

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AL	20/03/2024
Team Leader authorisation / sign off:	JJJ	21/03/2024
Assistant Planner final checks and despatch:	ER	21/03/2024

Application: 23/01751/VOC **Town / Parish:** St Osyth Parish Council

Applicant: Julie McNulty - Environment Agency

Address: The Promenade Belsize Avenue Jaywick

Development: Variation of Conditions 2 (approved plans) and 7 (temporary footbridge) of planning permission 23/00181/FUL to make amendments to the approved scheme.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

Essex County Council Thank you for consulting Place Services on the above application.

Ecology
21.02.2024 No Ecological objection

Summary

We have reviewed the submitted amended documents in relation to the variation of Condition 2 (approved plans) and Condition 7 (temporary footbridge) of planning permission 23/00181/FUL.

We are satisfied that there is sufficient ecological information available for determination of this application and that no further adverse effects will result because of the proposed amendments submitted.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats.

Marine Management
Organisation No comments received.

Environmental Protection No comments received.

Natural England No comments received.

Essex County Council The application is for Variation of Conditions 2 (approved plans) and
Heritage 7 (temporary footbridge) of planning permission 23/00181/FUL to
01.03.2024 make amendments to the approved scheme.

The revised proposal is not considered to have any additional impact on the setting of Grade II Listed and Scheduled Monument Jaywick Martello Tower.

Historic England Historic England provides advice when our engagement can add most
06.02.2024 value. In this case we are not offering advice. This should not be
interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

ECC Highways Dept
05.02.2024

It is noted that this application concerns variation of conditions 2 and & of the original planning application 23/00181/FUL making some amendments to the approved scheme. The proposals have also been discussed with the Public Rights of Way team, it appears that the applicant has revised the handrail layout to retain the full width of the footpath, which is acceptable, and the width of the temporary footbridge has been varied, considering these factors:

The Highway Authority does not object to the proposals as submitted.

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

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environment Agency
01.03.2024

Thank you for consulting us on the above application. We have reviewed to documents as submitted and can confirm that we have no objection to the proposed variations.

Flood Risk Activity Permit (FRAP)

We previously raised that a FRAP will be required for the proposed works, this is still required prior to work commencing and if a FRAP has already been applied for, the applicant should ensure the changed plans are submitted for the Permit.

3. Planning History

20/00580/FUL

Construction of two separate rock Approved
revetments to improve the sea defences.

16.09.2020

20/01704/FUL	The construction of two separate rock revetments to be installed on the seaward side of an existing sea wall in order to protect the toe from further erosion.	Approved	20.01.2021
21/01798/EIASCR	EIA Screening Opinion for the proposed Cockett Wick sea wall improvement scheme.		05.11.2021
23/00181/FUL	Construction of a new sea wall and a rock revetment to address tidal flood risk to the village of Jaywick. The new sea wall will be approximately 330m long and will be integrated into the existing Cockett Wick sea wall. The rock revetment will be installed on the seaward side of the sea wall along a length of approximately 140m in order to protect the existing revetment from further deterioration.	Approved	17.07.2023
23/01050/DISCON	Discharge of conditions 3 (Reptile Mitigation Strategy), 4 (Environmental Management Plan), 5 (Biodiversity Enhancement Strategy) and 6 (Construction Management Plan) of application 23/00181/FUL.	Approved	19.09.2023

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework

National Planning Practice Guidance

National Flood and Coastal Erosion Risk Management Strategy (Environment Agency, 2011)

A Green Future: Our 25 Year Plan to Improve the Environment (Department for Environment, Food and Rural Affairs (DEFRA), 2018)

Regional policy:

Essex and Southend-on-Sea Waste Local Plan (2017)
Essex Minerals Local Plan (2014)
The Essex and South Suffolk Shoreline Management Plan 2010 (SMP)
Essex and South Suffolk SMP (Environment Agency, 2010)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1 Adopted January 2021

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP6 Infrastructure & Connectivity
SP7 Place Sharing Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 Adopted January 2022

SPL1 Managing Growth
SPL3 Sustainable Design
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL2 Coastal Protection Belt
PPL3 The Rural Landscape
PPL5 Water Conservation, Drainage and Sewerage
PP8 Tourism
PPL9 Listed Buildings
PP14 Priority Areas for Regeneration
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Jaywick Strategic Flood Risk Assessment 2015
Jaywick Sands Design Guide 2022

7. Officer Appraisal (including Site Description and Proposal)**7.1 Site Description and Context**

The site comprises approximately 4.9 hectares (ha), which includes the proposed sea wall and revetment footprint, associated haul roads, and temporary work compounds and storage areas. It is located on the coastal frontage of Jaywick, to the south of a promenade.

The existing sea wall is approximately 330m in length, with a flood gate at the eastern end and rock armour toe protection in front of the more exposed parts. There is a mural on the landward face of the sea wall at the western end. This was installed as part of the Tides of Tendring Project in 2019. The existing rock revetment is located on the seaward side of the existing sea wall along a length of approximately 150m. It consists of a mixture of blockwork, Tendring block and ragstone pitching revetments.

The top of the sea wall forms a path along the promenade, which is part of the England Coast Path and is designated as Public Rights of Way (PRoW). The PRoWs can be accessed via a ramp at the western end of the car park for Martello Tower and via a second ramp at the eastern end of the sea wall.

The surrounding area is characterised by the coastline, Martello Tower, holiday parks and dwellings. The coastline in the area has been heavily modified by the installation of a series of groynes, revetments and sea walls in order to protect settlements from tidal flooding. The Martello Tower and car park are located directly to the north of the site. The tower is one of six remaining Martello Towers along this part of the Essex coast. As such, it is of high value and is a Scheduled Monument and

Grade II Listed Building. Martello Tower is currently open to the public and is used as an arts, heritage and community venue.

Martello Beach Holiday Park is also located to the north of the site and contains 452 park homes, as well as entertainment and leisure facilities. Existing dwellings are located to the east of the Scheme and predominantly comprise former holiday homes that were constructed in the 1930s. The promenade / PRowS lead to Martello Tower. The PRowS extend around the coastline, to the southwest of Belsize Avenue before continuing to the west along the promenade and to the east along Brooklands. National Cycle Network Route 150 is in the vicinity of the site, running between Jaywick (to the east of Jaywick) and Walton-on-the-Naze, via Clacton-on-Sea. This is mostly an off-road route, running along the coastline.

The existing sea wall takes two forms along its length. In the western section, west of Cockett Wick sluice, the wall is believed to be a reinforced concrete wall bearing on the ground. This is known as Wall Type A (non-piled). East of the sluice, the wall is also a reinforced concrete wall with a connecting reinforced concrete slab to the landward side and an additional reinforced concrete parapet to the rear. This wall (Wall Type B (piled)) is sat on various pile types that appear to be spaced out equally (i.e. not continuous). There are landward and seaward revetments of varying types / extents along the length of the wall. The current crest level of the sea wall varies between 4.5 and 4.9m Above Ordnance Datum (AOD). The approximately 150m long section of existing revetment running from the western corner eastwards has been extended in the past and has a mass concrete toe running halfway down in parallel with the sea wall.

In summary, the constraints and designation on or near the site are:

- Special Area of Conservation (Essex Estuaries)
- LoWS, being:
 - Jaywick Marshes LWS
 - Jaywick Beach LWS
- Scheduled Monument and Grade II Listed Building - Martello Tower
- Flood Zone 3
- Safeguarded Holiday Park
- Coastal Protection Belt
- Settlement Development Boundary
- PRowS 18, 29 and 31 are located along the coastline and are part of the England Coast Path.

7.2 Proposed Development

This application seeks a Section 73 application for the variation of Conditions 2 and 7 of planning consent 23/00181/FUL.

Application 23/00181/FUL was granted in July 2023 for the raising of the existing seawall and increase in the size of the rock revetment. Relevant planning conditions were subsequently discharged in September 2023.

As set out in the accompanying cover letter, pre-construction investigations and detailed design during the construction stage has resulted in several minor amendments to the proposed scheme as detailed below.

Design Amendments

- *Anglian water outfall and associated amendments*

During pre-construction investigations, the Anglian Water final effluent outfall was found not to be in the location indicated on service returns. This required updating the design to allow for the actual location including the removal of a bridging structure and adjusting a number of pile lengths and positions. The pile head details have also been altered slightly (top level/number of shear

studs/capping plate removed). This was requested by the contractor to aid buildability. These changes will not be visible post-construction.

- Temporary footbridge

Condition 7 requires compliance with approved drawing no. B20.005.05.001 - Rev00:

‘Other than the rock delivery, rock placement and site compound set up associated with the development hereby approved, no other works shall take place until the public right of way diversion route for public footpath nos. 18, 29 and 31 (Clacton_ 167) has been constructed in accordance with the Essex County Council Diversion Order approved on 29 June 2023 and associated Site Layout Plan (site compound) drawing number BAU.5440 - B20.005.01.01 Revision 02 and Public Right of Way - Diversion Route B20.005.05.001 - Rev00. The Order will come into effect on 10 July 2023 and may continue in force for 6 months, or until the works have been completed, whichever is the earlier, at which time public footpath nos. 18, 29 and 31 (Clacton_ 167) shall be re-opened and unobstructed at all times.’

Drawing no. B20.005.05.001 - Rev00 shows details of the proposed temporary footbridge and did not include details of the width. Rev01 was subsequently submitted to ECC with the application to divert the PRow showing a footbridge with a width of 1.2m. This has since been revised again as the footbridge delivered to site was a minimum of 1.65m in width. Rev03 of the drawing is therefore being submitted to reflect this.

- Seawall handrail

A meeting was held between ECC Highways PRow Team and the Environment Agency on Wednesday 19th July. During the meeting it was agreed that the handrail would be moved to the outer edge of the seawall to retain a 3 metre width in accordance with the PRow Team’s requirements.

Proposed changes to Consent

- Variation of condition 2

Condition 2 lists the approved plans and documents with which the development must be carried out in accordance with. Annex A of this letter provides a list of the current approved plans and documents and identifies which of these have been amended and resubmitted with this application to reflect the design changes made in relation to the Anglian Water outfall and the sea wall handrail. It is requested that the list of plans is updated to reflect the latest revision numbers shown in Annex A.

