



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE (SPECIAL MEETING)
20 AUGUST 2020**

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| 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. UPDATE

- 1.1 Members' attention is drawn to the legal advice provided at Agenda Item 6 on this agenda.
- 1.2 The report and Members' Update considered by the District Planning Committee on 9 July 2020 can be found at **APPENDICES 1** and **2** respectively.

2. RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with 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 load test 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 & 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.