



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
8 SEPTEMBER 2021**

<b>Application Number</b>	<b>21/00554/FUL</b>
<b>Location</b>	The Essex Wildlife Trust Nature Reserve Blue House Farm Blue House Farm Chase North Fambridge
<b>Proposal</b>	Deepening a 22ha. wetland scrape in three locations. Construction of raised walkway, screening bunds, base for wildlife hide and areas above the waterline for roosting and nesting birds. Installation of 2000m of anti-predator fence to a height of 1.8m to replace existing anti-predator fence.
<b>Applicant</b>	Essex Wildlife Trust
<b>Agent</b>	Harry Smith – Essex Wildlife Trust
<b>Target Decision Date</b>	28 September 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

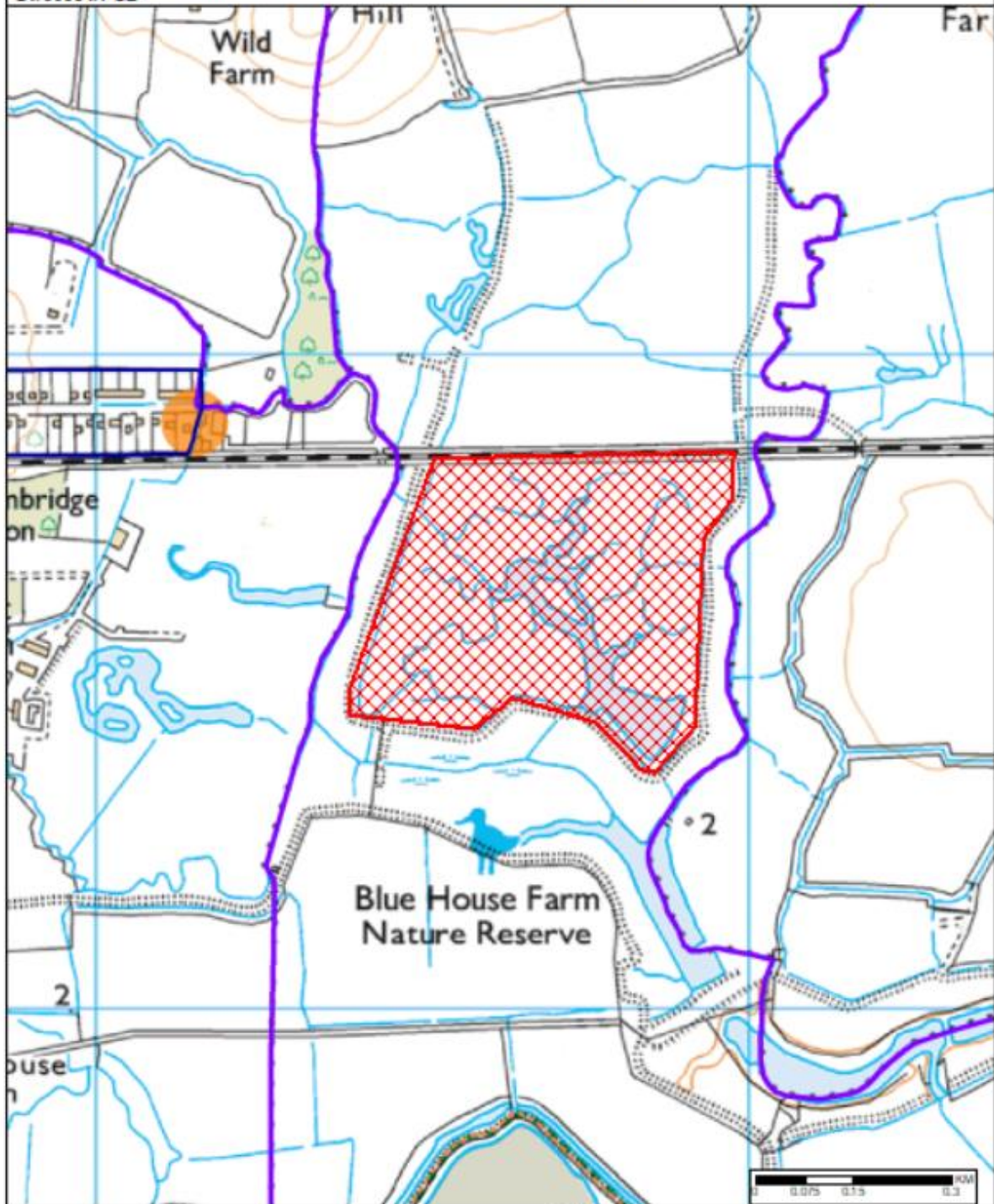
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

**Blue House Farm, Blue House Chase, North Frambridge**  
21/00554/FUL



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: North Western Committee</p>	<p>Date: 27/07/2021</p>
	<p>www.maldon.gov.uk</p>	<p>MSA Number: 100018568</p>

### 3. SUMMARY

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

- 3.1.1 The application site extends to around 22ha. and is located within Essex Wildlife Trust's nature reserve at Blue House Farm, east of North Fambridge The entire reserve, which lies approximately 880m 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 south of the site which are subject to the following designations: Marine Conservation Zone (MCZ) (Blackwater, Crouch, Roach and Colne Estuaries), Special Area of Conservation (SACs) (Essex Estuaries) and Special Protection Area (SPAs) (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. There is a ditch running north-south along the western boundary of the site. The northern boundary is bordered by a railway line. An embankment runs along the eastern, southern, and western site boundaries with an average crest level (**highest level above a certain datum or reference point that a river will reach in a certain amount of time**) of approximately 2.42m above Ordinance Datum (AOD).
- 3.1.4 The site is generally flat but site levels gently slope down in a south-westerly direction. Site levels range from 1.57m AOD in the north-eastern corner to 0.98m AOD in the south-western corner. The average level across the site is approximately 1.23m AOD.
- 3.1.5 The closest residential properties to the site are dwellings situated 420m west at the end of Franklin Road which are elevated at 2.53m AOD, i.e., 1.3m higher than the average site level.
- 3.1.6 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.
- 3.1.7 The development proposed consists of the deepening of the site in three locations through a wetland scrape. The proposal also includes the construction of a raised walkway and associated screening bunds. A base for a wildlife hide and raised islands within and around the scrapes to a height of 1.5m (to create areas above the waterline for roosting and nesting birds) are also proposed along with 2000m of anti-predator fence to a height of 1.8m to replace an existing anti-predator fence.
- 3.1.8 Within the circular shaped scrapes, existing ground levels would be reduced by a maximum of 1.75m and each scrape would cover an area of 4000sq.m. and have a diameter of 71m.
- 3.1.9 Two bund screens, each 3m in width and 3m in height, are proposed either side of a 2.5m wide raised walkway which would be 140m in length and run from the western boundary of the site in a south-easterly direction. The walkway would lead to the proposed raised area where the applicant intends to provide a wildlife hide in the

future. The raised area would measure 15m x 25m and be 1.5m in height to reduce the risk of any hide flooding.

3.1.10 The importation of material would not be required to construct the bund and raised walkway as the earth removed through the scrapes 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 (June 2021)
- Preliminary Ecological Appraisal (May 2021)
- Cross-sections of the proposed scrape, raised walkway and bund screen
- Method Statement for Blue House Farm Wetland Enhancement Project
- Specification for the predator fence – wire mesh with stainless steel posts

### **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 2021 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
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 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) SPD
- 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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- 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 proposals, by their very nature, would have some impact on the character and appearance of the estuarine environment which is identified as being highly 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.

5.3.7 It is considered however, that the proposal would have a limited and relatively neutral impact on the landscape. The construction works would be of temporary duration, the proposal is of limited geographical extent in the context of the size and scale of the Estuary, and the development would not fundamentally alter any established landform characteristic of the landscape – the elements which involve changing ground levels will not be significant in height and would be limited in the context of the Nature Reserve. Whilst the proposed embankments would be around 1.5m higher than those which currently enclose the application site, embankments are not untypical of the area and there would be no loss of existing vegetation. The design of the predator fencing is functional, but it is considered that it would not be materially harmful to the character and appearance of the area as a result of its height, the materials to be used and the mesh design. Therefore, it is not considered that the development would harm the character or appearance of the rural area within which the site is located.

## **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 residential building to the application site is located around 420m west of the proposed development.

- 5.4.3 As a result of the location of the construction 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. Construction vehicles would access the proposed work site through the hardstanding farmyard at Blue House Farm and then through a series of agricultural livestock gates across grazing land to reach the works area. 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. The applicant does not expect 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 Highways (ECC) have raised no objection to the proposed works.
- 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 raised no objections to the proposal.
- 5.6.4 In line with the previous application, Officers consider that the proposal would be 'water compatible' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance although the application has been accompanied by a Flood Risk Assessment (FRA).

5.6.5 The FRA submitted concludes as follows:

- *Flood risk associated with the site is predominantly tidally influenced therefore any displacement of flood water as a result of the proposed excavations and island creation will be negligible. As the proposal involves the creation of wetland habitat, the proposal is classified as 'water-compatible' according to NPPF. Flooding at the site is promoted to encourage settlement of waterbirds.*
- *Detailed flood modelling, undertaken in 2018, shows that the site is at risk from flooding during the 200-year and 200-year plus climate change events.*
- *The proposal is not expected to increase flood levels on site, or to third-party land.*
- *LiDAR data indicate that the closest residential dwellings, are elevated at 1.3m higher than the average level of the proposed site. The site is bordered to the east and south by land within the ownership boundary of the Essex Wildlife Trust, and by private agricultural land to the west. The train line to the north of the site is on a raised embankment and is not expected to be impacted.*
- *Any additional water accumulation upstream of the embankment surrounding the site is not anticipated, however if this were to occur, the impact on third-party land would be minimal.*
- *Surface water flood risk is not anticipated to increase outside of the site as a result of the proposal.*

5.6.6 ECC Sustainable Drainage Systems (SuDS) Team have not commented on the current proposal but raised no objection to the previous proposal for similar works (20/00638/FUL) as they did not believe that the proposal would have a negative impact or an increased risk of surface water flooding.

5.6.7 As a result of the differences in ground levels, any increase in flood risk associated with the proposed works would be negligible and the increase in on-site storage of flood water is likely to lead to a reduction in flood risk elsewhere.

5.6.8 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 a Preliminary Ecological Appraisal (May 2021) which concludes as follows:
- *The site contains low quality terrestrial habitat for Great Crested Newts due to the grazing regime, and the drainage ditch that may be impacted scored 'below average' for suitability using the Habitat Suitability Index calculations. Precautionary measures are recommended.*
  - *The ditch Tn3 has low potential to support Water Voles due to cattle poaching and grazing, though may act as additional habitat. This ditch is only due to be impacted if a culvert is added, and so precautionary measures are recommended, including a pre-works visit by an ecologist if the culvert is required.*
  - *The grassland bund surrounding the wetland scrape has some potentially suitable reptile habitat as it is covered in long grass. This grassland is usually grazed and therefore there is not the ideal thatched layer of grass that reptiles prefer. All four Essex species of reptile have been recorded within the wider reserve. Management should keep all areas within the impact zone around the access gates mown or grazed short in the build up to the works.*
  - *The project will result in an increase in habitat for wintering and breeding wildfowl and waders, in particular species such as Little Ringed Plover. The work is planned to commence in September/October 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 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. There are no buildings or trees with bat roost potential within the planning application boundary and therefore no bat roosts will be directly impacted.*
- 5.7.8 Natural England (NE) previously advised (in response to application reference 20/00638/FUL) that the application falls within the Crouch & Roach Estuaries Special Protection Area (SPA) and Ramsar site. From the information available at that time, NE advised that that 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) was not required. It is noted also that the previous site is of a similar size and located south of this application site (nearer the River Crouch). However, the same conclusion has not been reached by NE in relation to the development currently proposed – NE has advised that a HRA is required, and that further information needs to be submitted to the LPA before the LPA can fully assess the implications of the development on the

designated site. This has been queried by Officers, having regard specifically to the previous comments and determination of the previous application, and as a consequence, a further response from NE is awaited, particularly as NE has also provided the following support for the proposal:

