



Application No: 160551

Location: Rowhedge Wharf, High Street, Rowhedge, Colchester, CO5 7ET

Scale (approx): 1:3500

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7.3 Case Officer: Sue Jackson

MAJOR DWELLINGS

Site: Rowhedge Wharf, High Street, Rowhedge, Colchester, CO5 7ET

Application No: 160551

Date Received: 11 March 2016

Agent: Mr Matthew Wood

Applicant: Mr Stephen Williams

Development: Demolition of existing vacant commercial units and comprehensive residential redevelopment comprising 86 no. new residential dwellings, together with associated hard and soft landscaping, access, car parking and servicing, amenity space, and associated utility infrastructure.

Ward: Old Heath and Hythe

Summary of Recommendation: Approval subject to signing of a S106 Agreement

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is a major application and representations raising material objections have been received. A legal agreement is also required.

2.0 Synopsis

2.1 The key issues explored below are the planning history and relevant policies, an assessment of the proposed development, the location of the site, matters raised in the representations will be discussed. Section 106 obligations will be explained in particular affordable housing. The report will include a summary of the consultation responses received. The conclusion is that the development will not affect the integrity of the adjacent Ramsar wildlife site or Special Protection Area either alone or in combination with other plans or projects and that planning permission is granted subject to a section 106 agreement

3.0 Site Description and Context

3.1 The site is located to the south of Rowhedge village. It has an area of approximately 3.6 hectares and is roughly rectangular in shape. It comprises land currently vacant that was previously used in part as a concrete block making works and part by a shooting club it contains several derelict buildings

3.2 A Public Right of Way (PROW) extends along the east boundary which separates the site from the former wharf land currently being developed by Bloor Homes; forming phase 1 of the Rowhedge Wharf development. This PROW continues along the south boundary and connects to other paths leading to Fingringhoe and paths along the river edge. To the west are former pits which have been unused and unmanaged for many years and now form an area of woodland protected by a Tree Preservation Order and designated as a Local Wildlife Site. This woodland has an area of approximately 27 hectares and its management is secured by a legal agreement forming part of the legal agreement with Bloor Homes. Vehicular access will be via a Haul Road through the woodland accessing at the top of the village at Rectory Road. This road is currently being upgraded and will serve both developments. The site is separated from the river Colne by the Bloor Homes development and by an area of woodland and salt marsh from the Roman River.

3.3 A small section of the site adjacent to the woodland is designated as a Local Wildlife Site (LWS) and part is also subject to a group Tree Preservation Order (TPO). To the south the river estuary is designated a Site of Special Scientific Interest (SSSI) and the Colne Estuary Special Protection Area and Ramsar Site are nearby.

4.0 Description of the Proposal

4.1 This planning application seeks full planning permission for the erection of 86 dwellings. The development also proposes the demolition of the existing derelict commercial buildings and includes hard and soft landscaping, car parking and servicing, amenity space, and associated infrastructure. The development proposes the following unit mix: 23 no. 2 bedroom, 42 no. 3 bedroom and 21 no. 4 bedroom. The site comprises land set to either side of the Haul Road. On the smaller parcel on the north side of the road 2-2 storey buildings described as “Works” buildings are proposed. Each will contain 6 flats and will as the name suggests have an industrial appearance. The main area of development is on the south side of the road and here development comprises a principal road running along the west boundary from which there are a series of small lanes at right angles to the main road with terraced, detached and semi-detached houses. All the proposed dwellings are two storeys in height. A woodland amenity area with an interpretation panel is proposed at the junction of the principle access and the Haul Road.

4.2 Parking spaces are mainly on plot comprising drive-through car ports to rear hardstandings. There is limited use of rear parking courts. Provision is also made for visitor parking.

4.3 The application includes the following documents:

- Planning Statement
- Design & Access Statement
- Land Contamination Report and Remediation Method Statement
- Flood Risk Assessment & Drainage Strategy
- Heritage Statement
- Transport Assessment
- Archaeology Report
- Tree Survey
- Biodiversity Report

5.0 Land Use Allocation

- 5.1 The site is within an area allocated for predominantly residential purposes on the Proposals Map. On the north and west boundaries small parts of the site are included in a TPO and a Local Wildlife site.

6.0 Relevant Planning History

081951 – Application for 300 dwellings – refused 25.2.2009

110217 – Replacement of port for 170 dwellings mixed use development – Withdrawn

144693 - Redevelopment of part of former Rowhedge Port to provide 170 dwellings, a potential community facility building (use classes A1, A3, A4, B1, C3, D1), public waterfront area incorporating dinghy park, car park, viewing platform, public facilities, new river wall and new subway, upgrade to access road from Rectory Road, new footpath from access road to existing recreation ground, internal roads, open spaces, drainage, landscaping and all ancillary works. Approved

142437 - Full Application for “Proposed modified junction and upgraded access road for the former Hall Road, Road off Rectory Road Rowhedge.”
Approved 24 June 2014

There is also extensive history relating to the former site uses.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government’s planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP23 Coastal Areas

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Managing Archaeology in Development
Cycling Delivery Strategy
Rowhedge Wharf Development Brief adopted 2004
Essex County Council, Development & Public Rights of Way

8.0 Consultations

- 8.1 Urban Design Officer
“Proposals are generally very well designed and have positively taken on board design advice we provided during pre-application dialogue. Highlights include the context-responsive approach, views down the valley, pedestrianised spine, the general quality of building design and shared planted streets. I would strongly support the scheme.”

8.2 Archaeologist

"I am now satisfied that archaeological investigation can be adequately carried out by a condition attached to any planning consent, because the site has been previously heavily developed and therefore the potential for discovering well-preserved (and therefore nationally important) archaeological remains to be low. There are now no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed."

