



**MINUTES of
DISTRICT PLANNING COMMITTEE
20 AUGUST 2020 (SPECIAL MEETING)**

PRESENT

Councillors E L Bamford, M G Bassenger, V J Bell, R G Boyce MBE, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, Mrs J C Stilts, C Swain and Mrs M E Thompson

1. APPOINTMENT OF CHAIRMAN

In the absence of a Chairman and Vice-Chairman, the Director of Resources sought nominations from the Committee for a Chairman for the meeting. Councillor S P Nunn proposed that Councillor M S Heard be elected Chairman for the meeting and this was duly seconded. There were no other nominations.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote, this was duly seconded.

In light of the nomination received, the Director of Resources put to the Committee that Councillor Heard be appointed as the Chairman for this meeting and the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, V J Bell, R G Boyce, M R Edwards, Mrs J L Fleming, A S Fluker, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson

Against the recommendation:

There were none.

Abstention:

Councillor M S Heard.

RESOLVED that Councillor M S Heard be appointed as Chairman of the District Planning Committee for this meeting.

IN THE CHAIR : COUNCILLOR M S HEARD

2. CHAIRMAN'S NOTICES

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

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

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss A M Beale, Mrs P A Channer CC, R P F Dewick, M F L Durham CC, B E Harker, J V Keyes and C P Morley.

4. DISCLOSURE OF INTEREST

The following declarations of interest were made:

Agenda Item 8 – 15/01532/OUT Land North and West of Knowles Farm, Wyckes Hill, Maldon, Essex

- Councillor A S Fluker advised that he had a perceived bias.

The following non-pecuniary interests in respect of this application were declared:

- Councillor S P Nunn had received correspondence from the developer.
- Councillor C Mayes knew the owner of some of the land and had received correspondence from the developer.
- Councillor K M H Lagan had received correspondence from the developer.
- Councillor N G F Shaughnessy was in receipt of correspondence from the developer and knew one of the objectors.
- Councillor M G Bassenger had received correspondence in relation to this item of business.
- Councillor M R Edwards advised that he had met the developer some years ago on Parish business and had received correspondence relating to the application.
- Councillor J Stilts had received correspondence and was a Maldon Town Councillor.
- Councillor M S Heard had received correspondence in relation to this application.

Agenda Item 9 – 20/000157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea

- Councillor Fluker advised he had missed part of the debate when this item had previously been considered and could therefore not take part.
- Councillor Mrs J L Fleming advised that she would not be able to take part in the debate or vote on this item of business as she had experienced connection problems when the item was last discussed.

The following non-pecuniary interests in respect of this application were declared:

- Councillor Nunn had received a number of emails from individual parties interested in Bradwell.
- Councillor Mayes sat on the Bradwell B Working Group and had received emails and letters regarding Bradwell B.
- Councillor Lagan had been in conversation with, had meetings and received a significant number of emails regarding this development.
- Councillor N J Skeens was in receipt of correspondence and part of the Bradwell B Working Group.
- Councillor N G F Shaughnessy had received many emails relating to this application.
- Councillor Bassenger was a member of the BrB Working Group.
- Councillor V J Bell had received correspondence in relation to this application.
- Councillor Stilts had received correspondence and was a Maldon Town Councillor.
- Councillor M W Helm was a Member of the Bradwell Working Group.
- Councillor M E Thompson advised that she had been a member of BrB Working Group, but was no longer.
- Councillor Helm had received correspondence in relation to this application.

In light of his earlier declarations, Councillor Fluker left the meeting at this point and did not return.

In response to a question regarding if there would be a vote when the Committee came to considering whether it would exclude the public and press in relation Agenda Items 5 and 6, the Chairman advised that there would be a vote. In accordance with Procedure Rule no. 13(3) Councillor C Morris requested a recorded vote on Agenda Item 4 Exclusion of Public and Press. This was duly seconded.

In response to a question from Councillor W Stamp regarding her participation in the debate and vote in relation to both items of business having not been in attendance at the meeting on 13 August 2020, the Lead Legal Specialist and Monitoring Officer advised that as this meeting had not discussed either matter she could participate when discussed at this meeting.

