



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
10 MARCH 2021**

<b>Application Number</b>	<b>20/00638/FUL</b>
<b>Location</b>	The Essex Wildlife Trust Nature Reserve, Blue House Farm, Blue House Farm Chase, North Fambridge
<b>Proposal</b>	Construction of an earth bund measuring 2,140m around the perimeter of the site (0.5m high and 4m wide) and approximately 3000m of foot drains/ditches around the site and through the site (3m wide and 0.5m deep). Twelve shallow scrapes approximately 2,500m <sup>2</sup> each with a maximum depth of 0.5m. Break-up agricultural land drains at the edge of the site. Construction of concrete, boarded sluice.
<b>Applicant</b>	Essex Wildlife Trust
<b>Agent</b>	N/A
<b>Target Decision Date</b>	15 March 2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>PURLEIGH AND NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

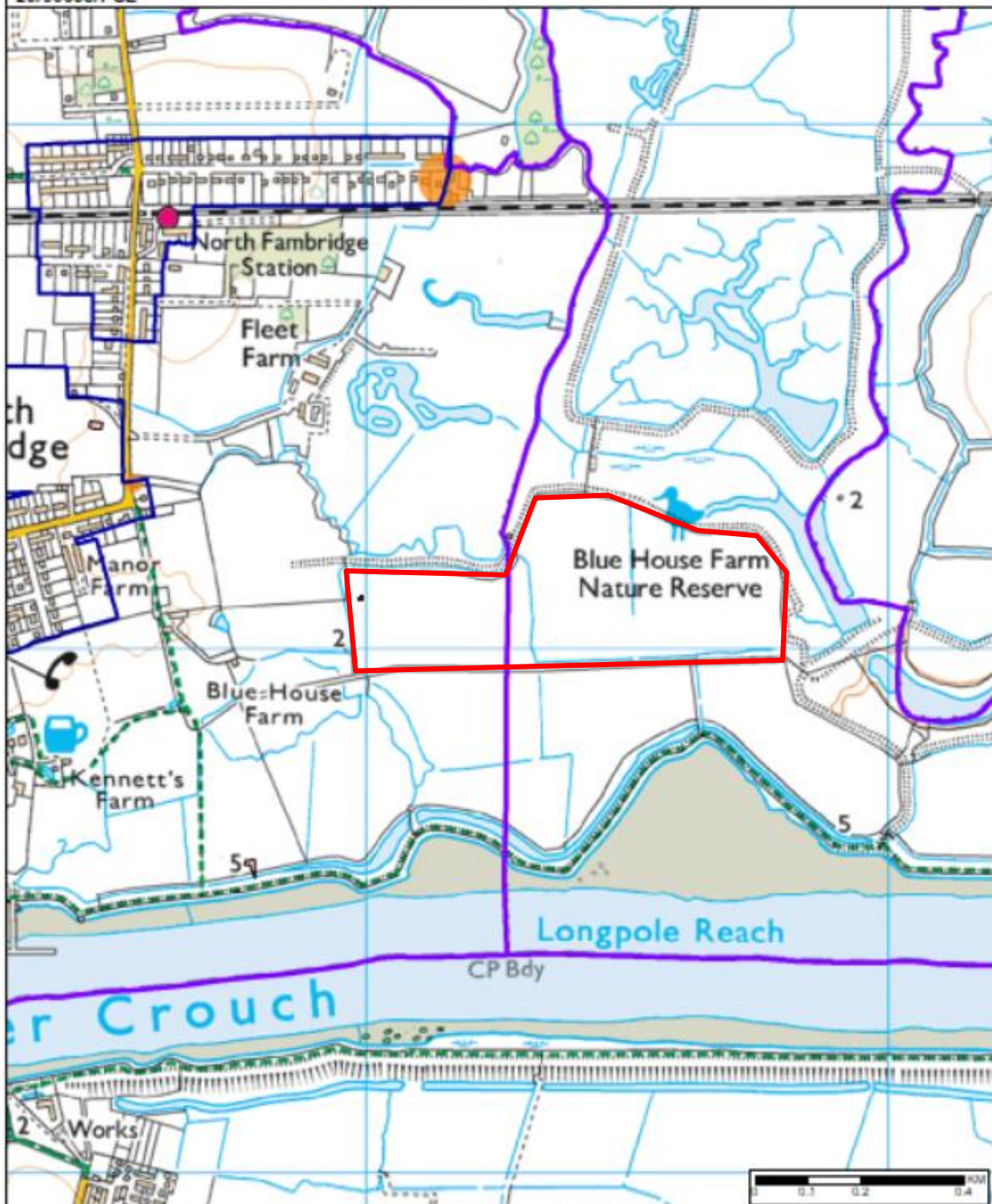
**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

**Blue House Farm Nature Reserve, North Fambridge**  
20/00638/FUL



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Maldon District Council 100018568 2014

**MALDON DISTRICT COUNCIL**

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:10,000
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Area Committee
Date:	09/02/2021
MSA Number:	100018568

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site extends to around 20ha. and is located within Essex Wildlife Trust's nature reserve at Blue House Farm, east of North Fambridge. The entire reserve, which lies to the north of the River Crouch estuary, is 240ha. and the majority is within a Sites of Special Scientific Interest (SSSI) (Crouch and Roach Estuaries), Ramsar Site (Crouch and Roach Estuaries (Mid Essex Coast Phase 2)) and Special Protection Area (SPA) (Crouch and Roach Estuaries (Mid-Essex Coast Phase 3)), primarily based on the importance of the reserve's populations of wintering and breeding wildfowl and waders. The intertidal zones of the River Crouch estuary lie 150m south of the site which is subject to the following designations: Marine Conservation Zone (Blackwater, Crouch, Roach and Colne Estuaries), Special Area of Conservation (Essex Estuaries) and SPA (Outer Thames Estuary).
- 3.1.2 The site is within Flood Zone 3a (high probability) but is mostly protected by existing tidal defences.
- 3.1.3 The application site comprises improved grassland. The grass within the application site is kept short by grazing cattle and occasional mowing, predominately for the overwintering and breeding wildfowl and waders. There are two internal ditches running north to south. A third channel runs parallel to the southern boundary, in the east of the application area. A bund is located along the northern and eastern peripheries with a crest level of around 2.7m Above Ordnance Datum (AOD).
- 3.1.4 Access to the application site is via Blue House Farm Chase, located to the west of the application site which accommodates a public footpath linking Fambridge Road to the north with the sea wall footpath to the south. There is a permissive footpath into the reserve from Blue House Farm Chase.
- 3.1.5 Site levels within the site range between 0.45m AOD in the south east and 1.95m AOD along the north western periphery.
- 3.1.6 The nearest building to the application site is located around 220m west of the proposed bund but this is within the applicant's ownership. The closest third-party properties are residential dwellings 355m north west along Blue House Farm Chase.
- 3.1.7 The development proposed consists of the construction of an earth bund measuring 2,140m in length which would be located around the perimeter of the site. The bund would be 0.5m high and 4m wide with a maximum crest level of 2.45m AOD.
- 3.1.8 Approximately 3000m of foot drains/ditches are also proposed around and through the site. The drains would be 3m wide and 0.5m deep. As part of the works, twelve shallow scrapes would be carried-out each measuring approximately 2,500m<sup>2</sup> with a maximum depth of 0.5m. Agricultural land drains at the edge of the site would be broken-up. A concrete, boarded sluice would be constructed on the southern boundary of the site and a predator fence to keep foxes out would be required around the outside of the earth bund proposed.

- 3.1.9 The proposal would create wetland habitat for breeding and overwintering wildfowl and waders. The aim of the project is to create areas of shallow flooding and standing water that seasonally dry out, creating muddy, splashy, wet grassland habitat for a range of birds associated with these habitats.
- 3.1.10 The import of material would not be required to construct the bund as the earth removed to create the foot drains would be used. Works would be carried out during October/November to avoid the ground nesting bird breeding season.
- 3.1.11 The following documents have been submitted in support of the application:
- Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment
  - Sustainable Drainage Systems (SuDS) Checklist
  - Brief for archaeological monitoring (December 2020)
  - Technical Note (December 2020) – Surface Water Review – Blue House Farm Nature Reserve
  - Preliminary Ecological Appraisal (December 2020)
  - Cross sections.

## **3.2 Conclusion**

- 3.2.1 The proposal is considered to be acceptable in principle and would not cause harm to the character or appearance of the area or the amenity of local residents, subject to the imposition of conditions. There are no objections raised in relation to the impact of the works on flood risk/drainage or highway safety/access/parking. The proposal would result in enhancements in relation to nature conservation.

## **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
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-192 Conserving and enhancing the historic environment

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

- Policy S1 Sustainable Development
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy D3 Conservation and Heritage Assets
- Policy D5 Flood Risk and Coastal Management
- Policy N1 Green Infrastructure Network
- Policy N2 Natural Environment, Geodiversity and Biodiversity
- Policy T1 Sustainable Transport
- Policy T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

**5.1** It is considered that the main issues which would require consideration as part of the determination of this planning application are the principle of the development, the impact on the character and appearance of the area, any impact on the amenity of local residents, highway issues, nature conservation and flood risk/drainage. Archaeology would also be a relevant material consideration.

#### **5.2 Principle of Development**

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding unjustified development in flood risk areas, the historic environment, local infrastructure and services, the character and appearance of development, and minimising the need to travel.

5.2.2 The site is located in a rural, coastal location but the proposal relates to works which are anticipated to increase the nature conservation value of the site. Based on this and subject to the assessment of the proposal against all relevant material considerations, as set out below, it is not considered that the proposal is unacceptable in principle.

#### **5.3 Design and Impact on the Character of the Area**

5.3.1 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 a high quality built environment for all types of development.

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.3.3 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposal would have an impact on the character and appearance of the estuarine environment which is sensitive to change. The Maldon District Landscape Character Assessment identifies this area as being within 'Fleet Estuarine Marsh/Mudflats' – some of the key characteristics of this area include a landscape pattern of small channels and creeks, diverse and important habitats for wildlife (particularly Brent Geese and other wildfowl) and uncommon flora as well as open long distant views. The area is identified as being highly sensitive to change.
- 5.3.7 It is considered that the proposal would have a neutral impact on the landscape as the construction works would be temporary, the proposal is of limited geographical extent in the context of the Estuary and the proposal would not fundamentally alter any characteristic of the landscape – the elements which involve changing ground levels will not be significant in height and would be no higher than existing embankments. Embankments are not untypical of the area and there would be no loss of existing vegetation.

- 5.3.8 However, it is considered necessary to impose conditions if planning permission is granted requiring further details of the sluice and predator fence referred to as part of the application, in the interests of the character and appearance of the area.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The nearest building to the application site is located around 220m west of the proposed bund but this is within the applicant's ownership and is located on ground approximately 0.9m above the crest level of the proposed bund. The closest third-party properties are residential dwellings 355m north west along Blue House Farm Chase which are located on ground approximately 0.95m above the crest level of the proposed bund.
- 5.4.3 As a result of the location of the works proposed, their temporary duration and the limited access to the site by vehicles required, it is considered that the proposal would not cause material harm to the amenity of any existing residents, subject to the imposition of a condition requiring a construction management plan to be approved, as recommended by the Specialist – Environmental Health.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 As part of the Design and Access Statement submitted, it is stated that the current vehicle access to the site off Fambridge Road via Blue House Farm Chase (a private unmade track) would be used. It is proposed that construction vehicles would access the work site through the hardstanding farmyard at Blue House Farm and then through a series of agricultural livestock gates across grazing land. The work will require access for 2-3 standard vehicles and one heavy plant transportation vehicle in addition to a delivery vehicle which will unload and load equipment in the hardstanding yard area. Annual visitor numbers to the nature reserve are approximately 5,000 to 6,000 people, the majority of which are local dog walkers using the public footpath to the sea wall. It is not predicted that the habitat improvement work will result in any significant increase in visitors to the site.
- 5.5.3 The proposal would only give rise to highway safety and parking issues during the construction works. Machinery and equipment required to carry-out the works would need to be delivered to the site but there would be no import/export of material to/from the site (which could be ensured through the imposition of a condition). Parking for workers' vehicles would be provided within an existing farmyard. Essex

County Council (ECC) Highways have raised no objection to the proposed works, subject to the imposition of conditions.

