



**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
19 JUNE 2017**

Application Number	FUL/MAL/17/00388
Location	Bradwell Power Station Ponds And Vault Complex Downhall Beach Bradwell-On-Sea Essex
Proposal	Construction of a permanent building envelope to enclose the redundant Ponds and Vaults Complex providing protection from the prevailing weather during the 100 year care and maintenance period.
Applicant	Magnox Limited
Agent	Ms Clare Heeley - AECOM
Target Decision Date	5 July 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Major Application

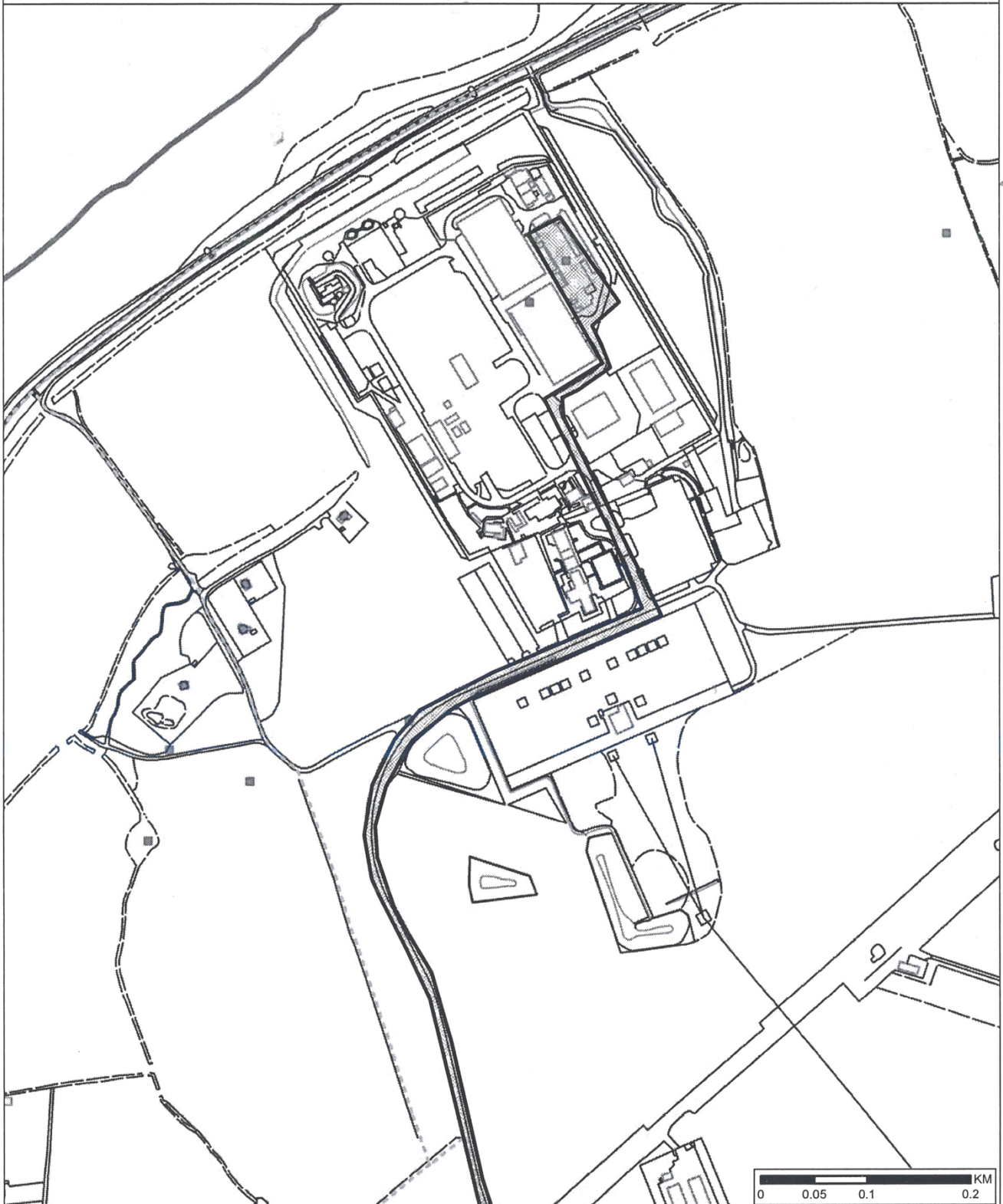
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Bradwell Power Station Ponds And Vault Complex, Downhall Beach, Bradwell-On-Sea
FUL/MAL/17/00388



