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Item No: 7.1

Application: 202025

Applicant: Ms Paige Harris, Persimmon Homes Essex

Proposal: Development of 153 dwellings with associated parking, landscaping, open space, drainage and infrastructure and formation of new access and alterations to existing access onto Berechurch Hall Road.

Location: Land south of Berechurch Hall Road, Colchester

Ward: Shrub End

Officer: Eleanor Moss

Recommendation: Approval subject to recommended conditions and S.106 agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application which is a departure from the Adopted Local Plan, although not a departure from the Emerging Local Plan 2017-2033, and a number of objections have been raised.

2.0 Synopsis

- 2.1 The key issues for consideration are the weight that can be afforded to the Emerging Local Plan site allocation and the specifics of the proposal in terms of design, layout and highway safety. Members may recall the consideration afforded previously to this application at the meeting of 9 September 2021 (Item 7.1) when it was resolved to defer until attendance of ECC Highways to answer queries around access, traffic calming, footways, possible mini roundabout, bus stop laybys etc. This item is now returned for consideration and the Strategic Highway Engineer representing ECC Highways has confirmed their attendance at 30th September 2021 committee.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The allocation site measures 5.36 hectares and fronts onto Berechurch Hall Road.
- 3.2 The site is broadly rectangular in shape and measures up to 390 metres wide (east/west) and 130 metres deep (north/south). The site is currently in agricultural use and lacks topography. A farm track runs along the western boundary. There are no public footpaths in or around the site. The site is bounded on all sides by hedging consisting of shrubs and mature trees, some of which is on-site and some on adjacent land.
- 3.3 Immediately to the west of the site is an area which was the subject of an application by Harding Homes for 32 dwellings and approved in 2020. Separating the two respective sites is a belt of shrubs and trees.
- 3.4 To the south of the site is a large agricultural field, beyond which is the Birch Grove Golf Club which lies some 280 metres south of the site. There are no listed buildings on or around the site.
- 3.5 The Eastern Parcel benefits from an existing vehicular access from Berechurch Hall Road at the most westerly point along the site's northern boundary.
- 3.6 A proposal for 32 dwellings on 1.55 hectares land to the west of the application site has previously been granted planning permission (application ref: 191093).

4.0 Description of the Proposal

- 4.1 Full planning permission for 153 dwellings with associated parking, landscaping, open space, drainage and infrastructure and formation of new access and alterations to existing access onto Berechurch Hall Road.

5.0 Land Use Allocation

- 5.1 The site is unallocated land in the adopted Local Plan but is an allocation in the Emerging Local Plan. This matter will be detail within the Principle of Development Section of the report.

6.0 Relevant Planning History

- 6.1 None directly relevant to this application site however as mentioned in paragraph 3.6, 32 dwellings have recently been granted directly to the west of this site forming part of the same emerging site allocation.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2021) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP15 Retention of Open Space and Indoor Sports Facilities
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

- 7.5 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector was appointed and the formal examination commenced in January 2018. The examination is ongoing for Section 2 of the plan. Section 1 of the plan was adopted in February 2021. The examination of section 2 has yet to be completed with the examiner’s suggested modifications having been received. These will now be subject to further public consultation.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

Section 2 of the Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to complete a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

Overview

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to complete examination, with hearing sessions having taken place during April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Core Strategy Policy SD1 is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 are partially superseded by policies SP3, SP4 and SP5 in relation to the overall housing and employment requirement figures. The remaining elements of policies SD1, H1 and CE1 are relevant for decision making purposes.

The Council can demonstrate a five year housing land supply.

Adopted Section 1 Local Plan

On 1st February 2021, Full Council resolved to adopt the modified Section 1 Local Plan in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004. The final version of the Adopted North Essex Authorities' Shared Strategic Section 1 Local Plan is on the council's website [here](#).

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. Section 2 of each plan contains policies and allocations addressing authority-specific issues.

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

Emerging Section 2 Local Plan

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 has now been examined with Hearing sessions held in April 2021. Section 1 of the plan is therefore considered to carry full weight.

Section 2 is considered to be at an advanced stage, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

5 Year Housing Land Supply

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

This position has been further improved now the Council has an adopted housing requirement of 920. When the 5% buffer is added the annual target is 966. In accordance with paragraph 73 of the NPPF, the adoption of the strategic housing policy in Section 1 of the Local Plan, means that the

adopted housing requirement is the basis for determining the 5YHLS, rather than the application of the standard methodology.

The Council has recently updated its Annual Position Statement in relation to 5-year supply. This shows the Council has a supply of 5564 dwellings against a target of 4830 which equates to a 5.75 year supply over the period 2021/22 – 2025/26.

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply, and that the tilted balance at paragraph 11 of the NPPF does not apply.

Appendix 1 – Policies Superseded from the Core Strategy Focused Review 2014 by the Shared Strategic Section 1 Local Plan

General Local Plan Status

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

Policy SP2 should be referred to when applying the Habitats Regulations requirements to secure RAMs contributions where appropriate. This does not update the approach that the Council have been implementing but the Policy context has updated status with the adoption of Section 1 which includes a specific policy covering this issue.

A few policies in the Core Strategy are superseded in part by the adopted Section 1 Local Plan, and SD2 in full only. The struck through text is superseded. This is outlined below in detail and a summary table for all Section1 Policies.

Policy SD2 – Fully superseded

SD2 is replaced by policy SP6.

Policy SD2 is thus no longer relevant.

Policy SD1 – Superseded in Part

~~Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.~~

~~When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean~~

~~that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.
 Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.~~

Struck through text section above is replaced by policy SP1. All other parts of SD1 remain relevant.

Policy H1 – In Part

~~The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.~~

Is replaced by SP3 and SP4.

All other parts of H1 remain relevant.

Policy CE1- In part

~~The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021~~

Is replaced by SP5. All other parts of CE1 remain relevant.

Section 1 Adopted Policy	Context of Section 1 Policy	Relevant Core Strategy Policy status
<p>Policy SP 1 Presumption in Favour of Sustainable Development</p>	<p>Restates national Policy</p>	<p>Replaces SD1 - in part.</p> <p>Following text of SD1 is replaced by SP1.</p> <p><i>Colchester Borough Council will promote sustainable development and regeneration to deliver at least 14,200 jobs between 2001 and 2021 and at least 19,000 homes between 2001 and 2023.</i></p> <p><i>When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy</i></p>

		<p><i>Framework. It will always work proactively with applicants jointly to find solutions which mean that applications can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.</i></p> <p><i>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.</i></p>
Policy SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	Statutory requirement under the Habitats Regs- Policy provides a new authorisation for contributions	New policy relevant to confirm approach implementing the Habitats Regulations. Full status for decisions post 1.02.2021
Policy SP 3 Spatial Strategy for North Essex	Strategic – relies on Section 2 eLP for Spatial hierarchy and Colchester strategy	High level N/A
Policy SP 4 Meeting Housing Needs	Sets the housing supply figure for the Plan period at 920 per year. Section to allocate sites and determine the spatial distribution	Replaces H1 - in part. Following text of H1 replaced by SP4. <i>The Borough Council will plan, monitor and manage the delivery of at least 19,000 new homes in Colchester Borough between 2001 and 2023.</i> All other parts of H1 remain relevant
Policy SP 5 Employment	Strategic target – relies on Section 2 eLP to allocated sites	Replaces CE1 – in part. Following text from CE1 replaced by SP5.

		<p><i>The Borough Council will encourage economic development and will plan for the delivery of at least 14,200 jobs in Colchester between 2001 and 2021.</i></p> <p>All other parts of CE1 remain relevant.</p>
<p>Policy SP 6 Infrastructure & Connectivity</p>	<p>Strategic and restates national policy</p> <p>Section 2 covers matters specifically</p>	<p>High level/Garden Community – Section A</p> <p>Sections B, C, D and E of policy apply to all allocations and development proposals in the North Essex Authorities area.</p> <p>These sections replace SD2.</p>
<p>Policy SP 7 Place Shaping Principles</p>	<p>Strategic / restates national policy and eLP</p> <p>Section 2 covers matters specifically</p>	<p>High level</p> <p>N/A</p>
<p>Policy SP 8 Development & Delivery of a New Garden Community in North Essex</p>	<p>New- specific to the Garden Community</p>	<p>Garden Community</p> <p>N/A</p>
<p>Policy SP 9 Tendring/Colchester Borders Garden Community</p>	<p>New- specific to the Garden Community</p>	<p>Garden Community</p> <p>N/A</p>

Note Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes. - All other Policies in the Core Strategy, Site Allocations and Development

7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Affordable Housing
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Cycling Delivery Strategy

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Urban Designer

The proposed layout is broadly in alignment with the spatial strategy previously set out by the LPA and the scheme includes favourable design features such as; the use of elements of interconnected blue infrastructure, high levels of pedestrian permeability, a strong defensible pedestrian route through the centre of the site and good levels of tree planting. Additionally, adequate parking provision is provided for the number of units proposed and the scheme provides an adequate amount of public open space...

The use of traditional vernacular forms is considered appropriate, as are the proposed materials. The variances to plan form and the subsequent varied proportions of units, achieves a good degree of articulation and visual interest within the street scenes...

The consistent use of traditional vernacular forms and a relatively modest materials palette allow the proposal to establish a degree of site wide character, by virtue of the relative homogeneity of built form.

4/8/21 Update:

Modest amendments to materials and surfacing plans considered appropriate

8.3 Landscape Advisor

The landscape content/aspect of the strategic landscape proposals submitted principally under the Landscape & Visual Impact Assessment dated Jan 2020 lodged on 18/09/20; and drawings JBA19/158-SK01.F, PH-154-008.A (boundary treatments) and PH-154-010.A (hard surfacing) lodged 21/06/21 would appear satisfactory.

8.4 Highway Authority

Provided the development is carried out in accordance with planning application drawing number PH-154-003 Rev. D, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

- 1) *Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in*

writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 2) No occupation of the development shall take place until the following have been provided or completed:
 - a) One priority junction off Berechurch Hall Road to provide access to the proposal site as shown in principle on the planning application drawings
 - b) Two new bus stops in Berechurch Hall Road at and/or in the vicinity of the proposal site OR upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
 - c) A toucan crossing in Berechurch Hall Road as shown in principle on planning application drawing number 19199.OS.115.01 Rev. C
 - d) A footway/cycleway between the toucan crossing in Berechurch Hall Road and existing footway/cycleway in Camulodunum Way at St. Michael's Primary School & Nursery (details shall be agreed with the Local Planning Authority prior to commencement of the development)
 - e) A Travel Plan and Residential Travel Information Packs both in accordance with Essex County Council guidance

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 3) Within 28 days of completion of the development, the easternmost priority junction off Berechurch Hall Road shall be removed in its entirety and replaced with a size 3 turning head as shown in principle on planning application drawing number PH-154-003 Rev. D.
Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

8.5 Arboricultural Advisor

Condition the most up to date plans as part of the approved documents

8.6 Environmental Protection

ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

ZPE - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No deliveries

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

Full applications

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) significantly enhanced ventilation will be required. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime and the mitigation measures detailed in the report shall be implemented. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

ZCG - Communal refuse Areas

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

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

EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated)

8.7 SuDs

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

Non-statutory technical standards for sustainable drainage systems

Essex C adopted Sustainable Drainage Systems Design Guide

The CIRIA SuDS Manual (C753)

BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on recommended conditions.

8.8 Anglian Water

No objections received, an informative is recommended.

8.9 Essex Wildlife Trust

None received at the time of writing

8.10 Environment Agency

None received at the time of writing

8.11 Natural England

We welcome the additional assessment of impacts on Roman River SSSI which is located 0.6km from the site, and agree the mitigation measures outlined should be sufficient to mitigate indirect recreational disturbance. With regards the submitted Information to Inform an Appropriate Assessment (AA), please note that your Authority is required to produce the AA.

8.12 Contaminated Land

I note that the above have assessed plausible contamination risks to the proposed development, no potentially contaminative uses of the site have been identified (including risks from any agricultural uses of the site) and that it has been concluded that for the proposed residential development, contamination will not pose a significant risk to human health, environmental, historical and ecological receptors. It has been recommended that, should any evidence of contamination be subsequently identified, further action would be required. Based on all of the information provided, this conclusion would seem reasonable.

Consequently, should this application be approved, Environmental Protection would recommend inclusion of the following precautionary Condition:

Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason – The site lies on or in the vicinity of agricultural land where there is the possibility of contamination and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

8.13 Archaeological Advisor

The applicant submitted an archaeological desk-based assessment and geophysical survey to support their application. While a moderate level of archaeological potential was identified, the results of the geophysics and recent nearby archaeological work indicated that the site is strongly unlikely to contain any remains of national significance (requiring preservation in situ). A trial trenched evaluation of the proposed development site should take place prior to development commencing, secured by planning condition. A Written Scheme of Investigation for this has been agreed with the applicant's archaeological agents and should be submitted formally to partially meet the requirements of the recommended condition.

8.14 Fire Services

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. From drawings available it appears satisfactory, but confirmation of the following should be confirmed with developer.

For the provision of Fire Service Access Approved Document B Vol 1 B5 compliance is required. Also please refer to note 1. Referring to not all fire appliances are standardised. When referring to Table 20, Essex Fire Service Appliance details: Min turning circle between kerbs 17.8 m and Minimum carrying capacity 18 tonnes More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

The architect or applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to

allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.”

8.15 Essex Badger Group

It is with dismay that we note wildlife is being pushed aside in favour of development. There are active badger setts on this land - all in the surrounding hedgerows but it is planned to close two of them. Why? The field in between Catkin Mews and this planned location is already being developed so why cannot the hedgeline plus additional metres either side be left to accommodate the animals as a wildlife corridor? Similar applies to the long back hedgerow. Why close the active badger sett - it backs onto open farmland (at the moment) and if the hedgerow is being retained then a few more metres and judicious planting will allow this sett to remain. Development should work with nature and not take the easy option and go for destruction. However, should this Application be approved then the mitigation as detailed in the Ecological Survey should be strictly adhered to not only in regard to badgers but all the other wildlife that currently occupies this field.

8.16 NHS

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Shrub End Surgery (and/or including the other practices that form Colchester Medical Practice) or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £93,470.08. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

8.17 Essex Education

Request for Early Years and Child Care contributions only

8.18 Colchester Cycling Campaign

The Campaign would like to see the design brought up to the standards set out in LTN 1/20 [2], otherwise the development should not be approved (S14.3.12 [2]).

8.19 Air Quality Officer

This AQ impact assessment is acceptable. The air quality (nitrogen dioxide) impact in the operational phase has been determined as an increase of 0.1µg/m³, negligible in terms of significance set out by the IAQM Planning guidance but still an increase upon the existing pollution within the AQMA. The EV charging condition should be implemented across the development.

8.20 Police

Thank you for the opportunity to comment on the revision of planning submission 202025. The applicant did not seek pre-application consultation as referenced in NPPF. Essex Police considers that it is important that, if approved, this specific development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This reflects sections 91 and 127 of the NPPF which support the need for safe and secure developments. Good design should aim to achieve healthy, inclusive and safe places, which are accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

As such, it is strongly recommended that the developer seeks to achieve Secured by Design-Homes 2019 accreditation for this development. SBD accreditation is only achieved by compliance with the requirements of the relevant Design Guide ensuring the security built into each property and a development as a whole is risk commensurate to that location.

Essex police would like the following points clarified: -

- It is unclear from the masterplan if there is to be a public pathway between plots 108-109 and plots 110-111. Please clarify this.*
- There appears to be limited surveillance of the rear parking court for plots 90-93, what is proposed to resolve this?*
- The entrance between plot 114 & 115 and accompanying alley has the potential to become a crime generator due to poor surveillance and lack of capable guardianship, what is proposed to resolve this?*

Essex Police provide a no cost, impartial advice service to applicants who require advice on Crime Prevention Through Environmental Design and Secured by Design and we would welcome and encourage discussion with the applicant relating to this development. We invite them to contact Essex Police via designingoutcrime@essex.police.uk to discuss this further.

