

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	21/10/2020
Planning Development Manager authorisation:	TF	21/10/2020
Admin checks / despatch completed	CC	21.10.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	21/10/2020

Application: 20/00381/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr R.A., T.R., D.R., A.I. Sargeant

Address: Land adjacent to Howlands Marsh Nature Reserve Mill Street St Osyth

Development: Relocation of 5 parking spaces for visitors to the Howlands Marsh nature reserve (including formalisation of access route and area for occasional overflow parking).

1. Town / Parish Council

St Osyth Parish Council
24.06.2020

No objections to this application, however would question whether the number of proposed car parking spaces is sufficient for the intended use?

2. Consultation Responses

Natural England
07.10.2020

LATEST COMMENTS

Thank you for your consultation on the above which was received by Natural England on 10 September 2020

Natural England previously responded to this application on 2 June 2020 and that response should be read in conjunction with this letter. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites - Essex Estuary Special Area of Conservation (SAC), Colne Estuary (Mid Essex Coast Phase 2) Special Protection Area (SPA), Colne Estuary (Mid Essex Coast Phase 2) Ramsar

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Based on the plans submitted, (including the confirmation that the car park will have controlled access), Natural England considers that the proposed development will not have likely significant effects on the Essex Estuary Special Area of Conservation (SAC), Colne Estuary (Mid Essex Coast Phase 2) Special Protection Area (SPA), Colne

Estuary (Mid Essex Coast Phase 2) Ramsar and has no objection to the proposed development.

We welcome the Place Services' email to Tendring DC (pg.2) that "We would support the installation of a field gate either on the track or across the car park entrance, to ensure that Essex Wildlife Trust are able to limit car park use to staff and volunteers only"

Colne Estuary Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Natural England
22.06.2020

ORIGINAL COMMENTS

Thank you for your consultation on the above which was received by Natural England on 12 June 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Colne Estuary Site of Special Scientific Interest (SSSI), Essex Estuary Special Area of Conservation (SAC), Colne Estuary (Mid Essex Coast Phase 2) Special Protection Area (SPA), Colne Estuary (Mid Essex Coast Phase 2) Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Clarity on location
- Habitats Regulations Assessment

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Designated sites - Additional information required

This proposal is adjacent/within the Colne Estuary Site of Special Scientific Interest (SSSI), Essex Estuary Special Area of Conservation (SAC), Colne Estuary (Mid Essex Coast Phase 2) Special Protection Area (SPA), Colne Estuary (Mid Essex Coast Phase 2) Ramsar. Natural England request that the application area is mapped against the designated sites so that an accurate picture of potential impacts can be seen.

European site - further information requested

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63

and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

We advise a HRA is produced that considers the effects of this proposal on the designated site features. This should include for example, potential bird disturbance, and clarity around the intended restrictions on the parking, e.g. the car park would be open to the public at all times, or be gated and locked and only available to EWT members, or only at certain times of the day or year, and how this may impact the designated features.

When your authority undertakes the necessary Habitats Regulations Assessment, consideration also needs to be given to the in combination effects with other plans and projects (if it can be determined that the project itself would not result in likely significant effect). The in-combination assessment needs to assess whether there are any other plans and projects in the vicinity which have the same effect as this development.

The following needs to be considered:

- a) The incomplete or non-implemented parts of plans or projects that have already commenced;
- b) Plans or projects given consent or given effect but not yet started.
- c) Plans or projects currently subject to an application for consent or proposed to be given effect;
- d) Projects that are the subject of an outstanding appeal;
- e) Ongoing plans or projects that are the subject of regular review.
- f) Any draft plans being prepared by any public body;
- g) Any proposed plans or projects published for consultation prior to the application

Sites of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Essex County Council
Ecology
17.07.2020

ORIGINAL COMMENTS

Thank you for consulting Place Services on the above application. Holding objection due to insufficient ecological information on designated sites, protected and Priority species.

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

No ecological documents have been submitted as part of this application. A desk survey on the Multi-Agency Geographic Information for the Countryside (MAGIC) map identifies that the site is adjacent to the Colne Estuary Site of Special Scientific Interest

(SSSI), Ramsar and Special Protection Area (SPA), the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone and the Essex Estuaries Special Area of Conservation (SAC). Additionally, the Essex Wildlife Trust website also identifies Howland Marsh as a Local Wildlife Site (LoWS).

The Natural England consultation response (ref 319595, 22 June 2020). has advised that the LPA will need to prepare a bespoke Habitats Regulations Assessment screening report for this application. If any mitigation measures are needed, an Appropriate Assessment of impacts will be triggered and all features of European importance (both primary and non-primary) will need to be considered. We recommend that the applicant is asked to provide sufficient detail on how they will avoid any likely significant effects on these designated sites, in particular any significant impacts from increased recreation.