- 5.5.4 Based on the above, it is anticipated that the project would have a low number of vehicles accessing the site and no footpath or pedestrian access routes would be altered or impacted. Therefore, it is considered that there will be no impact on the local community that use the site or visitors from further afield and no objection is raised to the proposal on the basis of access, parking or highway safety, subject to the imposition of conditions as recommended below.

## **5.6 Flood Risk and Drainage**

- 5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.6.2 The site is located within Flood Zone 3 (high risk) although the western part of the site is protected. Parts of the site are also susceptible to surface water flooding.
- 5.6.3 The Environment Agency (EA) has advised that they considered raising a holding objection, as the Flood Risk Assessment (FRA) does not assess the defended or residual risk to the site or determine whether they have safe access or propose an emergency flood plan. However, at the same time these proposals are water compatible development for nature conservation and designed to promote biodiversity. They advise that safe access / emergency flood plan is unlikely to be critically important for nature conservation and biodiversity, as the aim is to retain water on the site to improve habitat for birds. No objection is, therefore, raised.
- 5.6.4 The comments of the EA are noted and Officers agree that the proposal would be 'water compatible' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG) although the application has been accompanied by a FRA.
- 5.6.5 ECC Sustainable Drainage Systems (SuDS) Team have raised no objection to the proposal as they do not believe that the proposal will have a negative impact or an increased risk of surface water flooding.
- 5.6.6 As a result of the differences in ground levels, any increase in flood risk associated with the proposed bund would be negligible but the increase in on-site storage of flood water is likely to lead to a reduction in flood risk elsewhere.
- 5.6.7 Based on the above, no objections to the proposal are raised in relation to drainage and flood risk. However, it is considered that a flood warning and evacuation plan would be required during construction which could be required by condition if planning permission were to be granted.



## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.6 The site is within an area designated nationally and internationally for nature conservation.
- 5.7.7 With respect to on site impacts, the application is accompanied by Preliminary Ecological Appraisal which includes the following conclusions:
- The site contains low quality terrestrial habitat for Great Crested Newts due to the grazing and cutting regime, but the two internal ditches provide potential breeding habitat. These would not be detrimentally impacted by the work. The raising and stabilisation of the water levels within the ditches as well as the introduction of a less intensive grazing regime is likely to improve the aquatic habitat for Great Crested Newts. Precautionary measures are recommended.
  - There are no buildings or trees with bat roost potential within the planning application boundary and therefore no bat roosts will be directly impacted.
  - The survey area is generally unsuitable for reptiles due to the low sward maintained by cutting and grazing as well as periodic flooding and damp ground. However, certain marginal areas within the work area contain some potentially suitable reptile habitat. All four Essex species of reptile have been recorded within the wider reserve. Management should keep all areas within the impact zone mown or grazed short in the build up to the works.
  - The project will result in a significant increase in habitat for wintering wildfowl and waders, but particularly in habitat for breeding waders such as Lapwing within the shallow scrapes and drains.

- The work is planned to commence in August 2021, after any breeding has been completed and no impacts on nesting birds are therefore anticipated. This should be confirmed by survey work in the week prior to the works by early morning breeding bird surveys.
- The reduction in open grassland favoured by Brent Geese will be compensated for by the extensive seeding of White Clover within areas of grassland to the south of the project site area. Careful water level management will retain large areas of open grassland for grazing geese and Brent Geese are also known to utilise shallow areas of standing water.
- The proposals are anticipated to have a significant net gain for species of wildfowl and wader throughout the course of the year.
- The site supports Brown Hare, a Species of Principal Importance in England (SPIE), which are not anticipated to be impacted by the proposals. Precautionary measures are provided.
- The area surveyed is not considered suitable for other protected species such as Dormice, Otters and Badger.

5.7.8 Natural England have advised that the application falls within the Crouch & Roach Estuaries Special Protection Area (SPA) and Ramsar site. From the information available, Natural England advises that this project could be considered to be directly connected with or necessary to the conservation management of the Crouch & Roach Estuaries SPA and Ramsar site, and therefore a Habitats Regulations Assessment (HRA) is not required.

