

Agreed list of planning conditions between Appellant and CPBC – Land east of Rayleigh Road, Thundersley (23/0085/OUT)

- 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.

- 2 The development hereby permitted shall be carried out in complete accordance with the details shown on the site location plan (reference 34580-101 rev B) and site access drawings (references 47268/5501/001 rev P12 and 47268/5501/002 rev P8).

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:

- Land use and vehicular access – 34580-301 rev L
- Non-vehicular access – 34580-304 rev C
- Multi-functional open space – 34580-303 rev G
- Building scale – 34580-302 rev K

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

- 4 The development authorised by this permission shall be carried out in accordance with phasing plan 34580-403 rev A, unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt.

- 5 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.

- 6 No works shall take place until a detailed Green Infrastructure Strategy/ Landscape Strategy for the site, based on the Essex Green Infrastructure Strategy 2020 and Essex GI Standards 2022 and an assessment of the ecological context of the development, has been submitted to and by the local planning authority. The scheme should include but not be limited to:



- Demonstrate that the development site/setting has been reviewed for multiple functions and benefits (listed in the Essex GI Strategy (chapter 5.1, page 35) and ensure that green/open spaces are designed to ensure multi- purpose and functional use.
- Travel Infrastructure should give consideration to use of GI features to ensure accessibility across the site.
- Ensure there are good accessible links for all from the development to existing settlements, urban centres, rural areas, active travel networks and green spaces.
- Demonstrate how the GI has been designed to provide recreational facilities for different user and age groups. It should deliver social inclusive processes that are open to all and incorporate the knowledge and needs of diverse parties.

The development shall be carried out and thereafter maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: The National Planning Policy Framework 2023 paragraph 8c sets environmental protection and enhancement as one of the 3 objectives of the planning system. Paragraph 102 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

- 7 Prior to commencement of development on each phase, a Green Infrastructure Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Plans shall include:
- Details of advance planting around construction sites; and
 - The timescale for the implementation of each aspect of Green Infrastructure within that phase of development and details of the quality standard of construction and maintenance. Set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g. SSSI's etc.) will be protected during construction.

Reason: Strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

- 8 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets and the maintenance activities/frequencies. Details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.

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 appropriate management and maintenance arrangements are put in place to maintain high-quality value and benefits of the GI assets for the lifetime of the development as part of any approved Maintenance Plan.

- 9 No works except demolition 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 approved in writing by the local planning authority. The scheme should include but not be limited to:

- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution
- Limiting discharge rates to 19.1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ 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 features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- 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. Medium pollution level should be used for the roads.
- Detailed engineering drawings of each component of the drainage scheme.
- Results of further groundwater monitoring should be provided.
- 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.
- Details showing the means to prevent the discharge of surface water from the development onto the highway.

The scheme shall subsequently be fully implemented prior to occupation. It should be noted that all outline applications are 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, pollution hazard and ice on the highway from the site.

- 10 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 a 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.

- 11 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 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 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

- 12 No development shall take place until a detailed scheme for the construction of the site accesses and related highways works has been submitted to and approved in writing by the local planning authority. The scheme shall detail the new access junctions in accordance with the details on plans 47268/5501/001 rev P12 and 47268/5501/002 rev P8. The approved scheme shall include phasing and construction details and shall be implemented in full compliance with the approved details and timetable.

No development shall take place until visibility splays of 2.4m x 43m in both directions have been provided at the junctions of the proposed estate roads with Stadium Way and Daws Heath Road in accordance with the details shown on plans 47268/5501/001 rev P12 and 47268/5501/002 rev P8. The splays shall thereafter be maintained free of any obstruction to visibility. All redundant access points 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

- 13 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety

- 14 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

- 15 Prior to commencement of phase four, in accordance with plan 34580-403 rev A a scheme for a connection to the existing Public Rights of Way network footpath 7 shall be provided on the northern boundary (providing access to the employment zone). The access shall be completed at the expense of the developer and to the satisfaction of the Highway Authority with any new planting to be set back at least 2m away from the edge of the footpath to ensure sufficient width is provided for future growth and to prevent unwanted encroachment.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport



- 16 No development or preliminary groundworks 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 planning authority. Condition agreed.

Reason: Archaeology must be identified prior to the commencement of development to ensure that archaeological investigation is initiated at an appropriate point in the development process and that any areas of archaeological preservation are identified and appropriately recorded/preserved and the results published in accordance with Section 16 of the National Planning Policy Framework.

- 17 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: Archaeology must be identified prior to the commencement of development to ensure that archaeological investigation is initiated at an appropriate point in the development process and that any areas of archaeological preservation are identified and appropriately recorded/preserved and the results published in accordance with Section 16 of the National Planning Policy Framework.

- 18 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.

Reason: Archaeology must be identified prior to the commencement of development to ensure that archaeological investigation is initiated at an appropriate point in the development process and that any areas of archaeological preservation are identified and appropriately recorded/preserved and the results published in accordance with Section 16 of the National Planning Policy Framework.

- 19 The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, 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: Archaeology must be identified prior to the commencement of development to ensure that archaeological investigation is initiated at an appropriate point in the development process and that any areas of archaeological preservation are identified and appropriately recorded/preserved and the results published in accordance with Section 16 of the National Planning Policy Framework.

- 20 Prior to any works onsite 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 – Rev D (Southern Ecological Solutions Ltd, January 2023) and the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023).

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.

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 (Priority habitats & species).

- 21 Prior to commencement, a Badger Method Statement in accordance with the Ecological Impact Assessment – Rev D (Southern Ecological Solutions Ltd, January 2023) and the Addendum to Ecological Impact Assessment (Southern Ecological Solutions Ltd, April 2023) shall be submitted to and approved in writing by the local planning authority. This will contain finalised mitigation measures and/or works to reduce potential impacts to Badger during the construction phase, including the finalised location and details of the artificial badger sett.

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 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 (Priority habitats species).

- 22 Prior to commencement of any phase a bat mitigation scheme shall be submitted and approved in writing by the local planning authority.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

- 23 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement 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.
- 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.



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 (Priority habitats & species)

- 24 Concurrent with submission of the first reserved matters application on the site, a finalised Biodiversity Net Gain Plan shall be submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the agreed Biodiversity Metric for each phase.

The content of the Biodiversity Net Gain Plan should include the following:

- Proposals for the on-site biodiversity net gain of each phase;
- A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Each phase of the development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

- 25 Prior to its installation, a lighting design scheme for the site accesses 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 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 (Priority habitats & species)

- 26 On site measures to avoid impacts from the development alone from recreation disturbance to the Foulness Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site, the Blackwater SPA and Ramsar site & Essex Estuaries SAC shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. A scheme for onsite matter shall accord with:

- Purpose and conservation objectives for the proposed measures;
- Detailed designs of the interpretation board and leaflets;
- Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development.
- Locations of proposed interpretation boards by appropriate maps and plans; and
- Details of initial aftercare and long-term maintenance.

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

Reason: To avoid Adverse Effects on the Integrity to the Foulness Estuary SPA and Ramsar site, Benfleet and Southend Marshes SPA and Ramsar site, the Blackwater SPA and Ramsar site & Essex Estuaries SAC



and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended).