

Planning Committee

**Moot Hall, Town Hall
11 November 2008 at 6:00pm**

This committee deals with

If you wish to come to the meeting please arrive in good time. Attendance between 5:30pm and 5:45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk.

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

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Evacuation Procedures

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Material Planning Considerations

The following are issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

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

Members

Chairman : Councillor Gamble.
Deputy Chairman : Councillor Ford.
Councillors Chillingworth, Blandon, Chapman, Chuah, Cory, Elliott, Foster, Hall, Lewis and Offen.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Arnold, Barlow, Barton, Bentley, Bouckley, Cook, Dopson, Fairley-Crowe, P. Higgins, T. Higgins, Hunt, Lilley, Lissimore, Maclean, Manning, Martin, Pyman, Quarrie, Sykes, Tod, Turrell and Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes

The minutes of the meeting held on 6 November 2008 will be submitted to the Committee's next scheduled meeting.

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

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(Birch and Winstree)
(Copford and West Stanway)
(Fordham and Stour)
(Pyefleet)
(West Bergholt and Eight Ash Green)

Construction of new Wormingford Pumping Station (WPS). New pipeline from WPS to Abberton Reservoir. Expansion of Abberton Reservoir works to B1026. The application includes an Environmental Statement.

8. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



Committee Report

Agenda item **7**

To the meeting of **Planning Committee**
on: **11 November 2008**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

No plan is displayed as the application site extends from Mount Bures to Abberton Reservoir and the plan would be to a small scale.

Case Officer: Sue Jackson

MAJOR

Site: Abberton Reservoir Scheme, Peldon Road, Abberton, Colchester

Application No: 080194

Date Received: 31 January 2008

Agent: Mr Andrew Hodgson Savills (L&P) Ltd

Applicant: Northumbrian Water Ltd

Development: Construction of new Wormingford Pumping Station(WPS). New pipeline from WPS to Abberton Reservoir. Expansion of Abberton Reservoir works to B1026. The application includes a Environmental Statement.

Wards: Fordham & Stour, West Bergholt & Eight Ash Green; Copford & West Stanway; Birch & Winstree; Pyefleet

Summary of Recommendation: Conditional Approval subject to signing of S106

1.0 Introduction/Background

- 1.1 The applicant Northumbrian Water Limited (NWL) is the statutory water provider for a large part of south Essex including Chelmsford, Southend-on -Sea, Brentwood, Witham and some London Boroughs, known as the Essex supply area, (ESA). NWL has a statutory duty to provide supplies of water and to meet the demand for water in the ESA where NWL trades as Essex and Suffolk Water (ESW). Essex is a growing county and its growth is predicted to continue. An increase in population, the changing needs of businesses and higher personal water consumption in the home all mean the demand for water is high and will continue to rise in the future. Essex is also one of the driest counties. There is an existing and predicted future shortfall in water supply to the ESA. To meet this challenge NWL indicate they are following a twin-track approach. To manage demand they have invested extensively in the control of leakages from pipes and management of demand whilst also investigating and implementing new, sustainable long-term water resource schemes.
- 1.2 NWL, like other water companies, has to produce a Water Resource Plan in accordance with guidance laid down by Defra and the Environment Agency. In this document water companies have to demonstrate that sufficient water supplies are available to meet the projected demands for water from its customers over the next 25 years or that they need to constrain demand and/or develop new supplies. The Environment Agency and Ofwat have accepted NWL's Water Resource Plan, and justification of need for additional water supplies. Significant expenditure has been allowed by Ofwat to advance the promotion and early construction of part of the Abberton Scheme.

- 1.3 NWL identified a need for a major new water resource in 1993. Since then the company has carried out a detailed review of alternatives to provide water resources. A range of alternative means to meet the need for water have been considered. These include demand management options such as future leakage control increased provision and promotion of metering and water efficiency, new reservoir storage – as an alternative to enlarging Abberton Reservoir, over 250 potential sites were considered for creating new reservoirs or increasing the capacity of existing reservoirs and a wide range of other new water resource options - such as canal transfers (using British Waterways' network), transfer of water from the River Trent, and desalination.
- 1.4 The application documents include a comprehensive analysis of the alternatives and demonstrate a thorough and robust selection process was undertaken before the Abberton Scheme was chosen. They also include an assessment of alternatives within the Abberton Scheme including the location of the Wormingford Pumping Station, the pipeline route and the works to the causeway and B1026 road.

Explanation

- 1.5 Abberton Reservoir is supplied with most of its water by abstraction from the River Stour. As the River Stour cannot always supply the reservoir with sufficient water to meet demand water is abstracted from the River Ely Ouse in Norfolk and transferred to the headwaters of the River Stour. This is known as the Ely Ouse to Essex Transfer Scheme (EOETS). A series of sluices and other structures in Norfolk, known as The Denver Complex, control the movement and volumes of flow. The water then flows via pipelines and rivers to the River Stour. At either Stratford St Mary or Cattawade water is abstracted into pipelines for transfer to Abberton Reservoir. As the pipelines from Stratford St Mary/Cattawade to Abberton Reservoir do not have the capacity for the volumes of water a new pipeline is required. The existing pipeline from Cattawade crosses the River Colne at the Hythe. As there has been considerable new development in this area a new route for the pipeline is required. An assessment of routes on the east side of Colchester concluded it was difficult to find one that would not affect built up areas; furthermore the route would involve crossing the River Colne where it becomes estuarine and the erection of a new pumping station at Brantham in the AONB. An analysis of routes west of the built up area of Colchester was therefore undertaken. Here the route was determined by a suitable location for the pumping station, which was restricted to a stretch of the River Stour close to Wormingford between the Dedham Vale AONB to the east and Bures to the west.
- 1.6 The total scheme, known as "the Abberton Scheme", involves new pipelines and other structures from the Denver Complex to the River Stour. Planning applications have been submitted to East Cambridge District Council, St Edmundsbury District Council and Braintree District Council. The Environment Agency will also have to grant variations to the existing abstraction licenses. If approved the Abberton Scheme will take 5 years to complete.

Documents

- 1.7 The following documents have been submitted with the application.

ENVIRONMENTAL STATEMENT

Under The Town and Country Planning Act 1990 as defined under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1991(EIA Regulations) an Environmental Impact Assessment,(EIA), is required for certain development. The Abberton Reservoir Enhancement and Transfer Enhancement (The Abberton Scheme) fall within Schedule 1 of the EIA Regulations. The Abberton Scheme is therefore EIA development and an Environmental Statement (ES) is required to be submitted with the application. The ES relates to The Abberton Scheme including the abstraction licences.

The ES includes an assessment of the potential environmental effects of the proposed development that it is considered could be significant. The topics covered by the ES namely water, biodiversity, traffic and transport, noise, land quality and soils, landscape and visual, cultural heritage and recreation and socio-economic, reflect the advice given in the EIA Regulations.

The ES is divided into 8 parts. Part A Introduction, Part B the Abberton Scheme, (including consideration of the need for the scheme and an examination of alternatives including alternatives for particular elements of the scheme such as the location of Wormingford Pumping Station and the B1026 causeway), Part C The approach to the preparation of the Environmental Statement, Part G Wormingford to Abberton Pipeline, Wormingford Pumping Station and Break Pressure Tank and Part H Abberton Reservoir Enhancement are of particular relevance to the consideration of this application.

- 1.8 These documents conclude there will be no significant impacts. These conclusions are borne out by the consultation responses from key consultees including the Environment Agency, Natural England, Essex Wildlife Trust, Natural History Curator, Archaeological Officer, Landscape Office, Environmental Control and Essex County Highways. However consultees are recommending conditions.

STUDY TO FORM AN APPROPRIATE ASSESSMENT

- 1.9 This study has been undertaken to assess the effects of the enhancement of Abberton Reservoir on the integrity of the European site, the SPA, in order to comply with Regulation 48 of the Habitats Regulations 1994.

- 1.10 Regulation 48 requires the following

Regulation 48(1): 'A competent authority, in this case Colchester Borough Council, before deciding to undertake, or give consent, permission or other authorisation for a plan or project which (a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.'

Regulation 48(2): requires the applicant to submit an appropriate assessment and Regulation 48(3) requires the Council to consult with Natural England.

- 1.11 Members will note that Natural England have referred to the appropriate assessment in their consultation response stating that it is more than suitable for purpose and commends it to Colchester Borough Council for their determination as Competent Authority under the 'Habitats Regulations'.

REPORT ON PUBLIC CONSULTATION

- 1.13 The report indicates that NWL has undertaken extensive consultation prior to the submission of the application. This has involved a two-part approach. Firstly with bodies such as the Environment Agency, Natural England, Essex Wildlife Trust, RSPB and Colchester Borough Council. Secondly with the community, which has included setting up an Abberton Liaison Group, meeting with parish councils, holding public meetings, exhibitions, workshops, displays at larger events, news letters and via their website.
- 1.14 Your officer has attended two public exhibitions and five Parish Councils meetings since receipt of the application.

DESIGN AND ACCESS STATEMENT

- 1.15 These issues are explained and commented on in the report section.
- 1.16 The application comprises over 200 plans

2.0 Description of Proposal

Summary of application proposal

- 2.1 The application involves the construction of a new pumping station adjacent to the River Stour in Mount Bures. This will pump water via an underground pipeline to a break pressure tank in Wormingford. From this point the water will flow by gravity via new pipework to the reservoir through Wormingford, Fordham, Eight Ash Green, Stanway, Copford, Birch and Layer de la Haye. There will be a pipe storage area at Wormingford airfield and at Layer de la Haye. The main working compound is at Eight Ash Green with several smaller compounds along the pipeline route.
- 2.2 The works to the reservoir involve raising the water level in the Main Reservoir by 3.2m to 21m above Ordnance Datum. Where the B1026 road crosses a causeway between the Main and Central Sections of the reservoir, a bund is proposed on the Main Reservoir side to retain the raised water. New col dams are proposed on the south side of the Main Reservoir. The majority of the existing concrete edge to the Main Reservoir will be removed. The new Main Reservoir will have a gently sloping profile. Extensive new and improved habitat and other ecological work are proposed for the Main Reservoir and the Western Section. A section of the B1026 road flooded by the raised water level will be diverted. A new Essex Wildlife Nature Trust Reserve and Visitor Centre is proposed, as the existing site will be flooded. New and replacement buildings are required. The application also includes the construction of borrow pits. Small sections of gas main and electricity cables will be diverted and placed underground. Workers compounds are proposed. The application also indicates new car parks and additional footpaths, cyclepaths and bridleways.

PUMPING STATION

- 2.3 A new pumping station building with river intake from the River Stour is proposed at Mount Bures. The site is close to Staunch Farm, a grade 2 listed building. Vehicular access is off Colchester Road, the B1508, along the farm track. A substantial building is proposed, the size being dictated by the large equipment it will house, which includes pumps and a crane. The building has maximum dimensions of almost 30m x 21.2m and comprises two main elements in a "T" plan plus a small lean to. It will be clad in black weatherboarding with a clay plain tile and slate roof with a maximum height of approximately 12.5m, the lower element will be approximately 9m. Works will also include an extension of the access road from the farmyard to the site. The building is located on the flood plain and measures to mitigate its impact are required. A detention basin will provide storage for surface water. A temporary site compound for use during the construction of the pumping station is proposed on land between the new building and the farm complex. New tree planting is indicated.
- 2.4 From the pumping station the water will be pumped via an underground main pipe to Wormingford Break Pressure Tank (BPT). The BPT is located on high ground just south of Wormingford village. The specific location is Fordham Road. The function of the BPT is to receive the pumped flow from the pumping station and to act as a header tank for the onward gravity pipeline to Abberton Reservoir. The tank is a reinforced concrete structure 22.4m square and approximately 5 metres deep. The tank will be part buried, projecting approximately 2.5m above ground level, with grass embankments. The roof of the tank will be covered in a layer of soil and grassed over. Landscaping of the site is proposed. Access to the site is off Fordham Road. A temporary site compound and other minor works are indicated.

PIPELINE

- 2.5 From the BPT the water will flow under gravity to the reservoir. The total length of the pipeline is 16.6 kilometres and extends from Wormingford across mainly farmland through Fordham, Eight Ash Green, Copford, Birch, Stanway and Layer de la Haye to the reservoir. The steel pipes have a diameter of 1200mm and each section is 13.5m in length. The pipeline will be laid underground generally following the profile of the land with a minimum of 1200mm of cover over the crown of the pipe. It will be installed in trenches although crossings of the River Colne, roads and the railway will be by trenchless methods such as micro-tunnelling or auger-boring. The drawings indicate an application site width of 50m along the pipeline route. A working corridor of 30m is required and the pipe will not be central but off-set in the working corridor.
- 2.6 A 5 hectare storage area for pipes, is proposed on Wormingford airfield using an existing vehicular access off Fordham Road. A contractors site compound and working area of approx 1 hectare is proposed on the south side of the main A1124 road in Eight Ash Green. The site is adjacent to and opposite residential properties but the specific location of the compound is some 70 metres from the nearest dwelling. The compound will include temporary offices, mess rooms, welfare facilities, a construction yard, and diesel storage and plant depot.

- 2.7 A small site compound is also indicated off Turkey Cock Lane to the rear of Moat Farm where the pipe has to be tunnelled under the A12 and railway. A further compound is located close to the junction of Turkey Cock Lane and London Road Stanway where the pipeline crosses under London Road. The pipeline joins the reservoir south of Layer Hall and St John the Baptist Church Layer de la Haye.
- 2.8 A 5 hectare storage area for pipes is proposed at Layer de la Haye off Birch Road next to the water works. An existing access opposite Vicarage Cottage will be used.
- 2.9 The pipeline route crosses several public rights of way. It also passes close to an off-road bridleway and Route 1 of the Sustrans National Cycle Path. It will cross the River Colne near Fordham and the Roman River near Copford Hall as well as several tributaries. It will also cross several roads where trenchless crossings are required working area compounds are shown at these points. Access to the pipeline route is indicated off Colchester Road, Main Road and Fordham Road Wormingford, Rams Farm Road and Thrift Lane Fordham, Fiddlers Hill A1124, Turkey Cock Lane Eight Ash Green, Turkey Cock Lane, Church Lane Stanway, Fountain Lane Birch/Copford, Maldon Road Copford/ Birch and Garlands Farm Road, Birch.

ELECTRICAL REQUIREMENTS

- 2.10 As the pumping station site currently has no available power supply a new supply is required. It is proposed to install a buried high voltage power cable from Marks Tey primary substation to Wormingford pumping station. For most of its length the power cable will be installed alongside the pipeline. However the length from Turkey Cock Lane to Marks Tey will stand alone and will be buried in fields or road verges. EDF Energy has determined this is the most economic means of routing this new supply and will carry out these works.

WORMINGFORD INLET

- 2.11 This is the discharge point of the new pipeline into the raised reservoir. It is located close to the northern end of the B1026 road and comprises a raised area of ground which will cover the pipeline. De-chlorination facilities will be provided close to the inlet.

ABBERTON RESERVOIR ENHANCEMENT

- 2.12 Abberton Reservoir has 485 hectares of water. It is located south of Layer de la Haye village and extends to Abberton/Langenhoe to the east, Peldon and Wigborough to the south and Layer Breton to the west. It comprises three parts, the Main Reservoir, the Central Section and the Western Section. The B1026 road from Layer de la Haye to Wormingford crosses the Main Reservoir and the Central Section. A second causeway from Layer Breton crosses the Central and Western sections.
- 2.13 The water level in the Main Reservoir will be raised by 3.2m to 21m above Ordnance Datum. The water storage capacity will be increased by 58% and the footprint of the reservoir will be increased by 40%. The water level in the other two sections will not be changed.

Enhancement works

- 2.14 The majority of the existing concrete edge to the Main Reservoir will be removed, this material will be recycled on site to construct a new perimeter road. The proposals to the Main Reservoir include the creation of a gently sloped profile to provide an enhanced habitat for the internationally important and other populations of wildfowl. Works to protect the shoreline from erosion are proposed. The creation of enhanced areas of marginal habitat on the Main Reservoir for wildfowl. The creation of other habitats designed to benefit the other species for which the reservoir is nationally or more locally important, including the creation of new wetlands adjoining the Western Section. The translocation/managed colonisation of aquatic macrophytes in the new wetland habitat adjoining the Western Section. New lagoons will be created. Tree felling, as part of the Abberton Reservoir Forestry scheme, crop and grass planting and management are also proposed plus new hedge and tree planting.

Main Dam

- 2.15 Water in the Main Reservoir is retained by the Main Dam, which forms its northern most boundary. The crest of the Main Dam will be raised by an average of just over 3m and the overall length will increase from approx 680m to 960m. The crest will be 4.8m wide with a 1m high wave wall. The Main Dam will be mainly constructed of clay, the down stream slope will be topsoiled. Works to the Main Dam will involve modifying the existing overflow structure on the north side of the Main Reservoir. This structure comprises a spillway, valve tower, valve house and valve tower access bridge. The spillway provides a safe passage for flood flows resulting from heavy rainfall. The existing spillway will be raised by 3.2m using vertical concrete walls with a brick face. The watertight level of valve tower will be raised. A new valve house, constructed of white rendered concrete blocks and a new access bridge from the perimeter road to the outlet valves are proposed.

Col Dams

- 2.16 Col dams are proposed to raise the ground level at low points on the southern perimeter of the Main Reservoir. Four col dams are indicated Peldon (maximum height less than 0.5m, length of approx 380m), Glebe (maximum height 4m, overall length of 890m), Moulsham (maximum height 4.5m, overall length of 1,205m) and Billets (maximum height of 3.5m, and overall length of 860m). They will be constructed of clay and gravel and finished to provide new habitats.

Site Compounds

- 2.17 Two site compounds are proposed. The north compound is shown next to the proposed perimeter road and adjacent to the B1026 road. It has an area of approximately 0.2 hectares and will consist of a car park single story office and welfare buildings, stores and plant compound. Security fencing will enclose the compound.
- 2.18 The southern compound is proposed at Billets Farm on the B1026 at the southern end of the main reservoir. Existing buildings and hard-standing areas will be used to provide similar facilities.

Essex Wildlife Trust Visitor Centre and Nature Reserve

- 2.19 Essex Wildlife Trust has an existing 3.2-hectare nature reserve containing a visitor centre, which will be flooded. The visitor centre structures will be demolished and the site cleared. The replacement nature reserve will be on higher ground between the existing site and the reservoir. The new site is approx 28 hectares and will be surrounded on three sides by the extended Main Reservoir. It will include woodland and grassland walks plus outdoor activity areas. A 100 space visitor car park with provision for 73 overflow spaces will be provided, plus provision for coach parking and cycles. The new visitor centre is a 15 sided timber clad building with a green roof. The design includes a central glazed lantern. The facilities include observation, education and interpretation rooms and will overlook a large wildlife pond. The design includes a number of features to minimise its environmental effects including a small wind turbine. The building is well designed and sensitive to its location.

Borrow Pits

- 2.20 Rye Farm Borrow Pit is proposed adjacent to Rye Farm and cottages at the end of Rye Lane. The borrow pit is to the north of the Main Reservoir and a temporary haul road will connect the two. Rye Lane will not be used by any traffic in connection with either the borrow pit or the reservoir expansion. Approximately 200,000 cubic metres of gravel will be extracted and the materials used for the construction of the Main Dam, col dams, the causeway and other structures within the site. A landscaped bund 2m - 2.5m is indicated around most of the borrow pit. The gravels will be excavated by long-reach excavators operating within the pit and loading into large dumper trucks that will take the materials to the required locations around the Main Reservoir. For some use the gravel will need to be processed to provide the required grading. The processing will include screens, conveyors and washing plant. This plant will be located approximately 100m to the west of Blind Knights, a residential property, where a 2-2.5m high screen bund is proposed. Following removal of the gravel the Pit will be backfilled with clay from the northern shoreline landscaping works and restored to agricultural use.
- 2.21 A second borrow pit is proposed at Blind Knights. This pit will be excavated in the Main Reservoir shoreline. The pit will provide clay to be used in the Main Dam raising works and other works on the Main Reservoir site. Excavation will be undertaken by hydraulic shovels loading into dumper trucks. The pit will be mostly submerged by the raised Main Reservoir. A water pipeline which runs through the proposed borrow pit will be removed and relayed on an alternative route.

Diversion of the B1026

- 2.22 Raising the Main Reservoir will submerge a 1km section of the B1026 road and it is therefore proposed to divert the road around the margin of the raised Main Reservoir. The diversion will commence in the north close to St John the Baptist Church and join the existing road in the south just before the causeway. There will be three new junctions off the diverted section of road, these will provide access to the new Essex Wildlife Trust nature reserve and visitor centre, the proposed church car park, which will also provide access to the northern perimeter road and the northern compound, and access to Rows Farm

Raising the causeway

- 2.23 The causeway crosses the Main Reservoir and Central Section and carries the B1026 road. The causeway embankment is 500m long. When the water level in the Main Reservoir is raised it will be above the level of the road. It is therefore proposed to construct a 2.2m high earth bund on the Main Reservoir side to retain the water, leaving the road at its current level on the Central Section side. This will be achieved by steepening the slope on the Central Section face of the causeway thus providing increased width to allow the road to be moved further away from the Main Reservoir. The slope on the Main Reservoir face of the causeway will also be steepened to allow the construction of the bund. A 1.1m high wave wall will be erected on top of the bund to prevent waves overlapping the embankment. A wave wall on the Central Section side will double up as a vehicle barrier and limit the frequency of wave-splash onto the road. Clay fill for the causeway works will come from within the Main Reservoir site and Rye Farm Borrow Pit.
- 2.24 The B1026 road on the causeway will include footpaths on either side, a cycleway and a lay-by. From the lay-by there will be a series of steps at 50m intervals to a path/cyclepath on the top of the embankment for anglers and pedestrians to view the reservoir. In addition car parks are proposed at either end of the new causeway and will include wheelchair access onto the path along the top of the raised bund.
- 2.25 As the water levels between the Main Reservoir and the Central Section will be different the two areas will be hydrologically discrete. A new pumping station to be erected on the causeway will allow the water level in the Central Section to be managed. The structure will measure 8.5m x 4m x 3.5m high.

Buildings

- 2.26 The existing off-take pumping station will be demolished. This is the white building visible across the Main Reservoir from the causeway. The building includes an underground wet well, which will be retained. The watertight level of the building wet well will be raised to 22.5m AOD. A new headland and retaining wall will be constructed of locally derived materials from Blind Knights Borrow Pit. The new building will be built at a higher level to take account of the raised water level. The replacement structure will retain the character and appearance of the existing building with white rendered walls and a shingle covered roof designed to provide a nesting place for birds. Overall dimensions will remain the same 24m long, 11m wide slight increase in height of approximately 1m. Other works include a temporary pumping station, a new chemical and electrical dosing building. All the new buildings will be of a similar style to the existing. Demolition of the existing electrical substation is proposed.

Demolition

- 2.27 Buildings including the Essex Wildlife Centre, the existing reservoir perimeter road, part of the B1026 and a dwelling owned by NWL, not flooded but close to the expanded site, will be demolished. The materials will be re-used in the construction works.

Land drainage

- 2.28 Land drainage works are proposed close to the north and south perimeters of the reservoir.

Public access

- 2.29 New bridleways, cyclepaths, footpaths and public car parks are proposed including a car park at either end of the causeway and a car park for the Layer Church. These are described in detail in the report section.

Gas and Electrical Diversions

- 2.30 The enlarged Main Reservoir will flood the route of a gas pipeline that runs close to the northern edge of the existing reservoir. The proposal involves the construction of a new section of underground pipeline, approx 3.5km in length, connecting to existing pipe. A 400m length of replacement gas main is also proposed to the east of the Main Reservoir. Overhead electricity cables within the area of Rye Borrow Pit, on the east side of the Main Reservoir and at the northern end of the diverted road will be diverted and laid underground. These works will be carried out by the utility company.

Other works

- 2.31 The construction of a perimeter road around the Main Reservoir, temporary haul roads, land drainage measures, diversion of a water main, creation of new hides, works to existing inlet structures and other engineering works are proposed.

3.0 Land Use Allocation

PUMPING STATION

- 3.1 The site of the proposed pumping station at Mount Bures is within the Stour Valley Countryside Conservation Area (CCA), just outside the Dedham Vale Area of Outstanding Natural Beauty

PIPELINE

- 3.2 The pipeline route is through the Stour Valley CCA at Mount Bures and Wormingford, a rural area of no notation, in Wormingford and Fordham, the Colne Valley, Roman River Valley and Abberton Reservoir CCA's in Fordham, Eight Ash Green, Copford, Stanway, Birch and Layer de la Haye. The break pressure tank is within the Stour Valley CCA. The stand alone electricity cable route is through a rural area with no notation.
- 3.3 The pipeline will cross the Stour Valley Path National Trail the Essex Way Path and the Sustrans National Cycle Route 1. The pipeline will cross a total of 16 public rights of way mainly in Fordham and Copford. The cable route crosses 3 public rights of way.
- 3.4 Temporary public footpath diversions and closure of roads will be required. These matters will require the formal agreement of the Highway Authority.

RESERVOIR

- 3.5 Abberton Reservoir is of international importance for waterfowl, particularly over winter and during the late summer moulting season. This is reflected by its international designations a Special Protection Area (SPA) and Ramsar site. It is also a Site of Special Scientific Interest.
- 3.6 SPA's are classified as important sites in accordance with article 4 of the EEC directive on the conservation of wild birds, also known as the Birds Directive. SPA's are classified for rare and vulnerable birds, listed in Annex 1 to the Birds Directive, and for regularly occurring migratory species. Abberton Reservoir originally qualified as an SPA in 1993 subsequently reviewed and updated in 2006 and it now qualifies as an SPA under article 4.1 and 4.2. The reservoir regularly supports a nationally important breeding population of cormorants 7% of the UK's breeding population. It is a wetland of international importance by regularly supporting in winter in excess of 20,000 wildfowl and by regularly supporting internationally or nationally important populations of ten species of migratory wildfowl; coot, goldeneye, tufted duck, pochard, wigeon, great crested grebe, shoveler, teal, gadwall, and mute swan.
- 3.7 Abberton Reservoir is also a Ramsar site. Ramsar sites are wetlands of international importance listed under the Ramsar Convention, (the convention was held in Ramsar Iran in 1971). The Abberton Reservoir Ramsar site covers an area of 726.2 hectares. In summary under Ramsar criterion 5 the area regularly supports over wintering bird assemblages of international importance 23,787 wildfowl. It also supports the following over wintering birds under Ramsar criterion 6, gadwall, shoveler, wigeon, mute swan, pochard, cormorant, goldeneye, black-tailed godwit, coot, avocet, spotted redshank, greenshank, teal, ruff and tufted duck.
- 3.8 Abberton Reservoir is also a site of Special Scientific Interest, SSSI, under section 28 of the Wildlife and Countryside Act 1981. The SSSI covers an area of 716.3 hectares and most of the SSSI is statutorily protected by the Wild Birds (Abberton Reservoir Sanctuary) Order 1967. Abberton Reservoir was notified as an SSSI for the following reasons. It is the largest freshwater body in Essex, with a water area of about 500ha and one of the most important reservoirs in Britain for wildfowl. About 30,000 birds visit the reservoir annually, including internationally important members of one species and nationally important members of 12 others. It is also a handful of sites in Britain where cormorants nest inland in trees. It is outstandingly important as an autumn arrival point, moulting and wintering locality for wildfowl. Thirteen species of wildfowl occur in nationally important numbers including wigeon whose winter numbers are of international significance. The breeding colony of cormorants is unique in Great Britain the birds nesting in trees instead of the customary cliff ledges and rocky inlets. The site boundaries include a strip of pasture and recently planted woodland surrounding the reservoir. Some of the pastures are damp and unimproved and form feeding areas and nest sites. The improved grassland is also extensively grazed by wildfowl. Marginal fields at the western end of the reservoir are also included in the site.
- 3.9 Abberton Reservoir is also a Countryside Conservation Area.

4.0 Relevant Planning History

- 4.1 None

5.0 Principal Policies

- 5.1 Regional Spatial Strategy
Policy WAT2 and paragraph 10.7 in the emerging Regional Spatial Strategy is relevant.
- 5.2 Structure Plan
- 5.3 Essex Minerals Plan
MLP4 identifies preferred sites, MLP3 seeks to ensure sites have appropriate access to the public highway, MLP8 restoration to a beneficial use, MLP9 working and reclamation details, MLP10 and MLP11 location of plant, MLP12 programme for working, MLP13 no adverse effects.
- 5.4 Local Plan
DC1, CE2, CO1, CO2, CO3, CO4, CO5, UEA11, P1, P2, P3, CF1, L4, L15, L19, T2 and T3

6.0 Consultations

- 6.1 East of England Regional Assembly comment:

“The information in Appendix 1 forms the basis of The Regional Planning Panel Standing Committee response to the application:-

The emerging Regional Spatial Strategy (RSS) already identifies that the East of England is one of the driest and fastest growing regions in the country. It also recognises that water resource availability is limited and that supply-demand issues exist. Add to this the likely long term effects of climate change and it is apparent that considerable strains will be placed on existing water resources. To address this, the emerging RSS introduces a number of policies aimed at promoting quality in the built environment (ENV7) and targets to improve water efficiency (WAT1). However, even with these in place, it will be extremely difficult for the planned levels of housing and job growth to be successfully achieved without some form of additional water storage capacity being provided.

Consistent with their duty to manage supply and demand NWL have identified that expansion of Abberton Reservoir is the most appropriate solution to meet the regions long term water shortage problems. This approach is consistent with emerging RSS Policy WAT2 and paragraph 10.7

Further expansion of the evidence submitted by NWL suggests that much of what is discussed is at a level of detail that is beyond the broad remit of the emerging RSS. This includes, for example, issues relating to the design and construction of the new pumping station at Wormingford, technical details regarding the laying of new pipelines along the supply route between Wormingford and Abberton, and alterations to the route of the B1026 at Abberton. These are deemed to be matters for local determination. That said the Regional Assembly would still expect NWL to take account of, and appropriately address, any issues raised by Colchester Borough Council relating to these matters so as to ensure that their plans remain consistent with national/regional policy as interpreted at the local level.

A number of other points relevant to emerging RSS Policies have been identified and these are noted below

ENVIRONMENT

- It is understood that Natural England and the Environment Agency have been widely involved during the consultation stages.
- Whilst it is inevitable that the various construction phases, particularly at Abberton, will lead to disturbance the overall aim is to improve the diversity of biological habitats. Plans include the phasing of work to minimise disturbance. This approach is consistent with ENV1 – ENV3.
- The general appearance of the reservoir (in design terms) will be maintained. Although not directly relevant, this approach is generally consistent with RSS Policy ENV6.

Proposals to increase the water storage capacity at Abberton Reservoir are consistent with the Further Proposed Changes document in the Regional Spatial Strategy and form part of an overall plan to tackle issues relating to water supply in the region.”

6.2 Natural England have no objection to the Abberton Scheme.

Their detailed consultation response is produced below:-

“We refer to Colchester Borough Council’s consultation on the above major planning application, registered on 31 January 2008. This official consultation response is made on behalf of Natural England, as statutory consultee. We appreciate the extra time given to allow fuller consideration of the Environmental Statement (ES) and associated issues that have been raised by various parties in recent months.

Based on the information contained within the ES and associated supporting documents (notably the Study to Inform the Appropriate Assessment), **Natural England raises no objection** to the Abberton Scheme in its entirety (across all 4 local planning authorities: Colchester BC, Braintree BC, St Edmundsbury BC and East Cambridgeshire DC). Natural England’s’ consultation responses to each of the separate planning applications are appended to this letter, to give an overview of our position with respect to relevant issues raised in neighbouring local authorities.

Natural England is broadly supporting of the proposed enlargement of Abberton Reservoir as, in our view, it should lead to an improvement in the nature conservation status of the designated site. We welcome the considerable efforts made by NWL and their agents in enhancing and creating new habitats in and around the reservoir, which will benefit not only those species for which the reservoir is designated, but also a wide range of other animal and plant species.

Natural England Remit

Natural England is a statutory agency charged with the responsibility to ensure that England’s unique natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development. We provide advice on a wide range of topics in relation to the natural environment (terrestrial, urban and marine) and will normally focus on biodiversity, geological conservation, flora and fauna; and where appropriate landscape, access and recreational factors.

This letter may be taken to be Natural England’s formal consultation representation under Regulation 48 (3) of The Conservation (Natural Habitats &c) Regulations 1994. This letter also contains Natural England’s formal advice in response to a consultation under Section 28(2) of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000.

Consultation under Regulation 48 (3) of The Conservation (Natural Habitats &c) Regulations 1984

European sites, i.e candidate SACs and designated SPAs and Wetlands of International Importance (Ramsar sites) fall within the scope of The Conservation (Natural Habitats &c) Regulations 1984.

Likely effect of the proposal on Abberton Reservoir European and international site

The development outlined in the current application **is not** directly connected with the management of the above site for natural conservation. It is the opinion of Natural England that the proposed development **is not** likely to have a significant effect on the European and international site, either alone or in combination with other plans or projects. As such we would advise Colchester Borough Council that Natural England has no objection to the proposal subject to the proposal being implemented in accordance with the submitted plans and descriptions.

Stakeholder Involvement

Natural England has been extensively involved in the development of this project over the last 15 years, having regularly attended the Abberton Ecological Steering Group meetings and having offered guidance and advice to the applicant, their agents and numerous third parties. The overriding issue for Natural England has been, and continues to be, the safeguarding of the internationally important bird populations that use Abberton Reservoir all year-round. In offering our experience and expertise in developing a strategy to raise the reservoir water levels without adversely affecting the wildlife, great care has been exercised in ensuring that the construction and operation detail has been informed by comprehensive up to date ecological surveys and best practice ecological mitigation measures.

Non-technical Summary

The non-technical summary provides a very useful overview of the whole Abberton Scheme. As the East of England is under significant pressure to deliver over 500,000 new homes through the recently adopted East of England Plan (RSS14), Natural England is particularly concerned over the future of Abberton Reservoir as one of the most important reservoirs in Britain for wildfowl. In the context of future house building expectations in the region, we agree strongly with NWI and that option of 'do-nothing' would invariably lead to a decline in the conservation status of the reservoir, due to increased drawdown. In our view, the worst case scenario would have much wider adverse impacts on biodiversity and landscape.

Environmental Statement (ES)

Part G of the ES describes the Wormingford to Abberton Pipeline including the Wormingford Pumping Station and Break Pressure Tank. The Biodiversity Chapter (26) details precautions to minimise ecological impacts and to ensure full compliance with the Wildlife and Countryside Act 1981 (as amended). Natural England has no ecological concerns provided these precautions are strictly adhered to. We note that the only non-statutory Local Wildlife Site directly affected by the Wormingford to Abberton pipeline footprint is Birch Church and Valley (site No. G17). Natural England welcomes the working methodology to minimise damage to this site and the inclusion of Essex Wildlife Trust and the landowner in the reinstatement of the LWS (paragraph G54). Details of the pipeline installation methodology and appointment of Ecological Officer to oversee works is given in Appendix B-6.

Part H of the ES describes the Abberton Reservoir Enhancement itself. Chapter 34 describes the biodiversity value of the reservoir and its immediate environs, together with construction impacts and their remediation. In Table 34.5 it is predicted that the value of the reservoir for waterfowl will be enhanced by the provision of additional habitat, which contrasts with the predicted baseline situation in which the value of the

reservoir will decline (due to increased drawdown frequency). Having carefully studied the supporting ecological evidence in Part H, Natural England concurs with this view. We also welcome other significant positive effects for biodiversity, identified both at the reservoir itself and within the influence of the proposed pipeline route.

Protected Species

We note that desk top studies, Phase 1 survey information, and targeted surveys have identified suitable habitat for a range of legally protected species within the Abberton Scheme footprint as a result of the construction of a connecting pipeline, and loss of terrestrial habitat as a result of raised water levels.

It is the view of Natural England that legislative issues with regard to legally protected species appear to be adequately addressed by the proposed mitigation measures for permanent or temporary loss of habitat as set out in Part G of the Report Chapter 26, Section 26.7, and Part H, Chapter 34, paragraph 34.7.

Part F, Section 22, discusses the effects of drawdown and flood events on riparian species, for example otter and water vole, due to changes in hydrology as a result of abstraction and water transfer. We understand that NWL will continue to consult with the Environment Agency and with Natural England to avoid or mitigate for adverse impacts on legally protected species. It is likely that the EA will require the applicant to submit an up to date otter and water vole survey to determine the land drainage consent application.

Landscape and Visual

As mentioned under “Natural England Remit” (page 2 of this consultation response), landscape and visual issues are relevant to our views on this planning application. Part H, Chapter 39 assesses the Abberton Reservoir Enhancement with respect to impacts on existing and future viewpoints. We are fully aware that the proposed bunding of the B1026 road causeway has given rise to a number of objections and concerns. The preferred option (2) is to screen the road from the Main Section of the reservoir and to provide a series of stepped access points, a raised footpath and car parks at the northern and southern end of the causeway. Although the existing unobstructed view of the main reservoir from the eastern causeway is enjoyed by all road users at present, one must also evaluate impacts on the future public viewpoints from the replacement Essex Wildlife Trust Visitor Centre to the northeast and from other parts of the extended access network. From these vantage points one could equally argue that visitors would experience fast moving cars on the causeway as visually and aurally intrusive, despoiling the public’s enjoyment of the new vistas and the tranquillity of the raised reservoir. One could also argue that road safety would be improved by removing a potential source of distraction (viewing the reservoir from a moving vehicle). Figure 39.16 presents a photomontage of the ‘before’ and ‘after’ B1026 causeway. In the view of Natural England option 2 (bundling the B1026 causeway) has more benefits than disbenefits, and is therefore our preferred choice on balance (Appendix B-9)

Natural England notes that the Dedham Vale AONB and Stour Valley Project has lodged an objection to Option 7 for the siting of the Wormingford Pumping Station (letter dated 10 March 2008). Instead they prefer option 6 on the grounds that it would have significantly less visual impact on the AONB landscape (Figure 10, appendix B-2). Natural England has looked into this issue and also concludes that option 7 does not seem to be the most sympathetic solution in terms of potential adverse landscape impacts, particularly from elevated viewpoints along the Essex and Suffolk slopes of the Stour valley. We therefore ask that the applicant revisit the options or revise the tree/hedge screening for option 7. While both options lie just outside of the Dedham Vale AONB the quality of the landscape at these two locations is of comparable value to the designated area. We also agree that opportunities should be taken to bury

obtrusive overhead electricity transmission cables, to plant new hedging and restore existing gappy hedges, and to create new wetland habitats and an artificial otter holt on the river.

Appropriate Assessment (AA)

Within the meaning of the Conservation (Natural Habitats &c) Regulations 1984 (the "Habitats Regulations"), Colchester Borough Council is the Competent Authority which must determine whether, in view of the site's conservation objectives, the Abberton Reservoir Enhancement, in combination with other plans and projects, would or would not, have an adverse effect on the integrity of the site (Abberton Reservoir SPA). The document to assist in this process is entitled: "*The Abberton Scheme – Abberton Reservoir Enhancement. Study to Inform An Appropriate Assessment (David Hill Ecology and Environment, December 2007)*". Natural England believes this document to be more than fit for purpose, as it is extremely comprehensive in its accurate reporting of the baseline conditions, the transparency and rigour of the assessment of predicting impacts arising from the Abberton Reservoir Enhancement element of the Scheme, and the exemplary avoidance, mitigation and enhancement measures proposed to offset harm to the conservation features of the designated site.

As this Scheme has the potential to cause disturbance to the designated bird populations (particularly during construction and water level raising), one of the most important considerations must be to ensure that there is no 'gap' in the integrity of the European site. There is a potential effect on the Abberton Reservoir waterfowl population of a) the period from the completion of the concrete edge removal to the point at which the reservoir is filled and b) until such time as the SPA boundary is re-designated to take account of the increased area of the site. This issue has been carefully addressed through provision of increased shallow, marginal habitats around the Main section and additional habitat at the western end of the reservoir. It is therefore concluded that there would not be a 'gap' in the integrity of the site in respect of its waterfowl populations and the site's conservation objectives. The waterfowl carrying capacity of the reservoir is likely to increase, even in the period immediately following water-level raising, as new shorelines become available and all the enhancements of the scheme come on-line.

In conclusion, Natural England's view is that the implications of the Abberton Enhancement for the site, in view of the site's conservation objectives, are that the integrity of the European site will not be adversely affected. Natural England is fully satisfied with the information to inform the Appropriate Assessment and commends it to Colchester Borough Council for their determination as Competent Authority under the 'Habitats Regulations'.

Improved Public Access

A meeting between Colchester Borough Council, Essex County Council and Natural England was held on 22 April 2008 to discuss improved public access to Abberton Reservoir (*over and above those significant improvements proposed in the ES*). We respectfully point out that public access is being significantly improved through the raising scheme, while affording robust protection to the nature conservation interests of the SPA. Natural England was asked to consider if any of the following is acceptable, and if not, to explain the reasons:-

Improved Public Access – Natural England has been asked to consider.

- Access for any water related activity – possibly fishing, canoeing, rowing, dinghy sailing, yachting etc. Is it possible on part of the reservoir for part of the year?
- The use of the proposed internal (perimeter road) by the public for any part of the year, and

- The creation of a circular walk, a combined cycle footpath, bridleway around the main reservoir. This would involve an additional section of path from Peldon to Great Wigborough, the missing section.

Given the unique nature of Abberton Reservoir, which has developed its international, European and national status as a wild bird reserve in an environment of low-level human presence from the early 1940s to the present day, one must exercise considerable caution with respect to potential increased disturbance arising from human activity close to the water's edge. Of particular note is the fact that Abberton Reservoir cannot and should not be directly compared with Rutland Water (where there is large-scale public access to the water's edge and restricted water-borne access) due to the very different ways in which the two water bodies function with respect to bird assemblages. As result of the year-round bird use of the whole reservoir at Abberton it is not possible to permit any water-borne activity at Abberton.

In conclusion, it can be robustly demonstrated that any public access arrangement at Abberton Reservoir must be fully compliant with the primary need to protect the integrity of the Site's nature conservation interests through the strict legal tests within the "Habitats Regulations" (Conservation (Natural Habitats &c) Regulations 1994). We believe that the existing package of public access measures proposed in the ES achieves the principal objective, without compromising the special wildlife character of the reservoir. Therefore, Natural England cannot agree to Colchester BC's aspirations for increased public access over and above that established through the rigours of the EIA process and the Habitats Regulations Assessment. In our view, the current proposed public access improvements will offer great benefits to all users of the enlarged Abberton Reservoir (recreational, educational and health benefits) while protecting its internationally wildlife value.

The issue of the "missing section" between Peldon and Great Wigborough could be pursued in principle and would not be resisted by Natural England; indeed part of our remit is to encourage greater public access to the countryside while protecting ecologically sensitive areas. However, the land is not within the control of the applicant, and any agreed access route would need to be adequately screened and set-back from the water's edge to avoid disturbance to birds using the reservoir (probably a minimum distance of 200m). It may also be necessary to assess additional access provision through a Habitats Regulation Assessment (HRA)."

- 6.3 Natural England has subsequently been asked to consider the use of existing/proposed footpaths and existing/proposed highway as cycleways/bridleways. Natural England has responded as follows:-

"We refer to your letter of 10 September 2008 asking for Natural England's view on increased public access around Abberton Reservoir.

Our official response to the planning application (080194) was submitted to the Council in a letter dated 6 June 2008. In this we gave a detailed rationale in support of the level of access proposed in the December 2007 Environmental Statement (ES).

The main points raised were:-

- Any public access around the perimeter must be informed by avoidance of disturbance to the year-round bird usage of the enlarged reservoir and its new and existing marginal habitats (spatially and temporally); and
- Must be fully compliant with the requirements of the Conservation (Natural Habitats &c) Regulations 1994 ('Habitats Regulations'). the primary legal duty to protect the site's notified nature conservation interests.

As stated in our June 2008 letter (p10) the level of public access agreed by Natural England was based on sound evidence presented in the ES without compromising the special wildlife character of the reservoir.

Regarding the suggestion of additional public access over and above that agreed in the ES, we advise that such provision would not be resisted in principle by Natural England provided the designated site's integrity is maintained. In order to minimise potential adverse impacts arising from any proposed public access routes that come forward, the guiding principles in the ES should be applied (Appendix B-10):

"The Environmental Statement identified a 400mm diameter circle as the disturbance zone to birds that is created by people. Thus any access to the perimeter of the Reservoir needs to be carefully designed so as not to disturb the wildlife, taking account of the 400m disturbance extent."

The physical constraint should therefore be applied to the layout of new routes shown on the plan accompanying the Council's letter of 10 September 2008. If it transpires that any new routes come within 400mm of the reservoir's perimeter, they should be realigned (if possible) to comply with the exclusion zone. If this cannot be achieved then mitigation measures should be considered (such as screening). If, after mitigation, residual adverse impacts remain, then the option should be discounted. We advise that further discussion of these new routes with NWL and their ecological consultants will flag up any problems and suggestions for mitigation measures (which could include screening and/or seasonal access restrictions). Natural England welcome further involvement in this process as appropriate. Of course, we recognise that some existing routes are within the 400m exclusion zone, but these have been in existence for many years and probably pre-date the Habitats Regulations,

In summary, provided it can be demonstrated to our satisfaction that any additional public access routes would avoid disturbance to important bird assemblages using the reservoir (i.e. those species for which the reservoir is notified). Natural England would not raise an objection. While Natural England promotes the health and recreational benefit of walking, jogging, running, cycling and horse riding, such provision close to an internationally designated site must demonstrate no harm to the site's notified interest features."

Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000

I draw your attention to Colchester Borough Council's duty under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI. Furthermore, the provisions of Section 28G and I are set out in DETR circular 04/2000, paragraph 53-57. Therefore, in considering this application, you should also consider the potential for wildlife gain, which is compatible with the interests of the SSSI.

Consultation under Section 28I(2)

The conservation features under consideration are the same as those being considered for the European and international site. Natural England's advice on the site also applies in relation to the SSSI.

I also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice, then you must ensure that:-

- Notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice.
- The permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.

Conclusions

Having carefully considered the comprehensive information presented in the Environmental Statement and supporting documents, **Natural England raises no objection to the Abberton scheme** with respect to the planning applications registered with Colchester Borough Council, Braintree District Council, St Edmundsbury Borough Council and East Cambridgeshire District Council. In our view, the Abberton Reservoir Scheme is likely to have a significant positive effect on the conservation status of the migratory and wintering waterfowl assemblages in the short, medium and long term future of the statutorily designated site. This view is expressed on the strict condition that all proposed habitat enhancements, avoidance and migration measures are carried out in full.

6.4 The Environment Agency comment as follows:-

“We have no objection to the application on flood risk grounds, or ecological grounds subject to conditions”

Their detailed consultation response is produced below:-

“We refer to your letter dated 31 January 2009, received in this office on 4 February 2008, which constitutes the Council’s formal consultation letter relating to the above planning application. Following internal consultation with various specialist functions with the Environment Agency we have a number of comments on aspects of this planning application. Before setting out our comments we give below the Environment Agency’s position on the proposed scheme.