8.3 Environmental Protection

No objection subject to conditions

8.4 Essex County County Lead Local Flood Authority

Following discussion and the submission of an amended scheme there is agreement in principle to a surface water sustainable drainage scheme. The formal response will be reported on the amendment sheet.

8.5 ECC Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the conditions and a financial contribution towards bus stop improvements and the Rowhedge Trail.

8.6 Environment Agency Comments

"We have reviewed the application and have no objection to the proposal.

We are requesting conditions regarding the protection of the water environment and offer advice regarding flood risk, waste and sustainability.

The Water Environment

The site overlies secondary A aquifers (Alluvium and River Terrace Gravels) and is adjacent to a watercourse, which flows to a nearby main river, River Colne. It is known from work on the adjacent site that the underlying River Terrace Gravels is in direct hydraulic continuity with the watercourse. We consider the location is sensitive with respect to controlled waters. Our comments will require resolution prior to commencement of works.

We consider that planning permission could be granted to the proposed development as submitted if the following 5 planning conditions are included. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality. We recommend that developers should:

- 1) Refer to our 'Groundwater Protection: Principles and Practice (GP3)' document;
 - 2) Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination;
 - 3) Refer to our 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
 - 4) Refer to our Land Contamination Technical Guidance;
 - 5) Refer to the CL:AIRE 'Definition of Waste: Development Industry Code of Practice' (version 2) and our related 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
 - 6) Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites – code of practice and our 'Technical Aspects of Site Investigations' Technical Report P5-065/TR;
 - 7) Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';
 - 8) Refer to our 'Good Practice for Decommissioning Boreholes and Wells'.
 - 9) Refer to our 'Temporary water discharges from excavations' guidance when temporary dewatering is proposed
- These conditions are supported by your Policy DP1: Design and Amenity and Policy ENV1 Environment.

Flood risk

The site lies partially in Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a medium probability of flooding where notwithstanding the mitigation measures proposed, the risk to life and property within the development from tidal inundation would be unacceptable if the development were to be allowed. The proposal is classified as a "more vulnerable" development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. The majority of the proposed development lies within Flood Zone 1 and only a small section lying in flood zone 2. 'More Vulnerable' land uses proposed in Flood Zones 1 and 2 are considered appropriate in line with Table 3 of PPG.

We are satisfied that the Flood Risk Assessment: SJC/617183/JRC, dated 04/03/2016 provides you with the information necessary to make an informed decision. We have no objection to the planning application, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.

The applicant is also proposing to raise the site to provide minimum finished floor levels of 5.4 mAOD with road levels no lower than 5.15 mAOD. Finished floor levels will therefore be set above the 200 year undefended flood level inclusive of climate change.

You are the competent authority on matters of evacuation or rescue, and therefore should assess the adequacy of the evacuation arrangements, including the safety of the route of access/egress from the site in a flood event or information in relation to signage, underwater hazards or any other particular requirements. You should consult your emergency planners as you make this assessment.

We agree with this initial assessment but this pollution risk needs to be addressed in a full foundation works risk assessment.

CBC Resilience Officer has confirmed the submitted Flood Management Plan is acceptable.”

8.7 Anglian Water

“ASSETS

Section 1 – Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

The foul drainage from this development is in the catchment of *** Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution as part of the Bloor Homes development. As the development will discharge to the Bloor Homes newly constructed adoptable foul water system, we will request a condition requiring compliance with the agreed drainage strategy.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

Not applicable.

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend a planning condition regarding foul sewerage if the Local Planning Authority is mindful to grant planning approval.”

8.8 Contaminated Officer

Comments that subject to comments from the Environment Agency with respect to risks to controlled waters, it would appear that the site could be made suitable for the proposed use, with the additional information requirements, remediation and verification dealt with by way of conditions.

8.9 Landscape Officer

“The landscape strategy and landscape characterisation proposals would appear satisfactory. There are no Planning Projects Team objections to this application on landscape grounds. Conditions are recommended once proposals have been agreed and/or as part of any planning consent given in order to secure a detail landscape scheme.”

8.10 Natural England

"Thank you for your consultation on the above dated 17 March 2016 which was received by Natural England by e-mail on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Conservation of Habitats & Species Regulations 2010 (as amended)

The Wildlife & Countryside Act 1981 (as amended)

Natural England does not object to the proposed development, subject to the inclusion of our recommended conditions, to secure mitigation for potential impacts to statutory designated sites.

Planning Context

Natural England provided charged pre-application advice we were specifically asked to provide advice upon:

- potential impacts on designated sites;
- requirement for a Habitats Regulations Assessment (HRA); and
- clarification on winter working conditions.

At that time, our advice on impact pathways (and appropriate avoidance and mitigation measures) was given in the context of the adjacent Bloors Homes site (directly to the east). Our current advice, based on the submitted supporting documents (e.g. Ecological Assessment and Faunal Surveys, Eco-Planning UK dated 26th February 2016) is largely consistent with our earlier pre-application advice (which is cited in Appendix 6 of the Eco-Planning report).

Colne Estuary Special Protection Area & Ramsar Site

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Colne Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Colne Estuary Ramsar site¹ and also notified at a national level as the Colne Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site; and
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

When recording Colchester Borough Council's HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

Upper Colne Marshes Site of Special Scientific Interest

No objection – with conditions

This application is in close proximity to the Upper Colne Marshes Site of Special Scientific Interest (SSSI), being ~55m at its closest point. The site consists of grazing marshes with associated ditch and open water habitats, a series of tidal salt marshes behind old flood defence walls following a number of breaches, the sea walls themselves, and a small area of intertidal mud. It is considered to be of special interest as it supports an outstanding assemblage of nationally scarce plants, and an unusual diversity of brackish ditch-type plants. Additional interest is provided by the terrestrial and aquatic invertebrates found within the site, and breeding and wintering birds. As highlighted above, the Upper Colne Marshes SSSI is considered to be ecologically linked to the Colne Estuary SPA and Ramsar site, supporting elevated numbers of wintering birds, particularly in severe winter weather when birds seek sheltered conditions further up the estuary.

The proposed development has the potential to indirectly affect the SSSI (and therefore the SPA / Ramsar site) through construction effects (noise, light, and polluted surface water runoff), and operation effects via discharges from sewage treatment works (capacity dependent) in particular.

1 Listed or proposed Ramsar sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

2 Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitatsreview/implementation/process-guidance/guidance/sites/>

Requirement for Habitats Regulations Assessment (HRA)

In our view, we anticipate that the proposal as presented to us is not likely to have a significant effect on the European sites in the vicinity of the development site, provided that a basic range of construction mitigation techniques are employed. This would include routine adherence to the Environment Agency Pollution Prevention Guidelines (PPG), which seek to avoid discharge of polluted runoff into the Roman River, or Colne Estuary. The avoidance of noisy winter working during severe winter weather (see below) would also assist in reaching this conclusion. We also consider that confirmation that sufficient headroom exists at the sewage treatment plant can readily be provided by Anglian Water in support of a planning application.

Procedurally, it is appropriate for the local authority (as the competent authority under the Habitats Regulations), to consider the proposed development against the tests of the Habitats Regulations (in view of the functional links with the Colne Estuary described above). Whilst it is up to the competent authority to take responsibility for recording their HRA as they see fit (which may be limited to referral to NE's consultation response letter), our advice to you is that no formal Habitats Regulations Assessment report is required for this development.

HRA is regarded to encompass the whole process of assessing a project against the tests of the Habitats Regulations. If a “likely significant effect” is predicted, then an “Appropriate Assessment” is required, unless those effects can be mitigated. In this case, as we do not anticipate a likely significant effect to arise, no Appropriate Assessment would be required.

Given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Conditions

Our assessment of the proposal, based on the supporting information on the Colchester Borough Council website, is that in view of the proximity of the development site to the SSSI, some construction mitigation is appropriate, but that this would not be as extensive at the adjacent Bloors Homes site. Some degree of buffering to the SSSI is found to the east (the adjacent development site), and south (an area of trees / scrub), however in our view it remains appropriate to avoid especially noisy working (such as piling) during severe winter weather, as defined by the Joint Nature Conservation Committee (JNCC) for suspension of wildfowling. In our view, the location of the development site does not warrant a more detailed mitigation package, which might have included acoustic dampening or visual screening of the SSSI.

In conclusion Natural England advises that, should the Council be minded to grant permission, suitably worded planning conditions should be attached to the permission which seek to achieve the following:

- No construction works (especially noisy works such as piling etc.) to be undertaken between October and March (inclusive) during prolonged periods of freezing conditions (as defined by the JNCC wildfowling suspension), to avoid disturbance to over-wintering birds
- A dust management plan should be agreed with the local planning authority, to minimise dust covering adjacent sensitive habitats
- The development should adhere to Environment Agency Pollution Prevention Guidelines, to avoid pollution of adjacent sensitive habitats, during construction and operation.

Reason: These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

These planning conditions are independently recommended by the applicant’s ecologists, see paragraph 13.2 of the Eco-Planning Report.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28l (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority:

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England’s advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

The proposed development site lies directly adjacent to the Rowhedge Pits Local Wildlife Site (ref: Essex 0919). Further information in relation to Rowhedge Pits is available from Essex Wildlife Trust .

Protected Species

Although covered in the Eco-Planning Report, we have not assessed this application and associated documents for impacts on protected species. We particularly highlight the historic records of the Schedule 1 bird species little ringed plover, the European protected species great crested newt, and badgers, in the vicinity of this proposed development site.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'."

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

The Parish Council have stated that East Donyland Parish Council wishes to object to this planning application because of a number of concerns:

- i) There are factual inaccuracies in the Planning Statement submitted - the parish council has made no request for funding towards a footbridge to Wivenhoe, or for funding to enhance the Rowhedge Social Club. Later within this comment is an initial list of potential areas where the parish council believes that contribution would be more appropriate.
- ii) Within the Planning Statement, there is reference to Haul Road as being a two lane road with pinch points - this contradicts what was agreed within the Bloor Homes application, for a one lane road with passing points, and could lead to potential speed / traffic issues in the future. Officer comment the access is that approved under application 142437
- iii) The initial report from the Principle Planning Officer scores the application as 'poor' with 48% in the Building for Life Assessment - the parish council would ask that the Planning Committee take heed of this low rating and make their decision on this application accordingly. Officer comment: the Building for Life Assessment referred to was applied to the preliminary enquiry by the urban design officer members will note this officer now fully supports this application, consultation comments set out above
- iv) The documentation suggests that the environmental surveys required are incomplete and in light of the concerns raised and ongoing issues regarding contamination and pollution on the adjacent development site, this work needs to be fully completed and any issues resolved before a decision can be taken. Officer comment: both the Environment Agency and CBC Contaminated Land Officer have considered the reports and are satisfied the development can be approved subject to conditions
- v) The documentation suggests that the site may have architectural significance and this needs to be investigated prior to any decision. Officer comment: it is assumed this should say archaeological significance. The Councils Archaeologist has been consulted and the response, no objection, is out above the condition requested will be imposed
- vi) The parish council strongly believes that the infrastructure of the village, including the school and doctors surgery cannot cope with this increase in population without support / enhancement. There is insufficient evidence provided that shows how this will be achieved, which is a serious concern. Officer comment: the requirements of the development team regarding appropriate s106 contributions are set out below the legal agreement will secure all the contributions requested.