In response to a question regarding the necessity to declare non-pecuniary interests for matters such as being a Member of a Working Group or having received correspondence, the Lead Legal Specialist and Monitoring Officer advised that the Code of Conduct set out what a non-pecuniary interest was. In respect of the two examples given, he advised that receiving correspondence from a developer did not give a non-pecuniary interest and likewise neither did being a member of an internal Working Group. However, it was noted that if a Member of an External Working Group or Body then this would be an interest.

At this point Councillor Swain made reference to the following item of business (Exclusion of the Public and press), raising questions and in response the Chairman advised he wanted to go through the process before answering any questions.

5. EXCLUSION OF THE PUBLIC AND PRESS

Prior to consideration of this item of business the Lead Legal Specialist and Monitoring Officer provided Members with an outline of the process which would be followed for consideration of the two planning applications on the agenda. He highlighted the reasons behind considering the legal advice in private session and how if Members voted to consider the advice in open session this would then be available to the public and applicant. The Officer then answered a number of questions from Members and clarified that determination of the planning applications needed to be made in public for members of the public to see how Members vote.

The Chairman proposed that the Council consider the following two items business in private session. This was duly seconded.

In accordance with Procedure Rule 13 (3) a recorded vote was requested and duly seconded. It was further agreed that a separate vote would be taken on each of the private and confidential items of business.

The Chairman asked for a vote on the motion to exclude the public and press from the meeting for consideration of Agenda Item 5 – Planning Decision: Legal Advice Relating to Land North and West of Knowles Farm, Maldon and the voting was as follows:

For the recommendation:

Councillors E L Bamford, M G Bassenger, V J Bell, R G Boyce, M R Edwards, Mrs J L Fleming, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, N J Skeens, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation:

There were none.

Abstention:

Councillors M S Heard and C Morris.

The Chairman declared this motion as agreed.

The Council then voted on excluding the public and press from the meeting for consideration of Agenda Item 6 – Planning Decision: Legal Advice Relating to Bradwell-on-Sea Ground Investigations and the voting was as follows:

For the recommendation:

Councillors E L Bamford, R G Boyce, Mrs J L Fleming, M W Helm, A L Hull, K W Jarvis, K M H Lagan, C Mayes, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, J Stilts, C Swain and Mrs M E Thompson.

Against the recommendation:

Councillors M G Bassenger, V J Bell, M R Edwards and C Morris.

Abstention:

Councillors M S Heard and N J Skeens.

The Chairman declared this motion as agreed.

RESOLVED that that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

6. PLANNING DECISION - LEGAL ADVICE RELATING TO LAND NORTH AND WEST OF KNOWLES FARM, MALDON

The Committee considered the report of the Director of Service Delivery providing advice to Members relating to the consideration of planning application 15/01327/OUT Land North and West of Knowles Farm, Wycke Hill, Maldon.

The report provided background information following consideration of the Planning Application by this Committee at its meeting on 9 July 2020. A copy of the report and Members' Update considered at that meeting were attached as Appendix 2 to the report at Agenda Item 8.

The Lead Legal Specialist and Monitoring Officer presented the report and drew Members' attention to Appendix 2 which contained Counsel's opinion.

A lengthy debate ensued during which Members' reviewed and considered the advice set out in the report and its appendices. In response to questions raised the Lead Legal Specialist and Monitoring Officer and Lead Specialist Place provided further information and clarification.

RESOLVED that the advice set out in the report relating to planning application 15/01327/OUT Land North and West of Knowles Farm, Wycke Hill, Maldon Essex be noted and taken into consideration in relation to Agenda Item 8 on the agenda for this meeting.

Councillor B S Beale joined the meeting during this item of business.

7. PLANNING DECISION - LEGAL ADVICE RELATING TO BRADWELL-ON-SEA GROUND INVESTIGATIONS

The Committee considered the report of the Director of Service Delivery providing advice to Members relating to the consideration of planning application 20/00157/FUL Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea.

The report provided background information following consideration of the Planning Application by this Committee at its meeting on 9 July 2020. It was noted that since that meeting the Applicant had submitted a report regarding the need for planning permission and this was attached as Appendix 1 to the report. The Council's response to this was contained in Appendix 2.

The Lead Specialist Place presented the report and drew Members' attention to the three Appendices to the report, particularly Appendix 3 which contained Counsel's opinion. The Specialist – Development Management referred to consultation responses received

from Natural England and an ecological consultant regarding protected species within the vicinity of the site.

