

## **ITEM 5**

### **20/00363/OUT – LAND EAST OF ASHINGDON ROAD AND NORTH OF ROCHFORD GARDEN WAY ROCHFORD**

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- 1. Additional Detail to s106 Heads of Terms**

A revision to Heads of Terms, point 11):-

Provision and implementation of a residential Travel Plan including payment of a Travel Plan Monitoring fee to Essex County Council of £2500 per annum, for a period of six years (index linked) from first occupation (to be capped at £15,000).

A revision to Heads of Terms, point 12):-

Prior to first occupation at the site a financial contribution of £700,000 to Essex County Council towards bus service enhancements along the Ashingdon Road corridor to upgrade existing services/creation of new service routes or the provision of Bus Priority measures as deemed necessary and approved by Essex County Council.

A revision to Heads of Terms, point 13):-

Prior to first occupation at the site a financial contribution of £250,000 to Essex County Council towards cycling infrastructure upgrades from the site to connect with Rochford town centre and employment sites on Cherry Orchard Way, as identified in the Rochford Cycling Plan as Flagship routes 1 and 2.

- 2. Further Consultation Response from ECC (Ecology)**

The Reptile Mitigation Report (SES, October 2020) states the site supports a “Low” population of Common Lizards and Grass Snakes and a “Good” population of Slow Worms, so a reptile translocation will be necessary to

ensure that these Priority species reptiles are not harmed by the development.

The mitigation measures detailed in the Reptile Mitigation Report (SES, October 2020) are supported and it is recommended that the finalised details for this translocation should be secured as a condition of any consent. We support the proposed reasonable biodiversity enhancements specified in the Ecological Impact Assessment (SES Southern Ecological Solutions, December 2019) which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be detailed within a Biodiversity Enhancement Layout and should also be secured by a condition of any consent for each phase of this development.

1. No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development in accordance with policy DM27 of the Development Plan and the NPPF.

### **3. Consultation Response – Essex Wildlife Trust**

It is recommended that the developer produces a Badger Protection Plan to ensure that disruption to badgers is minimised and sufficient foraging habitat remains during the operational phase to allow the badger clan to continue to thrive and avoid problems resulting from badgers accessing new residential gardens in search of food.

### **4. Consultation Response – Contamination**

The proposed development is sited on agricultural land. Potential contamination on farmed land comes in the form of chemicals, heavy metals and hydrocarbons. In addition, the geophysical survey report identifies multiple ponds which have been infilled. For these reasons I suggest if planning consent is granted the following conditions be imposed:

1. No development shall take place until a scheme to assess and deal with any contamination of the site has been submitted to and approved in writing by the local planning authority.

2. Prior to the occupation or first use of the development, any remediation of the site found necessary shall be carried out and a validation report to that effect submitted to the local planning authority for written approval and the development shall be carried out in accordance with that scheme.

## **5. Additional Neighbour Comments**

Comments have been received from the occupants of the following addresses:-

Albert Road; 14A. Ashingdon Road; 98

Below is a summary of their comments:

- Volume of traffic
- Traffic causes delays and pollution
- Access would be dangerous opposite a school
- Local community already experiencing the negative impact of over development
- Impact of Hall Road development cannot be fully assessed yet as it hasn't finished

## **6. Additional Planning Conditions**

Full detail of wording of planning condition 36: -

36. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
    - adjoining land
    - groundwaters and surface waters
    - ecological systems
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options and proposal of the preferred option(s).

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'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and must complete the remediation works in accordance with the scheme approved. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with policy ENV11 of the Core Strategy and the NPPF.

An additional planning condition:-

53. No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development in accordance with policy DM27 of the Development Plan and the NPPF.