

**PLANNING COMMITTEE  
11 NOVEMBER 2008**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillors Mary Blandon\*, Nigel Chapman\*,  
Peter Chillingworth\*, Helen Chuah\*, Mark Cory\*,  
John Elliott\*, Stephen Ford\*, Wyn Foster\*, Chris Hall\*,  
Sonia Lewis\* and Nigel Offen\*

(\* Committee members who attended the formal site visit.)

**Councillor Nigel Chapman (in respect of being the borough council representative on the Dedham Vale AONB and Stour Valley Project Joint Advisory Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Nigel Offen (in respect of his membership of the Essex Wildlife Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Peter Chillingworth (in respect of his role as Vice Chairman of the Essex Branch of the CPRE) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**154. Planning Application // 080194 Abberton Reservoir Scheme, Peldon Road, Abberton, Colchester**

The Committee considered an application for the construction of a new Wormingford Pumping Station (WPS), a new pipeline from the WPS to Abberton Reservoir, expansion of Abberton Reservoir and works to the B1026. The application included an Environmental Statement.

The Committee made a site visit in order to assess the impact of the proposals upon the localities and the suitability of the proposals for the sites.

Sue Jackson, Principal Planning Officer, and David Whybrow, Development Manager, attended to assist the Committee in its deliberations.

In her presentation of the application to the Committee and public in attendance, Sue Jackson initially explained that Northumbrian Water Limited, the applicant who was also the statutory water provider for a large part of South Essex, has produced a Water Resource Plan to demonstrate that sufficient water supplies are available to meet the projected demands from its customers for the next 25 years. The Environment Agency and Ofwat have accepted the Plan and the justification of need for additional water supplies. She then described in general terms the whole scheme from the River Ely Ouse in Norfolk to the Abberton Reservoir, and then in more detail that part of the scheme which affected Colchester borough, from a new pumping

station in the north of the borough to the expansion of the reservoir in the south, all as set out in the report.

Water is abstracted from the River Ely Ouse in Norfolk and transferred via a series of sluices and other structures, pipelines and rivers to the headwaters of the River Stour and from there in pipelines across the borough to Abberton Reservoir. A new pumping station is required on the River Stour and its location close to Wormingford was determined by the avoidance of Dedham Vale AONB to the east and Bures to the west. The current transfer system across the borough to the reservoir is inadequate for the volumes of water required to meet predicted demand and an analysis of routes across the west of the built up area of Colchester has been undertaken and a route determined for the pipeline from Mount Bures to a break pressure tank in Wormingford and on through Fordham, Eight Ash Green, Stanway, Copford, Birch and Layer de la Haye to the reservoir. The water level in the Main Reservoir, to the east of the B1026 causeway, will be raised by 3.2metres to 21metres above Ordnance Datum and where the B1026 crosses the reservoir a 2.2 metre earth bund is proposed on the Main Reservoir side to retain the raised water. Other proposed works to the Main Reservoir include:-

- the removal of the majority of the existing concrete edge to the reservoir and the creation of a gently sloping profile,
- new col dams on the south side,
- the main dam raised by just over 3 metres,
- a new off-take pumping station,
- the diversion of the section of the B1026 which will be flooded by the raised water level between St John the Baptist Church, Layer de la Haye and the existing road in the south close to the causeway,
- new public access paths around the reservoir, and
- the relocation of the Essex Wildlife Trust centre and reserve.

In addition there are proposed temporary pipe storage areas at Wormingford Airfield and Layer de la Haye Water Treatment Works, work compounds at key points along the route of the pipeline, two proposed borrow pits and diversions to gas and electricity supply and new electrical supplies.

Councillor Mark Jones, Layer de la Haye Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the some elements of the application. Whilst the Parish Council were supportive of the aims of the scheme and understood the need for water supplies, there would be a major impact on Layer de la Haye. Some of their comments had already been addressed, however there remained the following residual issues:-

- additional traffic – residents were sceptical at the levels and believe that NWL should be made responsible. They had no objections to the Traffic Management Plan but required effective observation and financial penalties if there were any breaches;
- safety – the B1026 has no pedestrian pavements in places. The Parish Council had made a number of suggestions many of which had been taken up including a ban at school times, but they had made other suggestions which they wish to be

- included, for example lowering the speed limit;
- damage to roads – the B1026 was likely to be damaged with the additional traffic. Reassurance was sought that the road would be repaired and resurfaced when the project was completed;
- noise – they were pleased to see some of their concerns addressed in the report, however, they sought reassurance that conditions would be monitored and enforced;
- Community Fund – the establishment of the Community Fund to mitigate against disruption was welcomed, but if the totals were all that was available they would be disappointed. Part of the village hall was becoming increasingly expensive to maintain and would have to be replaced. They requested that NWL replace the hall for the benefit of residents;
- a number of other issues had been identified and the provision of funds was considered to be an appropriate response to the impact on the community for many years to come, but they doubted that the Community Fund would provide a lasting legacy.

Councillor Phil Gladwin, Winstred Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The Parish Council had held many meetings and residents had been consulted. There had been very few objections to increasing the reservoir even though some parts would be flooded. Also very few residents had objected to the design of the causeway on the B1026. However, whilst the Parish Council had expressed a number of concerns most of which had been dealt with by the Planning Team, there remained a number of matters which the Parish Council considered to be important and should be considered in addition to the matters in the recommendations:-

- speed limits on the B1026 causeway – it was appreciated that the Highway Authority would be monitoring the causeway, but it would be a matter of time before residents required speed limits because it would be a fast stretch of road;
- parking on Birch causeway was chaotic and it should be improved by removing the plastic green fence on the eastern side and efforts made to enforce parking only on the western side. Additional parking will be required on the Birch causeway when parking is suspended on B1026 during its re-construction;
- parking for horseboxes – there is no provision for parking horseboxes where bridleways start or end. The landowner or the applicant could provide these;
- missing footpath link – the link between Peldon and Great Wigborough could be accommodated on existing land if properly screened and fenced and will be no closer to the waters edge than other existing paths. He requested that it be made a condition;
- village halls – Peldon village hall was well used but far too small and deteriorating;
- the sum of £150,000 for footpaths, cycleways and bridleways was inadequate. He hoped these were only preliminary negotiations since this represented only 1% of the project. The scale of development would impact on residents, vast sums had been allocated for wildlife and they wanted a local legacy for the benefit of residents.

Councillor Gordon Davies, Abberton and Langenhoe Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application.

- B1026 causeway – in spite of the potential inconvenience the causeway should be raised along its entire length to be functional, an enhancement of the environment in the long term and enable the community to retain the amenity currently enjoyed. The current proposal was the cheapest option and no attempt has been made to provide a more practical and vista-sensitive construction. People look at the views, feed and watch birds from their cars or coaches which will not be possible with the bund. The proposed car parks at either end and access arrangements along the length of the bund will not benefit those with physical difficulties as a raised causeway would;
- footpaths – new public paths are to be permissive paths which can be closed at short notice. They strongly requested that they be designated public rights of way with guaranteed access at all times and maintained to national standards;
- The £1million financial contribution should be under the control of Colchester Borough Council;
- canoeing and sailing facilities with a car park should be provided in designated areas of the enlarged reservoir. He urged the Committee to fully examine these proposals for more recreational pursuits that would be an asset for future generations.

Andrew Ellis addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This project would impact upon the community and it should be no different from any other project which brings mitigation measures. Referring to the £300,000 of footpath/bridleway improvements and £700,000 for Essex Wildlife Trust, he stated that the latter was required because of the existing tenancy. There was an additional £1million in the Community Fund which was insufficient to provide a legacy for the surrounding villages and fell short of the request made by the Parish Council on behalf of the local residents who would be affected by the project. Whilst this project addresses a need for adequate water supplies, it would also lead to enhanced profits for the company and he requested that the Committee require officers to negotiate an improved package at a minimum of double the current offer, which should be ring fenced.

Tim Oxtan addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There were two groups of visitors to the reservoir; those from remote parts of the country and those who enjoy watching birds from cars or buses. They were in general frail, elderly, disabled or unwilling to be exposed to the rain or wind. He considered the current proposal for the bund to be inadequate and preferred the entire causeway to be raised with a road along the top. Whilst this might be more expensive and the B1026 would be closed for a period, such a causeway would be something to be proud of. He also requested that measures be put in place to reduce the speed at which motorists travel across the causeway so that speeding could not be an objection to the wide road along the top of the causeway.