A lengthy debate ensued during which Members' reviewed and considered the advice set out in the report and its appendices. In response to concerns and questions raised the Lead Legal Specialist and Monitoring Officer provided further information and clarification.

RESOLVED that the advice set out in the report relating to planning application 20/000157/FUL - Land East of Bradwell Power Station, Downhall Beach, Bradwell-on-Sea be noted and taken into consideration in relation to Agenda Item 9 on the agenda for this meeting.

8. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the special meeting of the District Planning Committee resumes in open session at 3:13pm.

9. 15/01327/OUT LAND NORTH AND WEST OF KNOWLES FARM, WYCKE HILL, MALDON, ESSEX

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

The Committee considered the report of the Director of Service Delivery, having regard to the legal advice provided at Agenda Item 5. It was noted that the report and Members' Update considered by the District Planning Committee at its meeting on 9 July 2020 were attached as Appendices A and B.

The Specialist: Development Management provided a verbal update, advising that the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution referred to in paragraph 4.4.2 and sections 5.8 and 5.7 of the Officers' report as well as in the heads of terms was out of date. This figure should be updated to reflect an increased fee of £125.58 per dwelling, due to indexation as part of the new financial year. This was noted.

In response to questions raised, Officers provided Members with information regarding the relief road, Section 106 agreement and how the conditions suggested a Strategic Phasing Plan would be required prior to the Reserved Matters application.

Councillor E L Bamford highlighted the difference between this and the previous application and proposed that it be approved. This proposal was duly seconded.

10. ADJOURNMENT OF THE MEETING

The Chairman proposed and it was duly seconded that the meeting be adjourned for a short comfort break. This was duly agreed by assent.

RESOLVED that the meeting be adjourned at 3:33pm.

11. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting of the District Planning Committee resume at 3:40pm in open session.

12. 15/01327/OUT LAND NORTH AND WEST OF KNOWLES FARM, WYCKE HILL, MALDON, ESSEX (CONTINUED)

Further discussion continued regarding this application, with Officers providing information regarding access from the roundabout, access to the community area and the timing of the proposed relief road. In response to a question regarding a possible shortfall in the funding for the proposed relief road, Members were advised that there may not be any shortfall but that Essex County Council were in the process of establishing the current costings for the construction of the relief road.

At this point Councillor E L Bamford reiterated her earlier proposition of approval but sought reassurance from Officers that they would ensure that robust conditions would be implemented particularly in relation to the phasing plan. In response the Lead Specialist Place advised that condition 8, as discussed, dealt with the phasing plan and if Members were minded they could grant planning permission subject to that condition being agreed by Officers through consultation with the Chairman to identify if there were any ways to make it more robust. The Officer advised that there was no guarantee that changes would be made, but assured Members that Officers would deal with the matter professionally and ensure that any harm was mitigated. Councillor Bamford duly amended her proposal for the application to be approved subject to the review of condition 8 by Officers in consultation with the Chairman. Upon a vote being taken this was duly agreed.

RESOLVED that this application be **APPROVED** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) and conditions as detailed below, following review of proposed condition 8 by Officers in consultation with the Chairman of the Committee.