The parish council also wish to comment on the S106 contributions that would need to be agreed as part of any planning consent. The parish council has not been involved in any discussions or consulted on this, and would like the following to be considered for inclusion:

- i) Greensward open spaces proposed as part of the development - the parish council to have input into how these are developed, with ownership of these to be transferred to the parish council on completion.

- ii) PROW - the developer to be responsible for ensuring that the PROW between the site and the existing Bloor site is developed as necessary to make it usable, accessible and fit for purpose. To include appropriate surfacing, drainage and lighting, taking into account the varying ground levels between the two sites. Arrangements for long term management of this path to be agreed to prevent any future gaps in service provision. The developer to make an appropriate contribution towards improving the PROW between Rowhedge and Fingringhoe. Officer comment: The PROW is outside the site. These works were not required by the development team. This PROW will be retained
- iii) Pump House - the parish council is currently investigating the purchase and development of the Pump House, adjacent to the proposed site, as a community facility. No decision has yet been reached regarding whether this is viable, but if this does go ahead, this would be a more appropriate use for community facility contribution than the Social Club. Officer comment: A commuted sum to the pump house would be contrary to the CIL regulations as it is currently in private ownership with no certainty the project will go ahead.
- iv) Traffic calming - with the increased population from the wharf development, the parish council is aware that the conflict between pedestrians and vehicles in the narrow village streets is likely to increase. The council is seeking to investigate potential ways to mitigate this problem, and it may be appropriate for the developer to make a contribution towards traffic calming measures e.g. 20mph speed limits/zones. Officer comment: The Highway Authority and development team have considered the application and these works have not been suggested. They would not satisfy CIL tests as they are not essential for the development. Vehicles will access the site from Rectory Road not through the village streets.
- v) The recent Village Plan survey results have just been made available, and indicate that there is a potential need for further sporting facilities within the village. This is another potential area for s106 contribution from the developer. Officer comment: The open space contribution will be used to improve facilities at Rowhedge Recreation Ground.

To conclude, the parish council feels that they have been provided with insufficient evidence that all the implications of this development for the village have been carefully considered, and wish to have further involvement in discussions, in particular with regard to S106 contributions before any approval is granted.”

10.0 Representations

10.1 (One support/ two objection and one general observation)

Objection

- “• already a substantial amount of houses planned to be built in that area which will negatively affect the infrastructure of the village
- school is not large enough to accommodate the extra children from this development so to build even more homes seems very unwise. We know there is a shortage of school places. Which schools will these children attend?
- the same will apply to the Doctors surgery. Unless provision has been made to extend or build a much larger surgery.
- we need to try and preserve some open green spaces for wildlife and the future generation to enjoy. Instead of filling any empty space that comes available with new builds

- if new houses are to be built there needs to be less of them and build larger homes with bigger gardens. I know several families that have had to move out of the village due to the fact there are no large family homes with land available now in Rowhedge.
- more facilities should be provided for the young people in Rowhedge, the Wharf area would be perfect site to have a skate park or something similar.
- insufficient information about the effects of potential contamination of the ground and water.... refer the Contamination Officer's reports 22 March and 15 April 2016. Neither is there an Environment Agency report attached to the application as recommended by the Contamination Officer. We already have grave concerns that there is adequate provision for managing the flow of water downhill from the springs and contaminated pits and industrial buildings... despite some remedial work already carried out by Bloor Homes there is still a constant flow of running water down the hill where it accumulates and now floods the PRow - this same PRow was not constantly flooded with running water prior to the installation of the new road and groundworks. "

Support

- "This looks to be a very attractive layout. I have strong links with Rowhedge and have been looking forward to the development of the wharf for a number of years and this application is what my wife and I were really hoping to see in that it is not only a good layout but there seems to be a good deal of thought and consideration to the local area.
- We clearly have a large shortfall of housing in our area. My children are all moving away because of house prices; which really is ultimately driven by the shortage of homes. We need to get more developments going but especially the good ones and this is one. The mix of units looks sensible and the house types are very attractive. Hopefully this is approved as it serves to enhance the village in general. "

General Observation

- "1 Our main concern is surface water drainage as there are lots of natural springs on the site & in the area & we have had major problems with this while the new road is being put in by Bloor homes & Mike Lilley has photos on the flooding we have endured at the time .This will still happen when buildings 1-6 &7-12 go up as the road is much higher than the HIGH STREET which is a low spot so therefore the water will all drain our way as it is at the moment & have a BIG PUDDLE OUTSIDE OUR GATE
- 2 Public footpath access during the building works as this is our only route for walking dogs & leisure walks because the sea wall path is closed .During the winter this path is very muddy& deep with water & needs making up
- 3 That no traffic from the site comes via or leaves along the HIGH STREET
- 4 All street roads in the village face the river these on the plan DO NOT would be better if they matched BLOORS roads & others in the village
- 5 WE OTHERWISE SUPPORT THE PROPOSAL FOR THE DEVELOPMENT."