Environment Agency Position on the Proposed Scheme

The Environment Agency completed its review of Essex and Suffolk Water’s Environmental Statement for the Abberton Scheme in January. We can confirm that it has been accepted as ‘for for purpose’.

This means that the Environment Agency is satisfied that at the present time the Statement contains sufficient information to proceed with its application for variation of the Agency’s Denver and Blackdyke water abstraction licenses as part of the Scheme. The Statement also contains sufficient information for us to consider the application for the variation of Essex & Suffolk Water’s River Stour abstraction licence to take account of the additional proposed abstraction point at Wormingford.

The current version of the Environmental Statement for the Abberton Scheme includes justification of need for the scheme based on Essex & Suffolk water’s 2004 water resources plan. On current information the need for scheme is justified. However, the company has now presented new information on demand forecasting, household metering and options appraisal within its draft water resources management plan.

All water companies have recently submitted their draft water resources management plans to the Secretary of State at Defra. We are reviewing these plans and will be submitting our representations to Defra, in the Environment Agency’s role of managing water resources and as environmental advisor to government.

We will be making a representation to Defra at the end of the consultation period on Essex & Suffolk Water’s draft plan.

Comments on Planning Application

The Environment Agency is a statutory consultee under the town and country planning system and in our role we advise planning authorities on how to ensure development proposals do not harm the environment and achieve enhancements. The comments given on various aspects of the Environment Statement reflect our role under the planning system and should be viewed as totally separate from our review of the applicant's Water Resources Management Plan.

We have no objection to the application on flood risk grounds, or ecological grounds subject to conditions.”

6.5 Essex County Council comment:-

1. The proposal has previously received strong support in the Environment Agency's regional water resources strategy and in the forward business plans of individual water companies. It is considered vital to provide for the long-term and sustainable increase in water resource use in the Essex Supply Area. After consideration of the reasonable alternatives, it is recognised that there is strategic need for this proposal to provide more water storage capacity within the Essex Supply Area up to 2031. In principle, therefore, there is strong support for the proposal subject to the assessment of detailed matters and any environmental mitigation that might be required.
2. At the recent Examination in Public of the East of England Plan, Norfolk County Council expressed a strong interest in and some concerns about the variation of the license for the abstraction of surface water from the River Ely Ouse at the Denver complex.
3. Ecology and biodiversity matters appear well covered and generally enhanced by the proposals. This Authority is supportive of some of the concerns and issues raised by the various conservation and wildlife organisations that have already responded. A potential matter for consideration is the potential changes in water level and quality along the Stour river system caused by the adding of water from the Great Ouse at Wixoe and the extracting of water at Wormington. However, you will need to liaise with the Environment Agency and Natural England for their expert views on this matter.
4. It is anticipated that the landscape impact of the development will primarily occur during the construction phase and this should be mitigated as far as possible when the development proceeds. Once constructed, the proposed development will generally blend into the landscape. Consultees connected with the Dedham AONB have expressed some concerns about the choice of location for the Wormingford pumping station because of its visual impact in the AONB; their comments and suggested conditions will need to be carefully considered. Similarly, some local residents are objecting to the proposed bund along one side of the causeway for the B1026, and so the practical justification for this and its landscape impact will also need to be considered carefully.”

6.6 Essex Wildlife Trust comment as follows:-

“Thank you for consulting Essex Wildlife Trust with regard to this planning application. This is one of the largest applications we have dealt with and our opinion is that Northumbrian Water Limited have prepared the information well, have done a tremendous amount of detailed work, particularly in relation to the Environmental Statement, and have engaged ourselves and many other consultees in the very useful meetings of the Ecological Steering Group and kept us well informed through the Abberton Reservoir Management Committee

With regard to comments from Essex Wildlife Trust there are three key points which we have made to Northumbrian Water Limited (NWL) from the outset and summarised as far back as May 2003 (attached is a copy of my letter of 30 May 2003 to Paul Saynor of Essex and Suffolk Water, now NWL.):

1. That the Essex Wildlife Trust must be assured by any Environmental Statement (ES) or Environmental Impact Assessment (EIA) that the conservation value of Abberton Reservoir (an extremely important site carrying SSSI, SPA and RAMSAR designations) is , if anything, improved by proposals to raise the level of Abberton Reservoir , certainly that there is no significant detriment to the conservation value of the Reservoir.
2. That the Essex Wildlife Trust must be assured by ES or EIA that the abstraction of water to fill the new raised Abberton Reservoir will have no significant detrimental effects on the conservation value of The Wash, nor The Ouse Washes (which are also SSSI, SPA and RAMSAR sites) nor on the rivers and features of the Ely Ouse Transfer Scheme (EOTS) which brings water to Abberton Reservoir.
3. That the Essex Wildlife Trust must be assured that the major investment the Trust has put in to the Abberton Reservoir Visitor Centre and Nature Reserve and also in to the facilities for people of the wider area, with the support of Essex and Suffolk Water (now NWL), Colchester Borough Council and others, is maintained and not disadvantaged by the proposals to raise the Reservoir and, if anything, this investment and facilities are improved.

Essex Wildlife Trust (EWT) has had many good discussions over several years with NWL and their consultants, for which we are appreciative. It is only when we have seen the final documents supporting the current Planning Application by NWL that EWT has been able to judge whether or not there would be significant detriment or improvement relating to the three key points made above.

I make our objections, comments or suggested planning obligations here to the Development Team of Colchester Borough Council (CBC) as requested in your letter. I have followed the order of the numbered volumes produced by the applicants in support of their application. If you require any further explanation of a point then please contact me.

Planning Application B - Wormingford to Abberton Pipeline and Abberton Reservoir Enhancement

16. Details

We note that the answers to ‘Office’ and ‘Shopping’ are ‘No’. This relates in part to the Abberton Reservoir Visitor Centre where there is both office space and retail space included in the existing Abberton Reservoir Visitor Centre and proposed in the replacement Abberton Reservoir Visitor Centre with office space (40m²) and retail space (42.4m²). These office and shopping areas are not the prime function of the Visitor Centre and each constitutes less than 10% of the floor area of the proposed new Visitor Centre (total floor area 425m²), however the office and retail functions are essential to the running of the Visitor Centre, the prime function of which is to enable

visitors to gain access to the Reservoir and to provide educational and recreational facilities for visitors.

23.2 Opening

We note that the answers to this question that opening hours of the Visitor Centre are 9.00 am to 5.00 pm Tuesday to Sunday inclusive. These are the current opening hours of the Abberton Reservoir Visitor Centre, however

- a) the Centre is often open earlier or later to accommodate particular courses and events;
- b) the Centre would also intend to open Mondays if there is sufficient demand from visitors.

Officer Comment: There is no objection to longer opening hours for the Visitor Centre.

Volume 1 The Abberton Scheme – Environmental Statement

A. Introduction

B38 to B44.

These sections refer to “the reasonable expectations of NWL customers for unconstrained use of water balanced with the economic cost and environmental terms of never having to impose restrictions on the use of water.”

EWT maintain that ‘the reasonable expectations of customers’ has to be managed by educational strategies and educational programmes which encourage water customers to use water wisely, to save water by various methods such as designing ‘dry’ gardens, washing cars by bucket not hose, installing water butts, using showers not baths, etc, etc.

This is particularly relevant considering the location of Essex and the NWL supply area in Essex which is a very dry part of the country. EWT accept and congratulate NWL on the educational programme that they have provided to their customers. This education must be maintained, particularly as stated in B67 that there has been no change of Building Regulations to improve water efficiency of new homes.

Officer Comment: This, and several of the following recommendations are matters for the Environment Agency and a full copy of the comments has been forwarded to them.

Recommendation 1

EWT accepts that NWL have justified the need to increase the water resources available to meet the projected demand but EWT recommends to CBC that there is a planning obligation for NWL to continue an appropriate educational strategy and education programme which encourages their customers to continue to use water wisely and to save water by appropriate methods so that the projected demand is kept to a reasonable level. This educational strategy and programme would need to be defined.

Recommendation 2

EWT recommends to CBC that NWL are required by planning obligation to use their best endeavours to provide footpath/cycleway/bridleway connection between Peldon and Great Wigborough.

Recommendation 3

EWT recommends to CBC that there is a planning obligation on NWL to provide for dawn opening and dusk closing of these car parks throughout each day of the year.

Recommendation 4

EWT recommends to CBC that the Abberton Reservoir Enhancement Steering Committee is set up and that this Steering Committee has representatives from at least NWL, EWT, RSPB and Natural England and that this Steering Committee shall have powers to decide when it is necessary to pump water in or out of the Central Section to maintain the environment which will best support those species for which the Abberton Reservoir is designated RAMSAR, SPA or SSSI. EWT recommends CBC consider this as a planning obligation.

Recommendation 5

EWT recommends to CBC that Option 2 The Eastern Bund Causeway on the B1026 is adopted.

Recommendation 6

EWT recommends to CBC consider measures to control speed of traffic across the new raised causeway which could be speed limit signs and/or alternating the layby so that for part of the middle section the road is to the east and the layby to the west, whereas the reverse is the case at the two ends and/or other measures, and these measures are a planning obligation.

Recommendation 7

EWT recommends to CBC that there is a planning obligation which requires NWL to detail appropriate provision for bat roosts in any new building structure including the Abberton Reservoir Visitor Centre.

Recommendation 8

EWT recommends that CBC requests of NWL an alternative design of the Wormingford Inlet which discharges water into the Hide Bay lagoon for the benefit of both bird diversity and visiting public and that this is made a planning obligation.

Recommendation 9

EWT recommends to CBC that the surface growing medium of col dams is chosen so that it is low nutrient and free draining thus supporting slow growing grasslands which would be important habitat for scarce plants, invertebrates and reptiles and that this is made a planning obligation.

Recommendation 10

EWT recommends to CBC that winning material locally must be a planning obligation to minimize disturbance to local people and to minimise the carbon footprint of the construction.

Recommendation 11

EWT seeks clarification on the detailed route of the footpath/cycleway from Layer de la Haye Church to the EWT Visitor Centre, how this footpath/ cycleway will operate and whether or not it is open to horses. EWT therefore requests CBC to obtain this clarification from NWL.

Recommendation 12

EWT recommends to CBC that NWL are asked to look further into such variable tariffs to impress upon customers the importance of using water wisely and efficiently.

Recommendation 13

EWT recommends to CBC the inclusion of Alder Buckthorn or Purging Buckthorn as native species and food plants of Brimstone Butterfly - a beautiful yellow spring butterfly which was once common in Essex and is now restricted by lack of food plant.

Recommendation 14

EWT recommends to CBC the inclusion of Wild Service trees (5%) as a native species which is a typical indicator of good woodland in Essex.

Recommendation 15

EWT agrees that the proposed habitat improvements for a range of habitats are acceptable and important and seeks clarification on what areas are involved in Arable Farm Management habitats as these are not specified. EWT asks CBC to seek this clarification of NWL.

Recommendation 16

EWT recommends to CBC that provision be made to encourage and support otters at the raised Abberton Reservoir and this should at least include identifying and maintaining areas of suitable habitat and constructing two or three artificial otter holts. EWT can advise if necessary. CBC to make this a planning obligation of NWL.

Recommendation 17

EWT recommends to CBC that there is a planning obligation of NWL that there must be no mowing or strimming between plantation trees from 15 March to 31 July each year in order that ground nesting birds can rear their young.

Recommendation 18

EWT recommends to CBC that the Monitoring Programme proposed in Table 3.1 is reviewed each year by the Abberton Reservoir Enhancement Steering Committee so that effort is directed to the most important monitoring and that water voles, otters, bittern and osprey are included in the possible target species.

Recommendation 19

EWT recommends to CBC a planning obligation which requires NWL to conclude the lease with EWT for a minimum of 99 years and to include the capital costs required to establish the nature reserve and to confirm that the area of the nature reserve is approx 48 hectares and not some other figure and the maps showing the nature reserve are amended so they consistently show the correct boundary of the nature reserve.

Recommendation 20

EWT recommends to CBC that NWL are required by planning obligation to use their best endeavours to provide an alternative route at least for walkers, and preferably for cyclists and horseriders, between Peldon and Great Wigborough so that a circular route around the Reservoir is possible (although this circular route must be some distance from the Reservoir so as not to cause disturbance to the wildlife for which the Reservoir is designated).

Recommendation 21

EWT asks CBC to discuss with NWL the provision of a bus stop at the entrance to the Visitor Centre and on both sides of the road.

Recommendation 22

EWT recommends to CBC that NWL are required to put measures in place to reduce the impact of noise on those properties which are significantly affected.

Recommendation 23

EWT recommends to CBC that it is a planning obligation that the lease and agreement relating to the funding of the new Visitor Centre by NWL are concluded.

Recommendation 24

EWT recommends to CBC that NWL is required to consider this disruption to EWT activity at the current Abberton Reservoir Visitor Centre and Nature Reserve. Visitor levels and takings are available over several past years, so if future levels drop below past levels, then appropriate protection should be given by NWL to EWT until construction of the Abberton Enhancement is completed and for at least 2 years beyond this completion date.

Recommendation 25

EWT recommends to CBC acceptance of the conclusion of the appropriate assessment as in Section 0.29 “that the integrity of the SPA will not be adversely affected” providing that two outstanding points are satisfied:

1. That the importance of Abberton Reservoir to Golden Plover is reviewed and that the impact of the Abberton Enhancement on the Golden Plover population is assessed and, if necessary, that mitigation is put in place.
2. That the decision as to when to control the water levels in the Central Section of the Reservoir is vested in the Abberton Reservoir Enhancement Steering Committee.”

Officer comment: A number of these recommendations are matters for the Environment Agency and the consultation letter has been forwarded to them. Others recommendations including public access are dealt with in the report. NWL has indicated its willingness to set up an enhancement group for the reservoir with EWT and Natural England. Various recommendations regarding planting and habitat creation have been discussed with Natural England and will be implemented if appropriate.

6.7 Royal Society for the Protection of Birds (RSPB) comment as follows:-

“The RSPB is pleased to have an opportunity to comment on the planning application and Environmental Impact Assessment for the Abberton Scheme. The RSPB have been involved in ongoing consultation with Essex and Suffolk Water and have regularly attended the Ecological Steering Group meetings.

Natural Conservation Interests

The Abberton Scheme has the potential to affect five sites of international wildlife importance; the Ouse Washes, the Wash, the Stour Estuary, Abberton Reservoir and the Blackwater Estuary. All of these sites are Special Protection Areas (SPAs) designated under the Directive 79/409 EEC on the Conservation of Wild Birds (‘the Bird’s directive’), Ramsar sites designated under the 1971 Convention on Wetlands of International Importance Especially as Waterfowl Habitat, and Sites of Special Scientific Interest (SSSIs) designated under the 1981 Wildlife and Countryside Act (as amended). In addition, part of the Ouse Washes, the Wash and Blackwater Estuary are designed as Special Areas of Conservation (SACs) under the Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (‘the Habitats Directive’).

Overall Comments

The RSPB recognises the need for this scheme in ensuring sufficient drinking water provision for the Essex population and are pleased to see that efforts have been made to minimise any negative impacts resulting from the development. We do, however, have some queries and comments regarding the detail of how areas will be protected or enhanced, the details of which are in the attached annex and summarised below:-

1. We are pleased to see that appropriate policy, legislation and guidance have been referred to, and adhered to, throughout the document.
2. The RSPB is broadly supportive of the proposals for the enhancement of Abberton Reservoir and the surrounding area and believe that these should lead to improved habitats and functioning within the SPA.”

Part B – The Abberton Scheme

Chapter 3 – The RSPB is pleased to see that a range of alternative options to the Abberton Scheme were considered as part of the Environmental Impact Assessment process and we broadly agree with the conclusions that led to the Abberton Scheme being pursued as the preferred option.

Part H – Abberton Reservoir Enhancement

H62 – We are pleased to see that the Environment Agency best practice guidance will be followed to ensure no pollution occurs as a result of the works to or around the reservoir.

H35 – We are pleased to see that the scheme will lead to approximately 28km of new and strengthened hedgerows. The planting should consist of a range of native shrub species to maximise diversity, where possible these should be locally appropriate and locally sourced. We understand that Essex and Suffolk Water will have the responsibility for managing these hedgerows along with the other enhancements occurring on the site, if the Scheme is consented, we would like to see this responsibility secured through a planning condition.

H268 – We recognise that there is potential for farmland bird population to improve through the take up of agri-environment schemes, having said this, farmland birds are still a declining group of species and challenges such as loss of set-aside and increased biofuel cropping may have a negative impact on surrounding bird populations.

H272 – We understand that there are a range of habitat enhancement measures proposed for a 105ha area, to be targeted at breeding farmland birds. From discussions with Essex and Suffolk Water, we understand that this package of enhancements will include:

- Measures such as 6m buffer strips are being written into future tenancy agreements.
- Hedgerows are being increased and strengthened.
- Plans to provide seed-bearing plant species within the agricultural areas.
- The land will be managed via tenancy agreements, or management agreements with input from the local farmers and Essex Wildlife Trust.

The RSPB would recommend that, should consent be granted, conditions be attached to ensure these mitigation and enhancement measures are implemented and maintained.

H288- We are pleased to see the works will increase the amount of habitat between 0-1 metres from 4 hectares to 49ha when the reservoir is 100% full. This will massively increase the habitat availability and consequently feeding opportunities for a range of species including SPA cited species such as widgeon, gadwall and shoveler.

H298 – We are satisfied that the timings of the work should minimise disturbance to wintering waterfowl as much as is possible and will provide alternative areas for feeding and roosting as the scheme progresses.

H302 – This paragraph states that ‘the enhanced reservoir will provide substantial wetland habitat compared to the existing reservoir, incorporating 17km of shoreline, the ability to control water levels in other parts of the reservoir...’ We understand from Essex and Suffolk Water that the water level control will be targeted at providing 0-1m habitat at the western and central sections of the reservoir throughout the year. The future ability to control the water levels outside the main reservoir should enhance the site for the SPA waterfowl populations.”

6.8 The Council for the Protection of Rural England (CPRE) comments:-

“Thank you for consulting CPRE on the above application. We do not wish to object. The application has obvious nature conservation benefits. Any long term landscape change is unlikely to be damaging in our view and could even be beneficial. There will of course be significant disruption during construction both of the reservoir extension and the pipeline and its associated works. This is likely to affect both local residents and wildlife. We consider this should be mitigated as far as possible by conditions on such matters as methods and times of work.”

6.9 The Highways Agency comment as follows:-

“It was considered that the application would have an effect on the trunk road, and the Secretary of State therefore treated the application as if it was referred to him under the terms of Article 10(1)(e) of the General Development Order. He therefore provides the advice as detailed below for the planning authority:

Advice

From the information submitted with the application it is clear that the pipeline will cross the Highways Agency network and we would like clarification on how the proposals would effect the daily running of the specific network involved. The developer would need to seek technical approval for any thrust boring if this is proposed, road work layouts would also need to be approved and a road space

booking for any works which could potentially affect traffic flow, this includes survey or monitoring work would be required.”

6.10 Anglian Water comment as follows:-

“Anglian Water has no objections to raise in principle to the proposals, subject to an informative.”

6.11 Environmental Control comment as follows:-

“The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and 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 works.

They require conditions regarding:

- Standard hours of working.
- Leaflet drop and contact numbers to be given to residents.
- Sound insulation of plant, equipment and machinery for Wormingford Pumping Station.
- The Traffic Management Plan to control deliveries and timings.
- Site boundary noise levels.
- Bund screening adjacent to Rye Burrow Pit to be extended.
- Quieter alternative to reversing alarms.

6.12 Colchester Museum Curator comments as follows:-

“The Cultural Heritage chapters produced as part of the Environmental Statement with regard to both the pipeline scheme and the reservoir proposals are comprehensive, thorough, and would appear to cover all relevant matters. The northern course of the route as it enters this Borough is different to that which was discussed with ENTEC. We do appreciate that, after discussion, the proposed pipeline route has been chosen to avoid as many known archaeological features as possible. The ES recognises that this proposal will impact upon the archaeological resource and accepts that there will be a requirement for archaeological evaluation and mitigation.

Main impacts will occur at this point where the pipeline enters and transverses this Borough at Mount Bures Parish and on through Wormingford, areas rich with archaeological potential. A hitherto unknown Medieval hunting lodge is currently being excavated at Lodge Hills, Wormingford. The construction of the pumping station and associated infrastructure may impact the archaeological resource revealed by extensive concentrations of cropmarks of prehistoric date the extent and significance of which is not established. The pipeline will also affect similar cropmark concentrations at a number of other locations and these have been described and highlighted in the ES and do not need repeating here. Such impacts of course will require evaluation followed by mitigation in whatever form is appropriate including full excavation as recognised in paragraph G392. The archaeological watching brief proposed at Para 738 of the Design and Access Statement is to be welcomed so that archaeological deposits unexpectedly discovered can be recorded as construction proceeds for the pipeline which requires a 30m working width.

With regard to the Abberton reservoir proposal, the main impact upon the archaeological resource will come from the two borrow pits that will be excavated in

areas of cropmarks and recorded archaeological finds of pottery and tile. A probable Roman road near to the reservoir on its eastern side will also be disturbed by the proposed perimeter road and rising water level. The proposed pipe storage area immediately west of Layer Treatment Works will also disturb known prehistoric deposits. Again, these areas have been highlighted and described in ES.

I would recommend that standard archaeological condition C2.2 be imposed if consent is granted.

All required archaeological work will need to be commissioned by the applicant from an approved, professional, IFA registered archaeological contractor.”

6.13 Colchester Natural History Curator comments as follows:-

“The proposals appear to have taken into account most of the issues relating to protected vertebrate species and habitats, but with the exception of crayfish, the impact of invertebrate populations does not appear to have been dealt with in any depth in the survey work carried out. Two species the Beautiful Demoiselle and weevil *Rhynchites auratus* serve to illustrate this point.

Following the submission of further information it is confirmed my queries concerning adverse affects of the Beautiful Demoiselle damselfly and *Rhynchites aratus* weevil have been overcome.

With regard to the information on pumping station option 6 “*bombus rupestri*” present in the hedge banks is accorded Essex Red Data List “Threatened” status. Relocation of this species is an impractical solution. The value of hedgerows is recognized by their inclusion in both the National and Essex County HAPS sanctioning destruction of any ancient hedgerow, especially one qualifying under the Hedgerow Regulations would be seen as extremely negative in terms of biodiversity and our nature conservation obligations.

6.14 Essex County Council (Minerals) states:-

“I have now had an opportunity to study the proposed conditions and have the following comments:-

As discussed at the meeting, it is usual for the Environment Agency to require hydrogeological details prior to determination of a minerals related application. However, considering that mineral extraction is only one element of what we agreed was in ‘substance a much larger’ engineering operation (in Richard Greaves’ letter of 18 September 2008) then I would concur that the imposition of a suitable condition to address this matter would be feasible. I note that you have taken this stance and am pleased to note that no objections to this view have been lodged by the Environment Agency or Natural England.

Accordingly subject to the advice of the Environment Agency, conditions may be appropriate.

In respect of the other elements of the proposal, I offer the following additions which would normally be incorporated by the Mineral Planning Authority in considering such an application. These matters can be dealt with by condition.

I am fully aware of the importance of the proposed development and the Minerals Planning Authority would be pleased to provide advice on any of the above matters to enable a swift decision.”

6.15 Environmental Policy comment as follows:-

“The East of England Plan identifies the Colchester area as one of the driest in the country and specifically states that the lack of water resources will be a real issue in delivering the numbers of housing the Government is promoting.

It was recognised clearly on that since this scheme would, not provide water for the residents of Colchester, it would be of particular importance to obtain the best possible outcomes for the environment, visual impact and accessibility quality and quantity for the areas affected.

