- Sites of Special Scientific Interest (SSSIs);
- National Nature Reserves (NNRs);
- Special Areas of Conservation (SACs);
- Special Protection Areas (SPAs); and
- Ramsar sites.

- 5.4.2 It is also noted that part of the site lies within the European Designated Sites, as the red line boundary extends beyond the borrow dyke and sea wall for most of its northern extent, and the boundary of the Dengie SPA and Ramsar Site encompasses the borrow dykes.

- 5.4.3 The site would therefore be regarded as a “sensitive site” where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the LDP which states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”.

- 5.4.4 For that reason, the application is supported by an Ecological Appraisal (May 2020) and a GI Site Investigations Ecological Appraisal Addendum (June 2020), identifying the potential ecological constraints as well as a Habitats Regulations Assessment determining whether there are any potential impact pathways that could result in Likely Significant Effects for the proposed ground investigations, taking into account consideration of any other relevant plans and projects.

- 5.4.5 The Ecological Appraisal (May 2020) submitted concludes that on implementation of the precautionary mitigation measure summarised in Section 5.4, and the negligible use of the Load Test Area, the proposed ground investigations and load testing are not predicted to result in adverse effects on the Dengie (Mid Essex Coast Phase 1) SPA / Ramsar or the Blackwater Estuary (Mid Essex Coast Phase 4) SPA / Ramsar.

- 5.4.6 Further to the above, the submitted Addendum presents further data regarding the distribution and abundance of SPA qualifying features and assemblages species

recorded during overwinter bird surveys 2019 / 20 and to clarify the nature and extent of the phasing approach as requested by Natural England in their comments dated 23 March 2020.

- 5.4.7 The submitted documentation confirms that no works will be undertaken within the boundaries of any designated site. It is however noted that several of the proposed locations for boreholes, including BHCP-2050; -2087; -2069; -2044; -2070; -2073; -2099 and -2096, lie very close to the borrow dykes which fall within the boundary of the Dengie SPA and Ramsar site. Therefore, these locations are particularly sensitive due to their proximity to the borrow dykes and the risk of disturbance occurrences, particularly in relation to the SPA breeding pochard and the Ramsar site invertebrate assemblages. Furthermore, as the location of the works has not yet been confirmed, there is potential for disturbance to sensitive areas for nesting Bearded Tit which is notified under the Dengie SSSI. It should also be noted that there will be a loss of Functionally Linked Land (FLL) to the load test area, which supports key species of the Dengie and Blackwater European sites.
- 5.4.8 For the above reasons it is considered necessary to assess the effects of the development on the bird populations using the SPA 'Functionally Linked Land' (FLL) and also other protected species using the site.
- 5.4.9 It is considered that the main potential impact pathways to the designated sites and associated FLL are light, visual and noise disturbance.
- 5.4.10 Natural England has been consulted on the Addendum, which includes further clarification on the scope of works and the lighting strategy and raised no objection regarding light disturbance. However, a condition requiring the proposed lighting to be in accordance with the details contained within the Ecological Appraisal Addendum Section 2 'lighting condition' was recommended and should be imposed.
- 5.4.11 Natural England have also advised that the inclusion of a spatially and temporally designed phasing strategy, which has been included within the Addendum, has largely addressed the wider range of concerns linked to disturbance effects, outlined within their response dated 23 March 2020. They are also satisfied that the loss of FFL to the load test area is not likely to be significant as the bird survey data provided indicates that the favoured crop winter wheat is not well used in close proximity to the load test area, and that the crop is not in short supply in the immediate locality.
- 5.4.12 It should also be noted that the Council's Ecological Consultant has been consulted and is satisfied with the proposed mitigation measures within both the Ecological Appraisal and the subsequent Addendum. Likewise, the updated Ecological Appraisal also includes mitigation measures against disturbance to sensitive areas for the nesting Bearded Tit, which is notified under the Dengie SSSI. These mitigation measures were deemed acceptable by the consultee.
- 5.4.13 In relation to other protected species, in accordance with the advice received from the Environment Agency and the detail contained within the Environmental Management Plan (February 2020), it is considered that Water Vole burrows should be identified and accounted for prior to any works commencing, and that any excavations to be left overnight should be inspected daily. A board or something similar should also be left overnight to allow a means of escape for any trapped animals. This can be secured

via a condition stating that the development must be carried out in accordance with the detail outlined within the Environmental Management Plan (February 2020).

- 5.4.14 In addition to the above, section 5.1 of the Ecological Appraisal provides a record of priority species found within or near the vicinity of the site. Most notably, the report identifies that ground nesting birds are potentially at risk of being disturbed. However, the mitigation measures suggested, which includes the avoidance of works during the breeding season are considered to suitably mitigate against the harm. Therefore, in accordance with advice received from the Council's Ecological Consultant and Natural England it is considered that it will be ensured that the Principal Contractor can avoid impacts on ecological features.
- 5.4.15 It is noted that the RSPB still raise concerns in relation to the impacts of the development on the designated sites and priority species and that Essex Wildlife Trust are yet to respond on the updated detail. However, given that Natural England raise no objection subject to appropriate mitigation and that the Council's Ecological Consultant is also satisfied with the detail provided, it is considered that the development could be carried out without causing harm to the designated site or the priority species contained within it or within the surrounding FFL.

5.5 Impact on the Environment

Contamination

- 5.5.1 Conservation and enhancement of the natural environment is one of the principles set in the NPPF and also one of the key principles as set out in the LDP in order to achieve sustainable development.
- 5.5.2 The site covers a large area of 460 hectares, which has been minimally developed in the past. The eastern part of the site is largely undeveloped, and it is mainly used for agricultural purposes, which have been identified as potential sources of contamination in relation to farming practices and potential infill ponds. The western site is predominantly covered by the former Bradwell Bay airfield and part of the runway and it is, therefore, likely that contaminated activities have taken place previously. Other off-site sources of contamination include the radiological contamination associated with Bradwell Power Station and of a lesser degree is nearby large-scale intensive farm activity.
- 5.5.3 On the basis of the abovementioned contaminant sources identified, the Contaminated Land Desk Study states that of concerns are the hydrocarbons, the volatile or semivolatile organic compounds and asbestos relating to the former use of the site for airfield and farming purposes and also radiological contamination from the Nuclear Power Station immediately adjacent to the west of the application site.
- 5.5.4 As part of the Contaminated Land Study an Initial Conceptual Model and Environmental Risk Assessment has been conducted which identified the likelihood of contamination in the east part of the site being very low and in the west part of the site being attributable to point sources and, as such, unlikely to be widespread. Given the geographical and topographical location of the Bradwell Power Station, the impact to the area is likely to be limited to the north western part of the site. It is also stated

that in the absence of any significant groundwater bodies in the drift deposits in this part of the site, the impact is likely to be limited.

5.5.5 Notwithstanding the findings above, the potential presence of contamination will require management during the proposed ground investigation to minimise risks to the identified receptors, which include the site workers, other users of the site, the water environment (including surface water and shallower and deeper ground water), the adjacent properties (including buildings, crops and livestock) and the ecological receptors (flora and fauna). Furthermore, it is stated that there is potential for the generation of new contamination during the proposed works, including pollutants such as fuels, oils, waste groundwater, drilling fluids or sediments directly into watercourses, and the creation of preferential contaminant migration pathways during drilling into the deeper Chalk Aquifer which will need to be addressed by the ground investigation contractor, by providing safe working methods.