Officer comment: There are public pathways between plots 108-109 and 110-111. Lighting will be installed to ensure plots 90-93 are well lit at night and there is surveillance from the rear of properties 90-93, 97 and 98. In the latest revision of the detailed layout plan (rev D) a gated entrance is shown to this walkway which can only be accessed with a key by plots 115 and 116.

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations from Notified Parties

10.1 The application resulted in interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

10.2 Following the consultation exercise, 20 representations of concern were received. These are summarised as follows:

- Lack of infrastructure
- Increase in traffic
- Increase in pollution
- Loss of view
- Loss of property value
- Impact upon wildlife
- Lack of footpaths
- Additional housing not required in the area
- Lack of zebra crossings
- Unsustainable location
- Harmful impact upon human rights
- Harmful impact upon character of the area
- Impact upon light

11.0 Parking Provision

11.1 The application scheme proposes 153 no. one and two bedroom apartments and two, three and four bedroom dwelling houses including 334 parking spaces (including those for visitors). The parking provision is set out in the table below:

	Units proposed	Parking per unit	Total
One Bedroom Apartment	10	1	10
Two Bedroom Apartment	12	2	24
Two Bedroom FOG	10	2	20
Two Bedroom House	42	2	84
Three Bedroom House	60	2	120
Four Bedroom House	19	2	38
Visitor Parking			38
TOTAL			334

11.2 Disabled parking is provided for the wheelchair units at plots 120 and 130 as shown on the detailed layout plan. Further to this, cycle parking is provided.

12.0 Accessibility

12.1 It is noted the affordable housing element meets the enhanced accessibility standard of Part M4 cat 2 (Building Regulations 2015) in lieu of lifetime homes, in accordance with the requirements in DP12 (Development Policies 2014). This is to be welcomed.

13.0 Open Space Provisions

13.1 As can be seen from the submitted Public Open Space plan, this scheme proposes a central area of public open space and then a number of small sections of incidental open space. Together they total over 10% of the site area. It must also be noted that the scheme is affording additional pedestrian access points to the proposed 'Outer Colchester Orbital' which is located to the south of the site. This will be discussed in the report but is held to have significant public benefit.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The obligations and projects are still being processed under the S106 process. It is proposed that agreement of the detailed projects to mitigate the impact of the development be delegated to officers. The Obligations that have been requested are as follows:

Affordable Housing:

The proposed scheme will deliver 46 dwellings (36AR&10SO)
Accommodation Schedule with affordable housing requested as follows: -

Dwelling Type	No	AR	SO
1 Bed Flat	11	8	3
1 Bed FOG	1	1	0
2 Bed Flat	8	4	4
2 Bed FOG	4	4	0
2 Bed House	7	7	0
3 Bed House	11	8	3
4 Bed House	4	4	0
	46	36	10

Currently, the council would support the current mix. As per policy 30% of the development needs to be provided which is met. The tenure mix should be no less than 80% affordable rent and no more than 20% shared ownership which has also be met.

We would request that the affordable housing should meet the enhanced accessibility standard of Part M4 cat 2 (Building Regulations 2015) in lieu of

lifetime homes, in accordance with the requirements in DP12 (Development Policies 2014).

To note the council preference would be for the two 1B2P(AR) to be designed to meet Part M4 Cat (3) (2) (a) or Part M4 Cat 3 (2) (b).

NHS - £93,470.08

Education –

Request for Early Years and Child Care contribution only in accordance with SPD formula.

Archaeology – £17,553

Highways – Two new bus stops in Berechurch Hall Road at and/or in the vicinity of the proposal site OR upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)

b) A toucan crossing in Berechurch Hall Road as shown in principle on planning application drawing number 19199.OS.115.01 Rev. C

c) A footway/cycleway between the toucan crossing in Berechurch Hall Road and existing footway/cycleway in Camulodunum Way at St. Michael's Primary School & Nursery (details shall be agreed with the Local Planning Authority prior to commencement of the development)

d) A Travel Plan and Residential Travel Information Packs both in accordance with Essex County Council guidance.

Works conditioned and delivered either as part of the site or by a s278 agreement

Communities – £363,561.53 as per SPD.

Parks & Recreation - £478,790.91 as per SPD.

Transportation –

Projects -

1. development must be connected to the existing and planned cycle network therefore a contribution, or by way of a S278, will be required to extend the segregated routes from the eastern end of the site to link with the Garrison route at Berechurch Road and from the western end of the site to join Layer Road (and LCWIP route) This is in accordance of ECC's CCAP, and CBC's CCDS adopted SPD.

2. 2x cycle and pedestrian crossings are provided across Berchurch Hall Road and one crossing of Berechurch Road to link the Garrison cycle route

3. the speed limit on Berechurch Hall Road is reduced to 30 mph

Note - The emerging local plan states '*New bus stop provision to service the site and improve sustainable transport links to Colchester town centre*'. The site is not on or near a regular bus route, therefore should a new service be provided? Bus route which has a frequent service are more than 400m away. ECC to advise.

Officer response: It is not considered the applicant can deliver item 1 within highway and/or land under their control. It is also considered this would fail the CIL tests in terms of being reasonable in scale etc. - as confirmed by ECC. In relation to item 2, the ECC recommendation includes a Toucan crossing in Berechurch Hall Road and connecting footway/cycleways on both sides of it. ECC confirm the main desire line for pedestrians and cyclists would be north-south towards the town centre and other services and facilities within the built-up area of Colchester. In relation to item 3, the speed limit in the vicinity of the proposal site is already 30 mph. ECC recommendation deals with bus stops. Given the proposed number of dwellings, in terms of CIL, it is considered a new bus service would be unreasonable in scale.

16.0 Report

The Principle of Development

Introduction

- 16.1 The proposal for 153 dwellings on land at Berechurch Hall Road is on land which is outside of the currently adopted settlement boundary in the adopted local plan. The proposed site forms part of an allocation in the Emerging Local Plan (Policy SC1 - South of Berechurch Hall Road).
- 16.2 The planning policy approach to the proposal reflects the Council's current position in the plan-making process where both an adopted and an emerging local plan are relevant. The relationship of the proposal to each of those Plans and the compliance of relevant adopted and emerging policies with the 2021 NPPF are accordingly key variables in assessing the 'planning balance'.
- 16.3 It is considered that the fundamental principles of both the Adopted and Emerging Local Plans are compliant with the NPPF 2021. The analysis below will consider whether there are any relevant non-compliant elements of CBC policy with the NPPF that justify a reduction in the weight to be given to the policy in assessing the planning balance in this case. For the Emerging Local Plan, the following analysis reflects the NPPF criteria on the weight to be given to policies, which depends on the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the Framework (see paragraph 48).

Adopted Local Plan

- 16.4 The NPPF continues to support the Policy approach in the Adopted Local Plan in principle, in respect of the key policies on settlement hierarchy relevant to this proposal, SD1 and ENV1. As the Council is able to demonstrate a 5-year housing land supply these policies are relevant to the decision making on this proposal. Policy SD1 accords with Paragraphs 10-12 of the 2021 NPPF which provide for a presumption in favour of sustainable development. Policy SD1 is consistent with the NPPF's approach to decision-taking which entails approving proposals that accord with the Local Plan unless material considerations indicate otherwise, and which involves the LPA working proactively with applicants. It is noted, however, that the housing and jobs target

provided in the policy no longer remain current. Whilst the supply figure itself may be out of date the principle of the overarching spatial strategy and the settlement hierarchy are not and as such weight should still be afforded. The requirements of policy ENV1 for the conservation and enhancement of Colchester's natural and historic environment is in accordance with paragraph 174 which clearly recognises the intrinsic character and beauty of the countryside and demonstrates that planning policies should contribute to and enhance the natural local environment via protection, maintenance, and preventing unacceptable risk.

- 16.5 Based on the protection afforded to land outside Settlement Boundaries (SBs) and outside of the most sustainable locations in SD1 and ENV1, the proposal is not considered to be compliant with these adopted policies.