10.2 Colchester Cycling Campaign welcomes the thought that the developers have put into this scheme.

"As part of permission we would hope to see:

- A s106/CIL contribution towards the Rowhedge Trail for cycles/pedestrians connecting Rowhedge village with the Hythe

- A s106/CIL contribution towards connecting the cycle route through the estate to Fingringhoe (together with practical help from the developer)
- The southern end of the north-south cycle route left open for possible future continuation to Fingringhoe
- A "design feature" or "gathering point" at the extreme east of the site to allow for community interaction
- The riverside footway given bridleway status

We welcome the north-south cycleway/footway but we would suggest that cyclists and pedestrians are segregated from each other by means of a low kerb. The cycle part of the route could also be used by the elderly/disabled in mobility scooters. We would like the southern end of this route left open for possible future continuation to Fingringhoe. It is important to stress that this route would not be just for residents but for current villagers who ride for leisure. We would like to see the build quality exceed current Essex standards and the developer could look at the north-south cycle superhighway in London (Blackfriars Bridge) for treatment/ideas. (more information on the proposed Fingringhoe link from neil@colchester-cycling.org.uk, who would be happy to talk to the developer. The riverside footpath should be given bridleway status and opened to cyclists with similar segregated treatment -- the more attractive this scheme is, the better it will be for house sales. The access road corridor should be limited to 20mph in line with Essex Design Guide and Manual for Streets; we would suggest alternating centre-of-road low hedging with kerb build-outs to enforce lower speeds. Young cyclists should be given access to the recreation field via this route. Secure cycle parking should be provided at the western end of the access road if this is intended to be the pick-up/drop-off point for school buses. Cycle parking within homes is touched upon in 5.5 of the transport statement, but only in the chapter title. Cycle parking should be provided to the Essex Parking Design Standard. Again, we are happy to advise the developer. “

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 The development proposes two parking spaces per dwelling plus an additional visitor space per four dwellings a total of 172 allocated spaces and 22 visitor spaces. This complies with policy standards.

12.0 Open Space Provisions

- 12.1 The proposed development satisfies the policy requirement of 10% open space on site. The main area of open space is adjacent to the woodland and is described as an “information hub for ecological education purposes”. A natural area west of the works building is also proposed together with a “natural” link extending north south through the site. The scheme also provides each dwelling with a private rear amenity space in accordance with policy requirements
- 12.2 The development forms the 2nd phase of the Rowhedge Wharf development. The first phase included a substantial area of waterfront public realm space as well as open space within the development these areas exceeded the 10% requirement and will be available for use by all residents.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission and that meet the tests of the Community Infrastructure Levy (CIL) are:

- 20% affordable housing
- Public Open Space (10% on site provision) and a contribution of £285,032
- Community Facilities £120,000 towards improvements at Rowhedge Social Club
- Highways total contribution of £46,000; £26,000 towards the Rowhedge trail and £20,000 towards upgrading bus stops
- Education: Secondary Travel £70,262 and Primary Education £315,224

The applicant has agreed these obligations affordable housing be secured in the following way.

In 2013 the Council was approached by Hills Residential Construction Ltd and Mersea Homes Limited in respect of a site at Brook Street to discuss an increase in the affordable housing provision. The site was subject to applications F/COL/04/1747 and 101983 and a legal agreement signed in 2006 secured 4 units of affordable housing on the site which comprised 110 units. A new agreement was signed in 2013 securing 72 affordable units on the site. In recognition that Brook Street was now providing more affordable housing than originally approved the 2013 agreement provides for a future allowance for affordable housing for some or all of the affordable housing requirements from other re-development sites. The other sites are identified as the Rowhedge Port site or Stanway growth area. The agreement also includes an “Affordable Housing Allowance” of 2046 square metres. Hills have 55% of the allowance i.e. 1125sqm and are proposing to use this credit for the affordable housing requirement on this site. As there will be a shortfall in the 20% requirement two units will be provided on site and plots 77 and 78 have been identified as affordable housing.

15.0 Report

15.1 Policy Issues

The NPPF is a significant material consideration in the determination of planning applications. Paragraph 14 states that, at the heart of the Framework, is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

- 15.2 Core Strategy Policy SD1 seeks to promote sustainable development with growth directed to the most accessible and sustainable locations in accordance with the listed settlement hierarchy. The Adopted Site Allocations document Policy SA H1 Housing Allocations states, inter-alia, "Within Colchester Borough (outside of the Growth Areas and Regeneration Areas) the following sites are allocated as predominantly residential on the Proposals Map to deliver housing targets identified in the Council's Core Strategy ; the Former Rowhedge Port is one of the sites identified.
- 15.3 The site is within the Rowhedge settlement boundary within an area identified for predominantly residential purposes on the Adopted Proposals map. The principle of residential development is therefore acceptable.
- 15.4 Design and Layout
- 15.5 The development includes the following character areas:-
- The Works Buildings consisting of two shed-like structures each containing 6 two bedroom units. This reflects the scale and character of dwellings to the north of the application site and the shape and volume of the two storage sheds being removed. This non-domestic form is a focal point at the entrance to the development. These dwellings are close to the protected woodland which will be retained as amenity space
 - Haul Road frontage these units provide the frontage to the scheme; they are the tallest within the development and more formally arranged. They are weatherboard clad with a brick base reflecting the character of frontage housing in Rowhedge
 - The Lanes and Street reflect the backroads and lanes in Rowhedge which form an important characteristic of historic Rowhedge village. They have shared pedestrian/vehicular surfaces and with an array of planting.
 - Woodland Way is a single aspect road comprising the principle access to the development it has housing facing the bank and woodland consisting of detached, semi-detached and terrace housing with a mixture of landscaping to the frontages
 - Private Drives have a more arcadian layout with detached dwelling in larger frontages softened by front lawn and hedge planting.
- 15.6 The layout includes a north south natural link through the site flanked with trees and hedges, this can be accessed from Haul Road, the Lanes, the Street and the Private Drive. Open space is proposed at the junction of Haul Road and new access on the edge of the larger woodland area on land which forms part of the tree preservation order and Local Wildlife Site.
- 15.7 The proposed units draw strongly upon Rowhedge vernacular in terms of their architectural detailing and massing, materials are identified as timber framing, timber weatherboarding and red clay tiles and slate. It is considered the proposed development is very well designed and detailed and is fully supported by the urban design officer.