5.5.6 A number of methods for land management and pollution prevention are suggested within the submitted Contaminated Land Study. Risks to site workers from any existing contamination should be managed under the requirements of the Health and Safety at Work Act 1974, and regulations made under the Act. This includes the Ionising Radiation Regulations 1999, given the potential for radiological contamination. In line with the requirements of the relevant legislation, the contractor should develop safe working systems to minimise the potential for exposure to any existing contamination which will include the following:

- Development of working methods to minimise potential exposure via dermal contact, ingestion and inhalation pathways. Elements to be considered during the development of appropriate working methods includes dust control, handling and storage of potentially contaminated soils or waters and the provision of appropriate Personal Protective Equipment; and
- Provision of specialist radiological contamination advice. Working methods should consider monitoring of plant and personnel during the works to minimise the potential for exposure to radioactively contaminated materials and the potential for cross-contamination between exploratory holes is minimised. Monitoring should be targeted in those areas (north-west / west), where the potential for radiological contamination is higher.
- Regarding controlling the potential creation of preferential pathways or the migration of contaminants to the environment, the contractor should employ aquifer protection methods to minimise the potential for the creation of preferential migration pathways to the Chalk Aquifer. The methods should take into account the Environment Agency guidance paying particular reference to the principles of aquifer protection set out in:
 - BS10175:2011 A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;
 - National Groundwater and Contaminated Land Centre (EA) report NC/99/73, Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention, May 2001; and
 - Environment Agency (EA), Good Practice for Decommissioning Redundant Boreholes and Wells, October 2012.

- 5.5.7 Concerns have been also raised regarding the impact of the development on the water environment, where existing contamination or pollutants, are released directly to the ground. To minimise the potential contamination, the contractor should develop working methods such as:
- the implementation of control measures at drilling and excavation locations to minimise the potential run-off of sediments, drilling fluids or waste groundwaters;
 - disposal of groundwater from boreholes and excavations
 - measures required to minimise the potential release of waste through leaks, spills, run-off or wind-blown dusts or litter.
 - implementation of controls in association with the use and storage of polluting substances such as fuels, oils, and chemicals that are to be used during the works.
 - The development of an emergency response plan, setting out the procedure for dealing with accidental release of pollutants (sediments, waste waters, fuels, oils, chemicals etc.) to the environment.
- 5.5.8 It is noted that a drilling methodology was submitted on the 1st May 2020. The Environment Agency have confirmed that this is satisfactory in controlling any potential contamination risk to the environment, in particular the water environment, when directly drilling to different aquifers. Therefore, a condition should be imposed ensuring that the development is carried out in accordance with these details.
- 5.5.9 In light of the above, whilst there is potential presence of contamination as well as potential generation of contamination during the works, it is considered that, subject to careful management and submission of further details during the process (as required by condition), the risk to all receptors can be successfully managed.
- 5.5.10 The Environmental Health Team has been consulted and raised no objection with regard to contamination, subject to careful management of the ground investigation and adoption of appropriate controls and mitigation measures, as described in the submitted Contaminated Land Study.

Noise

- 5.5.11 The site is predominantly a flat open area, of low background noise level which means any additional sound above background levels could travel long distances. Therefore, it is necessary to assess the impact of the resultant noise from the proposed ground investigations and load testing. The site is also located in close proximity to the coast / estuary, partly within the Dengie SPA and therefore the risk of bird disturbance should be assessed.
- 5.5.12 In order to assess the impact of the development on the ecological receptors, the application is supported by a Noise Appraisal which identifies any parts of the site that may be subject to noise disturbance using 70 dB L_{Amax} as a precautionary threshold. The main assessment of the impact of the development on the ecological receptors is assessed in the Ecological Appraisal. The ecological receptors include, but are not limited to, breeding birds, badgers, roosting bats, water voles, otters and reptiles. However, the Noise Assessment concludes that load testing investigations

will not cause noise impacts on the ecological receptors based on the proximity of the load test investigation area to the SPA. An approximate distance was calculated from the assumed plant on site to the ecological receptors and it was determined that the closest receptor was approximately 950m away. Whilst this is not considered a significant distance, having regard to the distance and the temporal and practical control measures contained within the Ecological Appraisal, it is considered that the works will be suitably mitigated.

- 5.5.13 In terms of the ground investigations it was found that the precautionary threshold would be exceeded at seven receptors, which results in potential disturbance for birds. However, it is suggested that the impacts could be mitigated by providing noise screening at the boreholes causing the exceedance, which could be secured via a condition requiring that the development is carried out in accordance with the details contained within the Noise Assessment. Table 8.1 of the Noise Assessment also includes further proposed mitigation measures which could be incorporated to mitigate against the expected noise disturbance. The mitigation measures consist of things such as the use of temporary acoustic barriers, the use of rubber hammers and mallets and reduced noise generating noise alarms.
- 5.5.14 The Ecological Appraisal also includes proposed control measures at section 5.2, to minimise the risk of adverse effects on ecological receptors. The measures relate to those used as part of the previous approved works at the site (17/01128/FUL) and are therefore, considered to be effective. The measures consist of, but are not limited to, pre-works inspections, a watching brief, Ecological Constraints plan, reduced speed of vehicles within the site and back filling open excavations as soon as possible.
- 5.5.15 Whilst it is noted that Natural England originally raised concerns in relation to the Noise Impact Assessment, in their response dated 23 March 2020, following their further response dated 15 June 2020, which advises that they have no objection subject to conditions, it is considered that the revised Ecological Appraisal sufficiently addresses the concerns raised and the proposed mitigation would be acceptable.
- 5.5.16 On the basis of the above and the assessment of the impact of the development on the SSSI and protected habitats, it is considered that, subject to mitigation measures, the development would be acceptable in terms of its impact on the environment and all possible receptors.

5.6 Impact on Residential Amenity

- 5.6.1 Policy D1 and H4 of the approved Maldon District Local Development Plan (MDLDP) seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.6.2 By reason of the nature of the development the most significant impact on the nearby neighbours would be disturbance caused by the noise generated during the engineering operations. There is also a potential for disturbance by way of vibration.
- 5.6.3 Although they have not been included within the red line area of the site, there are three residential properties located almost centred to the application site, which will

be the most affected properties, and some on the outer edges of the development site, mainly located to the south and east. Whilst the ground investigations plan submitted is indicative in terms of the accuracy of the location of the boreholes, it appears that a number of them are likely to be located adjacent to the boundaries of these properties.