Emerging Local Plan (ELP)

- 16.6 The Council is now well advanced in preparing a new Local Plan. The Emerging Local Plan was submitted to the Planning Inspectorate in October 2017. The Emerging Local Plan includes a Shared Strategic Section 1 (with Braintree and Tendring District Councils) and a Section 2 which includes Colchester specific policies and allocations. The Local Plan has been subject to two separate examinations, as noted above, Section 1 was adopted in February 2021.
- 16.7 Section 1 of the eLP was adopted in February 2021 and carries full weight. Consequently Policies SD1, H1 and CE1 of the CS are now partially superseded by Policies SP3, SP4 and SP5 of the Section 1 Local Plan in relation to the overall housing and employment requirement figures but the hierarchy elements remain valid. The remaining elements of Policies SD1, H1 and CE1 are not superseded and remain relevant for decision-making purposes. Core Strategy Policy SD2 is now fully superseded by Policy SP6 Infrastructure and Connectivity of the Section 1 Local Plan.
- 16.8 The Section 2 Local Plan is currently subject to examination with hearing sessions held for a two-week period in April 2021. The Council has now received further correspondence from the Inspector regarding proposed modifications to the plan to enable a six-week public consultation to begin in Autumn 2021. Adoption of Section 2 is anticipated in Winter 2021.
- 16.9 Plan preparation is therefore at a very advanced stage and the Council will reference relevant consultation responses and conformity with the NPPF to explain its conclusions concerning the weight to be attached to specific policies in the Section 2 Emerging Local Plan in accordance with NPPF paragraph 48.
- 16.10 The site subject to this application, forms part of an allocation in the Emerging Local Plan as outlined in Policy SC1. This is set out below:

Policy SC1: South Colchester Allocations

Allocations as shown on the policies map will be safeguarded for residential uses. In addition to the requirements of Policy PP1, proposals will be required

to satisfy the Local Planning Authority with regard to the site specific requirements as identified below.

South of Berechurch Hall Road

Development of this site will be supported where it provides:

- 1. Up to 150 new dwellings of a mix and type of housing to be compatible with the surrounding development;*
- 2. Contributions to/delivery of improvements to the local road network;*
- 3. New bus stop provision to service the site and improve sustainable transport links to Colchester town centre; and*
- 4. A comprehensive approach to development of the three separate parcels of land which together make up the allocation.*

16.11 The key policies in the ELP relevant to this scheme are considered to be highly consistent with the NPPF and should therefore be afforded considerable weight. The final issue to be taken into account when considering the weight to be afforded to the ELP is the level of unresolved objection to the relevant policies.

16.12 Accordingly, further consideration of the issues raised in representations to Policy SC1 is necessary to guide the judgement of the weight which should be given to the emerging policies in this case.

16.13 Two representations were received relating to the Berechurch Hall Road allocation specifically, and two broader representations which relate to SC1 as a whole. There were seven representations in total to SC1, but the remaining three relate to the now approved Gosbecks Phase 2 scheme and are not relevant to this proposal. These representations are summarised below:

Policy SC1 South Colchester Allocations (South of Berechurch Hall Road)

- Area of land to north of Earlswood Wood and area of land south of Berechurch Hall Road and west of Selby Close are incorrectly shown as public open space. These are areas within the Merville Barracks;*
- No measures shown to alleviate increased volume of traffic generated in Shrub End and connections to A134 and A12, also notably at Layer Road junction;*
- Partnership formed to promote and bring forward Berechurch Hall Road allocation, with a number of studies being commissioned and discussions begun to progress towards submission of a planning application. A draft housing layout has begun, with intention of continuing to develop layout informed by ongoing technical assessments. Suggestion that allocation may be able to accommodate additional units. Delivery of entire development will be possible within the next 5 years;*
- Further technical assessments undertaken which demonstrate there are no insurmountable problems in delivering the site. Scope to extend*

allocation to the south to address 200 unit shortfall in trajectory following appeal decision on former Sainsbury's site at Tollgate Village. Additional land could be brought forward in the event of delays in delivery at Middlewick Ranges.

- 16.14 As will be set out in detail below, following negotiation the provision of 46 affordable dwellings to meet the 30% affordable housing contribution as outlined in Policy DM8 is highly welcomed. The proposal funding towards the Colchester Orbital (via s106), which was previously considered a missed opportunity is also welcomed. Further to this, an informal footpath is proposed which provides pedestrian links to the south of the site and it to be made available for public use.
- 16.15 The proposal includes an access link to the adjacent part of the allocation (approved). As outlined in Policy SC1 clause ii) and iii), there is a requirement for a contribution to improvements to the local road network and the provision of a new bus stop respectively. As statutory consultee to this application, no objection has been received from the Highway Authority and they have requested:
1. one priority junction off Berechurch Hall Road to provide access to the proposal site,
 2. two new bus stops in Berechurch Hall Road at and/or in the vicinity of the proposal site or upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development),
 3. a Toucan crossing in Berechurch Hall Road, and
 4. a footway/cycleway between the toucan crossing in Berechurch Hall Road and existing footway/cycleway in Camulodunum Way at St. Michael's Primary School & Nursery.
- 16.16 In the case of this site, the allocation itself as indicated in Policy SC1 is not in itself subject to Modification, so very significant (almost) full weight applies to this policy and any other relevant unmodified policies relevant in the eLP. There is no further opportunity for this policy to change prior to Adoption of the Section 2 Plan. The weight that the Emerging Plan and policy SC1 can be afforded is one for the decision maker to weigh in the planning balance. In this instance the objections to the policy are held to be surmountable and therefore officers consider that very significant weight can be given to policy SC1. On balance, the proposal is considered to be acceptable in principle for the reasons outlined above.

Design and Impact on the Character of the Area

- 16.17 In considering the wider design impacts of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Core Strategy policies H2 and H3, relating to housing density and housing diversity are also relevant.
- 16.18 This site has been the subject of a number of detailed designed meeting with the Council's in-house Urban Design officer.

- 16.19 The house types proposed have a strong traditional design language, utilising Essex Design Guide principles. External materials are from the local vernacular palette, including facing brickwork and weatherboarding, along with grey plain tiles.
- 16.20 In terms of wider impact, the character of the site is semi-urban given the built form to the north and west of the application site. There remain open fields to the south of the application site. The proposal is not considered to disrupt this character as there would still be a feeling of spaciousness to the south of the application site. The proposal is, therefore, considered to be compatible with its surroundings in terms of housing density.
- 16.21 In terms of layout, this proposal has been the subject of extensive discussions over a number of years with Council officers (and in particular the Council's in-house Urban Designer). The layout has evolved considerably since the first iteration and is now a scheme that is held to successfully respond to the site's broadly linear shape. The proposal includes character areas and the areas of open space are located to the eastern, southern and western parameters of the site. The layout has also taken the rest of the allocation into account and this will eventually be served via an access through the smaller land parcel to the west (as detailed within the submitted drawings. To be secured via the s106). The existing access serving the smaller allocation to the west will eventually be closed off and the whole allocation will be served by the access route provided in this application.
- 16.22 This scheme has funding allocated towards the proposed 'outer orbital route' which is a wider strategic aspiration for the Council, via the s106 agreement. Public pedestrian access to the informal footpath on site has been secured. The futureproofing and access of the route has been secured via the s106.
- 16.23 In terms of amenity provision, generally gardens are well in excess of adopted standards. The scheme has been amended since submission in order to increase the amenity provision. On balance, all units have good quality, usable areas.

Amenity

- 16.24 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight. These principles are emphasised in Development Plan policy DP12 which relates to dwelling standards and focuses on the avoidance of adverse overshadowing, ensuring acceptable levels of daylight to all habitable rooms (with no single-aspect north-facing homes), acceptable levels of privacy, continued maintenance of buildings and external spaces, the adaptability of internal layouts, parking standards, and accessible bin and recycling storage areas.
- 16.25 The proposal is not in close proximity to existing residential properties so there are no concerns regarding its impact on the private amenity of existing residents. The closest are located to the north or to the west of the site, however these are

considered to be sufficiently distanced. There may be some instances of overlooking within the development itself. That being said, instances where overlooking could occur between properties is limited and is not considered to be a significant issue to justify refusal of planning permission.

