



23/0241/OUT

**LAND EAST OF CHASE MEWS, WEST OF NO. 310 THE
CHASE AND NORTH OF THE CHASE, BENFLEET**

**SCHEDULE OF LETTERS AND RESPONSES RECEIVED
AFTER THE PREPARATION OF THE REPORT FOR THE
DEVELOPMENT MANAGEMENT COMMITTEE AND
SUPPLEMENTARY INFORMATION**

1 LATE CONSULTEE COMMENTS

- 1.1 Two late representations have been made following the publications of the report. Comments have been received from the Essex Badger Protection Group and also the Council's Ecologist.

Comments on Essex Badger Protection Group's Response

- 1.2 Essex Badger Protection Group initially objected to this proposal on 23 June 2023. A full copy of this response is available on the Council's website and it is summarised in section 9.49-9.52 of the report.
- 1.3 Their objection has been reiterated by the Essex Badger Protection Group as the response was also sent to the Council again on the morning of 24 June 2024. This response provides a slight amendment to the original consultation response, highlighting that the current badger survey is currently outdated and a further survey will be required before any badger mitigation plans can be put together or before any site clearance or development can go ahead.

1.4 The date of the badger report is acknowledged and addressed by the Council's Ecologist and is subject to a proposed condition requiring updated surveys to take place. Subject to amendments to the conditions which will be discussed in relation to the Ecology Consultation response, this does not raise an objection to the proposal.

Comments on Ecology Consultation Response

- 1.5 The full ecology response from Place Services can be found in **Appendix 1** to this addendum.
- 1.6 Place Services have now confirmed, following further review of the information submitted and further discussions, that they are satisfied that the information submitted provides sufficient ecological information for the determination of this application.

Detailed Ecology Comments

- 1.7 The main assessment by Place Services recommended that they have no objection to the application subject to securing:
- a financial contribution in line with the Essex Coast RAMS
 - b) ecological mitigation and enhancement measures
 - c) relevant conditions including pre-commencement conditions
- 1.8 This recommendation is as a result of a further in-depth review of all the submitted ecological information and habitat documentation for this scheme, including the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), the Badger Settle Survey Report (Open Spaces Ltd, November 2022), the Bat Activity Survey Report (Open Spaces Ltd, November 2022) and the Botanical Survey (Open Spaces Ltd, September 2023), relating to the likely impacts of development on designated sites, protected and Priority species & habitats. Place Services have also had further in-depth discussions with the agents and their ecology consultant in an effort to resolve any further issues.
- 1.9 With regard to the out-of-date ecological information, officers have discussed with Place Services and the Applicant the need for a number of pre-commencement conditions to have identified matters resolved. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, do however need to be established before planning permission is granted; otherwise all material considerations might not be fully considered in making the decision.
- 1.10 It is accepted by Place Services that the only likely change to the site from the site visits undertaken as part of the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022) and the Badger Settle Survey Report (Open Spaces Ltd, November 2022) and the Bat Activity Survey Report (Open Spaces Ltd, November 2022), is the change of usage of Badgers within the site.
- 1.11 Works directly to or that would interfere with a Badger sett require a licence which must be sought from Natural England, as it is a criminal offence to harm a badger, or damage, destroy or obstruct access to a Badger sett. It is considered on this basis that because there is also other legislation which also

provides protection to Badgers, the use of a pre-commencement condition could be used to secure updated survey information for the protected species, in line with paragraph 9.2.4 of British Standards (BS42020:2013). This is because adequate information has been provided as part of the original documents and further surveys will be required to be secured as part of the Badger Mitigation Licence which will be required as part of any conditional approval.