The ecological value of the site should also be assessed through a Preliminary Ecological Appraisal. This should identify the likelihood of protected and Priority species and habitats being present onsite and affected by the development. This report will inform if any further surveys are necessary and will identify appropriate mitigation and enhancement measures.

This information is necessary, prior to determination, as paragraph 99 of the ODPM Circular 2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County Council
Ecology
10.09.2020

AMENDED COMMENTS

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the email from City and Country (August 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. Essex Wildlife Trust (Emma Ormond, July 2020) have also provided details on how they will avoid any likely significant effects on these designated sites, in particular any significant impacts from increased recreation.

We note that the car park will be for the use of staff and volunteers only so it will not result in a significant increase in footfall on the nature reserve. In addition, the high native hedgerow separating the car park from the site will ensure minimal disturbance to wildlife on the nature reserve and the estuary.

We are now satisfied that there is sufficient ecological information available for determination.

We note that the development is a small-scale proposal for the relocation of a car park (for staff and volunteers only) onto an area of managed farmland verge. Given the low impact nature of the development and the small scale of works proposed no impacts on protected or Priority species or habitats are predicted.

In line with Natural England's consultation response (ref 319595, 22 June 2020), the LPA will need to prepare a bespoke Habitats Regulations Assessment to consider any likely significant effects from the development, either alone or in combination with other plans and projects. We note that the development lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 5m from the Colne Estuary SPA and Ramsar, and consider that this proposal will not have a likely significant effect on the above Habitats sites from recreational disturbance, when considered either alone or 'in combination' with other plans and projects. We would support the installation of a field gate either on the track or across the car park entrance, to ensure that Essex Wildlife Trust are able to limit car park use to staff and volunteers only.

As a precaution, we recommend that a Biodiversity Method Statement - in line with Appendix 10 of CIEEM Guidance on Ecological Survey and Assessment in the UK During the Covid-19 Outbreak v2 (9 June 2020) is secured as a condition of any consent. This should describe the minimum mitigation measures required to avoid impacts to biodiversity during any works particularly include a cold weather warning for works undertaken over winter based on statutory suspension of wildfowling in severe weather:

"During prolonged periods of cold weather, all work likely to result in disturbance to wildfowl, waders or any other similar species must cease. After a continuous week of cold weather (i.e. frozen conditions for seven consecutive days), you must seek further advice from an Ecologist who will base their advice on the following: <https://hub.jncc.gov.uk/assets/f22073fa-d590-4c0f-9917-e520d89b640b>"

We welcome the planting of a native hedgerow around the perimeter of the car park will complement the wildlife-friendly features provided by the existing hedgerow and are reassured that the intended porous surface material will ensure that there will be no significant increase in runoff from this car parking area.

We therefore recommend that the above biodiversity enhancement measures are secured as these are reasonable and will contribute to net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. PRIOR TO COMMENCEMENT: PRECAUTIONARY WORKING BIODIVERSITY METHOD STATEMENT

"No development shall take place (including ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction and include a Cold Weather Warning;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The 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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

2. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the application shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features 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 s40 of the NERC Act 2006 (Priority habitats & species).

Essex County Council
Ecology
20.09.2020
LATEST COMMENTS

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the email from City and Country (August 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. Essex Wildlife Trust (Emma Ormond, July 2020) have also provided details on how they will avoid any likely significant effects on these designated sites, in particular any significant impacts from increased recreation.

We note that the car park will be for the use of staff and volunteers only so it will not result in a significant increase in footfall on the nature reserve. In addition, the high native hedgerow separating the car park from the site will ensure minimal disturbance to wildlife on the nature reserve and the estuary. We are now satisfied that there is sufficient ecological information available for determination.

We note that the development is a small-scale proposal for the relocation of a car park (for staff and volunteers only) onto an area of managed farmland verge. Given the low impact nature of the development and the small scale of works proposed no impacts on protected or Priority species or habitats are predicted.

In line with Natural England's consultation response (ref 319595, 22 June 2020), the LPA will need to prepare a bespoke Habitats Regulations Assessment to consider any likely significant effects from the development, either alone or in combination with other plans and projects. We note that the development lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 5m from the Colne Estuary SPA and Ramsar, and consider that this proposal will not have a likely significant effect on the above Habitats sites from recreational disturbance, when considered either alone or 'in combination' with other plans and projects. We would support the installation of a field gate either on the track or across the car park entrance, to ensure that Essex Wildlife Trust are able to limit car park use to staff and volunteers only.