- 16.26 In terms of the remaining requirements of Development Policy DP12, it is considered that the proposed dwellings would be afforded adequate levels of daylight and sunlight. Maintenance of the buildings and external space can be secured via condition. Parking standards are discussed in the subsequent section 'Highway safety and parking provisions'.

Amenity Space and Public Open Space

- 16.27 Development Plan policy DP16 requires all new residential development to provide private amenity space to a high standard which has a sufficient level of privacy and is secure and usable. Standard garden sizes are set out in the policy, with two- and three-bedroom houses requiring garden sizes of at least 50sqm 60sqm respectively, and flats requiring a minimum of 25sqm per flat to be provided communally. In terms of public open space, policy DP16 requires all new development to provide at least 10% of the gross site area as usable open space.
- 16.28 The proposal includes amenity provision which is considered to be compliant with the aforementioned policy. Communal space is considered to be policy compliant, such as the formal gardens and walled gardens, as is the more 'public' open space (parkland and woodland to the west) which equates to 10% of the site area.
- 16.29 When read as a whole, the proposal is considered to provide sufficient amenity space.

Highway Safety and Parking Provisions (including cycling)

- 16.30 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD.
- 16.31 The Highway Authority has confirmed that they have no objections to the proposal on highway safety grounds subject to conditions that secure the provision of two priority junctions, a toucan crossing and bus stops.
- 16.32 It is important to note that this scheme has an access point on Berechurch Hall Road that sits directly adjacent to the smaller allocation to the west. This means that the access for the smaller allocation can eventually be closed off by bollards and the development will be served by the access from the application site (pedestrians and cyclists will still be able to use this access). The Highway

Authority have assessed the scheme and, as amended, it has now reached a point where it is an adoptable layout.

- 16.33 The scheme provides parking as set out in the relevant section of the report above. It is considered that the scheme has sufficient parking to serve the development and will not cause materially harmful on-street parking, either within this site or elsewhere.

Off-site Highway Works

- 16.34 The Highway Authority have requested a number of off-site works to mitigate the impact of this proposal. They require the applicant to deliver a priority junction, two new bus stops in Berechurch Hall Road at and/or in the vicinity of the proposal site or upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (to be agreed with the LPA), a Toucan crossing, a footway/cycleway between the toucan crossing in Berechurch Hall Road and existing footway/cycleway in Camulodunum Way at St. Michael's Primary School & Nursery. The applicants are happy to provide these works to mitigate the impact of this development (as required by the CIL Regulations).

Flood risk and drainage

- 16.35 Development Plan policy DP20 states that development will only be supported where it minimised the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Sustainable Drainage Systems (SuDS) are identified as being important to manage surface water runoff rates.
- 16.36 The site is located within Flood Zone 1 which has a very low risk of flooding from rivers or the sea (less than 0.1%) according to Environment Agency Long Term Flood Risk Information. The site is also outside any areas at risk of flooding from reservoirs. The site is not, therefore, considered to be susceptible to flooding.
- 16.37 In terms of surface water flooding, the scheme would result in an overall increase in structures and hard surfacing (the new build and associated pathways/driveways). Essex County Council, as Lead Local Flood Authority, have confirmed that they have no objections to the proposal in terms of surface water flood risk subject to recommended conditions. These recommended conditions are suggested to be imposed on any planning consent.
- 16.38 In terms of foul drainage, Anglian Water have confirmed Colchester Water Recycling Centre has capacity for the foul drainage flows and that the sewerage system has capacity to accommodate the proposal.

Ecology

- 16.39 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the Framework is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks

to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

- 16.40 This site has been subject to onsite assessment from a qualified ecologist and a Phase 1 Ecology report has been provided. The site was subject to Phase 2 surveys during 2017 and 2018 by Robson Ecology Ltd (Robson Ecology, 2018) and included:
- Badger;
 - Bats – roosting (ground level tree assessment) and activity;
 - Birds – breeding and wintering;
 - Dormice;
 - Reptiles presence / likely absence; and
 - Small and medium-sized mammals.
- 16.41 An updated preliminary ecological assessment (PEA) was undertaken by SES on the 7 January 2020 to evaluate the habitats on site and determine if there have been any significant changes in the status of protected species. A Habitats Regulations Assessment (HRA) report was also completed (SES, 2020).
- 16.42 The badger survey confirmed the presence of one main sett and two subsidiary setts on site. The sett monitoring survey confirmed that the main sett and both subsidiary setts were considered active. Allegations have been made that there has been recent interference with the setts and forced closure. The Police have investigated these claims as a potential wildlife crime. The outcome of their investigations was unknown at the time of writing. Any information received will be verbally reported to members.
- 16.43 Bat activity was considered low across the site, with most activity being limited to the field boundary, particularly the southern boundary by common and soprano pipistrelles. A total of five species were recorded during the activity surveys, common pipistrelle, soprano pipistrelle, noctule, brow long-eared and serotine *Eptesicus serotinus*. Common pipistrelles were the most common species observed. July recorded the highest number of passes. The majority of the observations were in direct association with foraging activity along the hedgerows. the bat assemblage is considered to be of importance at the Local level for bat species.
- 16.44 A number of mature oak trees along the southern boundary could support roosting bats. These trees are to be retained as part of the development. The roost potential, given the presence of Barbastelle in spring and autumn, is considered of Local value.
- 16.45 The breeding bird surveys recorded a total of 25 species. Breeding species included four species of conservation concern (Eaton *et al.*, 2015) (BoCC). There were four red-listed species recorded: song thrush *Turdus philomelos*: was recorded on all survey visits and is likely to breed within the site; starlings *Sturnus vulgaris* were recorded in small numbers foraging on the shorter grassland and small flocks were recorded within residential gardens to the north of the site boundary; house sparrow *Passer domesticus* was recorded adjacent

to the northern site boundary; and skylark *Alauda arvensis* was recorded within the arable area to the south of the site boundary, but not within the site itself.

- 16.46 A total of 30 species were recorded using the site; all species were common and widespread in Essex and elsewhere in the UK. Although some were listed as BoCC they were all typical of lowland farmland, woodland and urban fringe habitats and the assemblage is considered to be unexceptional and of low conservation value. The majority of the bird assemblage was associated with the hedgerows within and around the site. This assemblage included seven species listed as red birds BoCC and four amber BoCC. The populations of all of these species are small and were considered to be of site importance. The wintering bird community is hence regarded as being of Site value.
- 16.47 No reptiles were recorded within the site. However, within the adjoining western boundary three species of reptiles were recorded: common lizard, slow worm and grass snake. Peak daily counts of reptiles were: two common lizards (adults); three grass snakes (two adults); and four slow worms (three adults). This resulted in a 'low' population of grass snakes (peak count of one adult); 'low' population of slow worms (three adults); and a 'low' population of common lizards (maximum of 3 adults) recorded within the immediate wider area. The offsite habitat was considerably more suitable for reptiles in the form of scrub thickets and grassland. Although no reptiles were recorded on site, the reptiles within the western boundary habitats may colonise the site in small numbers. Hence, reptiles within the site are considered possibly present at the boundaries of site and being of Site value.
- 16.48 The hedgerows and semi-improved grassland habitats are considered to provide suitable foraging habitat for the European hedgehog. The hedgerows on site are also considered to provide sheltering habitat. Although no evidence or sightings of hedgehog were observed while on site during the surveys, it is still considered possible for hedgehogs to utilise the site.
- 16.49 An active main sett was recorded along the eastern boundary of the site and will be retained as part of the development. The two outlier/subsidiary setts are proposed to be closed and a Natural England license has been obtained for these. As badgers are prolific sett-builders, it is recommended that an update badger survey is undertaken no less than three months before construction takes place to ensure all potential setts have been considered. Provision of the following suitable mitigation measures during construction will further mitigate adverse impacts upon badgers during the construction phase, these provisions include:
- The securing of the site perimeter to restrict access to contractors beyond the site boundary;
 - The covering of trenches at night, with scaffold planks left as a means of escape if trenches can't be covered;
 - The storing of chemicals in sealed compounds;
 - Suitable ecological briefing to all contractors and site staff identifying all ecological constraints; and
 - Regular monitoring of any setts and site by an ecologist.