- 1.12 With regard to the Badger compensation issue raised, the developer has acknowledged that the design provided at outline stage cannot accommodate a Badger sett or artificial Badger sett and an appropriate buffer zone. The agent agrees that the layout as currently proposed is not able to adapt to the location for a new badger sett and is willing to forgo the draft layout for future reserved matters discussions, which will allow amendments to the scheme to better take account of the badgers.
- 1.13 Consequently, any layout for the new development will be subject to a reserved matters condition. This can be addressed as a pre-commencement requirement concurrent with any reserved matters application compensatory measure, which will be required as part of the Badger Mitigation Licence to be approved by Natural England.
- 1.14 Therefore, subject to Badger mitigation being secured for the outline consent, Place Services are satisfied that the LPA can demonstrate that they have complied under the Protection of Badgers Act 1992 when issuing their decision.
- 1.15 With regard to Place Services comments on non-statutory designated sites and Priority Habitat, it is indicated that they are satisfied that the Botanical Survey (Open Spaces Ltd, September 2023) has confirmed that the site does not contain Lowland Meadow Priority habitat. The grassland instead contains a MG9 (Holcus lanatus - Deschampsia cespitosa grassland), which would likely fall under 'Other Neutral Grassland' under UK Habitats Classification V2. However, whilst it has been confirmed that the site does not contain Priority habitat, it is indicated that the site falls within the Thundersley Plotland Local Wildlife Site (LoWS).
- 1.16 Until the early 20th Century the whole area was open fields associated with Thundersley Lodge, but by the 1920s it had been divided up into plotland strips. Whilst it would sever some links with sites to the east, these form part of residential curtilages and are of a low ecological and biodiversity value, particularly where these areas are laid to lawn.
- 1.17 It is considered that the mitigation measures identified in the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), the Badger Sett Survey Report (Open Spaces Ltd, November 2022) and the Bat Activity Survey Report (Open Spaces Ltd, November 2022) should be secured by a condition on any consent and implemented in full, with further surveys

secured for Badgers. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

- 1.18 Place Services support the proposed reasonable biodiversity enhancements included within Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), which have been recommended to secure bespoke net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy with high standards of ecological design and should be secured by a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, under the Castle Point Adopted Local Plan 1998, the NPP3 2023 and its biodiversity duty under s40 NERC Act 2006 (as amended).

Ecology Conditions

- 1.19 As a result of the comments received from Place Services, it is proposed to take into account the suggested conditions. This involves amending Conditions 7, 8, 9 and 17 to mirror Conditions 1, 3, 2 and 4 respectively.
- 1.20 A fifth condition is recommended by Place Services; however, this relates to a condition for a wildlife sensitive lighting scheme to be submitted, approved and implemented prior to occupation. This matter could be conditioned at a later reserved matters stage where more details are known about the proposal. Condition 11 specifically covers any lighting and requires this to be sensitively designed in respect of wildlife in terms of the access which is being sought for approval under this application. So, this fifth condition is not considered to be necessary.
- 1.21 A complete set of conditions reflecting the proposed amendments is provided at **Appendix 2** to this addendum.

2 LATE PUBLIC COMMENTS

- 2.1 Two late representations by local residents have been made following publication of the report raising objections to the proposal.
- 2.2 The objectors raised the following to the proposal:
- The site is Green Belt and stops urban sprawl
 - Lack of local infrastructure (roads, doctors, schools)
 - There are no affordable houses on this development
 - There is a badger sett on the land
 - The comments of the Essex Badger Protection Group have not been considered.

Comments on Objection Points

- 2.3 The first three points raised mirror those already received and included in the report, have been duly considered as part of the determination of the report. Although I would highlight that 40% affordable housing is being proposed as part of this development.
- 2.4 The fact that there is a badger sett on the site is acknowledged and has been factored in, with the Council's Ecologist and Natural England (the body responsible for the protection of Badgers) raising no objection to the proposal.
- 2.5 The comments submitted by the Essex Badger Protection Group in their initial consultation are summarised at sections 9.49-9.52 of the report. The full response has been available since it was received by the Council on 23 June 2023. This response was also sent to the Council again yesterday morning.

3 UPDATES TO CONDITIONS

- 3.1 Excluding updates to conditions put forward as a result of the Ecology Consultation response, the following amendments to conditions are proposed.
- 3.2 **Condition 3**
Due to the outline nature of this application, the finer details of the proposed scheme, to include layout, scale, appearance and landscaping will be submitted for approval at a later stage as part of a reserved matters application. Given that the design of the proposal in relation to these elements can and will most likely change, it is considered unnecessary to require that the any schemes come forward in accordance with the indicative site plan and drainage designs, so these have been deleted from the condition.
- 3.3 A complete set of conditions reflecting the proposed amendments is provided at **Appendix 2** to this addendum.

4 RECOMMENDATION

- 4.1 Following consideration of the matters raised in the late representations, save for the discussed changes to conditions which are for clarity set out in full in **Appendix 2**, no other changes to the recommendation are proposed.



24th June 2024

Terence Garner
Castle Point Borough Council

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Castle point Borough Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: 23/0241/OUT

Location: Land East Of Chase Mews, West Of No.310 The Chase, And North Of The Chase, Benfleet Essex SS7 3DN

Proposal: Outline planning application for the erection of up to 47 dwellings and all associated works including new access onto The Chase (all matters reserved except for access)

Dear Terence,

Thank you for consulting Place Services on the above application.