I am happy with the amount of quality of the proposed facilities, the linkages to and from the site, and the overall project.

Water Abstraction Point/Pumping Station

- Main CBC policy issues
- DC1
- C03
- CO2 & C011
- P1

The environmental impact study includes visual impacts. While any development in these delicate areas will have lasting effects it was felt that the designs and construction schedules were sensitive enough to warrant acceptance.

Raising the water level/Causeway Redevelopment

- Main CBC policy issues
- DC1”

6.16 The Landscape Officer comments as follows:-

Pipeline

Both the proposal and our own initial desk based studies have identified a number of locations where the development will impact on existing trees and hedges. Conditions requiring the submission of a hedgerow survey, to prevent ground compaction, to confirm all work will be carried to BS's should be imposed.

Wormingford Pumping Station

The height of the building itself should be reduced (if technically feasible), any lighting should be kept to a minimum, be non-obtrusive and so designed as to minimise light pollution, the access road and compounding be in a natural coloured loose material, e.g. self binding *stone*, all these measures taken in order to help the development sit comfortably within the protected landscape. Existing hedgerow structure should preferably be reinforced and expanded within a 100m radius of the chosen site, with planting belts introduced sufficiently close as to enclose the building thereby helping at maturity to filter-screen the built form (particularly any associated security fencing) and protect identified viewpoints. Tree positions (existing or proposed) within 15m of the built form need to be identified in order to ensure that there will be no conflict with it when the tree reaches maturity and further individual trees needs to be introduced (where feasible) along the bank of the river to any land within NWL's control.

The native planting associated with proposals should be indigenous and locally compatible, planting pallets should be drawn from field observation and the Natural History Museums research “The Postcode Plant Database” (PPD) (accessible on NHM webpage). This approach to planting provides cover complementary to Colchester's baseline landscape character and suitable to locally prevailing climatic

conditions. All proposed native/indigenous planting should be specified as using plants of local provenance.

If practical, technically, any proposed compensatory detention basin should have a characteristic oxbow shape and with 'natural' erosion controls proposed along the river bank where required, these measures taken in order to help the development implement its setting.

NWL have now confirmed Option 6 will involve the partial 'loss' of associated hedgerow. As our provisional inspection identified the hedges either side of the access road as 'important' as assessed under the HR97 this is confirmed by NWL's hedgerow survey.

Wormingford Break Pressure Tank:

In order to soften the impact of the development, particularly the security fencing, the hedgerow planting should be revised to extend along and to the outer edge of the field boundary. The security fence should be considered as a particularly urban and in this case an incongruous element within the rural environment, its impact should therefore be further reduced by using it to enclose just the tank area rather than the whole field. A post and rail fence and field gate access could be used to the field boundary, this providing the required field enclosure until the hedge matures. Landscape proposal indicative only and further details to be submitted.

Abberton Reservoir Raising

It has been confirmed by NWL that although woodland blocks, above the reservoirs high water mark, are in a generally poor condition they are being retained at the request of Natural England.

The proposed woodland planting to the reservoir extension would appear weak, careful consideration should be given to the extent and positioning of any replacement planting. The woodland planting proposals should be seen as an opportunity to collate stronger blocks of planting to reflect landscape character. The opportunity should be taken to soften the edges of planting block to reflect local topography and gradate woodland cover rather than firmly follow field boundaries.

Where lengths of hedgerow are currently missing/degraded within the development (red line) area surrounding the reservoir these should all be proposed for reinforcement with native hedge/hedgerow trees, extending down to and enclosing the proposed perimeter road, this in order to help renovate the hedgerow structure that has suffered in recent years due to Dutch elm disease. In line with good practice elm hedges particularly should be scheduled for replacement through grubbing out and replanting where they have died or are in very poor/failing condition or rejuvenation through coppicing where they show no or little sign of the disease. This elm hedge treatment should preferably be scheduled for the end of the project, thereby allowing their screening value to be retained during the construction process. Where new permanent roads, footpaths and bridleways are proposed these should be enclosed along their total length with new hedgerow planting on either side.

It needs to be formally confirmed that the concept planting proposals submitted as part of the application are provisional will be developed under condition to fully accord with the Councils requirements. The proposed planting schedules submitted as part of individual landscape proposals need to be augmented in order to fully complement existing landscape character details to be addressed by condition

Any proposed perimeter road around the reservoir should have a very light footprint in order to help it complement the undisturbed character of the landscape, consideration should be given to (on completion of construction works) it having a loose stone surface treatment with undefined edges, this soft approach subject to identified constraints, e.g. any future proposal for public access and any associated DDA requirements.

Abberton Reservoir Visitor Centre as proposed in drawing PA(B)-126, in order to soften the impact of the car parking area the lines of parking spaces should be broken into smaller blocks of preferably 3-6 parking bays separated with tree & shrub planting, this allowing the landscape rather than the parking to dominate the space.

- 6.17 Essex County Highways has no objection subject to conditions and S106 requirement to secure financial contribution towards additional and new public rights of way. These are detailed in the report.
- 6.18 Babergh District Council has no comments to make on the above application.

7.0 Parish Council's Views

- 7.1 Mount Bures Parish Council comment as follows:-

"The Parish Council have met to consider this application. It should be noted that the Chairman of the Parish Council, who declared a personal and prejudicial interest in this application, did not take part in this consideration, and the item was chaired by another, duly elected, councillor.

Following discussion, the Parish Council seeks assurance from the Planning Authority on the following matters:-

1. It is of concern that the quantity of chemicals needed should be stored safely and appropriately for a flood plain area.
2. In relation to this, the Parish Council wish to be certain the WPS site will be secure and vandal proof.
3. For the benefit of local residents, the Parish Council wishes to be sure that the amenity and leisure value of the River Stour will be protected.
4. Further, it is of concern that every effort should be made to conserve wildlife as extant.
5. Councillors would wish there to be minimal impact to the public whilst the building work is underway.
6. The Parish Council requests that any planting of trees for screening should be of a variety of native species and of a sympathetic character to the landscape (bearing in mind that proximity to an Area of Outstanding Natural Beauty).

"NWL has responded as follows, on-site chemicals will be stored appropriately. A chemical building will be provided within the pumping station with a raised floor. Deliveries will take place only 3 to 4 times a year and a bunded chemical storage area is proposed. The pumping station will be enclosed in security fencing and the main equipment is secured within the building. NWL staff will make weekly visits. There will be limited impact on the amenity and leisure use of the River Stour, wildlife and habitats have been considered in the Environmental Statement agreed by Natural England and the Environment Agency. Construction will be carefully managed. Indigenous species will be planted.

- 7.2 Wormingford Parish Council comment as follows:-

Local area disruption is likely to come from:

- Noise and disturbance from transport during unsocial hours;
- Additional heavy vehicle traffic on narrow, unsuitable roads;
- Spoil and earth tracked onto roads;

- Road and footpath closures
- Noise and disturbance from construction work (pipeline, break tank, pumping station).

Conclusions

- The project is a major infrastructure program that has national significance; Wormingford should accept that project in principle, acknowledging the extent of consultation and preparation that has gone into the proposals.
- The risk for Wormingford appears to centre on the disruption and nuisance arising from the overall construction work;
- Appointing separate contractors for the work in the Wormingford area may lead to extended nuisance due to a lack of joined up planning for transport, plant movement and road/footpath closures.

Recommendations

The plan be accepted with the following local recommendations:-

- Wormingford PC wish to be invited to send a representative to any planning and progress meetings between Colchester BC and the Abberton project team;
- The Abberton project manager meets with a representative from Wormingford PC to agree how communication regarding the project will be implemented between the project and Wormingford;
- The key contractors who will be operational within the local area provide a full briefing on their plans and schedules that are relevant to Wormingford (logistics, construction schedules, road closures);
- During the project activity in the local area, ECC Highways carry out inspection of the main roads on a very regular basis to avoid excessive deterioration due to heavy vehicle traffic.
- Consideration be given to complete reparation and resurfacing of the road between Wormingford/Fordham/Eight Ash Green (B1508 and A1124), funded as part of the project 'making good'.
- Speed limits whilst construction – Packards Lane and Fordham Road.”

7.3 Fordham Parish Council comment as follows:-

“Whilst this Council have NO OBJECTIONS to this scheme as it is accepted that it is entirely necessary to ensure ongoing water provision in Essex, Fordham Parish Council do have some concerns about heavy traffic using the Wormingford Airfield site and its effect on our rural roads which are not built to sustain heavy traffic. With this in mind we would like to request a s106 traffic management plan to ensure that hours of operation and traffic disruption to the village is kept to a minimum.

We are also concerned that our proposed new BMX track, which will be complete within the next few months will be substantially affected as the plans show new pipe being laid right through it and we would like some assurances that this will be re-built to a similar or higher standard.

There are other projects which we would like to see included if funds are available for compensation such as a new playground for the village and improvements to our village pond and the storage and changing facilities at the Village Hall.

Our priority out of these projects would be our Village Pond. The River Colne Countryside Project have advised us that the only way forward with the existing pond is to start again. We are currently undergoing a full survey to see exactly what is needed but we expect that we will have to remove existing plants, empty the pond, remove the plastic liner and have the clay base puddled. We will then need new plants

and perhaps a viewing platform – any contribution towards this project would be much appreciated.”

NWL has confirmed they will carry out any works required to the BMX track as a result of the pipeline construction.

7.4 Great Horkesley Parish Council comment as follows:-

“The only possible effect upon Great Horkesley is the remote prospect that some of the construction traffic may use the A134, but I expect the contractors will be using the much more direct route of Fordham Road, particularly since it passes the airfield, where materials are to be stored. Save for the foregoing, Great Horkesley Parish Council has no comment to make on the application.”

7.5 Stanway Parish Council comment as follows:-

“Stanway Parish Council raises no objections to this application as it appreciates the work has to be done. The Parish Council would like the residents to be kept fully informed and the minimum of disruption to traffic.”

7.6 Marks Tey Parish Council has no objection to this proposal.

7.7 Abberton and Langenhoe Parish Council comment as follows:-

“The Parish Council has considered this application and makes the following objections:-

- The council wish greater provision to be made for public access to and around the site of the reservoir.
- A continuous bridleway route should be provided around the reservoir to be funded via a Section 106 Agreement.

Regarding the public access footpath entered on map PA(B) – 122b, please note: In the box 9919 (adjacent to horizontal line “19”) and at the most easterly point, there is no link up of the proposed bridleways between the north and south (marked red on map enclosed).

This length is not defined and we would like to point out that it is NOT a Public Footpath and never has been. In fact it is a permissive footpath granted by Essex Water Company.

It appears sensible to secure the connection between the two bridleways with the section (marked red) and is clearly defined and included in the proposals as a ‘proposed bridleway’.

A route around the reservoir will provide a permanent facility to benefit the local communities and visitors to the area

- The Parish Council continue to support the option to raise the B1026 Causeway over the reservoir as in the long term this will provide the benefit of better views over the reservoir.”

7.8 Abberton and Langenhoe Parish Council comment further as follows:-

“It has been brought to this Council’s attention that there has been a request for non-motorised dinghy sailing on the Abberton side of the Reservoir during the summer months (May-September).

This Council supports the proposal for non-motorised dingy sailing as set out above from the Abberton side of the Reservoir.

The Council also continues to seek a continual footpath and bridleway route to be provided around the entire reservoir.”

7.9 Winstred Hundred Parish Council comment as follows:-

“Winstred Hundred Parish Council supports this application subject to the imposition of certain conditions as detailed below:-

BENEFITS TO THE COMMUNITY

a Extension to footpath, bridleway and cycle path networks

There is a significant gap in the network of paths to the south of the reservoir between Lodge Lane and Great Wigborough church. Local residents have asked from the outset of this project for there to be a footpath network surrounding the reservoir, providing people with the option of taking short, medium or long walks with views across the reservoir at every suitable opportunity. Paths need to be of all-weather construction and built to DDA standards so that they can be used by wheel-chairs. We believe that reservoir wildlife is no more likely to be disturbed by the presence of walkers, birdwatchers and lovers of the countryside (which is likely to be the profile of path users), than by the construction project as a whole. Extra security can be provided in sensitive areas, for both wildlife and residential properties, by the use of appropriately rural screening.

The bridleway network is also inadequate and needs to be similarly extended. This area has many horses and riders currently having to bridge bridleways by using the roads, to the danger of all concerned. Horses cannot share footpaths without some degree of fouling and danger. Consideration may need to be given to whether use of an extended bridleway network should be restricted at some times of the year.

While considering footpaths and bridleways it is appropriate to see whether some similar provision for cyclists can be made.

b. Additional car and horse box parks to support the above

Many footpath and bridle path users are likely to arrive in some kind of vehicle and ideally would wish to take a circular walk starting and returning to their parked vehicle. Car parks should be sited to facilitate this, with some also able to accommodate horse boxes. Management and maintenance of the car parks and other public areas should be the responsibility of the Water Company. Car parks should be securely locked at dusk.

We should be happy to discuss possible sites for additional car parks, for instance one to the north of Pete Tye Farm would be appropriate and we would like to see extra parking to support viewing of the new wildlife areas at the south of the western section.

c. Provision for minimally disruptive water sports on part of the reservoir

Many other reservoirs manage to balance the needs of wildlife with recreational use of the water and we do not see that Abberton need be any different. We believe that non-motorised, limited-volume water sports could be accommodated in a restricted area of the reservoir, possibly on a seasonal basis. An example might be small dinghy sailing and training at the eastern end of the reservoir with possible access from the north to Abberton by Broad Meadow. We would suggest that the best way of controlling such an activity would be for it to be managed by a specialist organisation charged, among other things, with ensuring that the interests of other reservoir users are protected.

d. Restoration of fishing rights

We would wish to see a commitment to restore fishing rights in a safe and controlled environment when the construction work is completed. We believe that fishing should be controlled and monitored by a responsible organisation to minimise dangers to wildlife, to the fishermen and to the public.

e. Lump sum donation towards community facilities

Local residents will suffer all the disadvantages of the expansion work while others enjoy the longer term benefits. Given the size of the financial investment in this commercial project it would not be inappropriate for the Water Company to make a donation of some £2m to support capital investment in community facilities as a lasting legacy in villages surrounding the reservoir.

2. ROADS AND TRAFFIC MANAGEMENT

a. The new causeway

We prefer the 'low road' option with a grass bund but feel that there should be a handrail by the footpath on the top of the bund to prevent people falling or running down the slope into passing traffic.

b. Amendment to route of new road

We would like to see an amendment to the route of the proposed new road so that it skirts the wood at The Rows Farm rather than destroying part of this historic natural feature.

c. Improvements to Birch/Layer Breton causeway

There are already problems with this causeway. It has only two lanes and people frequently park on both sides, with adults and children on the pavement and crossing the carriageway to watch or feed the birds. The road is already heavily used by general traffic and agricultural vehicles and the current use of green chain

link fencing restricts the view of a significant section of the carriageway for motorists. This combination of factors creates difficulties in passing and overtaking and many minor bumps and scrapes occur. With the expected increase in traffic, especially during construction, this road will be significantly more dangerous. Any attempt to improve the causeway for users, both moving and parked would be most welcome.

We would particularly like to see additional car parking facilities associated with the Birch/Layer Breton causeway because we hold the view that when the construction work is finished this causeway will become very popular. Not only will it be the only one with parking and views across the water from both sides of the road but it may be that wildlife watching is more satisfying from this causeway for some long time until the other end of the reservoir has fully settled down after the construction work.

d. Imposition of speed Limits

We would like to see permanent speed limits on both causeways.

e. Early creation of the Visitor Centre Car Park

We anticipate much interest in the construction and believe that creating the Visitor Centre Car Park before closing the B1026 to parking would relieve pressure on the Birch/Layer Breton causeway, give sightseers somewhere to park off road and thus prevent a deterioration in road safety.

f. Provision of stretches of pavement

We would like to see stretches of pavement provided by some roads to improve road safety for pedestrians where this is appropriate to the nature of the terrain.

3. CONTROL DURING CONSTRUCTION

a. Abberton Liaison Group

We believe that this group should continue to function during the construction period and thereafter.

b. Contingency Plans

There must be clear, published and shared contingency plans detailing changes to the project plan in the event of date slippage of any section of the work due to weather conditions or other unavoidable constraints.

c. Problem resolution

We would like to have a clear, accountable and regularly assessed complaints procedure in place. Formal logging of all complaints must be mandatory. The community must have contact details for immediate access to a Water Company manager empowered to deal quickly and decisively with complaints during the whole period of construction.

We require that all contractual commitments about agreed times of working, vehicular movement and noise restriction are strictly adhered to and that the contract includes penalty clauses which CBC will enforce if there are repeated infringements of such commitments, We recognise that contractual terms may need to be varied to meet situations as the project develops but require that changes are formally agreed between all parties, including the Liaison Group, before being implemented.”

7.10 Layer de la Haye Parish Council comment as follows:-

Layer de la Haye Parish Council (LPC) has considered the above application very carefully and also consulted with the residents of Layer de la Haye.

The Parish Council is generally supportive of the aims of the Scheme and fully understands the need to secure adequate water supplies into the future.

However, the Scheme will have a major impact on the people of Layer de la Haye and we wish to make a number of observations and requests in relation to this application.

1. Additional traffic movements caused by the Scheme

We understand that Essex and Suffolk Water (ESW) have made efforts to minimise the amount of additional traffic by their plans to re-use materials wherever possible. We note that ESW say that construction traffic movements will average 10 per day but we consider this is not a true reflection of the likely volume of traffic. Construction vehicles need fuel, maintenance and repair and this will clearly have an additional impact. More significant perhaps is the volume of traffic generated by the workforce. ESW maintain that they have no control over this, since this will be a matter for their contractors. This is not acceptable and we request:-

ESW to be made clearly responsible for vehicle movements caused by their contractors.

ESW to take traffic movement into account when they select contractors, with an important criterion being to minimize movements.

1.3 ESW to inform CBC and LPC of the overall number of vehicle movements in a comprehensive traffic management plan. CBC to review the plan and confirm that it covers all vehicle movements concerned with the development.

1.4 LPC to have the opportunity to review this plan and request CBC to ensure that ESW are made to modify any unreasonable volumes of traffic.

1.5 ESW to be made to remedy any excess of more than 10% over plan within 24 hours of it being reported (see *monitoring and enforcement* in section 3, below).

2. Routes and hours of vehicle movements

We understand that traffic will inevitably have to use the B1026 which passes directly through the Village. Additionally heavy traffic will have a massive impact on users of that road, especially during the phases of construction where the construction traffic is well in excess of the average. We request:

- 2.1 ESW to ensure that contractors do not use other routes, which are all narrower and more dangerous.**
- 2.2 ESW to ensure that no project related traffic passes Layer de la Haye School between the hours of 8.30-9.00am and 3.00-3.30pm during term time.**
- 2.3 ESW to ensure that vehicles wait, if necessary, in a fixed location to be agreed between CBC and ESW that is outside Layer de la Haye.**

3. Monitoring and enforcement

We appreciate that ESW will be concerned to ensure that contractors abide by any restrictions laid down, but we request:-

Traffic plans be made to part of the contractual commitments between ESW and their contractors.

Layer de la Haye Parish Council be recognised as having a legitimate interest in monitoring traffic movements and that our observations will be acted upon.

Layer de la Haye Parish Council be entitled to monitor movements as we see fit, and may employ a third party to assist us if we so choose. However, ESW should appoint a third party to monitor traffic movements and provide a monthly report against the traffic plan.

A documented procedure is put in place for reporting traffic movements that are not in accordance with the agreed plans. This procedure should be available both to Layer de la Haye Parish Council and residents of Layer de la Haye. Our suggestion would be some kind of "hotline". An agreed response procedure should be part of this and it must ensure, as a minimum, a verbal response within 24 hours, and a written response within 10 working days.

A documented procedure is put in place for escalation of traffic related issues to CBC

Financial penalties to be enforceable in the event of significant violation from agreed traffic plans.

A monthly meeting be agreed between ESW and the neighbouring Parish Councils at which issues and concerns can be raised, documented, actioned and tracked.

4.0 Improving safety

Some parts of the B1026 do not have pedestrian pavements or, where there are pavements, these are in some places very narrow. Older residents recall that when the reservoir was being built in the 1930s there was at least one fatal accident in which a pedestrian (a child) was killed by a construction vehicle.

Being mindful of potential peak volumes of heavy traffic we request these additional safety measures:-

- 4.1 The existing footpath that runs alongside the recreational field is narrow, but it can be widened without destroying the existing hedgerow. We request that it be widened as much as possible, and the kerb built up to the standard height above the road surface.**
- 4.2 Consideration be given to the imposition of a temporary 20mph speed limit on the B1026 through the village while the works are in progress.**
- 4.3 A new permanent footpath from Layer Cross to the Waterworks Close.**

5. Reinstatement of damage and wear

The B1026 in particular is likely to be affected by additional traffic. Other roads around the village will also be impacted as people are likely to seek alternative routes at time of peak traffic. We therefore request:-

- 5.1 ESW to pay for remedial works after the project where these can reasonably be shown to be as a result of their activities. Remedial work during the project should be limited to only that which is required to maintain safety so as not to cause additional disruption.**
- 5.2 These remedial works to be completed within a reasonable period of time.**
- 5.3 A photographic record of the routes around the village be made before the work starts, thus establishing a clear baseline so that all parties are protected.**

6. Noise and Disruption

Residents have expressed considerable unease with the likely noise from the construction works. Our original understanding was the working hours would be shorter than the hours now quoted (0730 – 1900 hours, plus Saturday mornings).

Could you confirm whether these revised working hours have been agreed, and if so, on what grounds?

We understand that ESW are sensitive to this and that some sources of noise are outside their reasonable control (e.g. vehicle reversing sirens) and so our only realistic way of ensuring clarity about what is acceptable is to request the following:-

- 6.1 In summer months (1 May to 30 September) there is no noisy activity after 5pm relating to the borrow pit works.**
- 6.2 There is no noisy work at any time on Sundays or Bank Holidays.**

7. Church Parking

Early discussion suggested that around 100 spaces would be available in the proposed Church/public car park. The application shows only 30, but we have received verbal confirmation that ESW are able to increase the number. We request:-

ESW be tasked with providing 100 spaces, as originally suggested, with only considerations of safety preventing them providing that number.

8. Benefits

Surrounding Parishes will suffer from noise and disruption, but it is likely that Layer will be affected more than any other by extra heavy traffic through the Village.

Listed below are the benefits we believe are reasonable requests bearing in mind the considerable disruption that the works will cause the residents of Layer de la Haye.

Village Hall

Layer Village Hall consists of a relatively modern building (the Queen Elizabeth Hall - (QE) and a much older building, the Small Hall.

The QE Hall is in reasonable condition, but would benefit from some renovation work. However, the Small Hall is becoming increasingly expensive to maintain and needs replacing.

We would like to request that ESW fund its replacement. We believe that if ESW were to agree with this, together with the other items listed in this letter, the residents of Layer would be truly appreciate, and feel that the company had listened to their concerns.

In addition to re-building the Small Hall, the works listed below would make a significant difference to the Village Hall as a whole.

- New energy-efficient heating and lighting.
- Creation of a proper car park.
- Cosmetic internal refurbishment of QE Hall.
- Increased security measures.
- A pitched roof on the QE Hall

Other requests that we would like to have considered are listed below:

Open spaces and recreation

- Resurface the tennis courts
- Improve tennis court lighting
- Resurface the basket ball courts
- Fence off the play area
- New allotments by the tennis courts
- Footpaths in Heatherfields
- Land for a junior football pitch

Young and elderly residents

- Secure the future of the Shopping Bus (5 years)
- Seed funding for young peoples' groups

In conclusion, Layer de la Haye Parish Council is supportive of the scheme, but request that our concerns as stated in this letter be considered during the planning processes. We also believe that our requests are reasonable, given both the magnitude of the scheme and the very considerable impact it will have on the Village for several years."

7.11 Layer de la Haye Parish Council further comment:-

“You may be aware that Abberton and Langenhoe Parish Council distributed the attached leaflet to many of the properties within our own Parish. We were not informed of their intention to do this, and we were disappointed to see that it was, in our opinion, an incomplete version of the facts.

The leaflets omitted two key points.

First, it did not say that ESW intend to close the B1026 for a year if the option favoured by Abberton and Langenhoe Parish Council (raising the B1026) was to be adopted. This would clearly have a major impact on traffic through Layer de la Haye and on the surrounding roads.

Second, it did not point out that the option currently proposed (keeping the B1026 at its current level and creating an earth bank) offers many opportunities for viewing the reservoir, with lay-bys along the road, a car park at either end, steps up the bank and a path along the bank.

Layer de la Haye Parish Council supports the currently proposed B1026 scheme and believes that the leaflet distributed by Abberton and Langenhoe Parish Council is flawed. We are concerned that people who write to you on the basis of what the leaflet says may not be in full possession of the facts and we ask you to consider this when you review ESW’s proposals for the B1026 Causeway.”

8.0 Representations

8.1 Dedham Vale AONB & Stour Valley Project comment as follows:-

“We have seen this application and wish to object to it due to the selection of Option 7 for the site of the Wormingford pumping station, when we believe Option 6 would have significantly less landscape impact. We recognise and have concerns that Option 6 will involve some hedgerow removal but feel that the balance of impacts is reduced if Option 6 is selected.

If this view is not accepted by planning officers we feel that the application should only be approved with enhanced landscaping conditions. We also have concerns over the effects of changing river flows on the ecology of the river, methodology for pipe laying and access to public rights of way during construction.

Pumping Station at Wormingford

Colchester Policy C01 states that there will be a continuing commitment to the protection of the open countryside and that protection will mitigate, as far as possible, against any adverse impact upon existing landscape character.

We wish to object to the application due to the proposed location of the Wormingford pumping station, as this does not meet C01.

We accept the need for the pumping station and we are happy with the traditional barn design of the building. However, it is still a large new building with a very high roofline in a riverside location where such buildings would not have traditionally existed. The associated utilitarian infrastructure, urban security fencing, lighting and tarmac will not sit comfortably in this rural floodplain landscape and the proposed landscaping falls far short of addressing this issue. In view of this high impact we believe that the proposed Option 7 should be rejected for the following reasons:-

- This is the most visually prominent of the 3 options that lie outside the AONB. On the Essex side it would have a significant visual impact from The Fir Trees, a popular hill-top viewing point on the Stour Valley Path to the south east of the proposed site. We are disappointed that views from this prominent location were

not included in the submitted documents. In addition Option 7 would be visible from Peartree Hill and from parts of Colchester Road. Visual impact from the Suffolk side of the valley is even more significant, especially from Clicketts Hill.

- Option 6 will have significantly less impact on the landscape as it benefits from considerable woodland screening to the north and greater density of hedgerows and trees surrounding the site. There is scope to strengthen these existing features to reduce the impact still further, without the need for additional areas of tree planting.

We propose that the applicants be encouraged to re-submit with Option 6 as their chosen site with appropriate landscaping and appropriate non-site specific mitigation measures from the list below.

If this view is not accepted by planning committee then we feel that Option 7 should only be approved if the following conditions are met, as mitigation for the potential negative impact.

1. Undergrounding of the overhead power lines.
2. Restoration of 3 existing hedgerows.
3. Planting of 2 new hedgerows.
4. Reducing the size of the development footprint within the security fence.
5. Planting of 3 new woodland blocks outside the perimeter fencing.
6. Creation of a larger body of permanent water as a wildlife habitat.
7. Use of soft engineering wherever possible to control bank erosion.
8. Sowing all of the meadow outside the security fence with a tussocky grassland mix.
9. Planting of individual trees along the bank of the river.
10. Creation of a burial chamber artificial otter holt.

Access

Policy L14 states that permission will not be granted for any development affect a public right of way unless a) it would include the maintenance or the diversion of the public right of way as a route no less attractive, safe and convenient for public use and b) it would not be harmful to the environment or nearby residents and land users.

The footpaths affected during the construction phase include parts of the Stour Valley Path, (a promoted long distance footpath).

- If any of these paths are subject to a temporary closure than an alternative route should be provided and clearly signposted by the applicant as there are few alternatives in this area.
- Routes not closed should remain clear and unobstructed during development work.
- Any damage to the surface during development should be made good.

Pipeline laying methodology

Policy CO1 states that there will be a continuing commitment to the protection of the open countryside and that protection will mitigate, as far as possible, against any adverse impact upon existing landscape character.

We therefore suggest that the following conditions apply to the development:

- We would suggest that where the pipeline crosses a hedgerow the grubbing out be limited to 3 metres and the process of coppicing and temporarily covering stumps extended to edge of trench (a less invasive approach).
- Replanting of grubbed out hedgerows should be of a native species reflecting the local composition of the hedge.
- New planting and coppiced hedges should be subject to a 3 year maintenance schedule including fencing against rabbit and deer, weed control and replacement of failures.”

Officer Comment: The location of the pumping station is discussed in the report.

NWL has submitted a detailed response to these objections. The undergrounding of the electricity cables is not part of the scheme NWL does not own or control the land required to undertake this work nor does it have the power to underground cables which are the responsibility of the electricity undertaker. The restoration of existing hedgerows can be undertaken and NWL are willing to amend the species. NWL do not own the land where the additional hedgerows and woodland is suggested. The Environment Agency would be concerned at additional woodland planting on the floodplain. The compensatory flood basin cannot be linked to the river this is an Environment Agency requirement. The choice of tree type and location can be dealt with by planning condition. An artificial otter holt is not considered necessary as ecological mitigation as no effects on otters are predicted.

8.2 Colne Stour Countryside Association comment as follows:-

“We have seen a copy of the Dedham Vale AONB and Stour Valleys Project’s letter and we strongly support it. The site for the pumping station is within the area covered by this Association, which is responsible for protecting the rural countryside of the Stour and Colne Valleys. Although not objecting to the design of the building we are very concerned over its proposed location. This is a very open site behind Staunch Farm highly visible from almost every direction. It would be conspicuous from Clicketts Hill, the Firs Trees and Pear Tree Hill. Option 6 should be the preferred site. Is it because they wanted to cut down on cost? We suggest you require the applicant to resubmit the application. This part of the countryside is too important.”

8.3 Sustrans comment as follows:-

“Cycle Routes

Paragraph 9.26 of the DAS refers to accessing the ‘Layer/Abberton loop’ from the National Cycle Network. I would request that a proper signed route is included to link to Route 1 to the west. Could this be included as a condition with final details of this and the loop to be agreed with ECC in consultation with Sustrans?

Permissive bridleways are shown on the proposals. Could these be available for permissive use by cyclists only?

The new perimeter road would make an excellent leisure route if made available to walkers, cyclists and wheelchair/mobility scooter users.

Cycle Parking

Visitor Centre parking is mentioned in Paragraph 9.27 of the DAS and I have looked at the layout plan. I trust that parking will be in accordance with the ECC standards. I could not find a specific requirement for this type of use but the cycle parking standard generally is one for every 10 car spaces, 18 in this case. Nine ‘Sheffield’ stands should suffice. The majority should be under observation and convenient and I suggest that they are positioned near the entrance on the east side of the decorative pond (NB – The disabled parking requirement for a car park of this size is 6% - 10 spaces).

The two car parks off the B1026 should have a couple of ‘Sheffield’ standards each and, presumably, about 2 disabled parking spaces each.”

Officer comment: These matters are addressed in the report.

8.4 British Horse Society comment as follows:-

“Colchester has an expanding population, as have the surrounding towns and villages. The increasing population means more traffic using the narrow, winding lanes to avoid the speed limits and traffic on the main or straighter lanes and roads. All walkers, equestrians and cyclists need speed limits on our lanes. We all need safe off-road access – i.e. bridleways. Bridleways or green routes give safe passage to all flora and fauna as well as non-motorised people. New developments of any sort should have bridleways as part of the plans, to give safe spaces for local residents and those using the land as part of a longer journey. This would improve the environment for all. Cycle tracks out of town should be open to equestrians. Abberton Reservoir is to be increased in size by 40%. Riders and walkers used to go from village to village until the reservoir was put in, and then people could no longer walk or ride from Peldon and other villages to the south to Layer and other villages to the north. There is a service road around the reservoir and we put in a request for a bridleway/permanent greenway beside this road with links up to the old tracks that are still mostly there to the existing roads e.g. via Peldon Lodge. There are many others around the whole perimeter. We propose that all footpaths over a metre wide be upgraded to bridleways and links to make safe off-road access. To keep verges as greenways in all new and old developments. Routes re-instated, old historical routes, the older residents are a mine of information. Create Quiet lanes as the Surrey S.T.A.R.R. project has been a great success and is supported by Government. Stop encroachment of verges and tracks by roads and gardens. Recognise our coastal area sea wall as an excellent opportunity to create access along the Baum next to the borrow dyke. We could see the county without crossing a road.”

8.5 Essex Business Consortium comment as follows:-

“I am writing on behalf of Essex Business Consortium (EBC) regarding the above application. The EBC represents the business community across Essex and has a primary role of facilitating sustainable economic growth across Essex. We do this by working with local authorities and government to encourage policies and practices to help businesses adopt strategies to deliver prosperity. One of our main areas of work has been on supporting the provision of infrastructure alongside the growth in housing and employment. Road and rail links have been key components of this. Other critical infrastructure obviously includes having sufficient water in this dry county. We understand that the proposal for enlarging Abberton Reservoir is fundamental to securing supplies for the existing people and businesses in Essex and will also avoid water becoming a constraint on future growth.”

8.6 Essex Chamber of Commerce comment as follows:-

"I am writing on behalf of Essex Chambers of Commerce to express my organisation's strong support for the Abberton Scheme.

Chamber Members consider that the county's infrastructure generally requires investment and upgrading if the Essex and, by extension, the regional economy, are to continue to perform strongly in future. This theme is echoed in the draft Regional Economic Strategy which calls for 'investment in appropriate infrastructure' as a priority. This includes not just transportation infrastructure but also the range of 'utility products' especially water.

Business is a major consumer of water in Essex and, in a county where there is already an imbalance between supply and demand, it is important that more of the shortfall is met from local sources. The importance of water availability and security of supply for business, and also to support future planned housing growth, cannot be overestimated.

I am also impressed by the commitment of Northumbrian Water/Essex and Suffolk Water to the environment, conservation and to promoting individuals' health and wellbeing. There is a considerable track record in these areas and the organisation deserves to be supported for its attainment and for its vision."

8.7 All but three of the neighbour representations received relate to the reservoir expansion and associated works.

8.8 A resident of Eight Ash Green objects to the planning application as the work will affect footpaths the setting of listed buildings and is a departure from the development plan.

Officer comment: The response seems to relate to the wording of public notices displayed by the Council

8.9 The owner of Hillcroft Main Road Wormingford adjacent to the break water tank queried what the finished site would look and possible noise from the tank. Your officer has replied to the resident and no further representations have been received.

8.10 A resident of Abberton has commented that the Environment Agency has granted an historic abstraction licence to take water from the Roman River via the reverse flow from Layer Brook and this is already leaving no flow, dead pike have been observed and the water is stagnant.

Officer comment: This is a matter for the Environment Agency and the letter has been forwarded to them. However the applicant has responded that they are also concerned about siltation in the Roman River and are discussing this matter with the Environment Agency.

- 8.11 The late Councillor Crowe and Councillor Bentley: "It is quite obvious that the general thought of the villages, parishes and residents that will be affected by the application is "what is in it for us" as far as can be ascertained very little indeed. They have no access for use of the reservoir, there is no perimeter footpath and various other areas have no access. The applicant states that there will be improved fishing, horse riding and bird watching facilities most of which will be taken up by visitors rather than locals. May we commend please that you turn your attention to this item and afford some financial gain to the residents from the project. For example if we were discussing 20 houses in each parish the 106 gain to the parish would be appreciable whereas in this instance it would appear to be virtually nil. Your valued attention to the foregoing would be greatly appreciated and in turn reduce opposition to the application".

Representations regarding the reservoir proposals

The causeway/B1026

- 8.12 Members will see from parish council's comments that Layer de la Haye and Winstred Hundred PC's support the application proposal to keep the road at its current height and to have a raised bund to one side. Abberton Langenhoe Parish Council support raising the road. These issues are described in detail in the Report section. Abberton Langenhoe PC has sent a leaflet to residents in their parish and other parishes. In your officer's opinion the leaflet does give full details of the proposals regarding proposed car parks and access to the path on top of the bund. Some residents have assumed the leaflet was sent by Council Officers and that Colchester Borough Council and Essex County Highways are promoting one option. The former Head of Planning and Protection has written to the parish council on this matter.
- 8.13 Over 45 letters have been received where the objection relates solely to the raised bund. The following objections have been made. We oppose ESW proposal to build a massive earth wall along the causeway this will block the beautiful views and access to the reservoir and result in the loss of an amenity which people have had for over 60 years. The earth bund will be unsightly. The view from a car is important as a tourist attraction. Children, mums, pensioners and the disabled use the road to feed the ducks and watch birds. Minibuses carry disabled who also sit in cars. Whilst the raised road will mean the closure of the road for a year this is a small price to pay. Residents of Fingringhoe had to endure the closure of the bridge over the Roman River. Colchester Borough Council should insist on the raised road. The current proposal is for short term financial gain. The embankment will be unsightly. Are we entering a communist state where things are done without consultation is the earth mound to be built for the convenience of the engineers and the dumping of waste material? Has consideration be given to the aesthetics of the existing site, has any consideration been given to how people can interact with wildlife? Has the RSPB been consulted?
- 8.14 Five residents have written in support of the proposal. It separates traffic from pedestrians. There will still be viewing from the west. People do not realise the implications of raising the road which will have to be closed for a year rerouting traffic through Layer Breton and Birch. The raised dam will greatly benefit those wishing to look at the reservoir as there will be a vantage point on top and safer parking. The provision of car parks and a lay-by will reduce accidents.

8.15 In addition to the above approx 30 representations have been received some refer to causeway/B1026 as well as other issues.

1. Public Access/Recreation

Several letters relate to public access issues in particular more footpaths, cycle paths and bridleways should be provided. Why will the farmer not allow the planned footpath to go all the way round the reservoir walkers will be forced onto the Wigborough Peldon Road, which is dangerous? Abberton Reservoir is an important SSSI protected not just by British law but EU and international law and in these days of disappearing countryside it's even more important this should be taken into account. There are rumours that sailing has been suggested as an activity on the reservoir but this would be extremely disruptive to the wildfowl. There appears to be no plans to widen the use of the reservoir for leisure pursuits such as cycling angling or limited sailing (10)

Officer comment: There is detailed consideration of access and recreation issues in the report.

2. Traffic through Layer village

There is a general vagueness in relation to the number of vehicles. A more definite outline should be provided. Will the various heavy vehicles be routed around the village or allowed to thunder down High Road Church Road and past the primary school? The residents of Layer will have to endure the noise, dirt, disruption of construction traffic and deliveries. The 30mph speed limit through the village should be reduced for lorries. A new feeder road should be provided from Heckford Bridge. Pavements along High Road are narrow in places in particular across the front of the recreation ground, a path should be built parallel to the existing one within the recreation ground. The restrictions on construction traffic will be impossible to enforce. Restricted delivery times will mean vehicles would arrive and wait to be unloaded, there is no mention of a holding location. With congestion on our roads it is almost impossible to time arrival at a destination. What assurances are there that vehicles will be properly maintained and insured. Vehicles may damage properties or verges what compensation will be provided? The 30mph limit should be extended beyond its current location. Has the highway authority anticipated the need for additional road cleaning and repairs from the A12 to the site will this be borne by the tax payer or ESW? Vehicle movements should not be allowed through the village at school drop off and pick up times.

Officer comment: There is detailed consideration of traffic issues in the report section.

3. Working hours

Working on a Saturday was not part of the original scheme. There should be no week end working. Working times should be reduced to 8am to 5pm unless specifically authorised by the Local planning Authority. Noise pollution as the working is on privately owned land what powers are there to enforce conditions and impose penalties? Excessive noise from reversing alarms (8)

Officer comment: There is detailed consideration of working hours and noise issues in the report.

4. New Facilities/106 contributions
Improvements to the Layer de la Haye village hall complex should be provided. To include surfacing the car park and upgrading changing facilities and storage. The Wigboroughs have no facilities would it be possible to add a function room onto the new visitor centre perhaps the Wigboroughs would then feel all the disruption was worthwhile Peldon Village Hall Committee we note from the various proposals put forward there is very little provision or benefits for the local community in particular the village of Peldon. We have investigated the feasibility of extending the hall and have concluded this would be expensive and unlikely to provide value for money. We have considered a replacement hall and seek your support in recommending a section 106 contribution for community facilities /funds for our village hall.
Officer comment:; There is detailed consideration of 106 contributions in the report.
 5. Will motorist's passengers and disabled visitors in a wheelchair be able to see over the top of the wave wall? What materials will be used for the high bund? Can more disabled descents be planned?
Officer comment: The wave wall is shown at 1.1m above the footway, the bund will be grassed on the public side.
 6. Floodlights would be intrusive.
Officer comment: Lighting will be controlled by condition
 7. Car parks to be provided to the north and south of the causeway to be open until dusk.
Officer comment: This will be dealt with by condition
 8. Totally disagree with whole project
 9. The car parks at either end will mean people have to leave their cars not wise in inclement weather and car parks may be full.
 10. We will lose a nature reserve until its replacement.
Officer Comment: NWL has indicated the new reserve will be available for use before the existing facility is demolished. If the visitor centre building is not completed temporary buildings will be provided.
 11. There should be regular meetings and a point of contact.
Officer comment: The 106 agreement will require this; It is discussed in detail in the report.
- 8.16 The owner of Nightingale Farm School Lane Great Wigborough has requested the new hedge planting opposite their property should be a maximum of 1 metre in height to retain their view.
- 8.17 The owner of a property in Fields Farm Road has asked what measures are to be taken to restrict limit the number of large vehicles travelling down Fields Farm Road.
Officer comment: Fields Farm Road will not be used by any vehicles in connection with the reservoir.

8.18 Letters have been received on behalf of owner of Rosefield Lodge Lane Peldon raising objection to a footpath, due to intrusion on privacy, proposed along the north-eastern and north western boundaries of the property. The footpath should be moved no less than 50m from our clients' boundary. Lodge Lane is on a blind bend and is quite unsuitable for any increase in traffic its use by construction traffic and subsequently by traffic accessing the reservoir and its perimeter road should be prohibited. If the footpath is provided there should be nothing to encourage access to it from motor vehicles. Our client has been told it will take up to one year to break up the concrete walls around the reservoir this is a long time for this noisy operation, nuisance should be abated by working practises, machinery used and limitation on working hours by imposition of conditions.

Officer Comment: New hedge planting is proposed next to the proposed footpath, there will be no vehicular access from Lodge Lane. The property is sited in substantial grounds and it is considered there will be no serious loss of amenity by the provision of a footpath.

8.19 The Donyland Parishes have written that for several months the PCC has been in contact with Savills on two issues 1) access we are concerned there is no guaranteed right of vehicle access to Abberton church 2) car parking the existing car park has been leased to the PCC since 1981 we are hopeful that the car park can be extended. *NWL has responded whilst the two issues are not directly related to the application scheme we would like to make the following comments. It is ESW's view that the current owner of the access to the church, which is not the water company, would not be looking to cut off access in the future. However if a new access over water company land is required in the future then ESW would be willing to discuss this with the church. When discussions were previously held with the church regarding an extension of the car park they had no immediate requirements for this extension. ESW would be willing to discuss this matter when the church has a need for extensions. We confirm these issues are on going between the water company and the church. Officer comment neither access to the church or the car park are affected by the proposals.*

8.20 The owner of Oxley Hill Farm Layer Road Abberton has raised an issue regarding a section of path shown as a public footpath which is in fact a permissive path granted by ESW it would seem sensible to link up to the two sections of bridleway. I own land adjacent to this proposal and am in full agreement for this amendment.

Officer comment: It is hoped a bridleway can be provided as described in the report.

8.21 Strutt and Parker have written on behalf of their client of Malting Green House Malting Green Layer de la Haye about 1/3 mile to the north east of the proposed Rye Borrow Pit. The operation of the borrow pit can be expected to generate significant levels of noise whilst machinery should operate to HSE standards there will be disturbance from reversing alarms and the rumble of noise from vehicles trucks. A screen bank of soil 2.5m high placed on both sides of the haul road should be constructed to restrict noise nuisance. There is also a risk of dust. Hours of working should be restricted to 8.30 am and 5.30 pm on Saturdays 8.30 am to 1.00pm Saturdays with no working outside these hours.

Officer comment: Working hours at the borrow Pit will be conditioned to 8.00- 5.00 weekdays only. Environmental Control has advised the bund should be extended and have provided information on a quieter alternative to reversing alarms. These matters will be secured by condition.

8.22 The owner of Church Farm Abberton and two of his neighbours have the following objections.

1. The removal of woodland areas 13 and 14.
Officer comment: The applicant has forwarded documentation confirming that NWL has obtained consent for the Abberton Forestry Scheme from the Forestry Commissioners, which includes these areas of woodland. The removal of these areas of woodland is shown on the indicative habitat layout. A letter of confirmation has also been received from the Forestry Commission.
2. The high water line at 21m runs near my perimeter fence and the application indicates my hedgerow is to be removed so the bank can be strengthened against wave erosion. I find the argument unconvincing. The company also wants to run a perimeter road and bridleway through the contested area. These could be run west of my hedge. This would leave the hedge intact easements for power lines gas mains could easily be negotiated. The owner of the hedge has submitted a hedge survey which concludes it is an important hedgerow.
Officer comment: The position of a small part of the perimeter road has been relocated, on the water side of the hedge, to allow its retention. Easements for services will still be necessary. NWL has confirmed the perimeter road is required for security and maintenance purposes. Its use, post construction will not change, it is used on a daily basis to inspect the reservoir. It is also used by maintenance and emergency vehicles. More detailed inspections also take place using the road. Your officers consider a perimeter road for maintenance and security purpose is necessary.

9.0 Report

WORMINGFORD PUMPING STATION

- 9.1 The main issue is the siting of the building and its impact in the landscape. Prior to the submission of the application your officers were consulted on a number of possible locations for the pumping station. NWLs preferred site, at that time, close to the River Stour in the AONB was unacceptable to your officers. As a result of this consultation NWL undertook a further review of possible locations and concluded the application site was the most acceptable. The location, in addition to an assessment of its visual impact, also has to satisfy engineering constraints. The site is now outside the AONB. Whilst the building will be visible from roads and public footpaths it will be seen against a back drop of existing farm buildings at Staunch Farm and will be partly screened by existing trees. The building has been designed to reflect farm buildings and will be constructed of traditional materials including weatherboarding slate and clay plain tiles. It is considered the varying elements of different height and roofing materials will reduce the apparent bulk of the building.
- 9.2 The proposals include new tree planting of appropriate species within the application site.
- 9.3 The proposed location of the pumping station is considered acceptable.

- 9.4 Members will note The Dedham Vale AONB & Stour Valley Project and Colne Stour Countryside Association have objected to the pumping station location and indicate an alternative location described as option 6 is preferable. The applicant was requested to submit further information to demonstrate why option 6 was not selected. After consideration of the information your Landscape Officer and Natural History Curator both agree with its conclusions; that an ancient hedgerow qualifying under the Hedgerow Regulations would be destroyed and works required to make the access safe would destroy a SINC. The removal of this hedgerow would result in the building being more conspicuous from the main Wormingford Road.
- 9.5 Whilst additional information has been submitted regarding option 6 this is to demonstrate why this location was not selected and does not form an alternative to the application site. It is accepted that the building will be visible in the landscape from roads to the north and south it will also be visible from the Stour Valley Path. However in this flat valley floor any new building would be visible to some extent. It is considered the design, materials proposed and additional landscaping plus its location close to large farm buildings will soften its impact.

Break Pressure Tank

- 9.6 The requirements for the tank are a location on high ground and access for maintenance. Subject to a condition requiring the indicative landscaping shown on the application drawings being carried out and maintained this part of the application is considered acceptable.

PIPELINE

- 9.7 The main issues are the impact of the pipeline on landscape features and habitats and disturbance during construction.

1. Impact The pipeline route has to reconcile a number of competing factors including avoiding built up areas, buildings, archaeological sites, important habitats and woodland, it also has to minimise disruption to farming activities whilst at the same time meeting engineering and hydraulic constraints. The route, across farmland, will inevitably cross field-boundaries and roads where there are hedgerows. The application indicates a width of 50m for the pipeline including a 30m working strip, and the pipe has a diameter of 1200mm. Whilst there is some flexibility in the exact location of the pipe it is inevitable that some sections of hedgerow and hedgerow trees will be removed, the width of each section will be limited to 5m. If the section of hedgerow is assessed as important under the Hedgerow Regulations a trenchless crossing may be required to retain the hedgerow. No preserved trees are affected. The proposal includes appropriate new hedge planting and replacement trees.

A condition requires further reports on ecology, trees, protected species and hedgerows so the most appropriate location for the pipe within the 50m application width can be agreed.

The Landscape Officer, Natural England, Natural History Curator and Archaeological officers have no objection in principle subject to conditions.

2. Construction: It is proposed that the pipeline construction work will take place in year 3 during April and September when ground conditions are more suitable for moving plant and excavation. It is anticipated the construction of the pipeline, pumping station and BPT will take 1 year to complete. Although other elements including enabling works, pipeline delivery, pipeline commissioning and reinstatement works will extend into the following year so the anticipated total contract period for the pipeline will be 2 years. In order to complete the pipeline work over a summer period it will be necessary for the majority of the pipe laying and jointing to take place over a 3 month period. It is estimated 5 gangs each comprising 7 workers will be required. It is estimated there will be a total of 68 people associated with the pipeline construction, some based at the main site compound. The workforce will generally assemble at the main site compound at Eight Ash Green and will be driven to the working site.

Pipe deliveries to the pipe storage areas at Wormingford and Layer de la Haye will take place between January to April in year 3. Each section of pipe is 13.5m in length. Lorries carrying 4 pipes will deliver to the storage areas, smaller lorries carrying only 2 pipes will transfer the pipes to the pipeline route in April to June year 3 although some pipes will be moved along the pipeline route itself and will not need to be taken by road. Vehicle numbers for pipe delivery are estimated at a total of 710, 1/3 of deliveries will be to Wormingford and 2/3 to Layer de la Haye.

A break down of the figures indicates pipe deliveries to Wormingford will average 5 per day in January, February, March and April (10 vehicle movements). Pipe deliveries to Layer will average 10 per day in January, February, March and April (20 vehicle movements).

Moving pipes from the storage areas to the pipeline will involve the following average vehicle movements. Wormingford 14 per day in April, May and June. Layer 26 per day in April, May and June. These are maximum figures as some pipes will be moved along the pipeline route. (All these figures represent deliveries and return journeys and assume 24 working days per month)

There will also be deliveries of stone to Layer de la Haye and Eight Ash Green. Other deliveries include bedding material to the pipeline site and the disposal of some excavated materials. April year 3 is identified as the month when most deliveries will take place prior to the construction period. There will also be deliveries of construction plant in March year 3 this will be delivered to the pipe storage areas.

It is anticipated most construction and delivery vehicles will use the A12 trunk road. The use of local roads will be the subject of a Traffic Management Plan to be submitted to and agreed with your officers, including Environmental Control and Essex County Highways. This will include agreement on routes, timing of the deliveries and a requirement to inform residents/ parish councils in advance of main deliveries. However as deliveries will be via the A12 vehicles to Wormingford/Mount Bures will pass Fordham Primary School and deliveries to Layer de la Haye will pass the Layer de la Haye Primary School. Delivery vehicles will be required to avoid school dropping off and picking up times.

The construction of the pumping station, BPT and pipeline will be carried out in accordance with a Construction Code of Practise, (CCoP). A draft CoCP forms part of the application documents and covers matters such as working hours, construction and delivery traffic, a formal and documented complaints procedure, measures to prevent noise, dust, light and air pollution and reinstatement. However a condition requires the submission of and agreement to an amended CoC which is specific to each phase, sub-phase, of construction.

The ES indicates the noise generated by the pipeline construction will be similar to agricultural machinery, as the construction activity along the route will be temporary in duration and location noise will only be for a short period of time. The excavation of the pumping station dry-well will need to be de-watered using pumps continuously for up to 4 months. Environmental Control has considered this issue and recommends safeguarding conditions.

ABBERTON RESERVOIR ENHANCEMENT

9.8 The main issues raised by reservoir enhancement are discussed below

IMPACT ON THE SPA

9.9 The Study to form an Appropriate Assessment described in paragraphs 1.9-1.11 above has been carried out to assess the impact of the proposals on the integrity of the reservoir SPA site. The study includes extensive data on the wildfowl population and examines the impact of construction work on wildfowl. It identifies that parts of the scheme including the removal of the concrete perimeter edge and the causeway works have the most potential for disturbance. The timing of these activities is therefore critical. The concrete edge removal is scheduled to take place during a period of lowest wildfowl use and will be phased around the site. Wildfowl temporarily displaced from the Main Reservoir will use new habitats in the Western Section. The causeway raising work is programmed for a year later. Other elements such as the Rye Borrow Pit are too distant from the SPA site. The study concludes the effect on the SPA will not be significant due to the range of habitat enhancement measures proposed including

- creation of shallow sloping shorelines to the Main Reservoir providing 194h of new shorelines and 16.7km of shoreline at top water level, also 37ha of bunded lagoon areas,
- microtopographically sculptured shallows within the shorelines to increase feeding habitat
- habitat creation in the form of wet grassland, ditches and lagoons in the Western Section
- water management levels in the Western and Central Sections to maximize the amount of habitat available for waterfowl
- planting of food crops in the new shorelines which will provide seed food for dabbling birds
- fish manipulation
- enhancement of learning facilities and paths etc

- 9.10 Natural England has commented that the study is more than fit for purpose and that the integrity of the European site will not be adversely affected. Natural England is fully satisfied with the information to inform the Appropriate Assessment and commends it to Colchester Borough Council for their determination as Competent Authority under the 'Habitats Regulations'.
- 9.11 The Environmental Statement examines effect of raising the water level on protected and other species and hedgerows. It concludes the aquatic population of the reservoir will be improved and there will also be improved habitats and feeding opportunities for protected species including great crested newts, badgers, nesting birds and bats. The raised water level will result in the loss of approx 4 km of hedgerow of which 324m is classed as important. The scheme will create approx 28km of new and strengthened hedgerows, which will improve the quality of the hedgerow as a feeding area and dispersal corridor.
- 9.12 Natural England has commented that having carefully studied the supporting ecological evidence they concur with the view that the value of the reservoir for waterfowl will be enhanced. It is also their view that legislative issues with regard to legally protected species appear to be adequately addressed by the proposed mitigation measures and that NWL will continue to consult with the Environment Agency and with Natural England to avoid or mitigate for adverse impacts on legally protected species.
- 9.13 The landscape officer has no objection in principle to the enhancement proposals but requires conditions to secure tree and hedge planting, which is appropriate to mitigate the removal of existing features.
- 9.14 During the construction period there will be an adverse impact on the landscape however in the long term the visual appearance will be improved in particular the shore edge to the Main Reservoir and the new landscape and habitat works.

PUBLIC ACCESS/RECREATION

- 9.15 The Council identified public access as one of its key objectives and has sought to maximize the provision of additional facilities. This objective is shared by the Highway Authority and to this end several meetings have been held with Natural England and NWL. This is an issue raised by many parish councils and residents.
- 9.16 However Members should be aware that the level of public access and recreational use of the reservoir is determined by the impact of these activities on the SPA, which includes a 400m exclusion zone around the reservoir. Natural England has provided a detailed response on this matter.
- 9.17 Officers have asked Natural England to consider whether any boating activities or other use of the water is acceptable, even if restricted to a particular part of the reservoir or restricted to certain times of the year. Natural England has responded unequivocally that it is not possible to permit any water-borne activity at Abberton.

- 9.18 Officers have considered the submitted package of paths and bridleways close to the Main Reservoir. This package together with existing paths/bridleways will provide a route around approximately $\frac{3}{4}$ of the Main Reservoir. Your officers consider all the paths/ bridleways should be upgraded to cyclepaths/bridleways. Natural England has not objected to this in principle, however further assessments are required to consider the impact of the additional usage on the SPA. The section 106 agreement will require this work to be carried out. If after consideration of the assessments and after consultation with Natural England and other interested parties, these works are acceptable they will be carried out. This will not delay the provision of the original package of paths and bridleways.
- 9.19 As indicated above, there is a route around $\frac{3}{4}$ of the Main Reservoir. Between Peldon and Wigborough there is no path referred to as the “missing link”. NWL does not own the land where this path could go and has tried unsuccessfully to negotiate with the landowner. As NWL is applying for Compulsory Purchase Orders, (CPO) to acquire other land required for this project your officer has questioned whether it is possible to CPO land for the “missing link”. NWL has stated they can only CPO land required for the project not recreational purposes. Your officer has discussed this with DEFRA, the body responsible for the CPO, and they have confirmed in writing that CPO powers cannot be used to acquire land for recreational use. However, as Natural England has confirmed they would not object to the provision of the link subject to its exact location in relation to the SPA boundary, the Highway Authority has indicated they will continue negotiations to try to achieve the “missing link” this could involve the use of highway land. The section 106 agreement will include a provision requiring a financial contribution for the provision of the “missing link”.
- 9.20 The proposals include a footpath around the whole of the Central Section of the reservoir, a route of some 4.5 km. The path on the north side is also a cycle path. Officers have again negotiated for this route to be cyclepath/ bridleway and this will be dealt with in the same way as the Main Reservoir set out in paragraph 9.18 above.
- 9.21 The Highway Authority has also requested the following:
- A financial contribution to upgrade an existing section of footpath between the B1026 and the Sustrans National Cycle Route.
 - A footway to be provided from the church to the Fox PH at the south entrance to the village. This will involve land owned by the applicant and highway land and will be secured in the legal agreement.
 - A cycle path to be indicated on the road over the Birch causeway.
 - Two bus stops adjacent to the new EWT visitor centre.
- 9.22 The causeway between the Main and Central sections of the reservoir will include a footway on both sides. There will also be a layby on the Main Reservoir side to allow cars to park safely. A series of steps at 50m intervals will provide access to a 2m wide path on top of the bund. A car park with approx 12 spaces is proposed at the north end of the causeway, with sloped wheelchair access for the disabled. A second car park, with approx 30 spaces, at Billets Farm to the south will also connect to the causeway path.

- 9.23 A car park is proposed adjacent to Layer church. Following comment from the parish council and others the size of the car park has been increase from 30 to 45 spaces. There is a cycleway/footpath from this car park to the EWT centre
- 9.24 The new EWT visitor centre has improved facilities including observation, interpretation, meeting, education and retail areas. The new Nature Reserve has a site of 28hectares compared to the existing 3.2 hectares. A100 space car park plus provision for 73 overflow spaces, coach parking and cycle parking will be provided. Viewing of Main Reservoir will be possible between the main gates and the EWT gates
- 9.25 Fishing currently takes place from the causeway there are 75 fishing permits. Steps will be incorporated into the down stream slope of the new causeway providing safe access for fishermen. Anglers will be able to commence fishing after agreement with Natural England. NWL indicates additional access to other parts of reservoir may be possible in consultation with Natural England. Layer Pit, opposite the water works buildings in Church Road is also owned by NWL. It is leased to CAPS for fishing and will continue to be available during and after construction.

TRAFFIC

- 9.26 The majority of traffic involved in all parts of the reservoir enhancement will use High Road and Church Road Layer de la Haye. It is possible some smaller vehicles will use alternative routes. Lorries delivering pipes to the Layer storage area will also use High Road; these movements are described in paragraph 9.7.2 above.
- 9.27 High Road, although a classified road and the main route north -south through the village, has residential properties on both sides, it also contains the primary school. It has a 30mph speed restriction. High Road has a footway on either side for part of its length, the other part comprises either a footway or verge. Church Road also has residential properties on both sides, for a length of approximately 100m, with grassed verges next to the carriageway. Whilst planning conditions will require the submission of a Traffic Management Plan, there is no satisfactory alternative route to the High Road/Church Road route. Careful consideration of the timing and phasing of deliveries and the construction workforce is therefore required.
- 9.28 The Abberton Scheme is likely to take 5 years. The main activities are summarized below:
- Year 1 April - year 2 December pre-construction ecological works
 - Year 1 July -year 2 July construction of the EWT Visitor Centre
 - Year 2 April/June - year 2 October gas main electricity diversion
 - Year 3 January - year 3 June construction of site compounds (April year 3) and general site clearance
 - Year 3 March Rye Borrow Pit, excavation until year 4 November back filling landscaping until year 5 February
 - Year 3 April - June year 3 Deliveries of pipes, plant and stone to the pipe storage area in connection with the pipeline construction
 - Year 3 April –September year 3 The 26 week shoreline removal
 - Year 3 May - year 4 March perimeter and haul road construction

- Year 4 April – year 4 December Road diversion and car park works. Diversion surfacing works September year 3 - November year 3
- Year 3 July- year 5 August Causeway works including causeway pumping station, causeway widening January year 4 - May year 4, road construction July year 4 until August year 4, raised embankment August year 4 until February year 5
- Year 3 August - year 5 April Off-take pumping station works
- Year 3 October – year 5 October Col dam construction
- Year 4 January - year 5 October Main dam raising
- Year 4 February - year 5 October Blind Knights Borrow Pit
- Year 5 June – December year 5 range of final landscaping work, general demobilization at the end of the construction works and raising of the water level

Workforce

- 9.29 The information indicates the peak workforce will be 192 in the third quarter of year 3. It is anticipated most of the workforce will be sourced outside the local area and will stay in local accommodation. The workforce will normally assemble at either of the site compounds, to the north and south of the Causeway, at the start and finish of the day. Transport of the workforce to the work locations will be by minibus. It is assumed 8-seater minibuses will be used and therefore a maximum of 24 vehicles will be required. All construction related journeys during the day would be on the haul roads. (The workforce for pipeline construction is detailed in the pipeline section of the report. This workforce will meet at the main compound in Eight Ash Green and then be transported to the working site. At the commencement of construction at the Layer end of the pipeline the workforce will travel to Layer de la Haye).

Deliveries

- 9.30 Throughout the construction period the number of plant/materials deliveries fluctuates on a monthly basis. It is estimated that during the 57 month construction programme there will be approximately 42 months that will have an average of less than 5 HGV deliveries per day, a total of 10 trips. Of the remaining 15 months, approximately 13 are expected to have an average of less than 20 HGV deliveries per day, a total of 40 trips.
- 9.31 In Year 3 there will be deliveries of pipes to the Layer storage area and delivery of the pipes from the storage area to the working area of the pipeline. These deliveries are set out in paragraph 9.7.2 above, and involve deliveries to the pipe storage area between January- April and from the storage area to the pipeline between April -June.
- 9.32 Two months July/August in Year 3 and August/September in Year 5 are expected to have an average of approximately 35 HGV deliveries per day, a total of 70 trips. The peak period in terms of increased HGV movements will take place during a 10 working-day period in August/September year 3 related to the surfacing activities of the B1026 diversion when it is predicted there will be approximately 50 additional HGV deliveries, a total of 100 trips.

- 9.33 A Traffic Management Plan for each phase and sub-phase of the construction will have to be submitted and agreed. This will include details of all vehicles, construction and workforce, agreement on routes and timing of deliveries. It will also include a mechanism for the prior notification of parish councils and residents affected by the construction of the pipeline, pumping station and break pressure tank. The legal agreement will secure community notification of the reservoir enhancement. Whilst there will be agreement on vehicle routes as deliveries will be via the A12 vehicles to Wormingford/Mount Bures airfield will pass Fordham Church of England Primary School and deliveries to Layer de la Haye will pass the Layer de la Haye Church of England Primary School. Delivery vehicles will be required to avoid school dropping off and picking up times.

NOISE/NUISANCE

- 9.34 The ES includes an assessment of the effects of increased noise during the construction period on residents living around the reservoir and others visiting the area. Noise could be derived from construction traffic on roads and construction on site. Monitoring has taken place at a number of locations around the reservoir. The ES concludes that there would be no significant effects from noise. Environmental Control has accepted this conclusion but requires conditions to restrict working times at Rye Borrow Pit, the use of quieter alternatives to reversing alarms and an extension of the bund proposed along part of the haul road connecting the borrow pit to the main haul road.
- 9.35 Whilst the effects may not be classed as significant for ES purposes residents in Layer de la Haye and elsewhere are likely to experience disturbance and inconvenience due to the extra traffic and the construction work.
- 9.36 Residents in Layer de la Haye village, in particular those living along High Road and Church Road are likely to suffer a loss of amenity due to the extra traffic. The construction work will take place south of the village and its effects will be experienced, not by the village, but those residents living close to the Main Reservoir. There are two elements of the scheme where residents could be affected by noise, the excavation of Rye Borrow Pit and the shoreline removal works. However working times at the Borrow Pit will be restricted to 8.00-5.00 Monday to Friday, and if this material was not produced on site it would have to be transported from elsewhere thereby significantly increasing the number of HGV's travelling along High Road and Church Road. The shoreline removal works are limited to 26 weeks and will be spread at different locations around the Main Reservoir.
- 9.37 By the very nature of the construction works a range of plant will be required. This will include excavators at the borrow pit, concrete crushers and excavators for the shoreline removal, and excavators, bulldozers, graders, compactors, cranes for other works,
- 9.38 These impacts will be reduced by the imposition of a range of conditions and obligations in the legal agreement.

- 9.39 NWL has submitted a Code of Construction Practice, which whilst generally acceptable and demonstrates the company is concerned to protect residents from adverse impacts, indicates working times for the whole scheme of 7.30 to 5.30. Parish councils and residents have referred to these working times. Whilst these working times may be acceptable for particular parts of the scheme, which have to be completed within a certain time frame, for example the shoreline removal, they are not acceptable across the whole scheme. An amended Code of Construction Practice is therefore required for each phase sub-phase of the development this is secured by condition.

THE CAUSEWAY

- 9.38 Members will be aware from the comments made by parish councils and residents that the works to the causeway and the B1026 between the Main and Central Sections of the reservoir is an important issue. Many people, not only local residents, will be familiar with the causeway where cars park and people feed the birds and look at the view.
- 9.39 The causeway is an embankment basically acting as a dam to retain the water in two parts of the reservoir. As the reason for the whole project is to increase the height of the water in the Main Reservoir works are also required to increase the height of the embankment to retain the higher level of water. The application proposes keeping the road at its present height with a raised bund on the Main Reservoir side to retain the water. An alternative, considered by NWL prior to the submission of the application, was to raise the whole embankment with the road at the top.
- 9.40 Layer de la Haye and Winstred Hundred Parish Councils both support the application proposal. Abberton Langenhoe Parish Council supports the raised road option.
- 9.41 The application proposal involves steepening the sides of the existing embankment on the Central Section side providing additional width for the road to be moved away from the Main Reservoir. A footpath on both sides and a layby adjacent to the Main Reservoir are proposed. A new bund on the Main Reservoir side will retain the higher water. The bund will be 2.2 metres higher than the road, it will have a footpath along the top accessed by a series of steps from the layby. This path will separate pedestrians from the traffic and will link to a public car park with ramped access for the disabled at the north end of the causeway.
- 9.42 The other option considered involved increasing the height of the whole embankment. Steep banks would be required to ensure the embankment was structurally sound so the useable width at the top would be reduced. Whilst it would accommodate the road and footways there would be insufficient width to provide a layby and due to the difference in ground levels the north car park would not be provided. This option, would require the road to be closed, possibly for 12 months, more clay, would be required and might have to be brought in from off-site. The elevated road would also be more conspicuous in the landscape particularly from the EWT centre.

- 9.43 Your officers are aware that the works to the causeway have given rise to a considerable amount of strong public feeling both for and against the proposal. The works will certainly change the view for the many people who drive across the causeway. For the people who come to look at the view and feed the birds, however, whilst the appearance of the causeway will be altered other facilities will be provided. It will still be possible to park on the road and look across the Central Section. There will be new, and arguably improved, facilities to view the Main Reservoir including public car parks. The new Essex Wildlife Trust Nature Reserve will also have views across the reservoir. In terms of visual impact your landscape officer concurs with the ES that the application proposal is marginally less conspicuous in the landscape. Elevating the road would mean vehicles were visible over a wider area in particular from the new nature reserve, Natural England make reference to this, and the construction of wave walls/ safety barriers would restrict drivers views of the reservoir. Officers consider the application proposal is acceptable
- 9.44 Members should be aware that the raised road option does not form an alternative to the application proposal. Information is submitted by NWL to demonstrate that they have undertaken an assessment of other options and an explanation why they were not selected. The application has to be determined on the basis of the proposed development.

BORROW PIT

- 9.45 The borrow pits will provide materials to be used on site thereby reducing the number of vehicle movements through the village. The excavation of material from the Rye Borrow Pit in particular will significantly reduce the number of HGVs through the village. Condition 2 requires hydro-geological information to be submitted and approved prior to the commencement of any development. Whilst the applicants' engineers are confident this condition can be satisfactorily discharged in the event it could not there would be serious implications for vehicle movements as the material would have to be brought to the site through High Road/Church Road Layer. Condition 2 makes it clear that if this condition cannot be discharged a new application for the scheme would be required.

106 CONTRIBUTIONS/OBLIGATIONS

- 9.46 Whilst planning conditions will reduce the impact of the development as far as possible NWL accepts there may be unforeseen impacts.
- 9.47 The section 106 agreement will require an Abberton Liaison Group, ALG, to be set up. 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 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.

- 9.48 NWL has agreed to contribute to a community fund, to mitigate the unforeseen effects of the development - this will be secured in the 106 agreement. The exact amount is still being discussed. The ALG will operate the community fund. 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.
- 9.49 The Council considers the reservoir enhancement provides a unique opportunity to enhance educational standards in Colchester. NWL is fully supportive of this and has agreed to make a contribution to an education fund, the precise amount is still under discussion. The education fund will be used to provide a range of educational and vocational opportunities for teenagers in fields such as sustainability, wildlife, water management and conservation.
- 9.50 The education fund would be administered by a 'board' comprising both a member and an officer of Colchester Borough Council; a representative of Essex County Council as the local education authority; a Head Teacher from a Colchester School and the chair or board member from the Careers Academy Colchester Institute. The Borough Council would act as administrator of the fund and ESW, would have a representative with observer status to all 'board' meetings.
- 9.51 The Highway Authority requirements for highway works and the paths cycle ways bridleways will be secured by conditions and legal agreement plus a requirement for NWL to carry out the further survey work required.
- 9.52 NWL has indicated the improvements to the footpaths/ bridleways forming part of the application and the additional footpaths, cyclepaths and bridleways negotiated by officers will cost £300,000. They state that the new Essex Wildlife Visitor Centre and Nature Reserve will cost £700,000 and that whilst a replacement facility had to be provided the new reserve will be considerably larger and the visitor centre will include a larger range and improved facilities.
- 9.53 The proposal is obviously different to the usual major application where the required contributions, such as education, affordable housing and open space, are clearly defined in adopted guidance.