- 16.50 During the operational stage, there will be large expanses of optimal sett-building habitat available to badgers on site in the form of the retained hedgerows. The proposed development will include the improvement of the hedgerows which could include more fruiting trees, thus providing additional food sources for badgers.
- 16.51 Through implementing the recommended mitigation and enhancement within the submitted ecological report, it is considered that all significant adverse impacts from the proposed development upon designated sites, habitats and protected species will be adequately mitigated and result in a positive outcome for biodiversity. On balance, the proposal is considered to be acceptable in this regard.
- 16.52 The scheme proposes up to 153 dwellings on a site within an identified Zone of Influence (Zoi) of a number of European / internationally designated sites. The nearest European designated site is Abberton Reservoir SPA and Ramsar site which is located approximately 2km south of site. Abberton Reservoir SPA and Ramsar site is designated for its waterfowl assemblage with 13 species occurring in internationally important numbers. The three remaining European designations are situated greater than 5km from the site boundary and are Essex Estuaries (SAC), Colne Estuary (Mid Essex Coast Phase 2) (SPA, Ramsar) and Blackwater Estuary (Mid Essex Coast Phase 4).
- 16.53 The proposed development will provide 153 residential units. At the local average of 2.3 persons /household (UK Census Data, 2011) this is 352 persons. Natural England (NE) advice (NE 2008) on the extent of Suitable Alternative Greenspace (SANGS) in relation to the Thames Basin Heaths SPA is that there should be a provision of 8ha per 1,000 of new population. This equates to a greenspace provision of $352 \times 8/1000 = 2.82\text{ha}$. This is more than that required as mitigation for effects on coastal designated sites which are used by wintering waterbirds where access is often limited to public rights of way along, for example, sea walls, as the SANGS provision for the Thames Basin Heaths SPA is to mitigate effects on ground-nesting birds that are highly sensitive to human disturbance and especially to dogs off lead.
- 16.54 The area of open space/greenspace is estimated to be approximately 0.59ha as shown on the masterplan. Proposed footpaths permit a circular route around the site of approximately 1km. The site is located close to accessible green space on nearby Army land. These resources together will provide sufficient SANGS to offset the estimated increase in dog walking and associated disturbance from the development at the site in relation to coastal designated sites.
- 16.55 Given the scale of development, its location on the southern fringe of Colchester adjacent to large areas of existing residential, the SANGS provision within the site and the immediate local access to greenspace, the effects of the development alone are therefore considered fully mitigated.
- 16.56 Mitigation in the form of a contribution to the Essex Coast RAMS is agreed to be provided as off-site mitigation to ensure there are no increased recreational pressures on the coastal protected areas in combination with other plans and

projects. The s106 agreement secures the payment of the contributions which are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, and in accordance with Regulation 122 of the CIL Regulations.

Landscaping

- 16.57 Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.
- 16.58 In this instance, the proposals have been revised since submission in order to address concerns raised by the Landscape Planning Advisor. Following discussions, the landscape content/aspect of the strategic landscape proposals submitted principally under the Landscape & Visual Impact Assessment are considered to be acceptable. The Landscape Advisor does not object to the proposal and landscape conditions are considered to be suitable to mitigate the impact of the proposal.

Environmental and Carbon Implications

- 16.59 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 16.60 This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. The site is located in a sustainable location that the Council has allocated for future residential development in the Emerging Local Plan. There are good connections to bus to the town centre. There are also off-road cycle links close to the site that run through/adjacent to the Garrison also towards the town.
- 16.61 In addition, Environmental Protection have suggested EV charging points to be secured via condition and the applicants have agreed to a condition requiring approval of a scheme for EV charging. This will help facilitate the uptake of ultra-low emission vehicles. It is therefore considered that on balance the application is considered to represent sustainable development.

Contamination:

- 16.62 Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. The Framework (paragraph 174) requires the planning system to contribute to and enhance the natural and

local environment by (inter alia) preventing both new and existing development from contributing to or being put at an unacceptable risk from or being adversely affected by unacceptable levels of soil pollution. Planning decisions should ensure that new development is appropriate for its location and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.

- 16.63 The proposal is for residential development, which would be classed as a 'sensitive receptor' should the site be contaminated. Under the previous application the Phase 1 Desk Study and Preliminary Risk Assessment identified some potential contamination risks and recommended an intrusive investigation, including ground gas and groundwater monitoring, in order to better assess the risk. These investigations have now been undertaken and further information was submitted under the conditions of the previous permission. As a result, the Council's Contaminated Land Officer is satisfied that the development can be undertaken safely in terms of contamination risk. A condition to cover the procedure should any unexpected contamination be encountered during the development is considered to be necessary.

17.0 Conclusion and Planning Balance

- 17.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the advanced emerging local plan but is contrary to the adopted Local Plan as the site is outside the current settlement boundary of Colchester. The National Planning Policy Framework (the Framework) makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development and identifies three dimensions to sustainable development: economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase, as well as support for existing and future businesses, services, and facilities by introducing additional residents that would make use of them and provide future spend in the local economy.

- 17.2 The social role of sustainable development is described as supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 17.3 The proposal is considered to meet these objectives as it would contribute towards the number of dwellings required to support growth in the south of Colchester, including balanced communities through the delivery of 30% affordable housing, and is located within walking distance of a number of key local services and facilities required for day-to-day living.
- 17.4 In respect of the third dimension (environmental), the proposal will provide housing in a sustainable location so that future residents would not be wholly reliant on private car, being able to walk, cycle or use public transport to access necessary services and facilities, thereby minimising environmental impacts; ecological enhancements can also be secured as part of the development through enhanced habitats.
- 17.5 There is also sufficient evidence to be confident that overall, the development would not cause significant harm to the amenity of nearby residents or have a severe impact upon the highway network. The scheme as amended is held to constitute acceptable design. Whilst the proposed development would have an impact on the existing character of the site (i.e., by introducing built development where there is none currently) through a general suburbanising effect on the wider setting, which carries some weight against the proposal, the positive economic and social effects, as well as the sustainability of the proposal would weigh in favour of this scheme as does the significant weight afforded to the supply of new homes in the Framework.
- 17.6 In conclusion, it is considered that the benefits of the scheme convincingly outweigh any adverse impacts identified and the planning balance tips in favour of an approval.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting in accordance with para.15.1 above. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers and Reports:

Detailed Layout PH-154-003 revision D

Masterplan PH-154-002 revision D

Flat Block A Floor Plans PH-154-050 revision C

Hard Surfacing Plan PH-154-010 revision B

Arboricultural Impact Assessment AIA Rev B /Berechurch Rd/23-07-21 revision B

Materials Plan PH-154-004 revision C

Detailed Air Quality Assessment 15120-SRL-RP-YQ-02-P1 dated 16 July 2021

Landscape Concept Masterplan JBA 19/158-SK01 revision F

Street Scenes A-A and B-B PH-154-070 revision A

Street Scenes C-C and D-D PH-154-071 revision A

External Railing Details PH-154-066

External Wall Details PH-154-065

Car Ports PH-154-064

Flat Block C Elevations PH-154-055 revision C

Flat Block C Floor Plans PH-154-054 revision B

Flat Block B Elevations PH-154-053 revision C

Flat Block B Floor Plans PH-154-052 revision C

Flat Block A Elevations PH-154-051 revision B

House Type S Plot 118 PH-154-041 revision A

House Type R PH-154-040 revision A

House Type Q PH-154-039 revision B

House Type P PH-154-038 revision B

House Type N PH-154-037 revision C

House Type L PH-154-035 revision B

House Type K3 PH-154-031 revision B

House Type K2 PH-154-030 revision B

House Type J PH-154-028 revision B

House Type H PH-154-027 revision C

House Type G PH-154-026 revision B

House Type F PH-154-025 revision B

House Type E PH-154-024 revision B

House Type D PH-154-023 revision B

House Type C PH-154-022 revision B

House Type B PH-154-021 revision B

House Type A PH-154-020 revision B

Character Area Plan PH-154-009 revision A

Boundary Treatment Plan PH-154-008 revision A

Refuse and Recycling Plan PH-154-007 revision C

Tenure Plan PH-154-006 revision B
Storey Heights Plan PH-154-005 revision B
Drainage Strategy Sheet 1 28755 / SK6001 version 8
Drainage Strategy Sheet 2 28755 / SK6002 version 8
Potential new toucan crossing and footway/cycleway widening
19199.OS.115.01 revision C
Potential new toucan crossing and footway/cycleway widening
19199.OS.115.02
Potential new toucan crossing and footway/cycleway widening
19199.OS.115.03
Substation PH-154-062
Bin and Cycle Stores PH-154-061 revision A
Garages Plot 1 PH-154-060
Ecological Impact Assessment Issue 2 dated 19 March 2020
Cycle Stores PH-154-063
Flood risk assessment 28755 revision 2
Tree survey and constraints plan TCP/Berechurch Hall Road/17-01-20
Noise assessment (15120-SRL-RP-YA-001-S2-P3)
Site location plan PH-154-001
Open Space and Phasing Plan PH-154-011
Proposed temporary access for residents during construction
191199.OS.11301 revision A.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Non Standard condition - Archaeology

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

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks

associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

4. Non Standard condition - *SUDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDS approval body or other suitably qualified person(s). The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limiting discharge rates to 1l/s with an outfall orifice diameter of no smaller than 50mm, for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide further details on the receiving ditch network that there is a clear continuous connection to the Roman River and that the flows added will not increase surface water flood risk.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus.
- Provide details of what happens and what contingencies are in place for times of pump failure.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

The scheme shall subsequently be implemented prior to occupation. It should be noted that the full application should be subject to the most up to date design criteria held by the LLFA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any

environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

5. Non Standard condition - SUDS

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

6. Non Standard Condition - SUDS

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

7. Non standard condition - SUDS

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

8. Non Standard Condition - SUDS

The development hereby permitted shall not be commenced until the existing pipes and watercourses within the extent of the site, which will be

used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

9. ZDC - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

10. ZDE - Removal of PD for Open Plan Fences/Walls

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected in advance of any wall of the dwelling to which it relates (including a side or rear wall) which faces a highway (including a footpath or bridleway) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

11. ZDI - *Removal of PD for Windows Above Ground Floor Level*

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed above ground floor level within the WALL(S) or roof FACE(S) of the DWELLINGS unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

12. Non Standard condition - Detailing

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (including details of the depth of reveal and any dormer features); rooflights to be used; chimneys; recessed/projecting/decorative brickwork and cladding; blank and faux windows; Juliet balconies; and any eaves, verge, ridge, and

guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: Insufficient detail has been submitted to ensure that the proposed works are of high quality design in the interests of visual amenity.

13. Non Standard Condition - Extracts

No works shall commence (above ground floor slab level) until details of all new extract ducts, vents, grilles and meter housings have been submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and visual amenity.

14. Non Standard condition - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837), as shown in the submitted AIA (AIA Rev B /Berechurch Rd/23-07-21 revision B). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

15. Non Standard condition - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Method Statement in accordance with BS 5837 as shown in the submitted AIA (AIA Rev B /Berechurch Rd/23-07-21 revision B), has been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

16. Non Standard Condition - Car Electric Charging Points

The development hereby approved shall be provided with at least 1 No. electric vehicle (EV) charging point per dwelling with dedicated parking and at a rate of at least 10% provision for unallocated parking spaces. The EV charging points shall be installed prior to the first occupation of their respective dwellings.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles.

17. Non Standard Condition - Boundary walls

All boundary walls that front onto a public or semi-public space shall be enclosed by a brick wall unless otherwise agreed in writing by the Local

Planning Authority. Brick walls shall be finished with a brick on edge coping and terminated at each end by either a pier or return. Where changes in the height of walls occur, the higher wall shall be raked smoothly downwards to the level of the lower wall.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

18. Non Standard Condition - EMMP

Prior to the commencement of development an Ecological Mitigation and Management Plan (EMMP) including an Implementation Timetable shall be submitted to and approved in writing by the local planning authority. The EMMP shall include, but not be limited to, the proposed mitigation detailed in the submitted Ecological Assessment including the additional survey work identified in the document, an Ecological Mitigation Hierarchy and 10% Biodiversity Net Gain. The development shall then be carried out and maintained in accordance with the approved EMMP.

Reason: In order to mitigate the impact of the development upon ecology and biodiversity and in the interest of ecological enhancement.

19. Non Standard Condition - Digital

Prior to occupation, appropriate digital connectivity to serve each dwelling shall be provided. The digital connectivity shall then be implemented prior to occupation of the development.

Reason: In the interest of providing high quality digital infrastructure as part of social wellbeing.

20. Non Standard Condition – Landscape

No works shall take place above ground floor slab level, in each phase (as per phasing plan PH-154-011), until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of each phase of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Finished levels or contours, where notable changes are proposed.
- Means of enclosure.
- Car parking layouts and other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Planting plans.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Implementation timetables and monitoring programs.
- 10% Increase in tree canopy cover

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

21. ZFE - Landscape Management Plan

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

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

22. ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

23. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

24. ZPE - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No deliveries

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

25. Non Standard Condition - Noise

Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) significantly enhanced ventilation will be required. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime and the mitigation measures detailed in the report shall be implemented. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

26. ZCG - Communal refuse Areas

Prior to the first occupation of the dwellings and units benefitting from communal storage areas, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

27. Non Standard Condition - Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the

approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of agricultural land where there is the possibility of contamination and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

28.Z1A – Street Name Signs

Prior to the first occupation of any of the dwellings hereby approved street name signs shall have been installed at the junction of the new highway with the existing road network.

Reason: To ensure that visitors to the development can orientate themselves in the interests of highway safety.

29.Non Standard Condition - Highways

Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety

30.Non Standard Condition - Highways

No occupation of the development shall take place until the following have been provided or completed:

- a) One priority junction and one temporary construction access off Berechurch Hall Road as shown in principle on the planning application drawings
- b) Two new bus stops in Berechurch Hall Road at and/or in the vicinity of the proposal site OR upgrade to Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- c) A toucan crossing in Berechurch Hall Road as shown in principle on planning application drawing number 19199.OS.115.01 Rev. C
- d) A footway/cycleway between the toucan crossing in Berechurch Hall Road and existing footway/cycleway in Camulodunum Way at St. Michael's Primary School & Nursery (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- e) A Travel Plan and Residential Travel Information Packs both in accordance with Essex County Council guidance

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

31. Non standard Condition - Highways

Within 28 days of completion of the development, the easternmost priority junction off Berechurch Hall Road shall be removed in its entirety and replaced with a size 3 turning head as shown in principle on planning application drawing number PH-154-003 Rev. D

Reason: To protect highway efficiency of movement and safety.

32. Non Standard condition - Parking

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

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

33. Non Standard Condition - Retaining Garage for Parking

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

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

34. Non Standard Condition – Informal footpath

The informal footpath as shown on drawing JBA 19/158-SK01 Revision F (Landscape Concept Masterplan) and provided within the blue line of the Site location plan (PH-154-001), shall be provided prior to first occupation and shall thereafter be retained.

Reason: To ensure that the informal footpath at the site is provided for the enjoyment of future users as part of social and environmental wellbeing.

19.1 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2.ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3.ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate

- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org

Appendix 1 HRA record

Habitat Regulation Assessment (HRA) Record

- >100 dwellings

Colchester Borough Council

Application details	
Case officer	Eleanor Moss
Application reference	202025
Application description	Residential Development (153 dwellings)
Application address	Berechurch Hall Road, Colchester

HRA Stage 1: screening assessment

Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance¹

The whole of Colchester Borough is within the zone of influence (Zol) for the Essex Coast RAMS.