Heads of Terms for Section 106 Agreement

- Affordable Housing - For 30% affordable housing to be provided within each phase or otherwise in accordance with an Affordable Housing Delivery Plan.
- Affordable housing mix to provide 52% 1 bed flats (with proportion suitable for the elderly) 40% 2 bedroom units and 8% 3 bedroom units.
- Affordable Housing tenure 30% intermediate and discounted market sale and 70% affordable rent.
- Contribution of £1,331,127 towards the construction of the South Maldon Relief Road.
- Highway obligations to include a financial contribution as part of the pooled arrangements unless otherwise agreed for the following:
 - A414 Oak Corner Junction.
 - B1018 Heybridge Approach / A414 roundabout.
 - B108 Langford / Heybridge Approach.
- Contribution of £238,744 towards public transport improvements to serve the South Maldon Garden Suburb.
- Travel Plan - Provision of a Travel Plan including provision of a Travel Plan Co-ordinator and a financial contribution as a monitoring fee to Essex County Council of £1,500 from first occupation to last occupation.
- Community Land – Reserve land for the NHS circa 1.53 hectares for community use for a period of 5 years.
- Education - A financial contribution as stated in the Infrastructure Delivery Plan (IDP) or as required by Essex County Council (ECC) Education’s Developer Guide 2016 formula towards education facilities including:
 - Indicative contribution totalling £2,602,225
- Health Care financial contribution based on NHS current calculations
- Allotments – a financial contribution to be provided of £14,520
- Youth Facilities – a financial contribution to be provided of £162,500 towards teen shelters, skateboard facilities and access to shared facilities
- Management Company – to appoint a Management Company for all the Green Infrastructure and Blue Infrastructure (Surface Water Management Systems)
- Green Infrastructure – For a strategy to be prepared and open space to be provided in accordance with a phasing plan and to be given to Management Company (planning condition 22 requires details to be agreed).
- Children’s Play Areas for the applicant to provide the Local Area of Play (LAP), the Local Equipped Area of Play (LEAP) and financial contribution of £34,560 towards an off-site Neighbourhood Equipped Area of Play (NEAP) and transfer the land to a Management Company
- A monitoring fee to the Council of £8,000 for monitoring and reviewing compliance.
- Mitigation in the form of a financial contribution of £125.58 per dwelling towards RAMS.

CONDITIONS:

Time Limits:

- 1 Details of the layout, scale, appearance and landscaping of the site (hereinafter referred to as the reserved matters) shall be submitted to the Local Planning Authority. No development of any phase shall commence until approval of the details of the reserved matters for that phase have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
- 2 The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
- 3 Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

In accordance with the plans:

- 5 The development hereby permitted shall be carried out in complete accordance with the following approved drawings:
 - PS07015-016-Rev A 'Red Line Boundary Plan'
 - Drawing No CIV-13756-SA-95-0036 Revision A01 dated 28/01/14 'Proposed 4 Arm, 39mICD Roundabout'
 - Drawing No CIV-13756-SA-95-0041 Rev A02 'Proposed roundabout adjacent Limehouse Farm ARCADY Dimensions'
 - Drawing No CIV-13756-SA-95-0048 dated 07/03/14 'Link Road Northern Signalised Junction'
 - Drawing No CIV-13756-SA-95-0061 'Infrastructure Provision'
- 6 The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and in accordance, with the following approved drawings unless otherwise agreed in writing by the Local Planning Authority pursuant to Condition 7 of this planning permission:
 - PS07015-016-Rev A 'Red Line Boundary Plan'
 - PS07015-014.1-Rev I 'Parameter Plan 1 - Extent of Development and Land Use'
 - PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'
 - PS07015-014.3-Rev I 'Parameter Plan 3 - Landscape'
 - PS07015-014.4-Rev I 'Parameter Plan 4 - Building Storey Heights'
 - PS07015-014.5 Rev I 'Parameter Plan 5 - Residential Density'

Strategic Design Codes:

- 7 The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles in the approved South Maldon Garden Suburb Strategic Masterplan Framework.

Strategic Phasing Plan:

- 8 Prior to the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application dated [to be inserted] for the provision of infrastructure and which covers the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
- a) The South Maldon Relief Road (SMRR), roundabout to the west on the A414 and signalized junction to the north east on the A414 as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement' to include trigger points in the development and phasing of delivery;
 - b) Internal roads/routes, footpath and cycleway provisions and crossing within and where linked to the site as identified on drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement';
 - c) All residential development;
 - d) Employment land, where applicable for the relevant phase;
 - e) Community Use Land, where applicable for the relevant phase;
 - f) The green infrastructure, landscaping, informal open space and open space areas;
 - g) Structural landscaping/planting provisions;
 - h) Strategic foul and surface water features, including SuDS; and
 - i) Environmental mitigation measures;

The approved Strategic Phasing Plan shall then inform the reserved matters application(s) and the development shall be implemented in accordance with the approved the Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority.

Highway conditions:

- 9 No development shall commence until the detailed design and specification of access connecting to the roundabout, granted planning permission under OUT/MAL/13/00763 as shown in principle on CIV-13756-SA-95-061 has been submitted to and approved in writing by the local planning authority. Further to construction of this roundabout, the approved access shall be implemented in accordance with the approved details and retained in that form thereafter.
- 10 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PS07015-014.2-Rev I 'Parameter Plan 2 - Access and Movement'. The cycle routes shall be appropriately hard surfaced and, where

provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.

