



**MINUTES of
COUNCIL (EXTRAORDINARY)
14 DECEMBER 2017**

PRESENT

Chairman	Councillor H M Bass
Councillors	J P F Archer, E L Bamford, B S Beale MBE, Mrs P A Channer, CC, R P F Dewick, M F L Durham, CC, Mrs H E Elliott, P G L Elliott, A S Fluker, M S Heard, M W Helm, J V Keyes, S J Savage, Rev. A E J Shrimpton, Mrs M E Thompson and Miss S White

684. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

685. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs B E Acevedo, Miss A M Beale, R G Boyce MBE, I E Dobson, Mrs B D Harker, B E Harker, Miss M R Lewis, M R Pearlman, Mrs N G F Shaughnessy and D M Sismey.

686. DISCLOSURE OF INTERESTS

Councillor S J Savage declared a non-pecuniary interest as he was a Member of Maldon Town Council and also a Member of Bradwell Site Local Community Liaison Council (LCLC).

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was a Member of Essex County Council, she was on the Bradwell Party Working Group, the Bradwell Site LCLC and was a Member of Joint Member Bradwell Board.

Councillor P G L Elliott declared a non-pecuniary interest as he was a Member of Bradwell Site LCLC.

Councillor B S Beale MBE declared that he was a Member of Bradwell Site LCLC.

Councillor M F L Durham, CC declared that he was also a Member of Essex County Council and was a Member of the Joint Member Bradwell Board.

Councillor A S Fluker declared in the interests of openness and transparency that he was a member of the Joint Member Bradwell Board and belonged to the Bradwell Site

LCLC. He confirmed that the Bradwell Site LCLC related to the Bradwell A site, however, this application was dealing with the Bradwell B site.

Councillor H M Bass declared that he had been a Member of committees referred to by other Members, but since he had been Chairman of the Council he was no longer a Member of them.

687. FUL/MAL/17/01128 - LAND EAST OF BRADWELL POWER STATION, DOWNHALL BEACH, BRADWELL-ON-SEA, ESSEX

The Committee received the report of the Chief Executive and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/17/01128
Location	Land East Of Bradwell Power Station, Downhall Beach, Bradwell-On-Sea, Essex
Proposal	Application to carry out preliminary ground investigations and associated works in connection with a potential new Nuclear Power Station at Bradwell-on-Sea, use existing building as core storage area and form site compound with associated parking area.
Applicant	Dr Stephen Mannings
Agent	Mr Ian Bryant
Target Decision Date	17 January 2018
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Major Application. This application is presented to before Members of the Council as it is of strategic and corporate merit.

Following the Officers' presentation of the report, Mrs J Lea from the Maldon Society, an Objector and Dr Stephen Mannings, the Applicant, addressed the Council.

Councillor M F L Durham proposed approval of this application in accordance with the Officers' recommendation. This was duly seconded.

Members debated this application and the following questions were asked:

- Section 3.1.2.9 of the report stated that "... borehole drilling and trial pitting would be restricted to daylight hours." However, the Conditions did not mention daylight hours. Was it necessary to include this proviso in the Conditions?
- There was a temporary structure included in the application that was stated to be not more than 10m high. However, the report did not state how large it could be.

In response, the Group Manager – Planning Services advised that a Condition relating to daylight would not be precise and could not, therefore, be successfully enforced.

Conditions regarding hours of work were important in relation to noise. A restriction to daylight hours would be because of feasibility and safety of undertaking the work.

There was a need to demonstrate harm and there was a proposed condition relating to noise which would protect the neighbouring public.

The plan showed the structure and the floor area.

In response to a further question the Group Manager – Planning Services advised that there was a condition restricting lighting to the compound and stores. Therefore, any night time working would be unfeasible and if such work was necessary then it would need to be subject to a separate application.

There was a further question asking if any thought had been given to the colour of the fencing and buildings. However, Officers were of the opinion that the structures would have very little impact on the character of the area as it was not really visible.

In accordance with Procedure Rule No. 13(3) Councillor B S Beale MBE requested a recorded vote. This was duly seconded.