We have reviewed the submitted Biodiversity Method Statement (City and Country, Oct 2020) and are satisfied that it contains the mitigation measures required to avoid impacts to biodiversity during any works. We note that this includes a cold weather warning for works undertaken over winter based on statutory suspension of wildfowling in severe weather. We therefore recommend that its implementation in full is secured as a condition of any consent.

We welcome the planting of a native hedgerow around the perimeter of the car park, as shown on EWT car parking plan Drawing Number CC-0175-FAR012 (City and Country, Dec 2019), will complement the wildlife-friendly features provided by the existing hedgerow and are reassured that the intended porous surface material will ensure that there will be no significant increase in runoff from this car parking area.

We therefore recommend that the above biodiversity enhancement measures are secured as these are reasonable and will contribute to net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION IN ACCORDANCE WITH THE ECOLOGICAL REPORT RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Method Statement (City and Country, Oct 2020) and EWT parking plan Drawing Number CC-0175-FAR012 (City and Country, Dec 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

ECC Highways Dept
01.06.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, it is noted that the spaces are for Essex Wildlife Trust members only therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The proposed vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall not be used until the area has been surfaced, and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the nature reserve unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Ramblers
Association

No comments received.

ECC SuDS Consultee
26.05.2020

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, 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 County Council's (ECC's) 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

As we have been consulted on a minor application, we are assuming that there is a potential flood risk on site, therefore we are considering the impact of increased run off rates. The cumulative impacts of minor developments can increase flood risk in an area.

- Having reviewed the application we have believe that due to the scale of the development there is not an increased risk of surface water flooding and therefore have no objection.

Should you wish us to provide further comment additional information should be supplied to show how SUDS will be implemented on site.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Essex Wildlife Trust
09.09.2020

As discussed, Essex Wildlife Trust have no objections in relation to the relocation of the existing access track and car park. The car park will be for the use of staff and volunteers only so we are comfortable that it will not result in a significant increase in footfall on our site. In addition, the high native hedgerow separating the car park from our site will ensure minimal disturbance to wildlife on the nature reserve. The planting of a native hedgerow around the perimeter of the car park will compliment the wildlife-friendly features provided by the existing hedgerow and we are assured that the intended porous surface material will ensure that we do not receive a significant increase in runoff from this car parking area.

3. Planning History

01/01250/FUL	Construction of new elevated bird hide to provide viewing facility for bird watchers	Approved	20.09.2001
03/02087/FUL	Scrape habitat	Approved	25.06.2004
04/02317/FUL	Scrape habitat (minor amendment to 03/02087/FUL)	Approved	31.01.2005
91/00057/FUL	Erection of bird hide.	Approved	08.03.1991

4. Relevant Policies / Government Guidance

National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER16	Tourism and Leisure Uses
EN1	Landscape Character
EN6	Biodiversity

EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11C	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3	Sustainable Design
PP8	Tourism
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be

considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to Howlands Marsh Nature Reserve located to the north of Mill Street within the Parish of St Osyth. The site subject of the application encompasses the access from Mill Lane, the soon to be constructed road associated within the St Osyth Priory housing development (West Field Development) and an area of managed farmland verge located approximately 625 metres to the north-west of the access point from Mill Lane.

Description of Proposal

The application seeks full planning permission for the relocation of 5 number parking spaces (from the 'South Entrance' 240m north of Mill Lane) and use of land for access and parking by visitors to the Howlands Marsh nature reserve, owned and operated by the Essex Wildlife Trust (EWT).

Also indicated on the plans is an 'overflow parking area' for visitors. Its function and intensity of use is set out within the accompanying cover letter (intended to be used as permitted development for no more than 28 days per year).

Assessment

The main considerations in this instance are;

- Background and Principle;
- Scale, Visual and Landscape Impact;
- Access and Parking;
- Biodiversity and Recreational Disturbance; and,
- Representations.

Background and Principle

The application arises following the need to accommodate visitors by car who have historically been permitted by agreement to drive to the nature reserve site via the St Osyth Priory estate. This part of the nature reserve specifically includes access to the bird hide just north of the application site. The nature reserve is within the control of EWT although the access to it is not. The formal agreement to facilitate parking and access had historically been established by the previous land owner but has since expired. In the intervening period there has also been a number of changes to the use and layout of the estate. In recent years this has included the erection of new buildings and a more intensive management of the estate, for example by way of grazing livestock. Furthermore, a number of access tracks and routes are no longer in use and new routes have become established. It is therefore deemed an appropriate point in time to review the arrangements for safe access and parking to the nature reserve as previous provision is no longer practical.