- 11 Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved travel plans shall be implemented for a minimum period commencing from first occupation of the development and ending 1 year after final occupation.
- 12 On first occupation of each dwelling, a Residential Travel Information Pack for sustainable transport shall be provided for each dwelling, such Pack to include free travel vouchers for use with the relevant local public transport operator with the details of such Packs to be submitted to and approved by the Local Planning Authority prior to occupation of the first dwelling.

Housing:

- 13 Any reserved matters application for residential development shall include a layout plan showing the distribution of market and affordable dwellings, for that phase of the development, including a schedule of dwelling size (by number of bedrooms) within the reserved matters site for which approval is sought. The affordable housing units shall be provided in accordance with the approved details.

Employment Land:

- 14 Concurrently with the submission of any application for reserved matters approval for the Employment Land, as highlighted on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', the distribution and size of all units for use within Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Employment Land unit(s) shall be implemented in accordance with the Strategic Phasing Plan as required by condition 7 and shall be completed in accordance with the approved size, mix and distribution.

- 15 The hours of use for any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall take place between:

Monday to Friday 07:00 to 19:00 hours

Saturday..... 08:00 to 13:00 hours

Sundays and Bank Holidays..... None

Unless any variation of condition is agreed in writing by the Local Planning Authority.

- 16 Deliveries to and collections from any units falling within Classes B1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Employment Land units shall take place between:

Monday to Saturday 07:30 to 19:00 hours

Sundays and Bank Holidays..... None

Unless any variation of condition is agreed in writing by the Local Planning Authority.

- 17 No development of the commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of the means of commercial refuse / recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 18 No occupation of a commercial unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall commence until details of installation of any extract ventilation system, compressors, generators, refrigeration equipment, and any other fixed plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property. Only the details as agreed and shall be installed and shall be maintained for the duration of its usage thereafter.
- 19 No outside working shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.
- 20 No outside storage shall take place around any unit(s) within the Employment Land, as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use'.

Community Use Land:

- 21 The Community Use Land hereby permitted as shown on PS07015-014.1 Rev I 'Parameter Plan 1 - Extent of Development and Land Use', shall only be used as/for purposes for provision of residential accommodation and care to people in need of care, hospital, nursing home, clinic or health centre and for no other purpose including any purpose as defined within Classes C2/D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

Green Infrastructure Management and Maintenance:

- 22 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
 - a) details of who is responsible for the management and maintenance of the entire Green Infrastructure including long-term design objectives, maintenance schedules/specifications and monitoring processes for all landscape areas, including hard and soft elements in perpetuity.

- b) an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of and playspace equipment associated with the Local Equipped Area of Play (LEAP), Local Area of Play (LAP) and any other area of play;

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.

Landscaping and Trees:

- 23 Within any reserved matters application pursuant to this approval landscaping details required by condition 1 shall include detailed landscape scheme with designs and specifications for that phase of the development, which shall substantially accord with the details stated within the submitted Design and Access Statement. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the endorsed Design Code (Condition 8) for the site. The landscape designs and specifications shall include the following:

Soft Landscaping

- a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.
- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the development.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- e) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate.
- f) Full details of any proposed alterations to existing watercourses/drainage channels
- g) Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007,

haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works. The details submitted shall be in accordance with the details submitted in relation to the surface water management scheme required under Condition 33 and shall be compatible with their function as part of the public realm.

Hard Landscaping

- a) Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
- b) Full details, including cross-sections, of all bridges and culverts.
- c) Utility routes, type and specification.
- d) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets.
- e) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- f) Details of all hard surfacing materials (size, type and colour)

The landscaping within the application site areas shall be implemented in accordance with the approved Strategic Phasing Plan unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

- 24 No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree / hedgerow survey detailing works required;
- Trees / hedgerow to be retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces);
- Trees offsite.

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval.

The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to

construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

- 25 Any trees or plants provided as part of any landscaping scheme which, within a period of five years of planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.
- 26 No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development area, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 27 Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.