Further information on the 2 financial contributions will be circulated to Members of the Planning Committee, Ward Councillors and the four Parish Councils as soon as possible. However, your officers are hopeful that a financial package can be agreed appropriate to the scale of the application that will deliver benefits to the local community and the Borough.

OTHER MATTERS

- 9.54 A member of the public has asked the Government Office for the East of England, (Go-East) to call in the application for determination by the Secretary of State. Go-East has asked for a copy of the Council's committee report if we are minded to recommend permission. A copy has been sent to them.

CONDITIONS

- 9.55 The scheme will be divided into a number of contracts. Members will note some repetition of conditions this is to ensure each contractor is aware of all the relevant conditions. NWL has indicated that it is possible the wording of some conditions may require amendment to take account of the phasing programme and the appointment of different contractors. This would not affect the requirements of the condition or compliance with it. Members are requested to give officers delegated powers to approve any such amendments obviously any significant changes would be brought back to committee for approval. There are a considerable number of conditions which, whilst, it is anticipated include all the requirements of consultees. However, officers also request delegated authority to add or amend the wording of conditions prior to the issue of the decision notice. Again any significant change will be reported to Members.

CONCLUSION

- 9.56 This is a major scheme which will take 5 years to complete. During this period there will be disruption due to the additional traffic and the construction work. NWL is aware of the impact the works will have on both communities and the environment and the application includes a strategy to minimise these impacts. However the conditions and provisions of the legal agreement include further safeguards and require a mechanism for public consultation and reporting of complaints. The scheme will involve the erection of a large building just outside the Dedham Vale AONB, although the building will be visible in the valley floor it is considered the materials and landscaping will soften its impact. The pipeline itself, once completed, will have little impact on the landscape.
- 9.57 The reservoir is a Special Protection Area afforded protection under national and international law. NWL has undertaken a large volume of work to satisfy Natural England that the integrity of the site will not be affected. The appearance of the Main Reservoir will be improved by the removal of the concrete edge and the implementation of appropriate landscaping and creation of new habitats. The works to the causeway will result in the most significant impact visible to visitors and users of the road. However a range of public access proposals associated with this work will provide the public with views of the Main Reservoir, views across the Central Section will still be possible at road level . The application includes significant improved public facilities including the new Essex Wildlife Trust Visitor Centre and Nature Reserve, public rights of way and public car parks. The provision of these facilities has to take into account the SPA site and exclusion zone.
- 9.58 The section 106 agreement will secure a range of contributions which will improve facilities and opportunities not only for residents of the local communities but the whole borough.

10.0 Background Papers

10.1 Regional Spatial Strategy; Mineral Local Plan; ARC; HH; PP; CU; TL; MR; CAA; CBC; LAS; NLR; OTH; PTC; AW; BH; CH; DW; EN; GE; HE; NC; NR; RE; ST; RS; Highways Agency, ECC Minerals

Recommendation

Defer for a legal agreement to secure the following:

- A financial contribution to The Community Fund
- A financial contribution to The Education Fund and the method of administering this fund
- A mechanism to set up the Abberton Liaison Group, (ALG), the ALG will have two main functions
 1. to meet, discuss, liaise and consult on construction issues. (The 106 agreement will include the methodology of notifying the local community and a complaints procedure)
 2. to administer The Community Fund
- A financial contribution to fund the package of improvements to the Public Rights of Way (PROW) network detailed in the application
- A financial contribution to fund an additional package of improvements to the Rights of Way (PROW) network and a commitment by NWL to fund the further survey work
- A financial contribution for footway/ cyclepath improvements along the B1026 through Layer de la Haye
- The provision of two new bus stops adjacent to the new Essex Wildlife Trust Visitor centre

Conditions

PART 1 – GENERAL

1 – A1.5 (time limit for commencement)

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2 – Non Standard Condition

Prior to commencement of any development a hydrogeological survey for the mineral extraction proposed at Rye Borrow Pit shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Mineral Planning Authority and the Environment Agency. The survey shall include details of the ground water dewatering methodology at the extraction face and the methods of discharge. The development shall be implemented in accordance with the approved details. In the event that the hydrogeological survey is unacceptable there shall be no import of granular material (i.e.

sand and gravel) to the site to replace that, which would otherwise have been extracted from Rye Borrow Pit.

Reason: To ensure there are no adverse impacts on hydrogeological or ground water matters.

NB - If it is not possible to discharge this condition and sand and gravel has to be brought onto the site a new planning application for The Abberton Scheme, will be required for the local planning authority consider the impact of the additional traffic.

3 – Non Standard Condition

Prior to the commencement of development, including any enabling works, a Phasing Plan for the construction of the development shall be submitted to and approved in writing by the local planning authority. The phases and sub-phases of the development shall include, but not be limited to:

- Wormingford Pumping Station
- Wormingford to Abberton Reservoir pipeline including the Wormingford Break Tank.
- Abberton Reservoir raising including the following sub-phases breaking up of the shoreline, reservoir perimeter road construction and shoreline re-profiling.
- Abberton Reservoir Main Dam raising
- Construction of col dams and flood bunds
- Works to the Causeway and the diversion of the B1026 north of the causeway
- Excavation and restoration of Rye Borrow Pit
- Provision of footways and bridleways
- Construction of the Essex Wildlife Trust Centre and Nature Reserve
- Landscape works

The development shall be constructed in accordance with the Phasing Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason. To enable the local planning authority to properly assess and control the impact of this major scheme.

4 - Non Standard Condition

Prior to the commencement of development of each approved phase sub/phase an amended Code of Construction Practise (CoCP) shall be submitted to and approved in writing by the local planning authority. The CoCP shall include all the matters included in the submitted CoCP. The development shall be carried out in accordance with the approved details. The submitted CoCP requires amendment.

Reason. To protect residential amenity and the environment in general.

5 – Non Standard Condition

Prior to the commencement of development of each approved phase sub-phase a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall include, but not be limited to, the following information:

- Preparation works - working times, duration of works, details of location and layout of site/storage compounds, details of topsoil removal, storage and reuse, fencing, lighting, access/car park works, screening details, details of the length of time each compound will be in use. Restoration scheme and timetable for each compound.
- Demolition of buildings working times for these works and re-use of materials on site
- Vehicle access to construction compounds and pipe storage compounds
- Details of wheel washing facilities to be provided and retained at all compounds prior to the commencement of construction.

- The layout and design of the vehicular access points to the compounds from the public highway, details and timetable for restoration.
- Construction activity - exact location on site, duration at different locations, use of plant and machinery, number of employees, working times, temporary roads, demolition and other works

Reason: To protect residential amenity and the environment in general.

6 – Non Standard Condition

Prior to the commencement of any development, in connection with each approved phase sub-phase, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Highways and Environmental Control. The TMP shall include, but not be limited to, the following information:

- Preparation works - delivery schedule for of all plant, buildings, equipment and materials including predicted numbers of HGV and other vehicle movements and delivery times and routes. The same information is required for removal of plant, buildings, equipment and materials
- HGV and other delivery vehicle routeing plans
- Construction works- vehicles/delivery and removal of plant - times, routes, size of vehicles, number of vehicles
- Employees - number, routes, size of vehicles, number of vehicles
- Road closures and/or diversions and any temporary accesses
- Traffic management measures
- Measures to minimise the number of single occupancy “worker” vehicles travelling to and from any part of the site
- Details of monitoring and enforcement of all the above

Reason: In the interests of highway safety and to protect residential amenity and the environment in general

7 – Non Standard Condition

Prior to the commencement of any development, in connection with each approved phase sub-phase measures to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with the construction shall be submitted and approved in writing by the local planning authority, in consultation with the highway authority. The approved details shall be included in each phase, sub-phase of the CoCP.

Reason: To protect residential amenity and the environment in general.

8 – Non Standard Condition

Prior to the commencement of any development a scheme for minimising the impacts of disturbance of the construction compounds shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason: To prevent disturbance to terrestrial and aquatic ecology.

9 - Non Standard Condition

Prior to the commencement of development of each approved phase or sub-phase further ecological surveys shall be undertaken as required by Natural England, and shall be submitted to and approved in writing by the local planning authority in consultation with Natural England. All development shall be carried out in accordance with the approved surveys, the submitted Environmental Statement, Ecological Management Plan and other documents, (unless amended by the new survey work) and the proposed habitat enhancements, avoidance and mitigation measures set out in the application documents.

Reason: To ensure that adequate measures are taken to protect the continuing well being of interest/wildlife species/sites of acknowledged wildlife/nature conservation importance.

10 – Non Standard Condition

Prior to commencement of development of each approved phase or sub-phase a scheme for the provision and implementation of the method of working for that phase sub-phase shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. Development shall only then proceed in accordance with the agreed scheme.

Reason; To prevent pollution of the water environment

11 – Non Standard Condition

Prior to the commencement of any development a scheme for the provision and implementation of surface water drainage incorporating sustainable drainage principles shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall be constructed in accordance with the approved details no later than completion of the proposed B1026 carriageway development.

Reason: To ensure acceptable provision is made for the disposal of surface water drainage in accordance with government sustainability objectives.

12 – Non Standard Condition

No amplified public address or other external loud speaker or sound systems shall be provided for use during construction or operation of any part of the development.

Reason: To safeguard the amenities of nearby residential properties.

13 – Non Standard Condition

Prior to commencement of development of any approved phase sub-phase details of quieter alternatives for vehicle reversing systems shall be submitted to and agreed in writing with the local planning authority in consultation with Environmental Control. The agreed system shall thereafter be implemented and shall be included in each CoCP.

Reason: To safeguard the amenities of nearby residential properties.

14 – Non Standard Condition

Prior to commencement of any development, a scheme for the provision and implementation of pollution control, as laid down in the proposed Discharges Plan (Appendix B-7 of the Environmental Statement), to ensure that no polluting discharge from the construction site, haul roads and disturbed areas enters any ditches or water courses shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency

Reason: To protect the environment

15 – Non Standard Condition

The development shall be constructed and operated in accordance with the Abberton Scheme Design & Access Statement (December 2007).

Reason: To ensure a satisfactory form of development

16 – C11.11 (Landscape Design Proposals)

No work on any phase/sub-phase shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local Planning Authority (see BS 1192: part 4).

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas. Hard signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

17 - C11.12 (Landscape Works Implementation)

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved phase sub-phase. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

18 – C11.17 (Landscape Management Plan)

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local Planning Authority prior to the commencement of any phase/sub-phase, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

19 – Non Standard Condition

Prior to the commencement of development details of the bunding to the chemical storage areas and storage of hazardous substances shall be submitted to and approved in writing with the local planning authority.

Reason: To protect the environment and to ensure acceptable provision is made for the storage of these hazardous materials

PART 2 – WORMINGFORD PUMPING STATION

20 – Non Standard Condition

Prior to the commencement of development of the Wormingford Pumping Station, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment

21 – C3.4 (Samples of Traditional Materials)

Samples of all materials to be used in the external construction and finishes of all parts of the Wormingford Pumping Station building, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the countryside and landscape adjacent to and visible from the Dedham Vale AONB.

22 – Non Standard Condition

Prior to the commencement of development details of the external materials and finishes for all the above ground buildings, other than the pumping station building, and structures shall be submitted to and approved by the local planning authority in writing.

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the countryside and landscape adjacent to and visible from the Dedham Vale AONB.

23 – C11.11 (Landscape Design Proposals)

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local Planning Authority (see BS 1192: part 4).

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas. Hard signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

The details submitted under this condition shall be in accordance with the indicative proposals shown on the planning application drawings.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

24 – Non Standard Condition

Prior to the commencement of development details of the access arrangements to the site of the Pumping Station during its construction (including details of the proposed surface finishes) and their removal at the end of construction 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 the use of an appropriate choice of materials having regard to the importance of this scheme in the countryside and landscape adjacent to and visible from the Dedham Vale AONB.

25 – Non Standard Condition

Prior to the commencement of development details of the riverbank protection to be provided on the southern bank of the river Stour in the vicinity of the pumping station inlet works shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory protection of the riverbank.

26 – C10.15 (Tree & Natural Feature Protection: Protected)

Prior to the commencement of development of the Wormingford Pumping Station, including any enabling works, no work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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.

27 – Non Standard Condition

Prior to the commencement of any development in connection with the pumping station, details of the designs of the intake for Wormingford Pumping Station shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency

Reason: To ensure that the design of the intake of the Wormingford Pumping Station prevents entrainment of fish in the intake.

28 - C2.2 (Archaeological Excavation and Evaluation)

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

29 – Non Standard Condition

Prior to the Pumping Station being brought into use a minimum of 230m² of compensatory storage shall be provided adjacent to the River Stour at the Pumping Station in accordance with details submitted to and approved in writing with the local planning authority in consultation with the Environment Agency

Reason: To ensure that any floodplain lost as a direct result of building on the floodplain is compensated for.

30 – Non Standard Condition

Prior to the commencement of development of the Pumping Station details of who shall be responsible for the maintenance of the compensatory storage area, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency

Reason: To ensure that the storage area will provide the necessary storage as and when required for the lifetime of the development.

31 – Non Standard Condition

Surface Water generated from the Pumping Station shall be disposed of to soakaways which will have a flow constrained outlet to the nearby ditch where discharge will not exceed 1.5 litres per second.

Reason: To ensure a satisfactory method of surface water disposal.

32 – Non Standard Condition

Prior to the commencement of development of the Pumping Station details of who shall be responsible for the long term management and maintenance of the surface water scheme, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason: To ensure the scheme is maintained at its full capacity over the lifetime of the development.

33 – Non Standard Condition

Prior to the commencement of development of the Pumping Station details to create new wetland habitats, including if possible an artificial otter holt, shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and Natural England.

Reason: To improve habitats on the River Stour.

34 – Non Standard Condition

Any plant, equipment and machinery shall be constructed installed and maintained so that the noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

Reason: To protect residential and general amenity.

35 – Non Standard Condition

Additional mitigation measures shall be submitted to and agreed in writing by the local planning authority in consultation with Environment Control, on request.

Reason: To mitigate any unforeseen impact of the construction of the pumping station.

PART 3 – THE PIPELINE

36 – Non Standard Condition

Prior to the commencement of development of the Wormingford Pumping Station, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

37 – Non Standard Condition

Prior to the commencement of any development, including any enabling development, in connection with the pipeline a Tree Survey and Categorization and Constraints Plan (set against the proposal footprint) and (as applicable) Tree Protection Plan and Arboricultural Method Statement, drawn up by an arboricultural consultant, shall be submitted to and approved in writing by the local planning authority in accordance with BS 5837:2005 recommendations, with particular reference to the planning process summarised in Fig 1 and the clauses detailed therein. This data is required to fully quantify the proposal and should be submitted for analysis/agreement. It is required principally in relation to plantations proposed for retention/removal and trees with RPA's impacted upon by development works on or adjacent to the working area of the pipeline, power cable route, associated permanent or temporary buildings, compounding, car parking & bunding and any other work associated with the proposal. It is designed to demonstrate no detrimental effect to effected trees, quantify proposals for retention/removal, secure trees protection during proposed development and detail any specialist construction techniques & post construction works required; a minimum two copies should be submitted. Non-submission of any required data should be professionally justified.

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

38 – Non Standard Condition

Prior to the commencement of any development, including any enabling development, in connection with pipeline a Hedgerow Survey drawn up by an appropriately qualified landscape consultant shall to be submitted to and approved in writing by the local planning authority. The survey shall include all locations within the development area where it is proposed existing hedgerows are to be breached, lost or impacted upon (on or adjacent to the working area of the pipeline and power cable route (including 25m coppice band), associated permanent or temporary buildings, compounding, car parking and bunding and any other work associated with the proposal. This survey needs, as a minimum, to categorise the individual hedges along the route as either 'important' or 'not important', clearly demonstrating they have been assessed against the landscape, wildlife, historical and archaeological criteria in the Hedgerows Regulations 1997. In addition to the data submitted to date any Hedgerow Survey shall include a detailed assessment in accordance with Schedule 1, Part 2, clauses 1 to 8 of the Hedgerows Regulations 1997 (indentifying wildlife, landscape, historic and archaeological importance). This survey shall be submitted to and agreed by the Council on a phase by phase basis prior to each phase commencing or as conditioned.

The survey will clearly tabulate all data relating to each of the clauses for each individual hedge, and from this identify the hedgerow status. It will clearly identify all affected hedges, show their individual hedges position & length, the pipeline's envisaged position and working area, all clearly laid out on plan. It will also identify proposed treatment (i.e. areas to be removed, coppiced or retained). Within the working area it will identify important elements (e.g. old stools, mature A&B category trees) and there position within the hedge, methodology for protection (see BS 5837) for both retained elements & works crossing points (illustrate coppice crossing with sectional drawing), mitigation, protection, planting proposals and proposed professional monitoring of works during construction.

Where a hedge is identified as 'important' only weak points (adequate degraded or missing sections or existing gaps) will be considered as pipeline crossing points, otherwise tunnelling will be proposed. In these cases the condition and length of each of these proposed crossing points through an 'important' hedge where it utilises such areas will be clearly identified together with a considered justification for removal. Where hedgerows are classified as 'important' alternative routes should be clearly demonstrated as having been explored rather

than removal proposed, e.g. the utilisation of any existing gaps in the hedgerow & gateways or directional drilling. Non-submission of any required data should be professionally justified. The hedgerow survey needs to indentify all the relevant criteria in order to assess if the hedge is important or not, a copy of the council Hedgerows Regulations Survey Sheet is attached under Appendix A for reference as to the minimum data required.

In line with best practice, in paragraph 1 it should be confirm that tree/hedgerow protection will fully accord with BS 5837 recommendations. In line with best practice, in paragraph 2 it should confirm that any works to tree/hedges will be undertaken in accordance with BS 3998. In order to fully demonstrate that the least detrimental route, in landscape terms, has been identified it is recommended the proposal should include a broad survey of the adjacent landscape structure where trees or hedges are proposed for removal (in addition to the tree and hedgerow survey recommend in section 2 above), this identifying the position of hedgerows, hedgerow trees, individual trees, groups of trees, woodlands and crucially the gaps between these elements (identifying trees/hedges root protection areas and crown spreads).

The planting proposals shall include details of decompaction measures to compacted areas to a minimum depth of 600mm and for 1m either side of the hedge planting line. It is recommended hedge planting be mulched with a photodegradable or biodegradable mulch sheet/matting with a specified and proven minimum useful life expectancy of 2 growing seasons covered with a dark bark chipping layer (minimum 50mm deep) firming and watering all plants immediately prior to laying matting and (where applicable) cane supported, protecting with rabbit/tube guarded (photodegradable), with slow release fertiliser added to the planting hole/trench and dead or damaged branches removed after planting. Detailed proposals should include instruction for laying sheet mulch including weed clearance, removal of stone/clods, pegging (using biodegradable pegs), fixing edges (e.g. bury minimum 200mm flap), planting through membrane and spreading wood chip.

Development works including excavation, ground compaction and ground remodelling should as a minimum not occur within the construction exclusion zone (principally defined by the root protection area as assessed against section 5.2 of BS 5837:2005: RPA) of all retained mature trees and hedges (not limited to those protected by a TPO) on or adjacent to the working area of the reservoir raising, pipeline (including the 25m coppice band), power cable route, associated permanent or temporary buildings, compounding, car parking & bunding and any other work associated with the proposal, as provisional assessment would indicate is currently proposed. This in order to avoid damage to the root structure, crown spread or setting of the tree/hedge that might compromise their long-term viability, stability and amenity value, in line with British Standard 5837 recommendations.

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

39 – Non Standard Condition

The applicant shall ensure that Contractors comply with the measures referred to in the applicant's Code of Construction Practice (CoCP) for Pipelines

Reason: To ensure that the activities do not give rise to significant rises in flood risk before, during or after completion of the pipeline construction

40 - C11.14 (Tree / Shrub Planting)

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. The details submitted under this condition shall be in accordance with the indicative proposals shown on the planning application drawings.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

41 - C11.17 (Landscape Management Plan)

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

42 – C2.2 (Archaeological Excavation and Evaluation)

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

43 – Non Standard Condition

Prior to commencement of the pipeline works, a Flood Response Plan shall be submitted to and approved by the Environment Agency. The Plan shall be submitted by the applicant or their nominated contractor.

Reason To identify the most appropriate measures to take on site to minimise risks if and whenever flooding is forecast.

44 – Non Standard Condition

Prior to commencement of the pipeline, the applicant shall provide details of the proposed compensatory flood storage works for any permanent structures, such as chamber cover slabs and wash out valves, which protrude above the original ground level within the designated Flood Plain areas. The details shall be submitted to and approved in writing by the local planning authority and the Environment Agency's Development Control Team at Icen House Cobham Road Ipswich IP3 9JD

Reason: To ensure that construction activities do not give rise to a rise in flood risk following the completion of the pipeline construction works.

45 – Non Standard Condition

All excess spoil and materials shall be removed from the designated Flood Plain areas following the reinstatement of pipeline trenches in these area and the land surface restored to its original level.

Reason: Displaced volumes of spoil arising from the construction of the pipeline would decrease the land area available for flood storage, thereby increasing flood risk to adjacent areas, should these volumes be spread over the land surface within designated Flood Plain zones.

46 – Non Standard Condition

Prior to the commencement of any development, including any enabling development, in connection with pipeline details of road and river crossings shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Highways and the Environment Agency. Trench less road crossings will be required as set out in the planning application, unless otherwise agreed in writing with the local planning authority

Reason: To ensure appropriate trench less crossings are implemented.

PART 4 – THE WORMINGFORD BREAK TANK (“THE BREAK TANK”)

47 – Non Standard Condition

Prior to the commencement of development of the Wormingford Break Tank, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

48 – C3.4 (Samples of Traditional Materials)

Prior to the commencement of development of the Wormingford Break Tank, including any enabling works, samples of all materials to be used in the external construction and finishes shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: The application has insufficient detail for approval to be given to the external materials; and to ensure that the development does not prejudice the appearance of the locality/to ensure that the development has a satisfactory appearance in order to protect and enhance the visual amenity of the area.

49 – C11.11 (landscape Design Proposals)

Prior to the commencement of development of the Wormingford Pumping Station, including any enabling works, no works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local Planning Authority (see BS 1192: part 4).

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas. Hard signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment). Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

The details submitted under this condition shall be in accordance with the indicative proposals shown on the planning application drawings.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

50 - C10.15 Tree & Natural Feature Protection: Protected)

Prior to the commencement of development of the Wormingford Pumping Station, including any enabling works, no work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. 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.

PART 5 – ABBERTON RESERVOIR RAISING

51 – Non Standard Condition

Prior to the commencement of development of the Abberton Reservoir raising, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

52 – Non Standard Condition

Prior to the commencement of any development, including any enabling development, a Tree Survey and Categorization & Constraints Plan (set against the proposal footprint) and (as applicable) Tree Protection Plan and Arboricultural Method Statement, drawn up by an arboricultural consultant, shall be submitted to and approved in writing by the local planning authority, this in accordance with BS 5837:2005 recommendations, with particular reference to the planning process summarised in Fig 1 and the clauses detailed therein. This data is required to fully quantify the proposal and should be submitted for analysis/agreement. It is required principally in relation to plantations proposed for retention/removal and trees with RPA's impacted upon by development works on or adjacent to the working area of the reservoir raising and any other work associated with the proposal. It is designed to demonstrate no detrimental effect to effected trees, quantify proposals for retention/removal, secure trees protection during proposed development and detail any specialist construction techniques & post construction works required; a minimum two copies should be submitted. Non-submission of any required data should be professionally justified.