Councillor Lewis left the meeting at this point and did not return.

John Devall, Northumbrian Water Limited (NWL), addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the importance of the scheme, particularly as it was a key scheme to comply with growth aspirations in the spatial strategy. NWL had been working on it since 1993 and in detail since 1998. Without it one million people throughout Essex would have a significant deficit on demand. The scheme was key to adaptation to climate change and would take water in times of plenty and storing it for times of need thus meeting sustainability aspirations. He wanted to reassure members and the public that NWL fully intend to ensure that traffic is managed properly. There would be a robust traffic plan and they were prepared to accept variations. In respect of some of the comments made in terms of escalation, this was a really important factor and he hoped to reassure people. In respect of access and footpaths, there would be an increase within the proposal of 14km of footpaths plus a further 2km in the Essex Wildlife Trust centre. Since then they had been encouraged to provide more if it can be obtained through landholder agreements etc. One of the speakers had indicated that the footpath with a missing section could be completed using NWL land. However, Natural England do not support this footpath so close to the reservoir and the landowner was unwilling to allow it on his land. NWL would continue to work with CBC to see if a link can be provided, possibly by using existing highway. In respect of the causeway the proposal put forward was not the cheapest option; cost was not an issue. There were two options put to them and during the assessment process which encompassed issues of noise, safety, road safety, community amenity and consultations, it became clear that this proposal was the only one which satisfied all the issues. It would be an asset and enable people to get away from the road and have a safe environment to view the wildlife. In respect of increasing the package of mitigation measures, he stated that the proposal could not be compared to a development opportunity. This proposal was related to infrastructure not a development, in much the same way as a new road is; the sums talked about would not come to pass. What is being offered is in perpetuity and any use of monies was to be related to the scheme. He was concerned at the suggestion that monies could be used to replace village halls. This was a very sustainable project to provide water resources for Essex. The figures quoted will be embodied in the Section 106 agreement. A further £1.8million was being put into the Essex Wildlife Trust and a like for like replacement visitor centre at a cost of £700,000 which would be a showpiece for the community.

Professor David Hill, David Hill Ecology & Environment, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application in respect of ecology and environmental support. The EU had designated the area as a SPA by virtue of its waterfowl assemblage including wading birds which come in from far away. The reservoir is important in that it provides not only the habitat they require for certain times of the year but also a number of habitat types with none or limited disturbance; birdlife in the reservoir is extraordinary. The permissive nature of the footpath network will enable any adjustment to the line of paths in the future if any birds are being disturbed. Finally, this scheme is an incredible enhancement of about 500 acres of land which will become a wetland for birds and an amazing resource.

Jim Jenkins, Northumbrian Water Limited, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. A scheme of this size will generate traffic, but the aim of NWL from the outset has been to limit traffic, for example by the reuse of materials on site and from the borrow pit. NWL have done everything possible to limit lorry movements together with the traffic plan. There are no objections to speed ramps, but it is not within the remit of NWL to put in speed ramps. Extra car parks have been provided to get traffic off the roads and there will be a layby on the causeway. The cost of this causeway scheme is marginally more expensive the alternative option which would have been narrower and with no possibility of providing a car park.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. NWL have been extremely co-operative and have held public meetings therefore very few people will speak against this application. He had concerns about the money being made available for distribution to the villages. He considered there should be an extra contribution to cover the long term as well as the short term including providing ongoing maintenance to village halls and the footpaths. He wanted roads such as the B1026 to be resurfaced at the end of the work as the traffic will have impacted upon them. £1million is welcome but it could be doubled and even taken to £5million which would represent £1million for each year of construction work. Other schemes have benefited communities to similar levels. He asked if the community fund could be administered by a special trust which would reduce administration costs or alternatively the Borough Council should determine where grants should be spent. He also asked that the hours of working on the borrow pits be strictly enforced and the Rye Farm borrow pit to be returned to agricultural use. He wanted no lighting around the borrow pit so as not to cause any light pollution and no access to Field Farm Road. There should be an agreed transport programme through all affected villages not just where schools exist and at any time of the day. Finally, constituents should have access to a fast and efficient dedicated complaints telephone line and complaints to be with within 24 hours or immediately. He looked forward to the benefits arising from this exciting project.