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	06/06/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the erection of a permanent building envelope to enclose the redundant Ponds and Vaults Complex from the prevailing weather. The envelope would measure approximately 96m in length, 34m in width and 12.3m in height.
- 3.1.2 The application site is located within the premises of the Bradwell Power Station, within the parish boundary of Bradwell but outside of any settlement boundary. The land around the power station is a designated Site of Special Scientific Interest (SSSI).

3.2 Conclusion

- 3.2.1 It is considered that, on balance, whilst there would be a detrimental visual impact on the wider surroundings of the site, the proposed development is required for the care and maintenance process already scheduled on power station. The longer term benefits of this proposal are considered to outweigh the harm caused by the development subject to an appropriately worded condition in relation to materials.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7-8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 29-41 - Promoting sustainable transport
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications
- 216 - Weight of emerging plans

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 - Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CON5 - Pollution Prevention
- CC1 - Development Affecting An Internationally Designated Site
- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- CC11 - The Coastal Zone
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments

- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and the Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- N2 - Natural Environment, Geodiversity and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards
- EB009a Landscape Character Assessment - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise [Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].
- 5.1.2 Policies S1 and S2 of the adopted Replacement Local Plan (RLP) provide the strategic position for the development of the District through defined development boundaries for villages / urban areas and seek to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District and to ensure that the best use is made of existing public services and infrastructure. This principle is brought forward within Policies S1 and S8 of the submitted Local Development Plan (LDP). The previously mentioned policies are considered compliant with the NPPF.
- 5.1.3 Whilst the application site is located outside of the development boundaries, where the coast and countryside will be protected for their own sake, particularly for their landscape natural resources and areas of ecological, historical, archaeological, agricultural and recreational value, the proposed development would relate to the existing use of the site for the decommissioning of the Bradwell Nuclear Power Station (NPS).