Development works including excavation, ground compaction and ground remodelling should as a minimum not occur within the construction exclusion zone (principally defined by the root protection area as assessed against section 5.2 of BS 5837:2005: RPA) of all retained mature trees and hedges (not limited to those protected by a TPO) on or adjacent to the working area of the reservoir raising and any other work associated with the proposal, as provisional assessment would indicate is currently proposed. This in order to avoid damage to the root structure, crown spread or setting of the tree/hedge that might compromise their long-term viability, stability and amenity value, in line with British Standard 5837 recommendations.

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

53 – Non Standard Condition

Prior to the commencement of development, or any enabling development, a Hedgerow Survey drawn up by an appropriately qualified landscape consultant needs to be submitted to this office and agreed for all locations within the development area where it is proposed existing hedgerows are to be breached, lost or impacted upon (on or adjacent to the working area of the reservoir raising, any other work associated with the proposal, including those to be lost to the Rye Farm the borrow pit). This survey needs, as a minimum, to categorise the individual hedges along the route as either 'important' or 'not important', clearly demonstrating they have been assessed against the landscape, wildlife, historical and archaeological criteria in the Hedgerows Regulations 1997.

In addition to the data submitted to date any Hedgerow Survey will include a detailed assessment in accordance with Schedule 1, Part 2, clauses 1 to 8 of the Hedgerows Regulations 1997 (in identifying wildlife, landscape, historic and archaeological importance). This survey will be submitted and have agreed by the Council on a phase by phase basis prior to each phase commencing or as conditioned. The survey will clearly tabulate all data relating to each of the clauses for each individual hedge, and from this identify the hedgerow status. It will clearly identify all affected hedges, show their individual hedges position & length, the pipeline's envisaged position & working area and the all hedges to be lost (submergence or removal) in relation to the reservoir raising, all clearly laid out on plan. It will also identify proposed treatment (i.e. areas to be removed, coppiced or retained). Within the working area it will identify important elements (e.g. old stools, mature A&B category trees) and their position within the hedge, methodology for protection (see BS 5837) for both retained elements & works crossing points (illustrate coppice crossing with sectional drawing), mitigation planting proposals and proposed professional *monitoring of works during construction*.

The hedgerow survey shall identify all the relevant criteria in order to assess if the hedge is important or not, a copy of the council Hedgerows Regulations Survey Sheet is attached under Appendix A for reference as to the minimum data required.

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

54 – C10.18 (Tree and Hedgerow Protection: General)

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

55 – C10.16 (Tree & 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.

56 - C11.14 (Tree / Shrub Planting)

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. The submitted details shall be in accordance with the illustrative proposals shown on the planning application drawings.

Reason: To ensure an appropriate visual amenity in the local area.

57 – C11.17 (Landscape Management Plan)

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

58 – Non Standard Condition

Prior to commencement of Abberton Reservoir Raising an Ecological Management Plan and details to set up an Ecology Advisory Group shall be submitted to and approved in writing by the local planning authority in consultation with Natural England. The Ecological Management Plan shall include the following matters

- proposals for habitat creation
- proposals for the protection of protected species
- the methodology for minimising the impacts of disturbance to local habitats and species.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

59 – Non Standard Condition

A Business Continuity Plan shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency prior to the commencement of development .The plan shall cover the maintenance responsibilities and back up plans for the causeway pumps and the back up generator.

Reason: To ensure that the causeway pumping will be properly maintained to ensure that water can be pumped between the Central Section and the Main Reservoir when required.

60 – Non Standard Condition

Any additional points of access to the site of the reservoir raising from the public highway in addition to those shown on the application drawings shall be submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority, prior to their being first brought into use.

Reason: In the interests of highway safety.

61 – Non Standard Condition

Prior to the commencement of development a methodology for soil stripping and storage shall be submitted to and approved in writing by the local planning authority.

Reason: To protect residential amenity and the environment.

62 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit dust mitigation measures shall be submitted to and approved in writing by the local planning authority, in consultation with Environmental Control

Reason: To protect the amenities of local residents.

63 - C2.2 (Archaeological Excavation and Evaluation)

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

64 – Non Standard Condition

Prior to the commencement of construction works associated with the raising of Abberton Reservoir a plan showing the landscaping master plan for the raised reservoir shall be submitted to and approved by the local planning authority in consultation with Natural England. The submitted plan shall identify (as appropriate)

- the perimeter access road to the raised reservoir, the new and extended buildings and structures to be provided around the raised Reservoir
- the area of the Essex Wildlife Trust Nature Reserve
- the areas of existing planting to be removed, enlarged or reduced in spatial extent.
- areas of habitat created in preparation for construction of the raised Reservoir.
- new habitat to be created as part of the creation of the raised Reservoir; areas of new woodland and hedgerow planting undertaken in preparation for construction of the raised Reservoir.

- areas of new woodland and other planting including hedgerows and grassland to be undertaken as part of raising the Reservoir
- the likely species mix for the areas of new planting
- in so far as it is not covered by the matters listed above reservoir edge protection
- The further landscaping details submitted under the landscape conditions shall be in accordance with the landscape masterplan approved under condition

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

65 – Non Standard Condition

Habitats to be created and maintained as part of the raising of Abberton Reservoir (excluding the Essex Wildlife Trust Visitor Centre and nature reserve) shall be created and maintained in accordance with the provisions of the Ecological Management Plan.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

66 – Non Standard Condition

A pumping station shall be provided at the causeway in accordance with a timetable submitted and agreed in writing with the local planning authority in consultation with the Environment Agency prior to the commencement of work. The pumping station shall consist of three pumps together with an electronic fault reporting system

Reason: To ensure the continued flow of water from the Central Section to the Main Reservoir.

67 – C2.2 (Archaeological Excavation and Evaluation)

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

PART 5: PERIMETER ROAD CONSTRUCTION AND SHORELINE PROFILING (INCLUDING REMOVAL OF EXISTING RESERVOIR PERIMETER ROAD)

68 – Non Standard Condition

Prior to the commencement of development of the Perimeter road construction and shoreline profiling, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

69 – Non Standard Condition

The existing concrete perimeter access road shall only be removed between the months of April and September and at no other time unless otherwise agreed in writing with the local planning authority in consultation with Natural England.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

70 - Non Standard Condition

The removal of the concrete perimeter road shall proceed from west to east from adjacent to the B1026 causeway on both the northern and southern shorelines of the reservoir towards Abberton Reservoir Main Dam unless otherwise agreed in writing with the local planning authority in consultation with Natural England.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

71 – Non Standard Condition

All shoreline reprofiling and enhancement works shall be restricted to between the months of April and October in each year such works are programmed to be carried out.

Reason: To prevent disturbance to terrestrial and aquatic ecology.

72 – Non Standard Condition

All shoreline landscaping works shall be restricted to between April and September in each year when such works are programmed to be carried out

Reason: To prevent disturbance to terrestrial and aquatic ecology.

73 - C2.2 (Archaeological Excavation and Evaluation)

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

PART 6: MAIN DAM AND COL DAMS AND FLOOD BUNDS

74 – Non Standard Condition

Prior to the commencement of development of the Main Dam Col Dams and Flood Bunds, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

75 – Non Standard Condition

Prior to commencement of construction of the Main Dam the col dams and the flood bunds as appropriate, the layout and cross sections of the Main Dam, the Col Dams and the Flood Bunds shall be submitted to and agreed in writing by the local planning authority.

Reason: To allow proper consideration of these works in the landscape.

76 – Non Standard Condition

Wax cap grassland shall be removed from the downstream face of the Main dam prior to commencement of work to raise the Main Dam and its subsequent reinstatement on the downstream face of the raised Main Dam shall be carried out in accordance with the provisions of the Ecological Management Plan.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

77 – Non Standard Condition

Prior to commencement of raising of the Main Dam or the construction of the Col Dams (or any of them) a landscaping scheme for that part of the development site shall be submitted to and approved by the local planning authority.

The scheme shall include details (as appropriate) of:

- existing planting to be retained
- new planting to be provided
- the species to be used in new planting
- the proposed planting plans and densities – (all the above in accordance with Condition 16)
- an implementation plan – in accordance with Condition 17
- a management plan – in accordance with Condition 18

Reason: Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

78 – Non Standard Condition

The landscaping scheme shall be completed in accordance with the approved details in the first planting season following completion of the relevant part of the development to which the landscaping scheme relates.

Reason: To ensure an appropriate visual amenity in the local area.

79 - Non Standard Condition

The shoreline planting on the col dams and the reservoir margins generally shall be carried out in accordance with the provisions of the Ecological Management Plan.

Reason: To ensure that adequate measures are taken to protect the continuing well being of a Site of Special Scientific Interest/ designated/ Special Protection Area/ site of acknowledged wildlife/nature conservation importance.

PART 7: RAISING THE B1026 CAUSEWAY AND DIVERSION OF THE B1026 NORTH OF THE CAUSEWAY (INCLUDING CAR PARKING)

80 – Non Standard Condition

Prior to the commencement of development of the raised causeway, B1026 road diversion and car parks, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

81 – Non Standard Condition

Prior to commencement of works associated with raising the B1026 causeway and the diversion of the B1026 north of the causeway the detailed highway design and timetable for the commencement and completion of the raised causeway and the diversion works shall be submitted to and approved by the local planning authority in consultation with the highway authority.

The details to be submitted and approved shall include, but not be limited to

- the precise carriageway footway and cycleway alignment and width
- highway drainage
- car parking and lay-by layout on the causeway
- the location of steps to access footpath on top of the bund adjacent to the Main Reservoir
- the provision of vehicle and pedestrian safety barriers
- car parking layouts (including surface finishes and landscaping) for car parks north and south of the causeway and at Layer Church and access arrangements to those car parks from the B1026

Reason: In the interests of highway safety and to ensure these works are carried out and completed at an appropriate time.

82 – Non Standard Condition

Prior to the commencement of works to achieve the diversion a landscaping scheme for the B1026 diversion shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- existing planting to be retained
- new planting to be provided
- the species to be used in new planting
- the proposed planting plans and densities – all of the above in accordance with Condition 16
- an implementation plan – in accordance with Condition 17
- a management plan – in accordance with Condition 18

The landscaping scheme shall be completed in accordance with the approved details in the first planting season following completion of the diversion and maintained in accordance with the management plan. Any trees, shrubs or grassed areas which die or become diseased within that five year period shall be replaced in the next available planting season.

Reason: To ensure an appropriate visual amenity in the local area.

83 – Non Standard Condition

The car parks to the north of the causeway and south of the causeway at Billets Farm shall be provided in perpetuity and shall be open from dawn to dusk Monday to Sunday unless otherwise agreed in writing with the local planning authority.

Reason: The provision and retention of the car parks is an essential element of the scheme.

84 – Non Standard Condition

Prior to completion of the works associated with raising the B1026 causeway and the diversion of the B1026 north of the causeway a pumping station shall be provided (consisting of three pumps and an electronic fault reporting system) to ensure the continued flow of water from the Central section to the Main section of Abberton Reservoir.

Reason: To ensure acceptable provision is made for the pumping of water between the Main and Central sections of the reservoir.

85 – Non Standard Condition

Prior to commencement of the construction of the pumping station at the B1026 causeway the Business Continuity Plan shall be submitted to and approved by the local planning authority.

Reason: To ensure appropriate provision, retention and maintenance of the pumping station.

86 – Non Standard Condition

Prior to the commencement of work on the B1026 causeway or the B1026 diversion a scheme for the management of vehicle and pedestrian traffic during the raising of the B1026 causeway and the diversion of the B1026 shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Highways.

Reason: In the interests of highway safety and to ensure safe provision is made for vehicles and pedestrians.

87 – Non Standard Condition

The church car park shall have 45 parking spaces in accordance with the amended plan Reason; To ensure car parking in this location is acceptable.

PART 8 : ESSEX WILDLIFE TRUST VISITOR CENTRE AND NATURE RESERVE (INCLUDING CAR PARKING)

88 – Non Standard Condition

Prior to the commencement of development of the Essex Wildlife Trust Visitor Centre and nature reserve, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

89 – Non Standard Condition

The timetable for the construction of the Wildlife Trust Visitor Centre and the closure of the existing centre shall be submitted to and agreed in writing with the local planning authority in consultation with the Essex Wildlife Trust, prior to the demolition/closure of the existing centre..

Reason: To ensure the new EWT visitor centre is available for use by the public prior to the closure of the existing centre.

90 – Non Standard Condition

Prior to commencement of construction of the Essex Wildlife Trust Visitor Centre the following details shall be submitted to and approved in writing by the local planning authority

- the location of any construction compound and a scheme for the restoration of the construction compound.
- external materials and finishes for the Visitor Centre
- the access arrangements to the site of the Visitor Centre and Nature Reserve during its construction (including details of the proposed surface finishes) and their removal at the end of the construction of the Visitor Centre
- the access arrangements to the site of the Visitor Centre and Nature Reserve during its operation (including details of the proposed surface finishes)
- permanent external lighting (including any lighting of the access road)
- a landscaping scheme for the Visitor Centre and Nature Reserve
- fencing and boundary treatments for the site of the Visitor Centre and Nature Reserve
- layout and surface finishes of hard standing, car parking and turning areas within the site of the Visitor Centre and Nature Reserve

Reason: To ensure the visitor centre development is implemented to the satisfaction of the local planning authority.

91 – Non Standard Condition

A scheme for the protection of trees and hedgerows within the site of the Visitor Centre and Nature Reserve shall be submitted and approved prior to the commencement of construction of the new Visitor Centre.

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

92 – Non Standard Condition

Prior to the commencement of construction of the Visitor Centre a landscaping scheme for the Essex Wildlife Trust Visitor Centre and Nature Reserve shall be submitted to and approved in writing by the local planning authority in consultation with Natural England. The scheme shall include details of:

- existing planting to be retained
- new planting to be provided
- the proposed planting plans and densities – all the above in accordance with Condition 17
- a landscape management plan in accordance with Condition 18
- a landscape implementation plan – in accordance with Condition 19
- planting of the car park.

The approved landscaping scheme shall be completed in accordance with the approved details in the first planting season following completion of construction of the Visitor Centre. The landscaping scheme shall be maintained for a period of five years from completion of the Visitor Centre. Any planting forming part of the landscape scheme that dies or become diseased within that five year period shall be replaced within the next available planting season.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

93 - Non Standard Condition

The Visitor Centre car park shall be open between the hours of 0800 and 1800 or at such other times as are agreed in writing with the local planning authority, in consultation with Essex Wildlife Trust.

Reason: To ensure this facility is available to the public.

PART 9 – BUILDINGS AND ABOVE GROUND STRUCTURES

94 – Non Standard Condition

Prior to the commencement of development of any buildings and above ground structures, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

The development shall in carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

95 – Non Standard Condition

Prior to commencement of construction of any buildings or structures the following details shall be submitted to and approved by the local planning authority:

- external materials and finishes;
- permanent external lighting (if any);
- the layout and surface treatment of any associated hard standing, car parking and turning areas.

Reason: To ensure these buildings, structures are constructed to the satisfaction of the local planning authority.

PART 9: RYE BORROW PIT AND GRAVEL PROCESSING PLANT

96 – Non Standard Condition

Prior to the commencement of development of the rye borrow pit, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- A hydrogeological survey condition 2
- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

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

Reason: In the interests of residential amenity and to ensure the extraction satisfies hydrogeological requirements.

97 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit a 5 year restoration and aftercare scheme for the Borrow Pit to agricultural use following the completion of extraction shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Council Mineral Authority and Natural England. The restoration scheme shall include measures to ensure soils are placed correctly to reduce/ minimise compaction from machinery.

Reason; To provide for the completion and progressive restoration of the site within the approved timescale in the interests of local amenity.

98 – Non Standard Condition

Material extracted from Rye Borrow Pit and processed in the gravel processing plant shall only be used for the purposes of constructing the raised reservoir and shall not be exported from the site for any other purpose.

Reason: The extraction is contrary to the provisions of the adopted Essex Mineral Plan and permission has only been granted in view of the particular circumstances of the development.

99 – Non Standard Condition

No aggregates shall be brought onto the site and only aggregates extracted from Rye Borrow Pit shall be processed in the gravel screening washing and processing plant

Reason: The extraction is contrary to the provisions of the adopted Essex Mineral Plan and permission has only been granted in view of the particular circumstances of the development.

100 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit details of the mineral screening and washing plant, their location design and height shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Council Mineral Authority.

Reason: To protect the amenities of local residents

101 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit details of silt lagoons associated with the mineral screening and washing including location, size and restoration information shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Council Mineral Authority.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

102 – Non Standard Condition

Mineral extraction from Rye Borrow Pit shall cease when the aggregates required for the reservoir raising have been excavated. All buildings plant shall be removed from the site in accordance with detail agreed in discharge of condition 5 and 6.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of local amenity.

103 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit dust mitigation measures shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Council Mineral Authority and Environmental Control.

Reason: To protect the amenities of local residents.

104- Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit a scheme of working for the extraction of sand and gravel from the Borrow Pit, including the height of stockpiles of aggregates and the depth of abstraction, shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Council Mineral Authority.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

105 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit a scheme for the removal and storage of top and sub-soil from the site of the Borrow Pit and the gravel processing plant shall be submitted to and approved in writing by the local planning authority, in consultation with Essex County Council Mineral Authority.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of local amenity.

106 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit the proposed routing of heavy plant, machinery and vehicles within the Borrow Pit during its excavation and restoration shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Mineral Authority and Environmental Control.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

107 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit a scheme of temporary landscaping for the period of extraction and restoration of the Borrow Pit shall be submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the illustrative scheme on the planning application drawing unless otherwise agreed with the local planning authority. The agreed scheme shall be implemented prior to the commencement of any work.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

108 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit a scheme for the provision of noise bunds and other noise mitigation measures during extraction from the Borrow Pit and its restoration shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Mineral Authority and Environmental Control. The bunds shown on the application drawings require amendment.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

109 – Non Standard Condition

Prior to the commencement of any work in connection with Rye Borrow Pit a scheme for the discharge of water from the gravel processing plant shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Mineral Authority and the Environment Agency.

Reason: To ensure the satisfactory discharge and disposal of water.

110 – Non Standard Condition

Mineral extraction shall not take place outside of the hours of 0800 to 1700 Monday to Friday and shall not take place at all on Saturdays, Sundays or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

111 – Non Standard Condition

The gravel processing plant shall not operate outside of the hours of 0800 to 1700 Monday to Friday and shall not take place at all on Saturdays, Sundays or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

112- Non Standard Condition

No stockpiles of granular material extracted from Rye Borrow Pit shall be established and maintained in the vicinity of the Borrow Pit or the gravel processing plant other than those associated with temporary piles established for the processing of granular material through the gravel processing plant. Material extracted from Rye Borrow Pit shall be processed through the processing plant as soon as is reasonably practical after extraction and shall then be transported (in accordance with the conditions of this planning permission) to its location of use.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

113- Non Standard Condition

Prior to the commencement of any extraction a competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority prior to the use hereby permitted commencing and shall be approved in writing with the Local Planning Authority in consultation with Environmental Control.

Reason: To protect the amenities of local residents and to ensure a satisfactory form of development.

114 – C2.2 Archaeological Excavation and Evaluation

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

PART 10 – LANDSCAPE WORKS

115- Non Standard Condition

Prior to the commencement of development of the landscape works, including any enabling works, details to discharge the following conditions shall have been submitted to and approved in writing by the local planning authority;

- Code of Construction Practice condition 4
- Construction Management Plan condition 5
- Traffic Management Plan condition 6

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

Reason: To ensure a satisfactory form of development and to protect residential amenity and the environment.

116 – Non Standard Condition

Landscaping shall be provided at locations, to be agreed in writing with local planning authority in accordance with the illustrative proposals on the planning application drawings. The locations shall include but not be limited to:

- Rows Farm
- Wick Farm
- Blind Knights house
- Vaughans and Abberton Cottage
- Peldon Lodge
- Moulshams Manor

- Nightingale Farm

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

INFORMATIVES

1- Non Standard Informative

The dimensions, cross sections and other details in respect of the construction of the Main Dam, the Col Dams and the Flood Bunds is set by the requirements of the Reservoirs Act with which NWL must comply

2 – Non Standard Informative

Environment Agency :

- 1 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.
- 2 Please note that under the terms of the Water Resources Act and Land Drainage Byelaws, any pipeline being placed in, over, under, or within 9 metres of any Main River will require formal written consent from the Environment Agency, prior to the works taking place. Formal written consent will be required from the Agency for any works which could affect the flow of an ordinary watercourse, including any temporary trenching that may be required to install the pipeline. Consent is also required for the heaping of any material on the flood plain.
- 3 We recognise that there is perhaps sensitive information associated with damage to roads and power lines that has not been included within this document. We do strongly recommend that this information is provided to the Emergency Services and Emergency Planners to ensure that they are aware of the information and are able to use the information to influence their emergency planning under the Civil Contingencies Act 2004.
- 4 Please be aware that under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, any works in, over, under, or within 9 metres of a designated Main River will require formal written consent from the Environment Agency prior to any of the works taking place. This includes any temporary works and any heaping/storage of material within the floodplain.
- 5 Any works that could affect the flow of an ordinary watercourse, including any temporary culverts and diversions will also require prior written consent from us, prior to the works commencing, under Section 23 of the Land Drainage Act.
- 6 We will require the applicant to submit an up to date otter and water vole survey to determine the land drainage consent application.
- 7 Certain private water supplies do not require a licence, therefore we are not necessarily aware of their existence. The Council may hold the locations of private domestic sources on the register required by the Private Water Supplies Regulations 1992.
- 8 If the applicant is proposing to construct any works to dewater the site, he must serve Notice on the Agency under Section 30 of The Water Resources Act 1991. The Environment Agency will respond by issuing a Conservation Notice, specifying measures to be taken to protect existing sources.
- 9 *Pollution Prevention*
All excavation and other works must be carried out in a carefully controlled manner that will not result in water pollution.

- 10 Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further information can be obtained from our Essex Environment Management Team in our Kelvedon office.
- 11 The proposed Site Waste Management Plan should be submitted to the Environment Agency for our comments and agreement.

3 - Non Standard Informative

Anglian Water

Where the applicant intends to cross over or under our assets, we require details of how they intend to protect our services at these points to ensure that there is no inappropriate loading on the asset which might compromise its structure. Details of this will need to be submitted to Anglian Water for our approval before work commences.

4 – Non Standard Informative

Highways Agency:

From the information submitted with the application it is clear that the pipeline will cross the Highway Agency's network and we would like clarification on how the proposals would effect the daily running of the specific network involved. The developer would need to seek technical approval for any thrust boring if this is proposed, road work layouts would also need to be approved and a road space booking for any works which could potentially affect traffic flow, this includes survey or monitoring work which would be required.

5 – Non Standard Informative

Highway Authority:

1. The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.
2. The requirements contained in 1 and 2 above shall be imposed by negative planning conditions or planning obligation agreements as appropriate.
3. Prior to any works taking place in the public highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1080 to regulate the construction of the highway works.
4. All highway related details shall be agreed with the Highway Authority.
5. Number of parking spaces, including disabled, cycle and motorcycle shall be in accordance with those standards set down within Essex Planning Officers Association, Vehicle Parking Standards, August 2001. Further all cycle and motorcycle parking shall be convenient, covered and secured.
6. Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.

6 – Non Standard Informative

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

Our vision is for Colchester to develop as a prestigious regional centre

Our goal is to be a high performing Council

Our corporate objectives for 2006-2009 are:



e-mail: democratic.services@colchester.gov.uk
website: www.colchester.gov.uk