Youth and Children's Play Facilities:

- 28 Prior to or concurrently with the submission of the first of the reserved matters application(s), a Strategy for Youth Facilities and Children's Play provision shall be submitted to the Local Planning Authority for approval. The Strategy for Youth Facilities and Children's Play shall include the following details:
- a) How the Strategy is intended to evolve following the occupation of the site to meet the needs of future local residents, young people and children.
 - b) The size, type, location and provision of access to all youth facilities and play provision, including any Youth and Teen Shelters, the Local Equipped Area of Play (LEAP). Local Area of Play (LAP) and any other area of play.
 - c) A proposed phasing programme for the delivery of youth facilities and play provision

No development of any youth and children's play facilities shall commence until the submitted Strategy for Youth Facilities and Children's Play has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented in accordance the Strategic Phasing Plan and retained as such thereafter. The

management and maintenance of Youth Facilities and Children's Play equipment shall be undertaken in accordance with the requirements of Condition 22.

Materials:

29 Any reserved matters application(s) pursuant to this approval shall include written details or samples of all materials to be used in the construction of the external surfaces of the development, in conjunction with the requirements of the Strategic Design Codes as stated in Condition 7, shall be submitted to and approved in writing by the Local Planning Authority. The material details shall be substantially in accordance with the details stated within the submitted Design and Access Statement. The development shall be carried out using the materials and details as approved.

Boundary Treatment:

30 Any reserved matters application(s) pursuant to this approval shall include details of the siting, height, design and materials of the treatment of all boundaries including hedges, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

Levels:

31 Any reserved matters application(s) pursuant to this approval shall include full details of the existing and proposed levels, including finished floor levels of any building. The approved development shall be constructed in accordance with the approved levels details.

Residential Amenity and Private Amenity Space:

32 Any reserved matters application(s) for all residential development shall be designed to accord with the specific layout requirements of the Maldon District Design Guide SPD for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings, unless otherwise agreed in writing by the Local Planning Authority through the reserved matters application(s).

Surface Water Management:

33 Prior to or concurrently with the submission of the first reserved matters application(s) a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation.

34 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

35 No development shall commence within any phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the

management and maintenance shall be implemented following first use/occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.

- 36 Pursuant to Condition 35 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

Foul Drainage:

- 37 Any reserved matters application(s) shall include details of foul water drainage pursuant to the reserved matters site for which approval is sought. No development shall commence until details of the foul water drainage for the site have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation of any part of the development hereby approved.

Parking Requirements

- 38 Any reserved matter application(s) shall make provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. The details shall include and demonstrate that the provision is in accordance with the approach to parking approved as part of the Design Code for the site/South Maldon Garden Suburb. Prior to the occupation of any dwelling / building within that phase of development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 39 Any reserved matters application(s) shall include details of facilities for the covered, secure parking of bicycles for use in connection with the approved development in accordance with the Council's adopted vehicle parking standards for cycle parking and demonstrate that the provision is in accordance with the approach to cycle parking approved as part of the Design Code for site. Prior to the occupation of any dwelling / building within that phase of development the facilities shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose.

Archaeology:

- 40 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 41 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or any of their respective successors in title has secured the implementation of a

programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological work shall be carried out in a manner that accommodates the approved programme of archaeological work.

Ecology:

- 42 Prior to or concurrently with the submission of the first of the reserved matters application(s) for residential development for the site, a site wide Ecological Conservation Management Plan (EMP) shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application and shall substantially accord with the details stated within the submitted Design and Access Statement. The Plan shall set out an objective of enhancing the net biodiversity of the site as a result of development and shall include:
- a) Contractor responsibilities, procedures and requirements;
 - b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity;
 - c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;
 - d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
 - e) Details who will be responsible for the management and maintenance of the area;
 - f) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by within.
 - g) A programme for Monitoring to be carried out four times annually during the construction phase;
 - h) Confirmation of suitably qualified personnel responsible for overseeing implementation of the EMP commitments, such as an Ecological Clerk of Works, including a specification of role;
 - i) A programme for long-term maintenance, management and monitoring responsibilities; and
 - j) Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW), dedicated 'dogs-off-lead' areas, signage/information leaflets to householders to promote these areas for recreation, and dog waste bins.