The voting was as follows:

For the recommendation:

Councillors J P F Archer, E L Bamford, B S Beale MBE, Mrs P A Channer CC, R P F Dewick, M F L Durham CC, Mrs H E Elliott, P G L Elliott, A S Fluker, M S Heard, M W Helm, J V Keyes, S J Savage, Rev. A E J Shrimpton, Mrs M E Thompson and Miss White.

Abstention:

Councillor H M Bass

RESOLVED that this application be **APPROVED**, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings PP-291462-01, PP-06291462-002, PP-06291462-003 and details included within Planning Statement (dated October 2017), Ecological Appraisal Report (dated October 2017), Noise Appraisal (dated October 2017), Heritage Statement (dated October 2017), Flood Risk Assessment (dated October 2017) and Contaminated Land Desk Study (dated October 2017).
- 3 The Main Campaign Ground Investigations shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:
 - Rotary Drilled (Cored) Exploratory Holes - 30 boreholes.
 - Cable Percussion Boreholes - 35 boreholes
 - Seismic Cone Penetration Test Probes - 35 probes
 - Delft Sampling Exploratory Holes - 30 holes
 - Trial and observation pits – 10 pits in totalThe Potential Additional Ground Investigations shall not exceed the following type of intrusive works, unless otherwise agreed in writing by the Local Planning Authority:

- Rotary Drilled (Cored) Exploratory Holes – 6 boreholes.
 - Delft Sampling Exploratory Holes - 20 holes
 - Observation trenches - 2 trenches
- 4 The proposed ground investigation hereby permitted shall cease no later than 16 months from the commencement of the development.
- 5 No additional ground investigations shall take place, until details of the proposed works have been submitted to and approved in writing by the Local Planning Authority.
- 6 No ground investigations and associated works shall take place within 10m of any drainage ditch, as measured from the top of the bank, unless otherwise agreed in writing by the Local Planning Authority.
- 7 The use of the existing corrugated steel building within the southern boundary of the application site shall be restricted to being used as a logging and core storage area, solely for purposes related to soil logging and sampling and to store site-won soil cores during, and shall not be used for any other purposes falling within Class B8 of the Town and Country Planning Use Classes Order 1987 (as amended).
- 8 The temporary structures in the proposed Site Compound area shall not exceed a height of 10m.
- 9 The temporary structures in the proposed Site Compound area shall be completely removed within 2 months from the completion of the proposed intrusive ground investigation works or within 18 months from the commencement of the development hereby permitted.
- 10 No development shall take place outside hours between 7.00 and 20.00 Mondays to Fridays and alternate weekends (Saturdays and Sundays), with no working on Bank Holidays.
- 11 At the boundary of the nearest noise sensitive premises levels of noise from the drilling work shall not exceed:
- 55 dB LAeq, 1hour between 1900 to 2000 hours, Monday to Friday
 - 55 dB LAeq, 1hour between 0700 to 2000 hours on Saturdays and Sundays
 - 65 dB LAeq, 1hour between 0700 to 1900 hours, Monday to Friday
- 12 With the exception of the PIR (passive infra-red sensor) lighting to the Site Compound and Core Storage Area, no other means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
- 13 After the completion of rotary drilling trials on site, a methodology shall be submitted to set out the approach to rotary drilling. The methodology shall include details of the following components:
- (1) Borehole design;
 - (2) The drilling fluid (or other method) to be used;
 - (3) Details of aquifer protection measures;
 - (4) Confirmation of the use of aquifer protection measures for all rotary drilled boreholes; OR

Confirmation of the approach to establishing the presence of any contamination in the proposed location of rotary drilled boreholes; including the methods of identifying evidence of contamination (which

may not be detectable from visual and olfactory sources) and how this influences aquifer protection measures; and

- (5) The approach to re-circulating borehole fluid. Rotary drilling (post trails) shall not be commenced until such time as the methodology has been submitted to, and approved in writing by, the Local Planning Authority. The methodology shall be implemented as approved.