- 5.6.4 In order to assess the impact of the development on the receptors (set out above) and in particular the most affected residential properties (Peartree Cottages, Weymarks Farm, New Weymarks Farm, Control Tower, East Hall Farm, Eastlands Meadows Caravan Park, Othona Community and Small Cottages) a Noise Appraisal accompanies the application. This Appraisal has been prepared on the basis of noise threshold of 65dB LAeq Sensitivity 1 and 55 dB LAeq, T Sensitivity thresholds for potential significance taken from BS 5228-1:2009 + A1:2014 'Code of practice for noise and vibration control on construction and open sites'.
- 5.6.5 The results show that the Sensitivity 1 (for weekday daytime works between 07.00 and 19.00 hours and Saturday mornings between 07.00 and 13.00 hours) the threshold level for potential significance derived from BS 5228 is exceeded for the following receptors:
- Receptor 3 – New Weymarks Farm (69 LAeq T);
 - Receptor 4 – Small Cottage (78 LAeq T);
 - Receptor 5 – Control Tower (68 LAeq T).
- 5.6.6 In relation to the above, it should be noted that the noise levels presented represent a worst-case scenario, assuming all plant is operational during the relevant period. To determine whether there is a significant impact, BS 5228-1 states that other project specific factors should be considered, such as the number of receptors affected and the duration and the character of the impact. Therefore, the potential impacts identified on the above receptors are not considered to result in significant effects, due to the limited number of receptors affected and the short duration of works at each individual borehole (two weeks).
- 5.6.7 The report states that because the 'threshold for potential significance' at Receptor 5 is exceeded by more than 10dB LAeq, 1h then additional noise screening should be provided. Therefore, the appropriate conditions should be imposed.
- 5.6.8 Further to the above, Table 8.1 of the report includes measures to be implemented to ensure that any exceedance is minimised as far as practically possible. These measures along with the noise monitoring are considered sufficient and it is noted that Environmental Health have raised no objection in this respect.
- 5.6.9 For weekday evenings from 19:00 hours- 23:00 hours, 13:00 hours and 23:00 hours on Saturdays and between 07:00 and 23:00 hours on Bank Holidays, a lower noise threshold of 55db has been used. The Noise Appraisal Report predicts that this lower threshold is likely to be exceeded at Peartree Cottage, Weymarks Farm, New Weymarks Farm, Small Cottage, Control Tower, East Hall Farm, Othona Community.
- 5.6.10 For properties where the sensitivity 2 threshold limit level of 55 dB LAeq T is exceeded for potential significance by less than 10db LAeq T, it is not considered that potential impacts will result in significant effects, based on the number of receptors affected and the short duration of the works at each individual borehole which will be

less than one month (opposed to two weeks or sensitivity 1). Those that are exceeded by more than 10dB LAeq T the additional control measures identified in Table 8.1 of the noise report should be implemented to minimise the exceedance as far as practically possible.

- 5.6.11 Following consultation with the Environmental Health department, who note that the proposed development is very similar in scope and nature to the previous approached application (17/0112/FUL), having considered the most recent Noise Appraisal Report, it is considered that subject to conditions, largely similar to those applied as part of the previous permission, then the development would be acceptable in noise terms. Such conditions relate to restricting the hours and levels of noise, the impact of the development on the nearby residents.
- 5.6.12 The impact of the proposal on any other nearby residential property, in terms of noise, due to the separation distance maintained, would be less than that caused to the abovementioned properties and thus, no objection is raised in terms of disturbance caused by noise generated by the exploratory hole activities.
- 5.6.13 The potential presence of contamination as well as the potential generation of contamination during the exploratory drilling works was assessed in detail at the relevant section of the report. The impact on the receptors, including the neighbouring residential properties, was assessed and found that subject to careful management and submission of further details during the process of the exploratory works, the contamination risk would be able to be successfully managed.
- 5.6.14 With regard to external lighting, PIR (Passive Infra-Red sensor) security lighting is proposed to be installed within the Site Compound areas, for security purposes. Although, at present, lighting on the site is very limited by reason of the nature of the use of the area, given the separation distance to the nearby residential properties and the fact that existing vegetation provides screening to the Site Compounds, on balance, it is not considered that the development would result in light pollution. The provision of additional lighting is secured by condition.
- 5.6.15 No other impacts, in terms of dominance or loss of light or overlooking will arise from the proposed development.

5.7 Access, Parking and Highway Safety

- 5.7.1 As noted in the description of proposal the site access from the public highway would be from the unnamed road at the war memorial leading to Bradwell Power Station. The site would be also served by number of other secondary access routes and farm tracks. No new temporary culvert crossings would be required. Track mats or floating tracks would be used as necessary to provide safe working areas and access routes. All roads and tracks within the site are private.
- 5.7.2 With regard to internal vehicular movements, a detailed daily movement plan has been submitted for the various stages of the works, which is as follows:

Site Establishment

- average 2-4 low loader / heavy vehicle deliveries (4-8 two-way movements) per day for site establishment including bringing in the majority of plant and equipment;
- average 3-5 PLG journeys (6-10 two-way movements) per day for bringing light goods and materials to site and to assist with the internal transport of workers between different work areas; and average 15 car journeys (30 two-way movements) per day for drilling operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Ground Investigations

- Up to 3-6 low loader/heavy vehicle deliveries (6-12 two-way movements) per week for occasional plant deliveries and routine deliveries of supplies and fuel etc.;
- average 5-8 PLG journeys (10-16 two-way movements) per day for bringing light goods and materials to site and assist with the internal transport of workers between different work areas; and
- average 25 car journeys (50 two-way movements) per day for drilling operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Potential Additional Ground Investigations

- would not involve movements greater than the main Campaign period.

Demobilisation/Site reinstatement

- which would not involve movements greater than that required for Site Establishment.

Load Test Investigation – Site establishment and Load test area set up

- average 2-4 low loader/heavy vehicle deliveries (4-8 two-way movements) per day including bringing in the majority of plant and equipment;
- average 4-6 PLG journeys (8-12 two-way movements) per day for bringing light goods and materials to site and to assist with the internal transport of workers between different work areas;
- average 25 car journeys (50 two-way movements) per day for operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Load Test Investigation - Excavation and earthwork and Load test equipment/pile set up

- Up to 4-8 low loader / heavy vehicle deliveries (8 - 16 two-way movements) per week for occasional plant and material deliveries and routine deliveries of supplies and fuel etc.;
- average 5-8 PLG journeys (10 - 16 two-way movements) per day for bringing light goods and materials to site and assist with the internal transport of workers between different work areas; and
- average 35 car journeys (70 two-way movements) per day for operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

- average 3 - 5 concrete wagon journeys (6 - 10 two-way movements) per day for concrete delivery to site during the last two months.

Load Test Investigation - Monitoring period and Potential extended monitoring period

- Up to 1 - 2 low loader/heavy vehicle deliveries (2 - 4 two-way movements) per week for occasional plant and material deliveries and routine deliveries of supplies and fuel etc.;
- average 2 - 4 PLG journeys (4 - 8 two-way movements) per week for bringing light goods and materials to site and assist with the internal transport of workers between different work areas; and
- average 5 car journeys (10 two-way movements) per day for operatives, site supervisors, specialists and visitors with parking mainly at the site compound.

Load Test Investigation - Backfill of excavation / demobilisation

- would involve no greater movements than required for Excavation and Site Establishment.

- 5.7.3 Traffic management measures would be applied, including the installation of signage, appropriate use of banksmen and a speed limit of 15mph on primary routes and 10mph on all other internal routes. The primary routes would provide access to site for workers, visitors and deliveries and therefore, they would absorb the highest levels of traffic, whilst secondary routes and farm tracks would only be used for gaining access to the exploratory hole locations.
- 5.7.4 In light of the above, it is considered that the number of movements and the use of existing routes would be acceptable and not materially harmful to the existing network. Highway safety would be achieved via the proposed use of traffic management measures and thus, no objection is raised with regard to the use of the highway network or highway safety.
- 5.7.5 The Highways Authority has been consulted and raised no objection on highways grounds. It is stated that the predicted number of trips generated by the proposals can be accommodated on the local highway network.
- 5.7.6 In terms of off-street parking spaces, an approximate number of 24 car parking spaces are proposed to be provided at the site compound. A separate area would be provided for the storage equipment. Whilst the Maldon District Vehicle Parking Standards contain no information for such use (engineering operations), it is considered that the proposed parking spaces would be sufficient to meet the parking requirements for 30 employees.
- 5.7.7 The proposed ground investigation works would be carried out away from any public highway and thus, they would not impact upon pedestrian safety or on-street parking provision. The planning statement submitted confirms that in the event that mud, and debris is deposited on the public highway, the affected area would be cleaned.
- 5.7.8 On the basis of all the above, the development is considered to be acceptable in terms of off-street parking provision, impact on the highways network and highway safety. However, a condition should be imposed ensuring that the development is carried out in accordance with the detail above.

5.8 Flood Risk

- 5.8.1 As advised in the Flood Risk Assessment (FRA) dated February 2020, part of the site lies in Flood Zones 2 and 3. The FRA has considered the risk from all sources of flooding and identifies that the key sources of flood risk on site are considered to be tidal and surface water. Although a flood defence is present in the area and this minimises the risk of the site flooding under typical conditions, the residual risk associated with a potential breach of the defences was assessed.
- 5.8.2 The FRA submitted also identifies the receptors, which would include the Weymarks Farm, the Irrigation reservoir's pump house and the Orthona Community Settlement in terms of third parties. It is stated that the risk of the ground investigation works impacting these would be negligible.
- 5.8.3 Other receptors would include people and equipment involved in the ground investigation works. With regard to the areas associated with the proposed ground investigation works, it is noted that the Site Compounds are located in Flood Zone 1 and 2 and in the event of flooding, egress from the site would be possible via East Hall Farm, with access to the main road on the Dengie Peninsula, all situated in Flood Zone 1. The Logging and Core Storage area is within Flood Zone 1 and in the event of flooding, egress from this area would be via crossing the field to the west, with Bradwell Bay Road being which is situated 200m away and lies within Flood Zone 1.
- 5.8.4 An approximate number of 201 exploratory holes and a range of seismic test locations proposed within the Indicative Ground Investigations Plan, from which 26% are located within flood zone 3; thus, in areas at risk of tidal flooding and 0.5% in the 'high-risk' zone; thus, in areas of surface water flooding. The FRA states that the residual risk from tidal flooding will be managed by ceasing ground investigation works and removing all equipment from the tidal floodplain in the event of a Flood Warning being issued for tidal flooding. It is advised also that the Met Office Severe Weather Warnings should be used as a caution for heavy rainfall. A Flood Warning and Evacuation Plan also accompany the FRA and are considered to be acceptable in terms of emergency planning.
- 5.8.5 With respect to access routes, it is noted that the main Bradwell Bay Road access route to the site is situated in Flood Zone 1; however, there are secondary routes located within Flood Zone 3. This risk is to primarily be managed via the precautionary evacuation of the site in the event of a tidal Flood Warning, or Severe Weather Warning for heavy rainfall. The use of appropriate routes is advised within the Flood Evacuation Plan.
- 5.8.6 The Environment Agency has been consulted and raised no objection with regard to flood risk, provided that the development is carried out in accordance with the details submitted. Concerns are mainly raised in connection with the impact that the development would have in terms of contamination of the land in case of flooding. This impact is fully assessed at the relevant 'Contaminated Land'. Mitigation measures are proposed by the applicant and a methodology setting out the approach to rotary drilling would be imposed, in accordance with the requirements of Environment Agency.

6. ANY RELEVANT SITE HISTORY

- **17/01128/FUL** –Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area. **Approved.**
- **18/05033/DET** - Compliance with conditions notification FUL/MAL/17/01128 (Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area) Condition 13 - Rotary drilling. Condition 18 - Phasing Plan. **Conditions Discharged.**
- **19/05009/DET** - Compliance of conditions notification for approved application FUL/MAL/17/01128 (Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area). Condition 5 - Ground investigations. **Conditions Discharged.**

6.1 As noted above at the ‘Background of the application’ section although there is a number of applications that have been submitted in relation to the ongoing use of the as a Nuclear Power Station and its decontamination, this is outside the application site and it does directly relate to the purposed of the current application. Therefore, the abovementioned cases are the only relevant planning history to the current proposal.

7. PRE-COMMENCEMENT CONDITIONS

7.1 No pre-commencement conditions are proposed.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell-on-Sea Parish Council	Object due to traffic pressures, noise and air pollution, the size of the boreholes, the proximity of the works to the seawall and protected pill boxes and impacts on wildlife.	Noted and addressed within the relevant sections of the report above.
Maldon Town Council	Supports the application	Noted
Heybridge Parish Council	Support	Noted
Burnham-on-Crouch Town Council	No response received at the time of writing this	Noted

Name of Parish / Town Council	Comment	Officer Response
	report	
Great Totham Parish Council	No comment	Noted
Mayland Parish Council	Object Traffic generation Noise disturbance Loss of landscape and beaches Loss of habitats Loss of airfield Local infrastructure could not cope Rising sea levels Distance for emergency services to travel Loss of farmland Unsightly powerlines Loss of nature reserve Park and ride will impact traffic	Noted and addressed within the relevant sections of the report above where necessary. However, it should be noted that these works relate to ground investigations only and is not an application for a new Nuclear Power Station. Therefore, matters such as a Park and Ride are not for consideration as part of this application
Southminster Parish Council	No response received at the time of writing this report	Noted
Tollesbury Parish Council	No comment	Noted
Wickham Bishops Parish Council	Support	Noted
Althorne Parish Council	No response received at the time of writing this report	Noted
Cold Norton Parish Council	No response received at the time of writing this report	Noted
Goldhanger Parish Council	Supports the application	Noted
Langford and Ulting Parish Council	No response received at the time of writing this report	Noted
Latchingdon Parish Council	Support	Noted
Little Totham Parish Council	No response received at the time of writing this report	Noted
Mundon Parish Council	No response received at the time of writing this report	Noted
North Fambridge Parish Council	No response received at the time of writing this report	Noted

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No response received at the time of writing this report	Noted
Steeple Parish Council	No response received at the time of writing this report	Noted
Stow Maries Parish Council	No response received at the time of writing this report	Noted
Tillingham Village Council	Supports subject to conditions: <ul style="list-style-type: none"> - Working hours to be 8-6 Mon-Fri, 8-1 Sat and no Sundays or bank holidays - Lighting - Dust control - Traffic management of vehicles through Tillingham during school times 	Addressed at sections 5.5, 5.6 and 5.7.
Tolleshunt D'Arcy Parich Council	Object due to encroachment into the countryside, loss of agricultural land and impact on species	Addressed at sections 5.2 and 5.4
Tolleshunt Knights Parish Council	No Comment	Noted
Tolleshunt Major Parish Council	No comment	Noted
Woodham Mortimer and Hazleigh Parish Council	No response received at the time of writing this report	Noted
Woodham Walter Parish Council	No response received at the time of writing this report	Noted
Asheldham and Dengie Parish Council	No response received at the time of writing this report	Noted
Great Braxted Parich Council	No response received at the time of writing this report	Noted
Little Braxted Parish Council	No response received at the time of writing this report	Noted