*'this scheme would deliver on several of Defra's 25 year plan objectives, and supports our aim to promote thriving nature and wildlife through landscape scale Nature Recovery Networks by restoring and enhancing sites and species and rebuilding ecosystems across land and sea. The proposed site alterations align with our objective to secure the wildlife value of designated sites for the long term. Additionally, Natural England welcomes improvements to a publicly accessible nature reserve visited by 5,000-6,000 people annually, which will eventually be linked to the forthcoming England Coast Path. This will further enhance opportunities to connect people to the natural environment and nature which is also an objective of Defra's 25 year plan.'*

- 5.7.9 NE also advises that if planning permission were to be granted, construction works should be undertaken outside the peak wintering season (notionally between November to February), that check-clean-dry procedures are used throughout the construction works to avoid spreading the invasive weed, New Zealand pigmyweed (*Crassula helmsii*) and also site excavated soil is re-used within the site rather than being exported off-site. They also advise that if site staff are to act as ecological clerk of works and banksmen during the project as suggested in the Method Statement, these staff need to be suitably qualified and experienced. They also note that site staff are to monitor water retention into spring 2022 and the re-establishing vegetation and advise that there should be provision for planting included for the event that vegetation struggles to re-establish. All of these issues are covered by the conditions recommended below.
- 5.7.10 The Royal Society for the Protection of Birds (RSPB) supported the previous proposal as it was to make a significant improvement to the biodiversity of the improved grassland area.
- 5.7.11 Essex County Council Ecology (ECC) raised no objections to the previously proposed works but recommended that conditions were imposed to secure necessary mitigation and enhancement measures. These conditions are also recommended below.
- 5.7.12 Based on the consultation replies received (subject to a revised response from NE being 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**

### **5.8.1 Archaeology**

5.8.2 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.

5.8.3 ECC Archaeology have not recommended that any conditions are imposed in this case if planning permission were to be granted and so the proposal is acceptable from an archaeology perspective.

## 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
- **20/00638/FUL** - 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 – approved 15.03.2021

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No response.	Noted
North Fambridge	No response.	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council SuDS Team	No response but in response to the previous application raised no objection as they did not believe that the proposal would have a negative impact or an increased risk of surface water flooding.	Noted – refer to section 5.6 of report
Natural England	Advises that further information (a Habitats	Noted – however, in response to the previous

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Regulation Assessment) needs to be provided and that any approval should be subject to limitations.	application (20/00638/FUL) advised that they considered that the project was directly connected with or necessary to the conservation management of the Crouch & Roach Estuaries SPA and Ramsar site, and therefore it did not require further Habitats Regulations assessment - refer to section 5.7 of report.
Environment Agency	No objections.	Noted – refer to section 5.6 of report.
ECC Highways	No objection.	Noted – refer to section 5.5 of report.
ECC Archaeology	No objections and no conditions recommended.	Noted – refer to section 5.8 of report.
RSPB	No response but supported the previous application.	Noted – refer to section 5.7 of report.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
ECC Ecology consultant	No objection subject to securing biodiversity mitigation and enhancements including detailed mitigation for species, including Water Vole, Great Crested Newts, reptiles and brown hare, within a Construction Environmental Management Plan for Biodiversity. It is noted that the aim of this proposal is to increase the habitat for wintering and breeding wildfowl and wider, in particular species such as Little Ringed Plover.	Noted – refer to section 5.7 of report.
Specialist – Environmental Health	No objections subject to the imposition of a condition requiring a	Noted – refer to section 5.8 of report.

Name of Internal Consultee	Comment	Officer Response
	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 has confirmed that they have no objection to the imposition of pre-commencement conditions relating to 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
  - Location Plan – Overview
  - EWT/BHF/RoundMarsh/v1/KH
  - Cross sectionsREASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No fencing or other means of enclosure (except for the predator fence proposed) 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.
- 4 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.
- 5 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.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (May 2021), 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 The results of the monitoring of the re-establishment of vegetation shall be submitted to the local planning authority within a year of the commencement of the works hereby approved along with details of a scheme of re-planting (including timing) if vegetation has not re-established. Any re-planting shall be carried-out in accordance with the details approved.

REASON: In order to protect and enhance 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.