No objection subject to securing:

- a) a financial contribution in line with the Essex Coast RAMS
- b) ecological mitigation and enhancement measures

Summary

We have reviewed the submitted documents for this scheme, including the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), the Badger Settle Survey Report (Open Spaces Ltd, November 2022) and the Bat Activity Survey Report (Open Spaces Ltd, November 2022) and the Botanical Survey (Open Spaces Ltd, September 2023), relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are now satisfied that there is sufficient ecological information available for determination of this application, following Ecology - Place Services holding objection with regard to out-of-date ecological information, Badger, impacts upon a Non-statutory Designated Site and Lowland Meadow Priority habitat.

With regard to the out of the date ecological assessment, it is indicated that the Local Planning Authority is keen to have this matter covered by a condition of any consent. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of

planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances.

Therefore, it is indicated that we acknowledge that the only likely change to the site from the site visits undertaken as part of the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022) and the Badger Sett Survey Report (Open Spaces Ltd, November 2022) and the Bat Activity Survey Report (Open Spaces Ltd, November 2022) is the change of usage of Badger within the site. Therefore, as the Local Planning Authority is certain that a Badger Licence will be required prior to any ground works, it is indicated that use of a pre-commencement condition could be used to secure updated survey effort for this protected species, in line with paragraph 9.2.4 of British Standards (BS42020:2013). This is because adequate information was provided as part of the original documents and further surveys will be required to be secured as part of the Badger Mitigation Licence.

With regard to the Badger compensation issue raised, it is indicated that the developer has acknowledged that the design provided at outline stage cannot accommodate an artificial Badger Sett and an appropriate buffer zone. However, this matter could be addressed as a pre-commencement requirement concurrent with any reserved matters application, if the design is amended to accommodate for this compensatory measure, which will be required as part of the Badger Mitigation Licence to be approved by Natural England. Therefore, subject to a Badger mitigation being secured for the outline consent, we are satisfied that the LPA can demonstrate that they have complied under the Protection of Badgers Act 1992 when issuing their decision.

With regard to our holding objection on non-statutory designated sites and Priority habitat, it is indicated that we are satisfied that the Botanical Survey (Open Spaces Ltd, September 2023) has confirmed that the site does not contain Lowland Meadow Priority habitat. The grassland instead contains a MG9 (*Holcus lanatus* - *Deschampsia cespitosa* grassland), which would likely fall under 'Other Neutral Grassland' under UK Habitats Classification V2.

However, whilst it has been confirmed that the site does not contain Priority habitat, it is indicated that the site is fully designated under Thundersley Plotland Local Wildlife Site (LoWS). Until the early 20th Century the whole area was open fields associated with Thundersley Lodge, but by the 1920s it had been divided up into plotland strips. Therefore, this Local Wildlife Site has been designated because it contains the last remaining blocks of old plotland habitat, with a valuable mosaic of habitats including grassland and woodland. Therefore, it is indicated that the proposal will separate the northern plotland parcels from the southern parcels and will significantly reduce ecological networks across the Local Wildlife Site. Therefore, it is up to the Local Planning Authority to confirm whether they wish to impact this section of this Non-statutory Designated Site which would need to be undesignated following the next Local Wildlife Site review.

Therefore, the mitigation measures identified in the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), the Badger Sett Survey Report (Open Spaces Ltd, November 2022) and the Bat Activity Survey Report (Open Spaces Ltd, November 2022) should be secured by a condition of any consent and implemented in full, with further surveys secured for Badger. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

As the application falls within the within the Zone of Influence (ZOI) for the Blackwater Estuary Special Protection Area (SPA) & Ramsar site and the Benfleet and Southend Marshes SPA and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC). A financial contribution should be sought from the residential development, in line within the Essex Recreational Avoidance and Mitigation Strategy (RAMS) via a Legal agreement or S.111 Payment with Castle Point Borough Council. The LPA has also now prepare a Habitats Regulation Assessment (HRA) - Appropriate Assessment to demonstrate how adverse impacts to site integrity will be avoided from the development (either alone or in combination with other land and projects) and identify any necessary mitigation measures and secure the developer contribution for delivery of the visitor management measures for this scheme.

We also support the proposed reasonable biodiversity enhancements included within Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), which have been recommended to secure bespoke net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

As this development was submitted in May 2023, it is indicated that mandatory biodiversity net gains are not a statutory requirement as set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#). Nevertheless, whilst we support the reasonable biodiversity enhancements, it is considered unlikely that a 10% measurable biodiversity net gains could be secured on-site, based on outline design and the loss of 'Other Neutral Grassland' from the entire site. Therefore, it is recommended the landscape scheme at reserved matters stage should try to aim to secure high standards of ecological design.