- 5.1.4 Within the supporting documents for this application the justification for the development has been provided. It has been explained that that the development would be a clad building that would be located over the existing Bradwell Ponds and Vaults buildings complex. The proposal would protect the complex from adverse weather conditions, and would ensure that the buildings sites are retained on the site for the one hundred (100) year care and maintenance period.
- 5.1.5 The redundant infrastructure of the Ponds and Vaults Complex was constructed as part of the original Bradwell NPS between 1958 and 1962. Given its former usage and ageing, the redundant infrastructure of the former Ponds and Vaults Complex needs to remain in a safe, inactive state for the entire duration of the Care and Maintenance period as part of in situ remediation.
- 5.1.6 The proposed development therefore provides the protection required to minimise further ageing due to weathering and allows the residual contamination within the fabric of the buildings to reduce to levels which will allow for safe clearance of the site following the Care and Maintenance period. In addition, this will minimise the amount of processing of waste associated with clearing the site. The proposed development is therefore considered necessary in order to provide this weather protection to ensure the Ponds and Vaults Complex remains in a safe, accessible state for the next 100 years prior to clearance of the site.
- 5.1.7 The Applicant has considered that the provision of this protection could either take the form of a single weather envelope structure enclosing the entire ground level and sub-surface level redundant infrastructure at the site or localised recladding of individual structural elements. The selection of a single weather envelope as the preferred option was made by the Applicant on the basis that the weather protection required needs to be supported off a structure which is independent of the existing infrastructure in order to provide confidence that this structure would remain functional for the required 100 year design life.
- 5.1.8 The chosen form for this independent structure is a portal frame, as this is considered the most structurally efficient means of supporting the weather envelope across the entire width of the Ponds and Vaults Complex (30m). This solution also avoids the need for ongoing reliance on the integrity of the existing buildings flat roofs and associated drainage system and ensures adequate space is maintained around the exterior of the existing buildings to facilitate inspection of the building fabric and monitor its ongoing degradation. As the purpose of the proposed development is to protect the existing Pond and Vaults structures there is clearly no alternative location which could be considered for the proposed development. Consequently the proposed development is entirely related to the existing decommissioning activities and is justified in principle on that basis. Other material planning considerations are discussed in the following sections of the report.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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 sought to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 The application site lies outside of any defined development boundary within the coastal zone of the District. According to saved policy S2 of the RLP and emerging policies S1 and S8 of the submitted LDP the countryside will be protected for its landscape, natural resources and ecological value. Saved policies CC6 and CC11 of the RLP seek to ensure that the District's landscape and coastal zone will be protected, conserved and enhanced and development proposals will not be permitted unless their location, siting, design, materials and landscaping achieve the above objective.
- 5.2.4 The proposed development is located adjacent to a special landscape area as defined by policy CC7 and within special landscape D7 - Bradwell Drained Estuarine Marsh as per the evidence base document EB009a of the LDP. The landscape in this area is characterised by flat, low-lying land immediately behind sea wall defences, mostly arable farmland on former reclaimed marsh intersected by linear ditches and dykes. The absence of trees is notable although not immediately around the site. Within the area, one gets the sense of huge sky, sound of birds, tranquility, and panoramic views across the marshland and out to sea. The landscape is dominated by the power station and the two reactor buildings.
- 5.2.5 The proposed building would measure 96m long in the north south direction, 34m wide in the east west direction and would have an overall height of approximately 12.3m. The proposed structure includes an inset storey to the middle of the building. Overall the building would be 1m higher than the enclosed complex at its eaves level, and the ridge height would be even higher. The structure is proposed to be clad with profiled aluminium sheeting with mill finish.
- 5.2.6 Whilst the proposal shows that the width and depth of the development would be similar to the existing cumulative width and depth of the complex of buildings to be enclosed, the proposed building would appear much greater than the existing development as a result of its bulk. In addition, the increase in height is considered to result in a dominant and obtrusive form of development which is considered to result in demonstrable harm to the visual amenity of the area.
- 5.2.7 The design of the proposed building is of limited architectural merit. The building has a rudimentary shape and a utilitarian appearance. The proposed design and scale of the building is reminiscent of other buildings already present on site. Whilst the proposed building is not considered to appear at odds with other development on the site, it is not considered to visually enhance the area.
- 5.2.8 In terms of materials, a sample of the proposed cladding material has been submitted to support the application. The proposed profiled aluminium sheeting with mill finish appears to be reflective and when coupled with the design, siting and scale of the building is considered to result in an obtrusive form of development to the detriment

of the character and appearance of the area. It has been claimed that materials of similar finish have been used for the cladding of the reactors and the Interim Storage Facility (ISF) building. Although a similar material appears to have been used for the cladding of the leaning elevations of the ISF building, the design and location of this substantially smaller and better designed building does not allow the reflective properties of the material to have the conspicuous effect they would have on the proposed building. A different material has been used for the cladding of the reactor buildings and the straight elevations of the ISF building.

- 5.2.9 However, the proposed use of unsympathetic materials is not considered sufficient to justify a reason for refusal given that the use of appropriate materials can be required via appropriately worded conditions in the event of a successful application. In this instance it is considered that condition requiring the details and samples of the external materials to be agreed prior to the commencement of the cladding phase of the construction would meet the six tests of the national planning guidance.
- 5.2.10 Overall, the proposed development due to its scale, bulk and design, including the inappropriate use of materials, would result in a detrimental visual impact on the wider surroundings of the site. However, subject to appropriately worded conditions, the benefits of the scheme in this instance would outweigh the harm identified.