No development shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

- 43 Any reserved matters application(s) shall include an Ecological Conservation Management Plan Statement that demonstrates how it accords with the aims and objectives of the Ecological Conservation Management Plan. It shall detail which specific ecological measures are proposed and the timing for their delivery. No development shall commence within the site for which reserved matters approval is being sought until such time as the Ecological Conservation Management Plan Statement has been approved in writing by the Local Planning Authority. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

Construction Environmental Management Plan:

- 44 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
- a) Agreed strategic phasing set out in Condition 8.
 - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, loading/unloading areas, storage areas / compounds, parking areas for operatives and visitors, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
 - c) Construction hours and delivery times for construction purposes.
 - d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
 - e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
 - f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
 - g) Water Management Plan detailing drainage control measures, use of settling tanks, oil interceptors and bunds to prevent pollution into ground water supplies and to prevent flooding.

- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.
- i) Emergency Response Plan to ensure safe evacuation from the site.

The details of the CEMP as agreed shall be implemented prior to any development commencing on site and shall remain in force for the duration of the construction period of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.

Air Quality:

- 45 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the residential, employment and community land uses hereby permitted. The agreed measures shall be implemented prior to final completion of the development.

Noise:

- 46 Any reserved matters application(s) relating to design and layout of residential dwellings shall include an acoustic assessment which shall provide details of the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels to above the following criteria:
 - 60dB LAeq16hours Daytime
 - 55dB LAeq8hours night

Orientation and internal layout of dwellings shall be used to minimise noise exposure to habitable rooms as far as practicable as demonstrated in the Nathaniel Lichfield & Partners Supplementary Environmental Statement, November 2016 ref 07015/05/SB/RM.

Where exposure to noise levels exceed those stated above full details of acoustic glazing and suitable acoustic ventilation options shall be submitted that demonstrate that internal noise levels do not exceed the internal noise levels stated in Table 4, paragraph 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. This includes with any mechanical ventilation operating where required. The measures shall be maintained in the approved form thereafter.

- 47 Noise levels in amenity spaces shall not exceed 55dB LAeq 16 hours. In the event that acoustic barriers are required to ensure that amenity areas do not exceed these noise levels, details of the acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barriers shall be constructed prior to the occupation of the dwelling(s) to which it relates.

Contamination:

48 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

49 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's

'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 50 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 51 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 48 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 49. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- 52 Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 49.

Lighting:

- 53 Any reserved matters application for layout shall include details of a lighting strategy for that phase of the development including details of the location and type of fixtures and fittings which shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented in accordance with the Strategic Phasing Plan and once implemented shall be retained in accordance with the approved scheme.

Renewable energy:

- 54 Any reserved matters application(s) shall include a renewable energy statement which demonstrates that the total predicted carbon emissions from development on that reserved matters site will be reduced through the implementation of on-site renewable energy sources. The statement shall include the total predicted carbon emissions in the form of an Energy Statement of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, size specification, location, design and a maintenance programme. The appropriate renewable energy technologies shall be approved in writing by the Local Planning Authority and shall be fully installed prior to the occupation of any approved buildings in that phase of the

development and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

Refuse and Recycling:

- 55 Any reserved matters application(s) shall include details relating to the location, design, specification, management / maintenance and phasing of provision of the temporary and permanent recycling facilities for that phase of the development. These facilities shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The temporary and permanent recycling facilities shall be provided in accordance with the details as agreed and shall be implemented in accordance with the approved phasing programme or before the occupation of any dwelling approved within that Strategic Phasing Plan.
- 56 No more than 50 dwellings cumulatively across the application site shall be occupied until temporary neighbourhood waste recycling facilities are provided on site in accordance with details as agreed in the above condition. The temporary facility shall remain in place until one of the permanent waste recycling facilities as agreed in above condition is provided and available for use. The land on which the temporary facility is sited shall be made good within a period of three months from the installation of the permanent waste recycling facility within the local centre.

Broadband:

- 57 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

13. 20/00157/FUL LAND EAST OF BRADWELL POWER STATION, DOWNHALL BEACH, BRADWELL-ON-SEA

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

The Committee considered the report of the Director of Service Delivery, having regard to the legal advice provided at Agenda Item 6. It was noted that the report and Members' Update considered by the District Planning Committee at its meeting on 9 July 2020 were attached as Appendices 1 and 2.