8.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
National Grid	No objection	Noted
Cadent Gas	There is apparatus within the vicinity of the site which may be affected by the development. The applicant should contact Plant Protection before any works are carried out	Noted, an informative can be included.
Archaeology	No objection, subject to conditions in relation to the implementation of the submitted Scheme of Archaeological Investigation	Comment noted and the condition is recommended accordingly.
Local Highway Authority	<p>No objection subject to conditions</p> <p>The ground investigation and load test process will run concurrently, limiting the length of the works as far as possible.</p> <p>The predicted number of trips generated can be accommodated safely and efficiently on the local highway network.</p>	Addressed at section 5.7
Environment Agency	<p>No objection subject to conditions relation to flood risk and groundwater and contaminated land.</p> <p>Advice on pollution control has been provided.</p>	Addressed at sections 5.5 and 5.8
Natural England	<p>Having reviewed the Ecological Appraisal Addendum (June 2020) against previous advice, we are satisfied that the additional safeguards and information provided are sufficient to address previous concerns. In order to mitigate against adverse effects and make the development acceptable, mitigation measures are proposed.</p> <p>The inclusion of a spatially and temporally designed phasing strategy has largely addressed the wider concerns linked to disturbance effects raised in the letter dated 23rd March 2020.</p> <p>The loss of functionally linked land to the load test area supporting key species</p>	Addressed at section 5.5 and within the Habitats Regulations Assessment (HRA).

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>of the Dengie and Blackwater European sites is not likely to be significant. This is based upon the bird survey data provided, which indicates that the favoured crop winter wheat is not well used in close proximity to the load test area, and that this crop is otherwise not in short supply in the immediate locality.</p> <p>Whilst the red line overlaps with the designated sites, no works will be undertaken within these areas.</p>	
Sustainable Drainage	<p>No objection</p> <p>This application is for temporary works that are not creating any permanent impermeable area. Therefore no objection on the basis that the water discharged from the site is at greenfield rates and there is no pollution risk. Any potential pollution associated will spillages should be mitigated against.</p>	Addressed at section 5.8
Anglian Water Services	No comment - The developer is not proposing to connect to Anglian Water's network.	Noted
Essex and Suffolk Water	No response received at the time of writing this report	Noted
Essex Wildlife Trust	<p>Object</p> <ul style="list-style-type: none"> • Disturbance impacts on qualifying features of the Blackwater Estuary SPA and Dengie SPA • Extent and duration of impacts pose a risk of longer-term harm to SPA qualifying features • Absence of mitigation in respect of harm to SPA qualifying features. 	No updated response has been received in relation to the most recent information submitted. However, given that Natural England have not objected, it is considered that the revised information submitted is acceptable. Please refer to section 5.4 for further information.
Colchester Borough Council	Appropriate consideration should be given to the impact upon trees and vegetation, wildlife and archaeology. Neighbouring residential amenity should also be protected including with appropriate restrictions on noise and hours of use.	Noted
Royal Society for	Concerns by the limited data relied	Given that Natural

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
the Protection of Birds (RSPB)	<p>upon to assess the potential impacts of the works and on which to base the proposed mitigation measures.</p> <p><u>Phasing</u> The Ecological Appraisal suggests that ground investigation works would be undertaken from July until the end of November, conflicting with the colder winter period when Brent Geese and other wintering waterbirds will be present in and around the application site. However, additional avoidance measures are proposed so that no works will be carried out within 300m of the SPA/Ramsar site boundaries or fields sown with winter wheat in October and November.</p> <p>The above measures will reduce the uncertainty of the potential impacts on the SPA/Ramsar site features, but Brent Geese and Golden Plover also regularly feed on oil seed rape and Golden Plover and Lapwing additionally utilise ploughed fields. It is also unclear if the phasing plan is based on the future cropping plans for the application site or some other data. The phasing plan should be based on confirmed details of the future cropping plans, and works should be avoided in October and November in fields sown with winter wheat, oil seed rape and additionally on ploughed land in order to avoid impacts on the SPA/Ramsar birds.</p> <p>Any works that over-run should be rescheduled to fall outside of the key winter period (October to March inclusive)</p> <p><u>Load Test Area</u> Little assessment appears to have been carried out in relation to the direct and indirect impacts of the Load Test area on the SPA / Ramsar birds using this part of the application site. The nature</p>	England have not objected, it is considered that the revised information submitted is acceptable. Please refer to section 5.4 for further information.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>of the works limit options for a phased approach to avoid impacts.</p> <p>The limited data relating to the overwintering bird survey results from 2019/20 does not illustrate the negligible importance of the Load Test area for overwintering birds as suggested. There is considerable seasonal variation in abundance and distribution of waterbirds, and the single winter's terrestrial bird survey undertaken only begins to reveal the relative importance of the different parts of the application site year-on-year. This is particularly the case for Brent Geese.</p> <p>It is apparent that fields adjacent to the Load Test Area do support significant numbers of Golden Plover. No assessment appears to have been undertaken of the potential indirect impacts of the Load Test Area on these birds. These birds are also highly active at night when the Load Test area may be operating. No nocturnal surveys appear to have been undertaken at the application site or the surrounding area. Nor has any assessment been made of the potential impacts of the Load Test Area on nocturnally feeding birds.</p> <p><u>Conclusion</u> Without further data to improve the understanding of the usage of the area by the SPA/Ramsar birds (and other priority species), including information concerning future cropping plans, it is not considered that the Council will be able to determine that the proposal will not lead to an adverse effect on the integrity of the Blackwater Estuary and Dengie SPAs/Ramsar sites. As part of the Council's HRA, it will be particularly important to consider the role of functionally linked land within the application site and the importance</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>of the area within the wider context of the SPA/Ramsar site network.</p> <p>Natural England's advice on the matter of the 2016 SPA review (letter dated 23 March 2020) is noted. However, RSPB considers given the significant importance of the application site for at least three SPA species and that the boundaries of both of the adjacent SPAs have been identified by the latest SPA review as requiring review, the site should be viewed as a future possible SPA extension.</p>	
Health and Safety	No response received at the time of writing this report	Noted
Office for Nuclear Regulation	No response received at the time of writing this report	Noted
The Maldon Society	Concerns relating to impacts on wildlife and nationally important designations, along with residential impacts.	Addressed at sections 5.4, 5.5 and 5.6

8.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection</p> <p>The Phase 1 study comprises a suitable characterisation of the site and assessment of the potential for contamination to be present at the site. The careful management of works are required and can be successfully achieved through the measures outlined in in section 7 of the study and the Outline Environmental Management Plan.</p> <p>The proposed development is very similar in scope and nature to previously approved application 17/01128/FUL. Upon consideration of the most recent Noise Appraisal Report, the previously recommended and applied conditions in respect of noise remain suitable and have been suggested.</p>	Addressed at sections 5.5 and 5.6