5.3 Impact on the SSSI and protected habitat

- 5.3.1 The application site is located in a sensitive location outside the settlement boundaries, is within the Coastal Zone and adjacent to a Special Landscape Area. The Blackwater Estuary is an area which is subject to a number of international and national nature conservation designations, including:

- 5.3.1.1 Ramsar

- 5.3.1.2 Site of Special Scientific Interest

- 5.3.1.3 Special Protection Area

- 5.3.1.4 Special Area of Conservation

- 5.3.2 The site would therefore be regarded as a “sensitive site” where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within saved policy CC1 of the RLP which states that development likely to have a direct or indirect effect on a Ramsar site, Special Protection Area (SPA) or Special Area of Conservation (SAC) will not be permitted unless it is necessary for reasons of overriding public interest. Any such proposals will be subject to the most rigorous examination. Where development is permitted, the use of conditions or planning obligations will be considered, to avoid and/or minimise harm to the site, to enhance the site’s nature conservation interest and to secure any compensatory measures and appropriate management that may be required.
- 5.3.3 Similarly, emerging policy N2 of the LDP states that any development which could have an adverse effect 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. In exceptional circumstances where the loss of designated sites is demonstrated to be unavoidable, developers will be required to provide 'like for like' replacement, relocation and / or compensation towards the loss of habitats and be able to demonstrate that such measures are at least of an equal value to the loss on a site by site basis. Any compensatory habitat created should be ecologically functional in advance of the loss.

- 5.3.4 The application has been supported by a biodiversity appraisal. The Council's Coast and Countryside Officer and Natural England have been consulted on the application. With this in mind, it is considered that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Blackwater Estuary Mid Essex Coast Phase 4 SPA, Ramsar and Essex Estuaries SAC has been classified. Moreover, it is not considered that the proposed development would damage or destroy the interest features for which the Blackwater SSSI has been designated. Furthermore, no protected species have been noted within the application site that would constrain the proposed development.

5.4 Impact on the Environment

- 5.4.1 The nuclear power station site area is the subject of regulation by the Nuclear Regulatory Group within the Environment Agency (EA). The EA's Nuclear Regulatory Group has been engaged with the applicant for over five years on the delivery of the site into a safe and environmentally sustainable state of "Care and Maintenance". Part of this end state requires the weather proofing of redundant plant which is a key part of the site strategy.
- 5.4.2 The Environmental Management Plan submitted in support of the application has been reviewed by the Nuclear Regulatory Group. They have no further comments on it since they effectively regulate it through a permit issued under the Environmental Permitting Regulations. These regulations require the application of Best Available Techniques across a range of attributes. Accordingly, our Nuclear Regulatory Group is in a continuous state of engagement about this site.
- 5.4.3 In this area of low levels of ambient noise where the flat landscape allows sound to travel to great distances, resultant noise from the construction activities may be an issue. The application is supported by a construction noise assessment which states that the dominant phase of construction will occur during the piling works and all other phases will have less of an impact on all receptors. For human receptors surrounding the site all construction activities are assessed as having no effect, therefore no specific mitigation is required to meet the 70dB(A) (Decibels) fixed limit within BS 5228.
- 5.4.4 For ecological receptors, when piling is at its closest approach to the estuary there is predicted to be a moderate disturbance for waterbirds, based on comparison with a 55dB threshold value. In addition to sensitive scheduling, specific mitigation in the form of a 3.2m high noise barrier has been included within the predictions, located in the north east corner of the site. With the inclusion of a noise barrier, the predicted construction noise levels at the estuary edge fall below the low disturbance threshold. The requirement for a noise barrier can be avoided by piling during the months May to July, when most waterbirds will have vacated the estuary.

- 5.4.5 On this basis, the impact of the development on the soundscape during its construction is considered to be outweighed by the public benefits of the proposal.