This Will enable the LPA to demonstrate compliance with its statutory duties, the Castle Point Adopted Local Plan 1998, the NPP3 2023 and its biodiversity duty under s40 NERC Act 2006 (as amended).

Recommended conditions

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (Open Spaces Ltd, August 2022), the Badger Sett Survey Report (Open Spaces Ltd, November 2022) and the Bat Activity Survey Report (Open Spaces Ltd, November 2022)

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*

- e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*
- i) *Containment, control and removal of any Invasive non-native species present on site*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO COMMENCEMENT AND CONCURRENT WITH RESERVED MATTERS: BADGER METHOD STATEMENT

“Prior to commencement and concurrent with reserved matters, a Badger Method Statement shall be submitted to and approved in writing by the local planning authority, in line with the Badger Sett Survey Report (Open Spaces Ltd, November 2022).

This will be supported by up to date survey effort and shall include the finalised mitigation and compensation measures and/or works to reduce potential impacts to Badger during the construction phase and operation phase, including the finalised location and detailed designs of the artificial Badger sett and buffer zone.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To conserve protected species and allow the LPA to discharge its duties under the Protection of Badgers Act 1992 and the Wildlife & Countryside Act 1981 (as amended)

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) *Purpose and conservation objectives for the proposed enhancement measures;*
- b) *detailed designs or product descriptions to achieve stated objectives;*
- c) *locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;*
- d) *persons responsible for implementing the enhancement measures;*

- e) *details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

4. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development [or specified phase of development].

The content of the LEMP shall include the following:

- a) *Description and evaluation of features to be managed.*
- b) *Ecological trends and constraints on site that might influence management.*
- c) *Aims and objectives of management.*
- d) *Appropriate management options for achieving aims and objectives.*
- e) *Prescriptions for management actions.*
- f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) *Details of the body or organisation responsible for implementation of the plan.*
- h) *Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To secure an appropriate landscape and ecological aftercare scheme and allow the LPA to demonstrate its biodiversity duty under s40 of the NERC Act 2006 (as amended).

5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) *identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*



- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended)

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
Senior Ecological Consultant
placeservicesecology@essex.gov.uk

Place Services provide ecological advice on behalf of Castle Point Borough Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



Appendix 2

1 UPDATED RECOMMENDATION

1.1 It is proposed that the Committee **RESOLVES**

That planning permission be granted for this scheme of development, subject to a Section 106 agreement, the details of which are outlined in paragraph 14.7 and in Appendix 1 to the main report, and the following conditions and informatives:

Outline Approval and Reserved Matters

- (1) The development hereby permitted may only be carried out in accordance with details of the layout, scale and external appearance of the building(s), the landscaping of the site, (hereinafter called "the reserved matters"), the approval of which shall be obtained from the Local Planning Authority before development is begun.

Application for the approval of the reserved matters shall be made to the local planning authority within three years beginning with the date of this outline permission.

The development hereby permitted shall be begun on or before whichever is the latter of the following dates - (a) the expiration of three years beginning with the date of the outline permission; or (b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

Approved Plans

- (2) The development hereby permitted shall be carried out in complete accordance with the details shown on the site location plan (reference 18923 – PL01) and site access drawing (reference 18923 – PL04).

Reason:

For the avoidance of doubt.

- (3) The development authorised by this permission shall be carried out in accordance with the principles contained in the submitted parameter plans:

- Tree Constraints Plan - OS 2423-22.1-1
- Tree Constraints Plan - OS 2423-22.1-2

Reason:

To ensure the reserved matters applications maintain the approach set at the outline stage.

- (4) Approval of details of the appearance, landscaping, layout and scale of the development hereby approved (the 'reserved matters') shall be obtained from the Local Planning Authority prior to the commencement of the development and implemented as approved.

Reason:

In pursuance of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Construction Management Plan (CMP)

- (5) Prior to the commencement of development, which for the purposes of this condition includes land clearance, grading and demolition, a construction management plan shall be submitted to and approved in writing by the Council. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i. vehicle routing.
 - ii. the parking of vehicles of site operatives and visitors.
 - iii. loading and unloading of plant and materials.
 - iv. storage of plant and materials used in constructing the development.
 - v. wheel and underbody washing facilities.
 - vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.
 - vii. Control measures for dust, noise, vibration, lighting and restriction of hours of work and all associated activities to 0700-1900 Monday to Friday daily, 0800-1300 Saturdays. No works to be undertaken on Sundays or bank holidays.