Name of Internal Consultee	Comment	Officer Response
Ecology	<p>The Environmental Impact Assessment (EAR) has been updated to include additional mitigation measures to ensure that impacts on protected species are appropriately avoided or mitigated.</p> <p>As the location for the works have not yet been confirmed there is potential for disturbance to sensitive areas for nesting Bearded Tit which is notified under the Dengie SSSI. Mitigation relating to this impact, to avoid damage to the SSSI has also been included within the updated EAR.</p> <p>The location for the works has not been confirmed, but there is potential for disturbance to sensitive areas for nesting Birded Tit, which is notified under the Dengie SSSI. Mitigation has been included within the updated EAR.</p> <p><u>HRA</u> The detail contained within the Shadow HRA Appropriate Assessment relating to impact pathways is acceptable.</p> <p>The estimated ground works would commence in early-mid July (subject to Planning Permission) and are expected to be completed by the end of November. Works will therefore, avoid the sensitive period when Functionally Linked Land is likely to be used by SPA/Ramsar qualifying feature Pochard (April to July). This timing should be secured via a condition and is approach advocated by Natural England.</p> <p>The additional mitigation measures embedded in the design of the proposal will overcome the concerns raised by consultees and adverse effects on the Conservation Objectives for the designated sites.</p> <p>The conclusion of the Shadow HRA Appropriate Assessment is agreed beyond reasonable scientific doubt and</p>	Please refer to section 5.4.

Name of Internal Consultee	Comment	Officer Response
	<p>MDC as the Competent Authority, can adopt this document as its HRA record. The proposal is therefore, a HRA complaint development.</p> <p><u>Protected species</u> A condition should be included requiring any excavations left over night to be inspected daily for any species and to ensure that there is a means of escape left for any trapped animals.</p> <p><u>Priority Species</u> Noted that ground nesting birds are potentially at risk of being disturbed, but working practices will avoid the breeding season, which is welcomed. The recommended working practices will ensure that the Principal Contractor can avoid impacts on ecological features.</p> <p>If the appropriate mitigation measures are secured, the development can be made acceptable.</p> <p><u>Biodiversity Enhancements</u> No enhancements have been included, but measures can be secured through a condition requiring a Biodiversity Enhancement Strategy.</p>	
Conservation Officer	<p>The ground-investigation site compound and load-test area – highlighted in purple in the above plan – would be immediately adjacent the four blister hangars. The load tests will require deep excavation and ‘mounding of material up to 6-8m in height’. The flat, open landscape which surrounds the hangars is an important part of the way these buildings are experienced, and their significance appreciated. The mounded material will overwhelm the setting of these buildings, thus detracting from their setting and significance.</p> <p>The compound would be a temporary</p>	Addressed at section 5.3

Name of Internal Consultee	Comment	Officer Response
	feature. A condition on the planning permission requiring the removal of the ground-investigation compound within five years, along with levelling of the ground to return it to its condition prior to the work would reverse the harm caused by the site compound to the setting of the four blister hangers.	

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 **One** Letter supporting the application has been received. The reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Application is solely for ground testing works, and so is unlikely to cause any serious disruption to the area in terms of traffic or wildlife.	Impacts on wildlife and highway matters are addressed at sections 5.4, 5.5 and 5.7
The site is of national importance to bring new electricity supplies.	Noted
Support the application due to the importance of the infrastructure but have reservations on design. However, that is not a matter for this application.	Noted

8.4.2 **137** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Noise disturbance	Addressed at section 5.5
Increase in vehicles and construction traffic which the existing infrastructure cannot cope with and will damage roads	Addressed at section 5.7
Planning permission would allow the company to commence works before being granted planning permission for the remainder of the build.	The application is for ground investigation works only. A permission would not permit any other works
Impacts on the character and appearance of the countryside	Addressed at section 5.2
Impacts on St Peter’s Chapel as a heritage asset in terms of both its setting and stability	Addressed at section 5.3
Potential to cause seismic activity	The necessary measures are proposed to be imposed to minimise risk
Works are not necessary at this stage	The justification for the works are provided in section 3.1 and 5.1
Demonstrable impacts on wildlife and the environment	Addressed at section 5.4 and 5.5

Objection Comment	Officer Response
The previous power station polluted the environment	This is not relevant to this application
The decommissioning of the previous plant caused noise disturbance	This is not relevant to this application
The site has to store nuclear waste	This is not relevant to this application as it only relates to ground investigation works
Wildlife is only just recovering from the previous power station	Impacts on wildlife are addressed at sections 5.4 and 5.5 but the previous power station is not a consideration for this application
The landscape will be destroyed	Addressed at section 5.2
The project is a waste of time and money because the site is only earmarked until 2025	This is not a material planning consideration
It will cause over inflated energy prices	This is not a material planning consideration
Hinckley has issues with leakages and poor equipment	This is not a consideration for this application
Two sites are not needed and another site is earmarked elsewhere	The application must be assessed on what is being proposed. The application does not require an assessment of need
The design appears to be at an early stage and so the need for preliminary investigations cannot be substantiated at this stage. The application is therefore, premature.	This is not a planning consideration
There is a lack of mitigation for flooding, ecological disturbance, amenity damage and archaeological destruction. Permission for the works should not be granted unless it can be demonstrated that the operations can be safely and securely sustained into the future.	Addressed at sections 5.3, 5.4, 5.5 and 5.8
There is a lack of justification for the works. The need for nuclear energy will have diminished by the time the site is operational.	The justification of the works is outlined in sections 3.1 and 5.1. Justification for a new nuclear power station is not required as part of this application
Nuclear energy is dangerous	This is not a consideration for this application as it only relates to ground works
The site is not suitable due to sea level rise and climate change	Flood risk is addressed at section 5.8 and can only be assessed in relation to the ground works
The proposal doesn't fully include the investigative works necessary to inform the suitability of the site and its environment for the provision of supporting the required infrastructures.	The application must be assessed on what is being proposed
Flood Risk.	Addressed at section 5.8

Objection Comment	Officer Response
Irreversible impacts on ecology	Addressed at sections 5.4 and 5.5
Investigation works should not take place before the approval of the power station.	The works are to inform the suitability of the site and so would be required to inform any later application for the power station
The power station is too large for the village	This application is not for a power station
The bore holes will provide a head start for the works.	If permission is granted it will only be for the works proposed
Proposed site investigation holes appear to be in a similar position to the main water and underground power supplies.	The relevant bodies have been consulted and raise no objection
Nuclear Power is not environmentally friendly or a zero carbon form of energy.	This is not an application for a power station
The nuclear plant would displace cleaner, cheaper, renewable technologies which will soon be available.	This is not an application for a power station
Loss of public footpaths	No public footpaths would be lost as a result of these works
Light pollution	Addressed at section 5.5
The Blackwater Estuary is a biological Site of Special Scientific Interest which we have a duty to safeguard	Addressed at section 5.4
Marine animals including fish and oysters will be killed. The discharge of sediment and water will disturb the waterways and impact on marine species.	Addressed at section 5.4 and 5.5
The village doesn't require 500 houses	This is not relevant to this application
Impacts on recreational coastal activities	There will be minimal impacts on recreational activities as a result of the investigative works
Impact on views from Mersea Island	These works will not impact views from Mersea. The application is not for a power station
How will nuclear waste be dealt with?	The application is not for a power station therefore this is not relevant at this time.
When will the Environmental Impact Assessment be published?	The development is not an EIA development and therefore, no EIA is required.
What is the evacuation plan for the power station	The application relates to the ground investigations only. Therefore, it is not the appropriate arena for considering the potential future application for a power station.
The proposal falls within designated sites	Addressed at section 5.4
Vehicle congestion	Addressed at section 5.7
The scale of the development would overwhelm the surrounding environment	Addressed at section 5.2.