5.7.9 The Royal Society for the Protection of Birds (RSPB) support the proposal as it would make a significant improvement to the biodiversity of this 20ha. of improved grassland area; it will encourage a range of waders and waterfowl onto the land which, together with predator fencing, will increase the potential for nesting birds such as lapwings.

5.7.10 ECC Ecology raise no objections but recommend that conditions are imposed to secure necessary mitigation and enhancement measures. These conditions are recommended below.

5.7.11 Based on the consultation replies received and the information submitted as part of the application, it is considered that the development would be directly connected with the conservation management of the Crouch and Roach Estuaries SPA and Ramsar site and the works would increase the value of the site and its estuarine surroundings for nature conservation, subject to the imposition of conditions as recommended below.

## **5.8 Other Matters**

### Archaeology

5.8.1 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out.

5.8.2 The application has been accompanied by a brief for archaeological monitoring.

- 5.8.3 ECC Archaeology have advised that the proposed development site is located in an area of potential for archaeological remains and recommends that a full archaeological condition for archaeological monitoring and recording is attached to the planning consent.
- 5.8.4 Based on this advice, subject to the imposition of a condition requiring a full archaeological investigation, it is considered that the proposal is acceptable from an archaeology perspective.

#### Environmental Health

- 5.8.5 The Specialist – EH has raised no objections to the proposal but has recommended that a condition is imposed requiring a construction management plan to be submitted and approved which could be imposed if planning permission were to be granted.

### **6. ANY RELEVANT SITE HISTORY**

- **99/00580/FUL** – Proposed construction of car park for 20 cars and two bird hides – approved 23.08.1999
- **07/00788/FUL** – Erection of wind pump to improve habitat on nature reserve - approved 13.09.2007
- **08/00818/FUL** – Erection of bird hide on nature reserve – approved 11.09.2008
- **15/00544/FUL** – Proposal to carry out environmental improvement works under a 'High Level Scheme' agreement with Natural England. The works would include re-creating wet coastal grazing marsh in two areas of the nature reserve and excavating a new ditch to drain on existing permissive footpath and to provide wildlife habitat - approved 17.09.2015
- **16/00414/AGR** – Prior notification of agricultural or forestry development - excavation/waste material: Restoration of coastal grazing marsh by retaining water – refused 12.05.2016
- **16/00567/FUL** – To carry out environmental improvement works as part of a 'Higher level Scheme' agreement with Natural England. This work includes re-creating wet coastal grazing marsh to provide habitat for internationally important species - approved 10.08.2016

### **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

#### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	Recommends approval - the proposed development is sustainable and does not conflict with Policy N2 of the Maldon District Local Development Plan 2014 -	Noted

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	2029.	
North Fambridge	Support	Noted

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council SuDS Team	No objection as they do not believe that the proposal will have a negative impact or an increased risk of surface water flooding.	Noted – refer to section 5.6 of report
Natural England	Considers that this project is directly connected with or necessary to the conservation management of the Crouch & Roach Estuaries SPA and Ramsar site, and therefore it does not require further Habitats Regulations assessment.	Noted – refer to section 5.7 of report.
Environment Agency	The FRA does not assess the defended or residual risk to the site or determine whether they have safe access or propose an emergency flood plan. However, the proposals are water compatible development for nature conservation and designed to promote biodiversity. Safe access / emergency flood plan is unlikely to be critically important for nature conservation and biodiversity, as the aim is to retain water on the site to improve habitat for birds.	Noted – refer to section 5.6 of report.
ECC Highways	No objection, subject to a condition requiring all loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including	Noted – refer to section 5.5 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	construction traffic being undertaken within the application site, clear of the public highway.	
ECC Archaeology	Blue House Farm is of significance as an example of surviving historic grazing marsh, complete with historic landscape features such as Roman Red Hills and medieval sea-walls. The proposed development has the potential to impact on archaeological remains. The applicant has submitted a copy of an archaeological brief. They now need to appoint an archaeological contractor and submit a Written Scheme of Investigations in response to the brief. It is recommended that if the development is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given in National Planning Policy Framework.	Noted – refer to section 5.8 of report.
ECC Minerals and Waste	No material is proposed to go in or out of the application site and therefore only materials taken out to create the ditches would be used to create the bund. Assuming that this is the case, no further comments to make but recommend that a condition is imposed to prevent the importation/exportation of material.	Noted – refer to section 5.5 of report. The condition suggested is recommended below.
RSPB	Supports the proposal – but seeks clarification of the legend on the block plans.	Noted – the applicant has confirmed that the dimensions queried are the diameter of the scrapes