- viii. Display of contact details including accessible phone contact to persons responsible for the site works.

Reason:

To ensure that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

Contamination

- (6) Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority immediately. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

Construction Environmental Management Plan (CEMP: Biodiversity)

- (7) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (Tyler Grange Ltd, February 2023).

The CEMP: Biodiversity should include:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species).

Biodiversity

- (8) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures;
and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason:

To enhance protected and Priority species and habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority Habitats and Species).

- (9) Prior to commencement and concurrent with reserved matters, a Badger Method Statement shall be submitted to and approved in writing by the local planning authority, in line with the Badger Settle Survey Report (Open Spaces Ltd, November 2022).

This will be supported by up to date survey effort and shall include the finalised mitigation and compensation measures and/or works to reduce potential impacts of Badgers during the construction phase, including the finalised location and detailed designs of the artificial Badger sett and buffer zone.

The measures and works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter,

Reason:

To conserve protected and species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species).

Wildlife Sensitive Lighting Design Scheme

- (10) Prior to commencement of the development a bat mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s17 Crime and Disorder Act 1998.

- (11) Prior to its installation, a lighting design scheme for the site access only shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify through the provision of appropriate technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason:

To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and Species)

Drainage and Flooding

- (12) Prior to the commencement of the development hereby approved 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, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- A scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution;
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753;
 - Limiting discharge rates to 10.9l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated;
 - 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 40% climate change event;
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
 - Final modelling and calculations for all areas of the drainage system;

- The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. It should be demonstrated how the run off from roads and roofs will be adequately treated;
- 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; and
- Use of water butts should be considered as the development is in a critical drainage area.

The scheme shall subsequently be implemented prior to occupation.

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, pollution hazard and ice on the highway from the site.

- (13) Prior to occupation of any unit within a phase, 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. 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 request 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 prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Ground Water and Stability

- (14) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable ground water resources and ensure compliance with paragraph 180 of the NPPF.

Access

- (15) Prior to first occupation of the development, the access point at Daws Heath Road shall be provided as shown in principle on JUBB drawing SK_T_001 rev P4. The vehicular access points shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 43m in both directions shall be provided before the road junctions are first used by vehicular traffic and retained free of any obstruction at all times thereafter. All redundant access points along the site frontage shall be suitably reinstated with full upstand kerb and footway provision.

Reason:

To provide adequate inter visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- (16) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety

Landscape and Ecology Management Plan (LEMP)

- (17) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to occupation of the development.

The content of the LEMP shall include the following:

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;

- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan in line with the finalised biodiversity metric);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

The LEMP shall also include details by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details at all times.

Reason:

To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority Habitats and Species).

Archaeology

- (18) No development or preliminary ground works shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which has previously been submitted by the applicant and approved by the Local Planning Authority.

Reason:

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development.

- (19) A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the Local Planning Authority following the completion of this work.

Reason:

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the

development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development.

- (20) No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of field work, as detailed in the mitigation strategy, and which has been previously approved by the Local Planning Authority in consultation with its historic environment advisers.

Reason:

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development

- (21) The applicant shall submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

Reason:

To safeguard archaeological assets within the approved development boundary from impacts relating to any ground works associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets that could potentially be affected by the approved development

Informatives

- (1) The Borough Council will need to create new street name(s) for this development, together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming and Numbering, Castle Point Borough Council. (To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.)
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents (where required) are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

- (3) The following points should be considered wherever soakaways are proposed at a site:
- Appropriate pollution control methods (such as trapped gullies/interceptors or swale and infiltration basin systems) should be used for drainage from access roads, made ground, hardstanding and car parking areas to reduce the risk of hydrocarbons from entering ground water. Only clean uncontaminated water should drain to the proposed soakaway. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
 - No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - There must be no direct discharge to ground water, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaway and the water table.
 - A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to ground water.
- (4) The applicant is advised to follow the following guidance. The Environment Agency's approach to ground water protection when designing drainage systems/strategies which are to discharge to ground. This is a report that highlights the importance of ground water and encourages industry and other organisations to act responsibly and improve their practices. Included are a series of position statements that should be followed when designing any drainage system which is to discharge to ground. This guidance document can be found at:
- <https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- (5) The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- (6) The planning permission hereby granted is subject to a Section 106 agreement dated (TBC).