5.5 Impact on Residential Amenity

- 5.5.1 Policy BE1 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.5.2 There are no residential units located in the immediate vicinity of the site for the proposed development to give rise to concerns relating to overlooking, overshadowing or an overbearing effect.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with the use of a site. Likewise, policies T1, T2 and D1 of the submission LDP seek to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.6.2 The existing access to the site would be retained and utilised as part of this application. Furthermore, there is ample parking space to the vicinity of the site dedicated to the users and contractors of the site and the surrounding area. As such, the proposed erection of the building on the site is not considered to result in any demonstrable harm to the free flow of traffic or highway safety.

5.7 Flood Risk

- 5.7.1 As advised in the FRA dated 3 April 2017, the site lies in Flood Zone 1, the area of low flood risk, and it benefits from tidal flood defences. Surface water drainage is not considered will be a problem given that there would be no increase in the impermeable surface on site.
- 5.7.2 The EA has advised that to the extent that any part of the development involves the carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River (the River Blackwater) or sea defence, they should be notified by the applicant of such works or operations. The works or operations may require a Flood Risk Activity Permit from EA and the applicant shall be advised to discuss the matter with the EA's Partnership and Strategic Overview (PSO) Team in the first instance before proceeding with the works or operations. An informative will be attached to that effect in the event of grant of planning permission.

6. ANY RELEVANT SITE HISTORY

- **16/00999/DEMPA** – Prior notification of proposed demolition of buildings located within the Ponds and Vaults Complex at the Bradwell site. – PRIOR APPROVAL REQUIRED AND GRANTED [03.10.2016]

- **FUL/MAL/10/00889** - Erection of a double storey portable change facility within the radiological controlled area (demolished as part of 16/00999/DEMPA).

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Bradwell-On-Sea Parish Council	No response received.	
Tollesbury Parish Council	Support.	Noted
Tillingham Village Council	No objection.	Noted

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Colchester Borough Council	No objection subject to receiving further details about landscaping.	Noted.
Essex County Council (ECC) Sustainable Urban Drainage Team	More info about the impermeable surfaces were requested – info provided – No objection.	Noted.
Natural England	No objection.	Noted – please see section 5.3 of the report.
Environment Agency	No objection.	Noted – see sections 5.4 and 5.7 of the report.
Essex County Highways	No comment.	Noted.

7.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Emergency Planner	No comment as the application lies within Flood Zone 1.	Noted.
Environmental Health	No objection.	Noted.
Coast and Countryside Officer	No objection subject to the recommendations of the biodiversity appraisal being followed.	Noted.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations have been received for the application

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in line with policy BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Submitted Local Development Plan and the National Planning Policy Framework.
- 3 No works for the cladding of the building or for the installation of any other external treatment of the building shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved details.
REASON: In the interest of the visual amenity of the area and in line with policies S2, BE1 and CC6 of the adopted Maldon District Replacement Local Plan, emerging policies S1, S8 and D1 of the Submitted Local Development Plan and the National Planning Policy Framework.
- 4 The construction of the building hereby approved shall be carried out in accordance with the details, proposed measures and recommendations contained within the Ponds Construction Methodology Management Plan referenced JT/001 and dated 21/03/2017, the Environmental Management Plan referenced BRAD/ES/EMP/011 - ISSUE 1, the Biodiversity Appraisal referenced BRAD/EN/REP/226 – ISSUE 2 and dated 30/03/2017, and the Construction Noise Assessment referenced 60522693-REP-00013 and dated 30 March 2017.
REASON: To interest of environmental protection and in line with policies CON5 and CC1 of the adopted Maldon District Replacement Local Plan, emerging policies D2 and N2 of the Submitted Local Development Plan and the National Planning Policy Framework.

INFORMATIVE

The Environment Agency (EA) has advised that to the extent that any part of the development involves the carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River (the River Blackwater) or sea defence, they should be notified by the applicant of such works or operations. The works or operations may require a Flood Risk Activity Permit from EA and the applicant shall be advised to discuss the matter with the Partnership and Strategic Overview Team of the EA in the first instance before proceeding with the works or operations.