

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
11 November 2008 at 6:00pm**

SUPPLEMENTARY AGENDA

Part A

(open to the public including the press)

Pages

9. Amendment Sheet

See Final Amendment Sheet.

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AMENDMENT SHEET

**Special Planning Committee
11 November 2008**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

080194 - Abberton Reservoir Scheme, Peldon Road, Abberton

The application includes permissive paths and bridleways and the erection of a new EWT Visitor Centre and Nature Reserve. In addition a financial contribution of £1 million has been agreed, this comprises £750,000 to The Community Fund, £150,000 for the additional paths, bridleways and cycleways and a £100,000 to The Education Fund. Further details of The Education Fund will be provided prior to the Committee meeting.

Following amendments to report:

Paragraph 1.8 add: "The Environmental Statement and the consultation responses on the planning application and the Statement comprise the Environmental Information in relation to the application. Under regulation 3(2) of the EIA Regulations 1999 (as amended) in reaching any decision to grant planning permission the Borough Council must have regard to that Environmental Information and must state that it has done so in that decision to grant planning permission. Officers have taken into account the Environmental Information in preparation of this report and its recommendations.

Paragraph 1.10 add: Regulation 48(5) specifies that in the light of the conclusions of the Appropriate Assessment a competent authority shall only agree a project after having ascertained it will not have an adverse affect on the integrity of the European Site which is the subject of the assessment. If there is an adverse affect on the integrity of the site the competent authority may agree to the project proceeding only if there are no alternative solutions and the project must be carried out for imperative reasons of public importance (Regulation 49(1)).

Regulation 54 applies the provisions of Regulations 48 and 49 to the act of granting planning permission for a project.

Paragraph 5.1 add: The Abberton Scheme is considered to be in accordance with the RSS and in particular with Policy WAT2 (Water Resource Development). This policy requires that the Environment Agency and water companies should work with OFWAT, EERA and the neighbouring regional assemblies, local authorities, delivery agencies and others to identify the appropriate additional infrastructure for both water supply and waste water treatment to cater for the levels of development provided through the East of

England Plan, whilst avoiding any adverse impacts on sites of European or international importance for nature conservation. In addition, Paragraph 10.7 of the Plan specifically refers to increasing storage capacity at Abberton Reservoir.

Paragraph 5.4 add: The Local Development Framework Core Strategy as amended by the Inspector's Report on 9 October 2008 – Environment Chapter makes reference to Abberton Reservoir and states “Abberton Reservoir will be expanded to help meet increasing water demand in the region. This expansion will include improved visitor access and a new visitor centre to provide for recreation and education.

Relevant policies are C01 – Environment

SD2 – Delivering facilities and infrastructure

TA1 – Accessibility and changing travel behaviour

TA2 – Walking and cycling

Paragraph 9.10 Officers consider that the requirements of Regulation 48 have been met and Members can be satisfied that there will be no adverse affect on the integrity of the Abberton Reservoir SPA, and may (if there are no other reason why planning permission should be refused) grant planning permission for the development.

Add at end of Conclusion

The application has been considered against all relevant policies in the Development Plan which, for the purposes of this application, comprises the Regional Spatial Strategy, the Essex Minerals Plan and the Adopted Review Colchester Borough Local Plan.

The development is considered to be in accordance with the provisions of the Development Plan and the emerging core strategy.

Recommendations

Recommendation 1

That Members accept that the project, the Abberton Scheme, with all the agreed mitigation, management measures and planning conditions, will not affect the integrity of the SPA, either alone or in combination with other plans or projects.

Recommendation 2 (subject to Members accepting Recommendation 1)

Having regard to the requirements of the Habitats Regulations and given consideration to the Environmental Information submitted in respect of the application, and the policies of the development plan and all other material consideration including the need for the raising of Abberton Reservoir and the enhancement of the Reservoir for biodiversity the Head of Environmental and Protective Services be authorised to grant planning permission subject to the Legal Agreement.

The Environment Agency further comments as follows:-

“We refer to your letter dated 9 October 2008 regarding the Rye Borrow Pit works which form part of the Abberton Reservoir enhancement scheme. Following internal consultation with our Groundwater and Contaminated Land Team we would advise the Council that we have no objection to the Rye Borrow Pit works. The following informative should be noted by the applicant.

