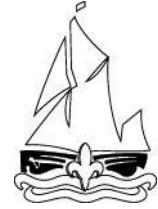


**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 12 OCTOBER 2022**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Comments have now been received from the Council's Ecological Consultant, who raises no objection to the scheme, but notes that no mitigation measures have been identified with the submitted information. Should planning permission be forthcoming, conditions are recommended as follows:

Pre-commencement Conditions

A pre-commencement condition is required to ensure that a construction environmental management plan is submitted to and approved in writing by the Local Planning Authority. The condition reads as follows:

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to an 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.

i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA 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) and in accordance with Policy N2 of the Maldon District Local Development Plan (2017).”

Further conditions

A condition is also required with regard to biodiversity and protected species. The condition reads as follows:

“A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) persons responsible for implementing the enhancement measures;*
- f) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon District Local Development Plan (2017).”

If external lighting is proposed, a condition is required that reads as follows:

“Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along

important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA 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) and in accordance with Policy N2 of the Maldon District Local Development Plan (2017).”

Agreement to the pre-commencement condition has been received from the agent for the applicant (email received 10.10.2022).

An additional representation was received on 5th October 2022. This representation noted that the town does not have the necessary infrastructure for this development, and that it is being built on green land on a bend. As stated in the Officer’s report, the proposal has been found to be acceptable with regard to highways safety. It is not considered that the proposal will require extensive additional infrastructure. The site will be returned to its current state once the permission expires.