15.8 Scale, Height and Massing

15.9 All the buildings are 2 storeys high with only limited use of roof space. The houses are of traditional domestic scale and mass. The works buildings are also 2 storey but with a scale and mass of the small industrial buildings they replace and detailing which reflects the adjacent pump house.

15.10 The scale height and mass of the buildings reflect traditional domestic buildings and small commercial buildings and are acceptable.

15.11 Impact on the Surrounding Area

15.12 The impact of the development on the surrounding protected landscape is described below:-

Access is proposed via an improved Haul Road and residents at the top end of Rectory Road will experience additional vehicular traffic during construction and from the new residential traffic. However the road was previously used by large commercial vehicles visiting the port and commercial uses which included a concrete block making works. Conditions requiring the submission of and agreement to, a Construction Management Plan and to prevent vehicular access from High Street will minimise any impact on the surrounding area.

15.13 Impacts on Neighbouring Properties

15.14 There are residential properties which back onto the north boundary. The area adjacent to this boundary is to be retained as amenity land and the buildings will be sited in excess of 20 metres from the boundary. It is considered there will be no adverse impact on residential amenities

15.15 Heritage Issues

15.16 The site does not contain any designated or undesignated heritage assets and is not located within a Conservation Area. However it is some 90 metres from Rowhedge Conservation Area separated from it by existing development at the end of the High Street. There are listed buildings within and outside the conservation area. Due to degree of separation from the Conservation Area and Listed Buildings the development will not have an adverse impact on these heritage assets. Vehicular traffic will access the site via Rectory Road not through the village so there will be no adverse impact in terms of traffic movement.

15.17 The archaeological report makes it clear that there is a considerable depth of made ground over most of the site and there is no realistic chance that any archaeological deposits survive; the exception is the extreme southern end of the site. The Archaeologist is satisfied with conclusions of the report and has no objection subject to a condition.

15.18 Highway and Parking Issues

- 15.19 Vehicular access to the site will be via the existing Haul Road which joins the top end of the village at Rectory Road. Planning permission has already been granted for this road to be improved to an adoptable standard. The use of the Haul Road has always been a key consideration as it allows the development to take place without introducing additional vehicles along High Street or through the historic centre of the village. High Street is a narrow road lacking in pavements where houses have no provision for off street parking and cars are parked on the highway. Details of the proposed parking provision is set out above, the provision meets the Councils adopted standards.
- 15.20 Members will note the Highway Authority has raised no objection subject to conditions.
- 15.21 Landscape Trees and Nature Conservation Issues
- 15.22 Whilst the site does not have any statutory conservation designation or status it is close to the Upper Colne Marshes S.S.S.I., Colne Estuary Special Protection Area (SPA), RAMSAR site – Colne Estuary, Essex Estuaries Special Area of Conservation Blackwater, Crouch and Colne estuary Marine Conservation Zone. Natural England has confirmed the proposed development will not have any direct impact upon the areas or conservation status of these designated sites, nor affect their management regimes or future ecological potential. There is some limited potential for indirect impact associated with construction effects (noise, illumination etc.) and operation effects (sewage discharge etc.) and these matters are dealt with by conditions.
- 15.23 On the western boundary of the site is a large area of woodland designated as a Priority Habitat Deciduous Woodland. The woodland is also designated as a Local Wildlife Site a small part of which extends behind the two existing industrial buildings on the north boundary and across a small section of the site on the north-west boundary. The majority of these areas are retained as part of the proposed development and are identified for protective and enhancement works. The latter is proposed as a woodland amenity area. The trees on site comprise predominantly self-seeded willow, birch, alder and oak and whilst some of these trees will be removed the larger area of woodland comprising some 27 hectares is retained and enhanced under the phase 1 planning permission.
- 15.24 The Ecological reports have confirmed there is no active badger sett within any part of the site and that the development would not have an adverse impact upon the setts in the adjacent woodland. There are no ponds or aquatic habitats within or adjacent to the site and no suitable amphibian habitat. An extended repeated multiple method reptile survey identified a single Common Lizard present on site. The habitat in which the reptile was located is being retained as part of proposed development scheme. The bat survey has confirmed there is no active bat roost of any type within any of the buildings or trees on the site. Bat roosts and invertebrates within the adjacent woodland and sandy banks will be unaffected by the development. Whilst the report suggests the site is unsuitable for a dormouse population further survey work is required and is secured by condition.
- 15.25 The new development will be seen against a backdrop of woodland, vegetation and existing built form and will not have an adverse impact on the immediate landscape. The woodland of the former pits and much of the settlement of Rowhedge is at a higher level than the application site.