Informative

It is the responsibility of the applicant to ensure that the development will not affect any water features (i.e. wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions.”

SECOND AMENDMENT SHEET

**Special Planning Committee
11 November 2008**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

080194 - Abberton Reservoir Scheme, Peldon Road, Abberton

This amendment sheet sets out the recommendation and provides a comprehensive list of all the Section 106 obligations (it includes the obligations set out in the report and the first amendment sheet plus additional requirements)

Recommendation 1 – That Members accept that the project, the Abberton Scheme with all the agreed mitigation, management measures and planning conditions, will not affect the integrity of the SPA either alone or in combination with other plans or projects.

Recommendation 2 - Having regard to the requirements of the Habitats Regulations and given consideration to the Environmental Information submitted in respect of the application, and the policies of the development plan and all other material consideration including the need for the raising of Abberton Reservoir and the enhancement of the Reservoir for biodiversity the Head of Environmental and Protective Services be authorised to grant planning permission subject to the Legal Agreement.

The Section 106 Agreement to secure the following:

ABBERTON LIAISON GROUP

- NWL will establish the Abberton Liaison Group (ALG). The ALG will comprise a representative from Colchester Borough Council, Abberton/Langenhoe, Winstred Hundred, Layer de la Haye and Layer Breton parish councils, Essex County Council Highways, Essex Wildlife Trust, Natural England, Ramblers Association, NWL and the RSPB. The ALG will have two main functions:-
 1. The ALG will meet regularly to discuss issues relating to the construction, progress of construction, forthcoming activities, notification of the local communities and set up a procedure for dealing with complaints and a community liaison officer.
 2. To operate and administer the Community Fund, NWL will make a financial contribution of £750,000 to the Community Fund. This fund is to mitigate any unforeseen effects of raising the reservoir which cannot be mitigated by condition and/or the Section 106. Applications for grants will be allowed from the 4 most affected parishes Abberton/Langenhoe, Winstred Hundred,

Layer de la Haye and Layer Breton. The representatives of Colchester Borough Council and the 4 parish councils on the ALG will determine the grant applications.

PATHS/BRIDLEWAYS

- NWL will provide the permissive rights of way in perpetuity.
- NWL will make a financial contribution, the precise amount to be agreed with EC Highways, for the provision of a footway from Layer Church to the crossroads at the Fox PH.
- NWL will make a financial contribution, the precise amount to be agreed with EC Highways, for the provision of 2 bus stops adjacent to the new EWT Visitor Centre.
- NWL will establish a Rights of Way Committee – this will comprise representatives from NWL, CBC, ECC, Natural England, Abberton/Langenhoe, Layer de la Haye, Winstred Hundred and Layer Breton Parish Councils, Ramblers Association and the British Horse Society. Its main function will be to commission the further survey work, liaise with the wider community and determine the additional public/permissive rights of way and/or upgrading. NWL will make a financial contribution of £150,000 to fund the study and provide the new/upgraded permissive and public rights of way.

EDUCATION

NWL will establish an Abberton Reservoir Education Committee, this will comprise representatives of CBC, EC Education, EWT and NWL. Its main functions will be:-

1. To commission and oversee an Education Study to determine the need for additional education facilities for the purposes of educating school children and other groups.
2. NWL will contribute £100,000 to complete the above study and establish and operate the education centre. NWL will provide a building to be used as the education centre.
3. In addition to the £100,000 NWL will make 6 annual payments of £35,000 to enhance the education use of the reservoir.

ECOLOGY MANAGEMENT PLAN AND ECOLOGY ADVISORY GROUP

- NWL will submit the Ecology Management Plan to CBC.
- NWL will establish the Abberton Reservoir Ecology Advisory Group comprising NWL, RSPB, EWT, CBC, NWL and Natural England. The function of the Group will be to monitor the delivery of the management plan.

Summary of financial contributions

- Community Fund £750,000
- Education Fund £100,000 (and building) plus £180,000 (6 x £35,000).
- Paths/bridleways shown on the application £150,000
- Additional paths/bridleways £150,000
- Footpath to Layer crossroads, amount to be agreed with EC Highways.
- Two bus stops at the EWT visitor centre - amount to be agreed with EC Highways

Total £1,330,000