- 14 No drainage systems for the infiltration of surface water drainage into the ground shall be implemented, unless details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 15 In the event of any pollutant linkages are created during the works or contamination not previously identified is found to be present at the site, then the development shall cease in the affected area until information is submitted to and approved in writing by the local planning authority, detailing how this unsuspected contamination or pollutant linkages shall be dealt with in the context of the investigation works.

No later than three months after the completion of all ground investigations hereby approved or at such time that ground investigations have not accrued for a period of three months the completion of the ground investigations hereby approved at the site, a site investigation and risk assessment (the scheme) must be undertaken by qualified persons and a written report of the findings must be produced, which shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

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

The scheme shall also include information regarding the treatment of arising from drilling and excavations, contingency measures to address pollutant linkages caused during the investigation works and aftercare on completion of the works.

This scheme must be conducted by a qualified person and in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

- 16 No later than three months after the approval of “the scheme” referred to condition 15 above a remediation and aftercare scheme shall be submitted to the Local Planning Authority for its approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria,

timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation and aftercare scheme must be carried out in accordance with the approved details.

The approved scheme of remediation shall be fully implemented in accordance with the approved timetable of works.

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

- 17 Prior to the completion of the development a remediation and aftercare scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation and aftercare scheme must be carried out in accordance with the approved details

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

- 18 Any active bearded tit nests within 300m of planned drilling or excavation works and/or vehicle access routes will be identified by pre-works checks of suitable reedbed habitat within the borrow dyke section of the SSSI, during the breeding season (March to August inclusive). If present active bearded tit nests will be shielded from disturbance, using noise attenuating barriers (e.g. comprising hay bales) deployed around works within 300m of any nests or by other appropriate means to be agreed with the Ecologist / Ornithologist, including changes to working practices and limiting the number of exploratory locations being drilled nearby. Also where deemed necessary, to be directed by the Ecologist or Ornithologist, a further precaution would be to avoid excavation / drilling within 300m of active bearded tit nests during the early morning period (within three hours of dawn) when bearded tits tend to be most active.
- 19 Prior to carrying out any site investigation works on land within 250m of the Dengie or Blackwater Estuary Special Protection Areas (SPAs) and Ramsar

- sites, or within key areas of functionally linked land comprising winter wheat and oil seed rape, as shown on Figure 5.3 of the Ecological Appraisal, dated 16 October 2017, a Phasing Plan should be submitted to Maldon District Council demonstrating that ground investigations within these specified areas would be scheduled to take place outside of the winter period between October – March inclusive as far as possible. The phasing of site investigation activities should be carried out in accordance with the approved Phasing Plan unless otherwise agreed by the Local Planning Authority.
- 20 On land within 250m of the Dengie or Blackwater Estuary Special Protection Areas (SPAs) and Ramsar sites, or within key areas of functionally linked land comprising winter wheat and oil seed rape, as shown on Figure 5.3 of the Ecological Appraisal, dated 16 October 2017, a temporary acoustic barrier of a minimum of 2.5m in height shall be erected around operating plant undertaken for the approved works, between October and March, to minimise the potential for noise and visual disturbance on wintering birds. The scheduled works should be timed to coincide with low tide where possible.
- 21 During prolonged periods of cold weather between October – March inclusive, all work likely to result in disturbance to wildfowl, waders or any other similar species must be suspended. Prolonged periods of cold weather is defined as that which would trigger either a voluntary or statutory suspension of wildfowling, known as a ‘winter wildfowling ban’ or ‘severe weather alert for the shooting of wildfowl and waders’. In the event of a works suspension due to prolonged cold weather, work can resume after three days of thaw. After a continuous week of cold weather (i.e. frozen conditions for seven consecutive days), advice should be sought from the Site Ecologist or Ornithologist who shall base their guidance on the advice contained within the website of the Joint Nature Conservation Committee regarding a “Scheme to reduce disturbance to waterfowl during severe winter weather” or any other advice amending or revoking that advice.
- 22 The development shall be carried out in accordance with the submitted Scheme of Archaeological Investigation (Appendix C) submitted as part the Heritage Statement (dated October 2017).

There being no further items of business the Chairman closed the meeting at 8.04 pm

CLLR H M BASS
CHAIRMAN