The proposal is for 100+ dwellings and it is anticipated that such development is likely to have a significant effect upon the interest features of Habitat sites [Colne Estuary SPA and Ramsar site, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site (south shore) and Essex Estuaries SAC] through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered

The appropriate assessment will need to consider both alone and in-combination effects and incorporate bespoke mitigation measures into the proposal. The following are examples of bespoke mitigation measures that may be necessary, in addition to a contribution to the Essex Coast RAMS:

- High-quality, informal, semi-natural areas
- Circular 1km dog walking routes within the site and/or with links to surrounding sites
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.

Summary of the Appropriate Assessment

Summary of recreational disturbance mitigation package:

The applicants have provided a shadow HRA which the LPA is broadly in agreement with.

The RAMS tariff for 2021/22, which will apply from 1 April 2021, is £127.30 per dwelling

A contribution to the Essex Coast RAMS at the following amount will be secured via the Legal Agreement:

153 dwellings x £127.30 = £19,476.90

The shadow HRA report provided by the applicants also suggests the following provisions will be provided in addition to the contribution:

Given the distance of all European designated sites from the site, potential direct effects from the construction and operation of the site upon the nature conservation features of the European protected sites are considered negligible.

There are a range of indirect effects including increased air and water pollution, water abstraction, noise and recreational disturbance. All issues except the raised levels of human disturbance caused by the increase in numbers of dog walkers and other recreational activities are considered negligible effects and are screened out because of the distance of the site from the coast and the infrastructure measures in place within Colchester.

There has been widespread concern about the effects of increased recreational pressure on European sites especially heathland SPAs because of the reduced breeding success and reduction in territory occupancy by ground nesting species such as woodlark *Lullula arborea* and nightjar *Caprimulgus europaeus*. A number of studies have looked at visitor recreational use of designated sites of nature conservation interest. Horse riders, cyclists/mountain bikers and joggers use protected European Sites. Increased levels of these activities could cause erosion and dog-fouling nutrient deposition.

A general study of recreational use of the natural environment commissioned by Natural England (Johnson *et al.* 2009), which found that most visitors use designated sites for walking or dog walking. All studies corroborate the general findings that most local users access designated sites on foot within 1km and by vehicle within 8km, and previously these distance buffers were used as the ZoI in HRA analyses.

The data in Table 1 from NE provide an updated assessment of the ZoI for the coastal European protected sites, noting that Abberton Reservoir SPA and Ramsar site is not considered likely to be disturbed because of the strictly controlled arrangements for visitor access around the entire site. The ZoI data confirm that the site is within the ZoI of coastal European protected sites and hence that mitigation for these indirect effects is required.

In accordance with the Essex Coast RAMS, in-combination effects may therefore not be screened out as the site is within the ZoI, and consequently mitigation is required.

Creating Suitable Alternative Natural Green Space (SANGS) to draw potential recreational users, particularly dog-walkers, away from designated sites is the principal on-site measure to mitigate indirect recreational effects alone. The Guidelines for the creation of SANGS by Natural England (NE, 2008) are well defined, and in the context of this proposal (on-site/adjacent provision) are required to be suitable publicly accessible areas of semi-natural character with suitable circular walks and within 400m of the site.

The proposed development will provide 153 residential units. At the local average of 2.3 persons/household (UK Census Data, 2011) this is 352 persons. Natural England (NE) advice (NE 2008) on the extent of Suitable Alternative Greenspace (SANGS) in relation to the Thames Basin Heaths SPA is that there should be a provision of 8ha per 1,000 of new population. This equates to a greenspace provision of $352 \times 8/1000 = 2.82$ ha. This is more than that required as mitigation for effects on coastal designated sites which are used by wintering waterbirds where access is often limited to public rights of way along, for example, sea walls, as the SANGS provision for the Thames Basin Heaths SPA is to mitigate effects on ground-nesting birds that are highly sensitive to human disturbance and especially to dogs off lead.

The area of open space/greenspace is estimated to be approximately 0.59ha as shown on the masterplan (Appendix 2). Proposed footpaths permit a circular route around the site of approximately 1km. The site is located close to accessible green space on nearby Army land (Appendix 3). These resources together will provide sufficient SANGS to offset the estimated increase in dog walking and associated disturbance from the development at the site in relation to coastal designated sites.

The greenspace areas should be established during the construction phase. The greenspace area should be managed as a SANGS through the provision of a range of measures that will include cutting and maintaining a network of paths, with provision of dog-waste bins and signage to inform residents of the SANGS area and reason for it (i.e. recreational diversion from nearby designated sites).

Given the scale of development, its location on the southern fringe of Colchester adjacent to large areas of existing residential, the SANGS provision within the site and the immediate local access to greenspace, the effects of the development alone are therefore considered fully mitigated.

On-site semi-natural open space will include:

- High-quality, informal, semi-natural areas of grassland and scrub
- Circular dog walking routes of 1km
- An area where dogs can be exercised safely 'off-lead'
- Dog waste bins

A visual information board on site and information leaflets to new householders will promote these areas and non-estuarine walking routes for recreation. It is stated that the developer will commit to the long-term maintenance and management of these provisions via agreement.

Conclusion

Having considered the proposed avoidance and mitigation measures above, Colchester Borough Council concludes that with mitigation the project is not predicted to have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:

It considered the financial payment towards the Essex RAMS and the on site measure suggested above (along with other financial contributions secured via the DT process towards the improvement of local alternative sites) is sufficient to mitigate against the off-site harm on the Integrity of the European sites included within the Essex Coast RAMS.

Eleanor Moss
24 08 2021

Qualifying features

Colne Estuary SPA (Mid Essex Coast Phase 2) and Ramsar site

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

Qualifying features of the Colne Estuary SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Common pochard (breeding) (*Aythya farina*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Ringed plover (breeding) (*Charadrius hiaticula*)

Common redshank (non-breeding) (*Tringa totanus*)

Little tern (breeding) (*Sterna albifrons*)

Waterbird assemblage

Blackwater Estuary SPA (Mid Essex Coast Phase 4) and Ramsar site

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

Qualifying features of Blackwater Estuary SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Common pochard (breeding) (*Aythya farina*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Ringed plover (breeding) (*Charadrius hiaticula*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Dunlin (non-breeding) (*Calidris alpina alpina*)

Black-tailed godwit (non-breeding) (*Limosa limosa islandica*)

Little tern (breeding) (*Sterna albifrons*)

Waterbird assemblage

Dengie SPA (Mid Essex Coast Phase 1) and Ramsar site

Ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- the extent and distribution of the habitats of the qualifying features
- the structure and function of the habitats of the qualifying features
- the supporting processes on which the habitats of the qualifying features rely
- the populations of qualifying features
- the distribution of qualifying features within the site

Qualifying features of the Dengie Estuary SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Hen harrier (non-breeding) (*Circus cyaneus*)

Knot (non-breeding) (*Calidris canutus*)

Waterbird assemblage

Stour and Orwell Estuaries SPA and Ramsar site

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Qualifying features of the Stour and Orwell Estuaries SPA:

Dark-bellied brent goose (non-breeding) (*Branta bernicla bernicla*)

Northern pintail (non-breeding) (*Anas acuta*)

Pied avocet (breeding) (*Recurvirostra avosetta*)

Grey plover (non-breeding) (*Pluvialis squatarola*)

Red knot (non-breeding) (*Calidris canutus*)

Dunlin (non-breeding) (*Calidris alpina alpina*)

Black-tailed godwit (non-breeding) (*Limosa limosa islandica*)

Common redshank (non-breeding) (*Tringa tetanus*)

Waterbird assemblage

Essex Estuaries SAC

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Condition Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely.

Qualifying features of the Essex Estuaries SAC:

Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks
Estuaries

Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and
sandflats

Salicornia and other annuals colonising mud and sand; Glasswort and other
annuals colonising mud and sand

Spartina swards (*Spartinion maritimae*); Cord-grass swards

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

Mediterranean and thermos-Atlantic halophilous scrubs
(*Sarcocornetea fruticose*); Mediterranean saltmarsh scrub