*Planning Officer's response to comments made by public speakers and the councillor*

It was explained that traffic management plans will be agreed with Essex County Council (ECC) Highways. The possibility of financial penalties was not a matter that ECC Highways specifically referred to but if it was considered appropriate and was something implemented on other large sites, it could be investigated with colleagues in ECC Highways. A financial bond will be put in place to repair any damage to roads. During consultation a comment had been received in respect of speed limits in High Road and Church Road, Layer de la Haye and ECC Highways did not think it appropriate in this particular case. In respect of the B1026 causeway, ECC Highways would monitor the situation once the new causeway is in place to see if traffic restrictions were necessary. The proposed works to the causeway and access from car parks to the path on top of the bund would need to fully comply with the Disability Discrimination Act legislation.

Highways had concerns about the existing causeway and wanted it to be narrowed. If

the raised causeway option had been chosen the road would need to be narrower so in that respect there was no difference whichever option had been chosen. The raised road option was not chosen because the applicants' consultants had concluded that in terms of noise, safety, road safety, and amenity it would have a more detrimental impact.

In respect of parking restrictions on Birch causeway, this has also been discussed with ECC Highways but their view was that the existing parking situation was not so detrimental to highway safety that they would want parking restrictions in that area.

ECC Highways had commented that any additional traffic in Lodge Lane would be unacceptable to them because of the way Lodge Lane joined the main highway, so parking for bridleways and horseboxes was not appropriate at this location. The area at Pete Tye Common was not within the applicant's ownership and it was not possible for horseboxes to be parked there either.

The Community Fund had been discussed and agreed with the applicants on the basis that it would compensate for any adverse effects of the scheme taking place over a long period of time. It was not intended for the improvement of village halls; Section 106 contributions have to be relevant and appropriate to the scheme. For all major applications the Development Team consider what financial contributions are appropriate and in their consideration of this scheme their decision was that no financial contribution was required as they considered that replacement of the visitor centre and nature reserve and some additional public access provided an acceptable package of improvements to the community as a whole.

Officers had sought a package of contributions which were of benefit to the wider community in the borough as a whole as well as to the immediate community. The greater public access and the new visitor centre were additional to the financial contributions. Indeed funding of the centre was a separate part of the application and the cost was not included in the Section 106 obligations.

If the applicant considered that the Borough Council managing the Community Fund was appropriate, it could be written into the legal agreement. Councillor Bentley had mentioned that the Borough Council representative should be an elected member to which suggestion NWL were in agreement.

In respect of disturbance to residents in Malting Green Road, the borrow pit was sufficiently distant from the residents for there to be no undue disturbance and the material removed would be used in the reservoir and not in Malting Green Road. In response to the query regarding lighting at the borrow pit, it was explained that there was a standard condition on each and every contract for every part of the scheme requiring all lighting schemes to be agreed with the planning authority prior to installation and in executing this requirement the planning team would liaise with Environmental Control on any lighting proposals. No consent would be given for permanent lighting left on outside of construction times.

Mr Davies had mentioned the wish for canoeing to be permitted on the reservoir on which proposal Natural England had been consulted. Their response was that

because of the SPA designation canoeing was not possible at any time of the year on any part of the reservoir.

In respect of permissive paths, once the works to expand the reservoir have been completed a new range of surveys on wildlife and birdlife would be undertaken and the SPA boundary would be redesignated. The preference therefore was for any new paths to be permissive to enable any adjustments required to be made following the surveys of the use of the reservoir by birds. The legal agreement will require that all paths or alternative paths are to be provided in perpetuity, albeit in a slightly different position. Natural England might allow a footpath to be provided at the moment to link up the two sections of footpaths to the south of the reservoir, but it would need to be so heavily screened and fenced that it would not provide a suitable route nor would it provide a complete route from Peldon to Great Wigborough. The alternative was for a more open path linking the two villages and if this solution was not acceptable the legal agreement allows other alternatives to be looked at which could be a link closer to the reservoir. Highways were taking a sum of money to use for investigations into what options there might be and provision of any agreed route.