Objection Comment	Officer Response
Planning permission should be delayed until the Covid-19 situation is resolved.	The application is being considered in the usual ways by the relevant Planning Committee. Therefore, there is no need for delay.
Percussive drilling of a large hole and filling with concrete is not safe in the Dengie Peninsula where the ground is unstable	The Applicant will be required to ensure the stability of the ground under the relevant legislation.
No work should commence until any munitions have been removed with the submission of an approved method statement and approval by MOD bomb disposal team.	This is not a planning consideration
The applicant should evidence public and liability insurance	This is not a planning consideration
The NDA should be consulted on the application.	This is not an application for decommissioning a power plant
Groundworks would cause disruption of contaminated land exposing residents to toxic air.	Addressed at section 5.5
Would affect the nearby conservation area	Addressed at section 5.3
Increase in pollution levels	Addressed at section 5.5
Residents will want to re locate	This is not a planning consideration
No positives for local residents	The benefits are addressed at section 5.1
It is not clear what jobs will be available for local residents	Addressed at section 5.1.
Will accommodation be designed to fit within its surroundings?	No accommodation is required as part of the ground investigations
Services such as police, hospitals and fire stations are too far away	This application relates to ground investigations. The access to these services would be no different to those who reside in the village
Freight should be delivered by sea	Access is addressed at section 5.7
There would need to be a new road network	This is not necessary for the ground investigation works
Relationship between nuclear power and cancer	This is not relevant to the ground investigation works. The application does not relate to a power station.
Adequate consultation not provided	The Local Planning Authority have consulted on the application in accordance with the necessary requirements
The trauma and mental implications for residents should there be a nuclear incident	This is not an application to consider a power station
Local fisherman will be affected by the release of waste into the river	This is not an application to consider a power station
The buildings will swamp a beautiful natural area	This is not an application to consider a power station
By 2030, alternative and clean energy schemes will be working efficiently so there will be no	This is not an application to consider a power station

Objection Comment	Officer Response
need for nuclear energy	
The River Crouch is already contaminated from radiation	Contamination is addressed at section 5.5
It will ruin property values	This is not a material planning consideration
The actual need and location have not been proven	There is no requirement to demonstrate need for ground investigation works
The percussive drilling will cause disturbance	Addressed at sections 5.5 and 5.6
Disturbance of protected species	Addressed at sections 5.4 and 5.5
Storage of flammable substances increases the risk of explosion	Site compounds have been proposed to ensure the safe storage of materials and fuel.
If planning is refused will the earthworks already carried out be filled in?	This is not relevant to this application
Impact on Grade 2* Church of St Thomas	Impacts on heritage assets have been addressed at section 5.3
The size of the bunds seems excessively high	Addressed at section 5.2
No national economic case has ever been made for this development	This relates to ground investigation works, no economic case is required.
There is no need for nuclear, why not wind, solar, tidal etc.	This is not an application to consider a power station
Negative effect on local businesses	Addressed at section 5.1
Will result in the loss of the Bradwell Airfield	Please refer to section 5.3
The Ecological Survey is out of date using data from 10 years ago. The field survey in 2017 was carried out over a 3 day period in August and completed in 2019 via a 'desk study'. It is not possible to conduct an ecological survey remotely by computer.	Addressed at section 5.4. As the statutory consultee Natural England do not object to the development.
The Ecological Survey is devoid of information/statistics/ data for specific species	Addressed at section 5.4. As the statutory consultee Natural England do not object to the development.
The fifth boundary of the site does extend into the SPA and SAC area, The development will have significant effects on Water Voles and Otters.	Addressed at section 5.4
The siting of the boreholes has not been confirmed and so it will not be possible to accurately assess the impacts.	The general location of the boreholes is known. However, the impacts are assessed on the site as a whole and therefore, the information is considered sufficient.
The 2019 report acknowledges that it was only possible to obtain satellite images with 4 spectral band imagery instead of 8. This does not appear to each the standards required for the HRA	The detail provided is considered sufficient for the Council as the Competent Authority to undertake the HRA.
The Ecological Survey does not mention noise disturbance relating to the bird population. It is	Noise is fully addressed within the Ecological Appraisal, the Noise

Objection Comment	Officer Response
not considered that the noise from the equipment will be on par with a lawn mower.	Assessment and sections 5.4 and 5.5 of this report.
Risks to human health as a result of a new nuclear power station	This application is not for a new nuclear power station. Therefore, this is not a material consideration.
Impacts on fishing and leisure industries as a result of a new power station	This application is not for a new nuclear power station. Therefore, this is not a material consideration.
Lack of consultation due to the pandemic	The consultation required to be carried out in relation to this application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015
The RSPB, Natural England and Essex Wildlife Trust all object to the proposal	Please refer to section 5.4
Lack of marine survey relating to pollution	Pollution/contamination is addressed at section 5.5
MDC have an obligation to push for Bradwell B to carry out consultations before applications are considered.	This application does not relate to the new nuclear power station. MDC does not have power to consult on proposals which do not relate to a live application.
Unacceptable working hours in terms of residential amenity	Addressed at section 5.6
There is no record of a Form 1 notice being served on Strutt & Parker (Farms) Ltd either as Tenants or as a Landowner.	The Council has been provided with copies of the covering letters and notice which was said to have been sent to the relevant land owner on the 6 th February 2020.
Works should not be carried out during the harvest period or when the ground conditions are wet. Works should not occur between 1 st November and 31 st March to prevent damage to soil structure. Works should only occur when the growing crop has been harvested and before the next crop is sown to minimise disruption to the farm business.	Proposed condition 17 ensures that no ground investigation works will take place within a 300m buffer zone around the Borrow Dyke between April to July inclusive or October and November and will avoid fields sown with the preferred foraging crop (winter wheat) during this period. Following consultation with Natural England it is considered that these mitigation measures are sufficient. Whilst the letters and forms were not sent by recorded delivery, on balance the LPA has no reason to dispute this evidence that the notice was issued. Therefore, the application is considered to be valid.
A S106 should require the developer to reinstate the land following the excavation works if further development will not proceed.	Planning Practice Guidance states that planning obligations should only be used where it is not possible to address

Objection Comment	Officer Response
<p>This should be secured by a financial mechanism in case the developer does not have the required funds to continue.</p>	<p>unacceptable impacts through a planning condition. There is no reason to suggest or assume that the developer will not have the required funds and therefore, a S106 for this purpose is not considered necessary and the proposed conditions are considered sufficient.</p>
<p>As the Applicant doesn't own all of the land in question, conditions alone will not be sufficient to control matters relating to archaeology. Therefore, a s106 is proposed for:</p> <ol style="list-style-type: none"> 1. Provision for site management, interpretation schemes and access; 2. Provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance in the future; and 3. Safeguarding of archaeological interest or provision for excavation, recording and archiving. 	<p>Planning Practice Guidance states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. As the land in question falls within the red line boundary of the site it is considered that these matters can be suitably managed via conditions.</p>

9. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

PROPOSED 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 approved drawings 412657-MMD-00-XX-DR-C-0001, 412657-MMD-00-XX-DR-C-0002, 412657-MMD-00-XX-DR-C-0003 Rev P3, 412657-MMD-00-XX-DR-C-0004, 412657-MMD-00-XX-DR-C-0005, 412657-MMD-00-XX-DR-CIV-0007, 412657-MMD-00-XX-DR-CIV-0008, 412657-MMD-00-XX-DR-CIV-0009 and details included within Planning Statement (dated February 2020), Ecological Appraisal Report (May 2020), GI Site Investigations Ecological Appraisal Addendum (June 2020), Noise Appraisal Report (February 2020), Heritage Statement Report (February 2020), Flood Risk Assessment (February 2020) and Contaminated Land Desk Study (February 2020)
REASON: To ensure the development is carried out in accordance with the details as approved.

- 3 The intrusive ground investigations shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:
- Up to 30 rotary/sonic drilled (cored) explanatory holes.
 - Up to 130 cable percussion boreholes.
 - Associated in-situ testing including strength and permeability testing;
 - Up to 60 Cone Penetration Test (CPT) probes.
 - Up to 30 trial pits and observation pits.

The Load Test investigation will involve shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:

- a 200m by 100m wide, 8-10m deep (approximate) open cut excavation.
 - Surface and underground measuring instrumentation, with approximately 40 vertical holes formed.
 - Two 4m diameter and one 7m diameter plate load tests and the bottom of the excavation.
 - No more than two engineered and instrumented earth fill embankments
- REASON: To ensure the development is carried out in accordance with the details as approved.

- 4 The proposed ground investigation hereby permitted shall cease no later than two years from the commencement of the ground investigation work and the load testing works hereby permitted shall cease no later than three years from the commencement of the Load Test investigation.
- REASON: To ensure the development is carried out in accordance with the details as approved.

- 5 Within five years of the date of the planning permission, if permission has not been granted for a new nuclear power station on the site, the approved ground-investigation compound shall be removed, and the ground levelled to return it to its condition and appearance prior to the work.
- REASON: In the interest of nearby heritage assets in accordance with Policy D3 of the LDP.

- 6 No additional ground investigations shall take place, unless and until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure the development is carried out in accordance with the details as approved.

- 7 The temporary structures in the proposed in the Site Compound areas shall not exceed a height of 10m.
- REASON: Permanent retention of the structures would be unacceptable and to ensure the external appearance of the development is appropriate to the locality in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.

- 8 The temporary structures in the proposed within the ground investigation Site Compound area shall be completely be removed within 2 months from the completion of the proposed intrusive ground investigation works or within two years from the commencement of the development hereby permitted. The temporary structures in the proposed within the Load test Site Compound area shall be completely be removed within 2 months from the completion of the proposed load testing works or within three years from the commencement of the development hereby permitted.
REASON: To ensure the development is carried out in accordance with the details as approved and to protect the external appearance and character of the area in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.
- 9 No development shall take place outside hours between 7.00 and 20.00 Mondays to Fridays and alternate weekends (Saturdays and Sundays), with no working on Bank Holidays.
REASON: In the interests of protecting the amenities of adjacent occupiers during the works, having regard to policies D1 and H4 of the approved Local Development Plan.
- 10 At the boundary of the nearest noise sensitive premises levels of noise from the site investigation work shall not exceed:
- 65 dB LAeq, 1hour between 0700 to 1900 hours, Monday to Friday and 0700 to 1300 hours on Saturdays
 - 55 dB LAeq, 1hour between 1900 to 2000 hours, Monday to Friday
 - 55 dB LAeq, 1hour between 1300 to 2000 hours on Saturdays, and 0700 to 2000 hours on Sundays
- REASON: In the interests of protecting the amenities of adjacent occupiers during ground investigations, having regard to policies D1 and H4 of the approved Local Development Plan.
- 11 Lighting should be in accordance with the details submitted within the Ecological Appraisal Addendum section 2 'Lighting Strategy.' With the exception of the PIR (Passive Infra-Red sensor) lighting and suitably shrouded task lighting to the Site Compounds, no other means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the approved Local Development Plan.
- 12 The development shall be carried out in accordance with the methodology described in the submitted 'BRB Phase 2 Ground Investigation: Drilling Approach and Aquifer Protection'.
REASON: To prevent the contamination of groundwater and water pollution in accordance with Policy D2 of the LDP and guidance contained within paragraph 109 of the NPPF.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
REASON: To prevent the contamination of groundwater and water pollution in accordance with Policy D2 of the LDP.
- 14 All spoil and topsoil storage within the Load Test Investigation site shall be sited outside of Flood Zones 2 and 3 as shown on Drawing 412657-MMD-00-XX-DR-CIV-0007.
REASON: To ensure that there is no loss of flood storage capacity within recognised flood risk areas (Flood Zones 2 and 3) in accordance with Policy D5 of the LDP.
- 15 The development shall be carried out in accordance with the submitted Technical note: Historic Environment – Archaeological Written Scheme of Investigation for Evaluation and Mitigation works at Bradwell B (March 2020).
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.
- 16 The development hereby approved shall be carried out in accordance with the detail and mitigation included within the Landscape Visual Appraisal Report (February 2020).
REASON: In the interests of protecting the character and appearance of the landscape, in accordance with Policy S8 and D1 of the LDP.
- 17 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report Rev P04 (Wood, May 2020), the GI Site Investigations Ecological Appraisal Addendum (June 2020), the Outline Environmental Management Plan (BrB, Feb 2020) amended to include additional precautionary measures for water voles as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- No ground investigation works will take place within a 300m buffer zone around the Borrow Dyke between April to July inclusive or October and November to take account of key periods of sensitivity for breeding pochard, bearded tit and overwinter bird species and will avoid fields sown with the preferred foraging crop (winter wheat) during this period.
REASON: In the interests of protecting ecologically important species in accordance with Policy N2 of the LDP.
- 18 No works should be undertaken within the boundary of the Dengie & Blackwater Special Protection Areas (SPA); Special Areas of Conservation (SAC); Ramsar sites; and Sites of Special Scientific Interest (SSSI) at any time.

REASON: To enhance protected and priority species and habitats in accordance with Policy N2 of the LDP.

19 The development hereby approved shall be carried out in accordance with the detail and mitigation included within the Noise Assessment (February 2020).
REASON: To enhance protected and priority species & habitats in accordance with Policy N2 of the LDP.

20 The development hereby approved shall be carried out in accordance with the detailed contained within the Planning Statement (February 2020) relating to the site access and traffic management within the site. This includes detail relating:

- Storage of plant and materials used during the development
- The erection of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In the interests of highway safety and the character and appearance of the area in accordance with policies S1, T1, T2 and D1 of the LDP.