Scale, Visual and Landscape Impact

In order to improve the arrangements for access and parking, a small dedicated area for parking has been proposed immediately outside of the nature reserve site. In turn this will remove the need for more frequent formal provision within the nature reserve itself. This is considered to be beneficial in terms of helping improve the value and quality of the nature reserve by having less vehicular parking and movement within the site. The network of access paths and vehicular tracks currently extends across and around the estate and which already extend to serve the Howlands Marsh site. The most direct route now is that included within the application via the recently commissioned access (Ref.No 19/01614/AGRIC) which utilises a route via the West Field development.

The proposed access route and creation of a small informal car park will not have a significant adverse impact on either the character or appearance of the local landscape. The additional

landscaping information provided by the agent will be secured by condition. This will secure an adequate level of soft planting to the west of the car park to provide screening of the parking area and parked cars.

Access and Parking

In total 5 parking spaces are provided with parking arranged at 30 degrees off the access. This is felt to best minimise the impact on the existing field and when not used at full intensity, anticipated to be the normal operating conditions, would allow for two parallel spaces instead. The ability to turn vehicles to leave in a forward gear would be possible and whilst a small number of turns might be necessary, this would need to utilise the width of the access. This is preferable to making the area larger or wider. Alternatively, there would also remain a provision within the EWT site to turn a vehicle in the event all spaces are taken. However, taking into account the current frequency of use and activity there would not be any significant adverse impact as a result of the proposed layout, which is by arrangement, on private land and set off the public highway.

The surface would be formed as other tracks on the estate by stripping the topsoil for reuse as part of the estate landscape restoration. Beneath the topsoil would be virgin soil and comprise sand of varying depth. This would be added to with stockpiled sand from the estate to achieve a suitable track. Any soft spots would be made up with existing hardcore/rubble also from the estate before being overlain with sand. This will be the same make up as the existing tracks generally are throughout the park estate.

Essex County Council Highways raise no objection to the application subject to conditions which will be imposed where necessary.

Biodiversity and Recreational Disturbance

The development is a small-scale proposal for the relocation of a car park (for staff and volunteers only) onto an area of managed farmland verge. Given the low impact nature of the development and the small scale of works proposed no impacts on protected or Priority species or habitats are predicted.

The range of potential recreational disturbance particularly on the Colne Estuary SPA & Ramsar site have been considered and assessed.

It is concluded that this project will have no likely significant effects on the Colne Estuary SPA & Ramsar or Essex Estuaries SAC, either alone or in combination with other plans and projects.

This assessment is based on evidence provided and discussion with the applicant to ensure that the conclusion is beyond reasonable scientific doubt concerning the effects of the work envisaged on the Habitats sites concerned.

The car park will be for the use of staff and volunteers only so it will not result in a significant increase in footfall on the nature reserve. In addition, the high native hedgerow separating the car park from the site will ensure minimal disturbance to wildlife on the nature reserve and the estuary.

The additional information regarding the biodiversity enhancements provided by the agent will be secured by condition.

Representations

St Osyth Parish Council raise no objection to the proposal.

The number of spaces proposed are for staff/volunteers only and is considered sufficient for the intended use.

No other letters of representation have been received.

Conclusion

The proposal fulfils both social and environmental objectives set out within the NPPF by providing access to the Howlands Marsh nature reserve. Notable Local Plan policies include Policy QL7 and ER16 of the Tendring Local Plan 2007. Whilst outside of the defined rural regeneration area, Policy QL7 provides support for: appropriate rural diversification schemes, including employment, recreation and community facilities to meet identified local need. The proposal is considered to provide appropriate access for those looking to fulfil nature conservation interests. The proposal thus improves access to rural communities and enhances biodiversity objectives. Similarly policy ER16 (Tourism and Leisure Uses) sets out that proposals will be permitted provided that: enable the development to be accessible to all potential visitors and users, and provided there is suitable vehicular and public transport access to the site and parking provision. Accordingly, it is considered that the proposal accords with relevant national and local planning policy requirements.

6. Recommendation

Approval - Full

7. Conditions

- 1 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 The development hereby permitted shall be carried out in accordance with the following approved plans and accompanying City and Country cover letter dated 6th May 2020:

- Amended Drawing Number CC-0175-FAR012 Revision C received 20th October 2020

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out in strict accordance with all mitigation and enhancement measures and/or works contained within the Biodiversity Method Statement (City and Country, Oct 2020) and amended plan Drawing Number CC-0175-FAR012 Revision C received on 20th October 2020.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 4 The proposed vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall not be used until the area has been surfaced as detailed within the covering letter accompanying the application. The vehicle parking area and associated turning area shall be retained in this approved form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the nature reserve unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 5 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details Drawing Number CC-0175-FAR012 Revision C received 20th

October 2020 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the appropriate implementation and maintenance of the approved landscaping scheme in the interests of visual amenity and landscape character.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls, gates or other means of enclosures, shall be erected on the site except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and landscape character.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