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
		proposed.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Ecology consultant	No objection subject to securing biodiversity mitigation and enhancements including detailed mitigation for species including Water Vole, Great Crested Newts and reptiles, as well as birds, within a Construction Environmental Management Plan for Biodiversity. The Plan should include details to demonstrate that the two ditches onsite will be untouched by the development and any Water Voles will not be affected. The area is a relatively small proportion of the available grassland within Blue House Farm for Brent Geese, and areas of grassland to the south of the work area will be enhanced by seeding with White Clover (across approximately 30 hectares). It is noted that the aim of this development is to enhance the site for wetland bird species that frequent the Stour and Orwell Estuary SPA and Ramsar, to provide greater breeding habitat onsite for waders such as Lapwing and Redshank.	Noted – refer to section 5.7 of report.
Specialist – Environmental Health	No objections subject to the imposition of a	Noted – refer to section 5.8 of report.

Name of Internal Consultee	Comment	Officer Response
	condition requiring a construction management plan.	
Tree Consultant	No response.	

#### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

#### 7.5 Pre-commencement conditions

7.5.1 The applicant confirmed (12 February 2021) they have no objection to the imposition of pre-commencement conditions relating to archaeology, requiring a construction management plan and a flood warning and evacuation plan.

### 8. 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 the approved drawings:
  - Location Plan.
  - Water Retention Plan Map1 – West Section; Map 2 – Central Section and Map 3 – East Section.
  - Cross sectionsREASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The sluice shall not be constructed until details of its design have been submitted to and approved in writing by the local planning authority. The sluice shall be constructed in accordance with the approved details and retained as such in perpetuity.  
REASON In the interests of the character and appearance of the area, in accordance with Policies S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.
- 4 No fencing or other means of enclosure (including a predator fence) shall be erected unless details of the location, height and design of the means of enclosure has been submitted to and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved details and retained as such in perpetuity.  
REASON In the interests of the character and appearance of the area, in accordance with Policies S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.
- 5 There shall be no exportation from the site of any material excavated from the site and no importation of material to the site to raise existing ground levels.  
REASON In the interests of the amenity of local residents and highway safety, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the NPPF.

- 6 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the Blue House Farm nature reserve, clear of the public highway.  
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 7 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant has been submitted to and approved in writing by the local planning authority to establish the archaeological significance of the site.  
REASON The site lies in an area of archaeological potential, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.
- 8 No development including any site clearance or groundworks of any kind shall take place within the site until a programme of archaeological work by an accredited archaeological contractor has been carried-out in accordance with a written scheme of investigation, informed by the archaeological assessment required by condition 7 above, which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.  
REASON The site lies in an area of archaeological potential, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.
- 9 No development shall take place unless and until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include the following:
- i) the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
    - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
    - b) control measures for mud and dust from site operations and ensuring no dust emissions leave the boundary of the site;
    - c) lighting arrangement for the site during construction;
    - d) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
    - e) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
  - ii) prevent the pollution of ground and surface waters. This will include the location of any hazardous materials including fuel from vehicles and equipment.
  - iii) where any soils that are known to be contaminated are being excavated or exposed a site waste plan shall be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care.



- REASON In order to minimise nuisances and disruption to local residents and pollution, in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPG.
- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (December 2020), hereby approved.
- REASON To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.
- 11 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- REASON To conserve protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.
- 12 No development shall take place unless and until a flood warning and evacuation plan for the construction period has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.
- REASON As the site is located in an area at high risk of flooding, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.
- 13 No floodlighting or other external form of illumination of the site shall be provided during construction.
- REASON In order to minimise light spillage in the interests of the character and appearance of the rural area within which the site is located and to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan.
- 14 Construction works shall be carried out only during the months of October and/or November.

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

### **INFORMATIVES**

- 1 Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency
- 2 Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.