15.26 Flood and drainage issues.

- 15.27 The site lies predominantly within in Flood Zone 1 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a low probability flood risk. A small section is within Flood Zone 2 where flood risk is defined as medium. The Environment Agency has considered the Flood Risk Assessment and has raised no objection subject to conditions. The applicant is proposing to raise the site to provide minimum finished floor levels of 5.4 mAOD with road levels no lower than 5.15 mAOD, finished floor levels will therefore be set above the 200 year undefended flood level inclusive of climate change. Colchester is included in the Mid Essex Strategic Flood Risk Assessment. This document sets out the development areas within each of the local authority areas. Rowhedge Port is included within the area list for Colchester. The document indicates the site can be made safe for residential use by appropriate mitigation; by raising the level of the ground and incorporating raised floors.
- 15.28 The applicant's consultants have been involved in discussion with Essex County Council sustainable drainage team who as the Lead Local Flood Authority (LLFA) provides advice on SuDS schemes for major development. The LLFA remit is to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:
- Non-statutory technical standards for sustainable drainage systems
 - Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
 - The CIRIA SuDS Manual (C753)
 - BS8582 Code of practice for surface water management for development sites.
- 15.29 A SUDS scheme has now been agreed in principle and involves permeable paving and the treatment of surface water before it discharges into the drainage system for the Bloor development.
The Councils Resilience Officer has considered the flood management plan and following revisions has confirmed the plan is acceptable
- 15.30 The parish council and residents have commented in respect of surface water issues with the adjacent Bloor site. The conditions regarding drainage and surface water for this site have not been discharged. It is understood that some of the drains on site were damaged when buildings on the site were demolished.
- 15.31 In respect of the application site Anglian Water and the Environment Agency have raised no objection subject to conditions. Essex County Council as LLFA has requested several revisions to the drainage proposals to ensure a satisfactory scheme which complies with SUDS legislation.

16.0 Conclusion

- 16.1 The application proposes residential development on a site allocated for such purposes. The development proposed is a high quality design solution that responds to the site constraints, and provides a form of development appropriate to the local context in terms of layout, density, building heights and architectural style. The site is opposite a SSSI and there are national and internationally designated sites close by however with appropriate mitigation and conditions there will be no adverse impacts on these sites in terms of landscape character or nature conservation.

- 16.2 The proposal represents a potentially attractive development on a sustainable site and planning permission is recommended

17.0 Recommendation

17.1 Recommendation 1

That Members agree that the application with all the agreed mitigation, management measures and planning conditions, will not affect the integrity of the Ramsar or Special Protection Area either alone or in combination with other plans or projects. Having regard to the requirements of the Habitats Regulations and given consideration to the information submitted in respect of the application, and the policies of the development plan, the comments from Natural England and all other material considerations. The Head of Commercial Services be authorised to grant a conditional planning permission subject to the Legal Agreement.

17.2 Recommendation 2

APPROVE subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- 20% affordable housing; the applicant to utilise their affordable housing allowance in accordance with the Brook Street legal agreement and to provide 2 units on site
- Public Open Space (including 10% on site provision) and a financial contribution of £285,032
- Community Facilities a financial contribution of £120,000 towards improvements at Rowhedge Social Club
- Highways a financial contribution of £46,000; comprising a contribution of £26,000 towards the Rowhedge Trail and £20,000 towards upgrading bus stops
- Education: Secondary Travel a financial contribution of £70,262 and Primary Education a financial contribution £315,224
- Private Management Company to be responsible for all areas that are either not adopted or do not form part of a domestic curtilage
- All vehicular access to and from the site both during construction and post construction shall be via the "improved Haul Road" there shall be no vehicular access from High Street.

On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

18.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19. Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers (Please see amendment sheet for details)

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Materials to be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4 - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

5 - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

6 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

7 -Non-Standard Condition/Reason

The garage and car port accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

8 - *Full Landscape Proposals TBA

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.);
- retained historic landscape features;
- proposals for restoration; -
- planting plans;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- implementation timetables and monitoring programs.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

9 - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

10 - Earthworks

No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any earthworks are acceptable in relation to their surroundings.

11 - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

12 - Tree and Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

13 - Non-Standard Condition/Reason

Prior to the first Occupation/Use of the development hereby permitted, a validation report undertaken by competent persons that demonstrates that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ1 shall be submitted to, and agreed in writing by, the Local Planning Authority. Any installation shall thereafter be retained and maintained as agreed therein.

Reason: In order to allow a more detailed technical consideration of the lighting at the site, as there is insufficient information submitted within the application to ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

14 - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (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,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted 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 Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 - No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 - *Validation Certificate

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 2.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19 - *Protecting Public Rights of Way

The public's rights and ease of passage over public footpaths / bridleway / byway number 130_21, 130_33, 130_24 shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

20 - Vehicle Parking

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

21 - Cycle Parking TBA

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

22 - Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted, the means of vehicular access from Rectory Road shall have been constructed in accordance with the approved plans under application reference 142437.

Reason: To ensure that there is a satisfactory access available at the time when the site becomes occupied in the interests of highway safety.

23 - Non-Standard Condition/Reason

Prior to the commencement of any works, additional drawings that show details of the proposed new windows including 'false' windows, chimney, plinth, projection brick, eaves, arches, bay, window/door surrounds, car ports, stone details, finial, dormer, doors, verges, cills, verandah and all other architectural features to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to these details which form important elements of the design and appearance of the buildings.

24 - Non-Standard Condition/Reason

No piling shall commence until a detailed scheme of the method of piling and timing of these operations has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable method of piling is used to minimise impacts on the amenity of the SSSI and residential amenity.

25 - Non-Standard Condition/Reason

No works shall take place until a scheme of habitat and biodiversity enhancement and mitigation, including a dormouse population survey and mitigation, has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To improve biodiversity in accordance with Paragraph 118 of the NPPF and Section 40 and 40(3) of the Natural Environment and Rural Communities Act (2006).

26 - Non-Standard Condition/Reason

The development shall take place in accordance with the information in the documents accompanying the application including the Planning Statement, Land Contamination Report and Remediation Method Statement, Flood Risk Assessment & Drainage Strategy, Heritage Statement, Transport Assessment, Archaeology Report, Tree Survey, Biodiversity Report including and proposals and mitigation.

Reason: To ensure a satisfactory form of development and to ensure the development takes place in accordance with the submitted information to mitigate any adverse impacts.