#### *Comments from the Committee*

Members of the Committee expressed support for The Abberton Scheme and offered their congratulations to those who had worked hard to overcome many of the initial objections. This was a large scheme which will take 5 years to complete and it had been developed with relatively few problems.

However there were some funding issues raised. The Section 106 money has to be related to the infrastructure from the development and there was some doubt about whether the amounts proposed were sufficient for this purpose over the duration of the construction works. The pumping station, the reservoir, the pipeline and all other facilities needed to transfer the water were a relatively small part of this, but the communities through which this scheme would impinge may find over a period of time that there are problems. Some parish councils near to the reservoir had made representations in this respect but there may be other affected parishes whose parish council has not attended the Committee's meeting but which may wish to be able to make a claim against the fund. It was queried whether the £750,000 Community Fund was sufficient to cover what may be needed over the 5 years, particularly for communities around the reservoir but also other communities further away. There was a view that the fund might be somewhat insufficient to resolve problems that might arise anywhere along the route from Mount Bures to the reservoir and NWL was requested to have a further look to see if that money could be increased, not for village halls, but for matters for which the fund was properly intended. There was support for the borough council to hold and administer the community fund as it does for other Section 106 money.

There were a number of comments on various other matters:-

- the question of safety on the causeway and the possibility railings at least on one side;
- provision for those who are disabled to have a view over the 1.1metre wave wall,



and the suggestion of one or two raised areas where there can be viewing or possibly a glass wall or portholes for disabled and young people for all to have equal access;

- a request that the reuse of concrete waste material from the removal of the existing concrete road and sloped edge of the reservoir be a condition instead of an informative;
- a query in regard to any roads to be repaired or resurfaced. Will this be in addition to the Section 106 monies and who is responsible for budgeting for this;
- the road through Fordham was not very good and it was anticipated that it would deteriorate during construction. There was a request that it be carefully monitored and repaired as required during construction as well as at the end of construction;
- a request for a wheel washing facility for heavy vehicles so the public highway is kept in good condition and clear of mud at the access points;
- a request that efforts be made to ensure that residents, parish councils and ward councillors were thoroughly acquainted with the complaint procedure so all are familiar with what needs to be done to bring issues to the contractors' attention;
- whilst it was appreciated that NWL were not bound to help villages but there was a repeated request for assistance with maintenance of village halls;
- whether there was the ability to bring requests for reductions in speed limits to the attention of EC Highways for implementation at the earliest opportunity, particularly mentioned was the causeway, and also the suggestion of sight screens on the causeway to prevent motorists' attention from wandering;
- the importance of switching off any lights when they are not required;
- a request that a percentage of renewable energy, solar or wind power, be used as part of the considerable energy required at the pumping station in addition to the wind turbine at the EWT centre;
- the recognition that the proposed transferred EWT visitor centre would be a wonderful facility for visitors. Already 25,000 trees have been planted to produce a woodland and it was appreciated that the size and scope for wildlife was being increased along with educational facilities.

#### *Planning Officer's response to comments made by the Committee*

It was explained that any issues arising from the construction of the pipeline could be dealt with by conditions. The main impact would be the delivery of pipes and conditions were in place regarding the timing of deliveries. There would be 17 km of pipeline passing through six or seven parishes. The construction of the pipeline would be undertaken during a 6 month period from April to September. The noisiest activity would impact for 3 months, a relatively short period of time, and the impact could be fully addressed by conditions so it was considered unnecessary to provide any financial contributions.

Access to the pathway on the causeway would be fully compliant with the DDA and if a handrail is required it can be incorporated. There is a condition requiring full details to be submitted and agreed with the Authority. Similarly with raised sections or glass viewing areas for the disabled. Whether it would be possible to provide these was unknown, but a condition could be imposed requiring alternatives to be investigated and if accepted they can be incorporated into the design of the scheme.

A condition could be imposed requiring the concrete removed from the road and edge around the reservoir to be recycled. It was recognised that the scheme included the use of solar powered venting panels and it may be possible to impose a condition requiring the applicants to consider using renewable/sustainable energy techniques elsewhere within the scheme.