Following some discussion Councillor K M H Lagan proposed that the application be refused, contrary to the Officers' recommendation. In presenting his proposal Councillor Lagan raised a number of points of concern, some of which he related specifically to the suggested conditions set out in the Officers' report. This proposal was duly seconded.

A lengthy debate ensued, and a number of other Members raised further concerns. At this point and in light of the motion for refusal the Committee discussed reasons for refusal.

In response to a question regarding deferring the decision pending expert advice, the Lead Specialist Place advised that Members could defer a planning application to seek more information, although what that information would need to be detailed. The Officer reminded the Committee that this application had already been granted an extension of time by the applicant which ended today, and Members should legally make a decision today. Should Members not make a decision then the applicant could make an appeal to the Planning Inspectorate for non-determination of the application.

After further discussion, Councillor Lagan clarified his earlier proposal advising that the reasons for refusal should relate to noise and disturbance on ecology matters, historical environment relating to archaeology and heritage assets and that the Council based on the legal advice received should seek and appoint technical experts in these areas to ensure every area was covered.

In response to a question regarding the procedure Members were advised that they needed to consider the first motion which had been seconded, although this could be amended, prior to considering any other proposals.

The Specialist – Development Management provided the Committee with further information in response to concerns raised which included:

- The Adopted LDP and NPPF were taken into consideration by Officers along with the temporary nature of the works and mitigating actions proposed to minimise concern;
- Conditions were proposed to mitigate concerns regarding contamination, dust, ecology etc.
- The fencing proposed around the compound area was for security;
- The noise assessment had not found that the noise would be harmful to those in the surrounding area;
- Following consultation with Environmental Health and other consultees it was felt that as the hours of operation proposed were not at one time it was considered there would not be harm resulting.
- Noise barriers were proposed around each bore hole whilst it was being worked on;
- Drilling fluids from the bore holes etc. would be taken away and not allowed to drain onto the land;

Members were also reminded at this point that the application was not for a new nuclear power station at Bradwell and the application in front of them had to be determined as presented and therefore Members were unable to alter the number of bore holes etc.

The Committee then discussed the reasons for refusal and referred back to the two reasons for refusal agreed when this application was last considered by the Committee. Following detailed discussions Councillor Lagan amended his earlier proposition, that the application be refused for the following reasons and this was duly seconded:

1. The proposed development would detrimentally impact upon the historic environment, namely as a result of the proximity of the works to the WWII Aerodrome remains (Watch Office / Control Tower, Station Headquarters Building, Blister Hangers, Runway remains and Perimeter track) which are an important asset to our local heritage and of National importance ~~which are non-designated heritage assets~~. The development is considered to overwhelm the setting of these buildings by way of interrupting the flat, open landscape they sit within. Furthermore, the site plays an important role in terms of archaeology and the extensive ground works will result in the potential irreversible disturbance of important archaeological assets. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework.
2. Inadequate information has been submitted to demonstrate that the proposal would not result in negative impacts on important ecological assets **including protected species**, resulting from noise, **vibration** and disturbance. The proposal would therefore be contrary to Policies S1, **S8**, D1 and N2 of the Maldon District Local Development Plan and the guidance contained within The National Planning Policy Framework.

Upon a vote being taken this was duly agreed.

RESOLVED that this application be **REFUSED** for the following reasons:

1. The proposed development would detrimentally impact upon the historic environment, namely as a result of the proximity of the works to the WWII Aerodrome remains (Watch Office / Control Tower, Station Headquarters Building, Hangers, Runway remains and Perimeter track) which are an important asset to our local heritage and of National importance. The development is considered to overwhelm the setting of these buildings by way of interrupting the flat, open landscape they sit within. Furthermore, the site plays an important role in terms of archaeology and the extensive ground works will result in the potential irreversible disturbance of important archaeological assets. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework.
2. Inadequate information has been submitted to demonstrate that the proposal would not result in negative impacts on important ecological assets including protected species, resulting from noise, vibration and disturbance. The proposal would therefore be contrary to Policies S1, S8, D1 and N2 of the Maldon District Local Development Plan and the guidance contained within The National Planning Policy Framework.

Councillor R G Boyce left the meeting during this item of business and did not return.

There being no other items of business the meeting closed at 5.10 pm.

M S HEARD
CHAIRMAN