27 - Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding

including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

28 - Non-Standard Condition/Reason

No construction works (especially noisy works such as piling etc.) to be undertaken between October and March (inclusive) during prolonged periods of freezing conditions (as defined by the JNCC wildfowling suspension), to avoid disturbance to over-wintering birds. Prior to commencement of development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority, to minimise dust covering adjacent sensitive habitats. The development shall be carried out in accordance with the approved plan. The development should adhere to Environment Agency Pollution Prevention Guidelines, to avoid pollution of adjacent sensitive habitats, during construction and operation.

Reason: To ensure that the development, as submitted, will not impact upon the features of special interest for which the Upper Colne Marshes SSSI is notified.

29 - Non-Standard Condition/Reason

No development shall commence until a foul water strategy has been submitted to, and approved in writing by, the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

30 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works
- The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008). On request of the applicant, a brief for the archaeological investigation will be provided. In this case, further trial-trenching will be required in advance of development. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

31 - Non-Standard Condition/Reason

Prior to the commencement of development a scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of the development hereby permitted and shall be maintained in the approved form. No materials produced as a result of the site development or clearance shall be burned on site.

Reason: To ensure that the amenities of the area are not compromised by the construction phase of development.

32 - Non-Standard Condition/Reason

Prior to commencement of the development the planning application drawings shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:

- a) Lane A Street and Lane B a minimum 6 metres wide
- b) The private drive serving plot 81 to 86 a minimum 5.5 metres wide for the first 6 metres tapering down to a minimum 3.7 metres wide and a size 5 turning head

The development shall be carried out in accordance with the approved drawings

Reason: To protect highway efficiency of movement and safety.

33 - Non-Standard Condition/Reason

No occupation of the development shall take place until Residential Travel Information Packs have been provided to each dwelling.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

34 - Non-Standard Condition/Reason

Prior to each phase of development approved by this planning permission no development, or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifers, nearby watercourses (adjacent tertiary watercourse and nearby River Colne) and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4, A6, J1, J7 and N7.

35 - Non-Standard Condition/Reason

No occupation of any part of the permitted development or of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifers, nearby watercourses (adjacent tertiary watercourse and nearby River Colne) and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4, A6, J1, J7 and N7.

36 - Non-Standard Condition/Reason

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifers, nearby watercourses (adjacent tertiary watercourse and nearby River Colne) and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4, A6, J1, J7 and N7.

37 - Non-Standard Condition/Reason

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifers, nearby watercourses (adjacent tertiary watercourse and nearby River Colne) and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4, A6, J1, J7 and N7.

38 - Non-Standard Condition/Reason

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality.

39 - Non-Standard Condition/Reason

The Development shall be implemented in accordance with the Flood Management Plan Document Ref: SJC/617183/JRC Revision: 1 Date: 5 May 2016.

Reason: To ensure the safety of residents.

40 - Non-Standard Condition/Reason

The site shall be raised to provide minimum finished floor levels of 5.4 mAOD with road levels no lower than 5.15 mAOD. Finished floor levels will therefore be set above the 200 year undefended flood level inclusive of climate change.

Reason to ensure the safety of residents.

41 - Non-Standard Condition/Reason

At least 10% of the site area shall be laid out for use as amenity open space in accordance with a scheme submitted to and agreed, in writing, by the Local Planning Authority before the work commences and made available for use within 12 months of the occupation of the first dwelling to which they relate and thereafter retained for public use.

Reason: In order to ensure that the development provides an adequate provision of open space(s) that are usable for public enjoyment after the development is completed.

20.0 Informatives

(1) ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements. Informative on Archaeology:

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information.

HIGHWAY AUTHORITY INFORMATIVES

Notes: All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within six weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible). All highway related details should be agreed with the Highway Authority. The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

ENVIRONMENT AGENCY INFORMATIVES

For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality. We recommend that developers should:

- 1) Refer to our Groundwater Protection: Principles and Practice (GP3) document;
- 2) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
- 3) Refer to our Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
- 4) Refer to our Land Contamination Technical Guidance;
- 5) Refer to the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) and our related Position Statement on the Definition of Waste: Development Industry Code of Practice;
- 6) Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites code of practice and our Technical Aspects of Site Investigations Technical Report P5-065/TR;
- 7) Refer to our Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a Foundation Works Risk Assessment Report, guidance on producing this can be found in Table 3 of Piling Into Contaminated Sites;
- 8) Refer to our Good Practice for Decommissioning Boreholes and Wells.
- 9) Refer to our Temporary water discharges from excavations guidance when temporary dewatering is proposed. These conditions are supported by your Policy DP1: Design and Amenity and Policy ENV1. Environment From 6th April 2016, the Flood Defence Consent regime will move into the Environmental Permitting Regulations and become Flood Risk Activity Permits. The charges for the new Permits will be different and some lower risk activities may be Excluded or Exempt from the Permitting Regulations. Please go to <https://www.gov.uk/guidance/changes-to-your-flood-defence-consent-after-6-april-2016> for more details. The applicant should be advised that under the terms of the Water Resources Act 1991, and the Anglian Land Drainage and Sea Defence Byelaws, our prior written consent is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank of Abrahams Farm Ditch, designated a main river. The flood defence consent will control works in, over, under or adjacent to main rivers (including any culverting). Waste The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. If any waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. The applicant is advised to refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>. The developer must apply the waste

hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at: <http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf> In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than 300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk> Excavated material arising from site remediation or land development works can sometimes be classified as waste. For further guidance on how waste is classified and best practice for its handling, transport, treatment and disposal please see our waste pages at <http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>