The situation regarding any financial assistance with village hall maintenance was reiterated that Section 106 money had to be used for matters which were relevant to the application. In the event that there was an unforeseen impact upon a village as a result of the construction of any part of the scheme, it was recommended that an application should be made for a grant from the Community Fund. In respect of the management of the Community Fund by the Borough Council, it was considered that this was something that NWL would not object to and the legal agreement could be worded to achieve that.

ECC Highways have taken a sum of money to hold in addition to the Section 106 financial obligations specifically for the repair of roads. The traffic management plan will be strictly monitored by the Borough Council and will require commitments from NWL regarding delivery times and routes. A robust mechanism would be in place to require parish councils and residents to be informed about the complaints procedure and a Community Liaison Officer would be appointed to deal with complaints in a satisfactory manner. Regular meetings between NWL and affected parish councils would be held to assist with communication.

Speeding vehicles is an ECC Highways matter and whilst they have indicated concern about speeding this concern does not seem to have transferred into the imposition of speed limits. This matter can be included as an informative or instruction to ECC Highways to reconsider and any advice received reported back to the Committee.

Wheel washing facilities will be a condition of all parts of the different contracts at the access and egress and reservoir and compounds adjacent to the reservoir and Eight Ash Green.

Following a further request for the Development Team to reconsider the £750,000 Community Fund it was explained that the Fund was not a figure that resulted from an estimate of instances of concerns which might arise nor was it a matter that emanated from the Development Team. The Team had not required any financial contribution. It would be possible to undertake further discussions with the applicant to establish if they would be willing to increase the fund but any response would be final.

*RESOLVED* (UNANIMOUSLY) that –

(a) The Committee accepted that the project, the Abberton Scheme, with all the agreed mitigation, management measures and planning conditions, will not affect the integrity of the Special Protection Area, either alone or in combination with other plans or projects.

(b) 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 considerations 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 signing of a Legal Agreement to secure the following matters and to conditions as set out in the report together with further conditions set out in (c) below:-

#### ABBERTON LIAISON GROUP

- Northumbrian Water Limited (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 shown on the application drawings 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 Public House.
- 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 Essex Wildlife Trust Visitor Centre.
- NWL will establish a Rights of Way Committee – this will comprise representatives from NWL, Colchester Borough Council (CBC), Essex County Council (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 £210,000 (6 x £35,000).
- Paths/bridleways shown on the application £150,000 (estimated cost)
- 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 £1,360,000

Amendment to the Section 106 agreement: Colchester Borough Council to be responsible for holding and managing the Community Fund.

### (c) Additional conditions

- To be added to part 7. Prior to the commencement of the works to the B1026 causeway detailed drawings of the earth bund, path, access steps and wave wall shall be submitted to and approved in writing by the local planning authority. The wave wall and path shall include works to allow disabled visitors to view the main reservoir. The works shall include for example, glazed viewing areas within the wave wall and raised sections along the bund path plus any other facilities considered appropriate. The drawings shall include details to demonstrate that the earth bund, path and steps are fully compliant with the Disability Discrimination Act. The development shall be completed in accordance with the approved drawings prior to these facilities being available for public use.

Reason: To ensure that satisfactory and safe provision is made for access to the bund path.

- To be added to part 2. Prior to the commencement of development of the Woringford pumping station details demonstrating how sustainable construction and sustainable energy methods will be incorporated shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason. To ensure a sustainable development.

Amend condition 5 add a bullet point:

- Details of all demolition including the perimeter road and concrete reservoir edge, and agreement to recycle these materials and re-use them on site unless otherwise agreed in writing by the local planning authority.

Members agreed that any minor amendments to the wording of conditions to be submitted to the Committee Chairman, Deputy and Group Spokepersons for agreement. Any major changes to be agreed by the Planning Committee.

(d) Officers to continue negotiations with NWL to increase the contribution to the Community Fund. (Note: If these negotiations are unsuccessful there is no requirement to report the application back to Members).

Officers to write to Essex County Highways and ask them to:-

- reconsider temporary speed limits along the roads affected by construction and delivery traffic. This includes the routes through Eight Ash Green, Fordham and Layer de la Haye.
- consider imposing speed restrictions along the new causeway and the causeway at Layer Breton.
- impose financial penalties if the Traffic Management Plans are not adhered to.