The changes are not of a scale that has resulted in the need to amend any of the supporting documents, including the environmental reports.

- Variation of condition 7

It is requested that the reference to drawing number B20.005.05.001 is updated to Rev03.

Annex A: List of Amendments to Documents and Drawings

Report / Drawing name	Report / Drawing no.	Previous Rev.	New Rev.	Status
Planning Statement	-	0.3	-	No change
Environmental Report	-	1	-	No change
Location Plan	ENV0001929C-JAC-ZZ-00-DR-C-1002	C02	-	No change
Block Plan	ENV0001929C-JAC-ZZ-00-DR-C-1003	C02	-	No change
General Site Arrangement	ENV0001929C-JAC-ZZ-00-DR-C-1001	C03	-	No change

Revetment Plan	ENV0001929C-JAC-ZZ-00-DR-C-1004	C02	-	No change
Revetment Tie-ins	ENV0001929C-JAC-ZZ-00-DR-C-1005	C03	-	No change
Revetment Cross-sections (Drawing 1 of 2 and Drawing 2 of 2)	ENV0001929C-JAC-ZZ-00-DR-C-1010 and 1011	C02	-	No change
Proposed Seawall General Arrangement	ENV0001929C-JAC-ZZ-XX-DR-S-2010	P01	C02	Anglian outfall moved to confirmed location. One expansion join moved location slightly.
Cross Sections	ENV0001929C-JAC-ZZ-XX-DR-S-2015 and 2016	P01	C02	Handrail moved from top mounted to side mounted. Top of pile level raised.
Setting out (Piles)	ENV0001929C-JAC-ZZ-XX-DR-S-2020 to 2025	P01	C03	Pile levels raised by 150mm. Anglian outfall location on plan moved to confirmed location. Plan position of piles altered along with some pile lengths in the table.
Setting out (Wall & Base)	ENV0001929C-JAC-ZZ-XX-DR-S-2030 to 2032	P01	C02	Anglian outfall moved to confirmed location. Plan locations of piles and coordinates in the tables.
Setting out (Downstands)	ENV0001929C-JAC-ZZ-XX-DR-S-2035 to 2037	P01	C02	Anglian outfall moved to confirmed location. Plan locations of piles and coordinates in the tables.
East tie in GA	ENV0001929C-JAC-ZZ-XX-DR-S-2040	P01	C02	Handrail moved from top mounted to side mounted. Pile levels raised by 150mm. Anglian outfall moved to confirmed location. Some piles moving position. Old bridging structure removed.
West tie in GA	ENV0001929C-JAC-ZZ-XX-DR-S-2045	P01	C02	Handrail moved from top mounted to side mounted. Pile levels raised by 150mm. Anglian outfall moved to confirmed location.
Structure at Cockett Wick Outfall GA	ENV0001929C-JAC-ZZ-XX-DR-S-2050	P01	C02	Handrail moved from top mounted to side mounted. Pile levels raised by 150mm. Anglian outfall moved to confirmed location.

Structure at Bonds Sluice GA	ENV0001929C-JAC- ZZ-XX-DR-S-2055	P01	C02	Handrail moved from top mounted to side mounted. Pile levels raised by 150mm. Anglian outfall moved to confirmed location.
Flood barrier definition drawing	ENV0001929C-JAC- ZZ-XX-DR-S-2060	P01	-	No change
Handrail layout	ENV0001929C-JAC- ZZ-XX-DR-S-2061	P01	C02	Handrail moved from top mounted to side mounted. Anglian outfall moved to confirmed location.
Precast Seaward Downstand	ENV0001929C-JAC- ZZ-XX-DR-S-2070	P01	C02	Number of downstand units in table changed.
Pile Head Details	ENV0001929C-JAC- ZZ-XX-DR-S-2120	P01	C02	Capping plate removed, number of rows of sheer studs increased. Detail 3 removed.

7.3 Assessment

This application seeks a variation to the previous approval reference 23/00181/FUL. There is no need to fully re-assess all aspects of the development and material considerations (for example the principle of development because this has already been established through the previous approval which has been implemented and remain extant).

In this instance, it is only necessary to consider the amendments sought and any resultant impacts.

The corrected location of the Anglian Water effluent outfall and associated works, together with the minor alterations to the pile head details will not be visible post-construction.

The increase in footbridge width (1.2m to 1.65m) and re-location of the handrail to the outer edge of the seawall (to retain a 3-metre width) have been agreed with the Public Rights of Way (PRoW) Team's requirements and ECC Highway Authority raise no objection on this basis. The footway and footbridge widths and better placement of the handrail result in a betterment to the originally approved scheme.

7.4 Conclusion

The extent of the changes is minor in relation to the scale of the overall development and will not result in any discernible visual impact. The changes improve the width and useability of the footway and footbridge. In the absence of any harm resulting from the revised development, the application is recommended for approval.

As the development has commenced, the time limit condition is not required. All previous conditions will be re-imposed, accounting for any relevant discharge of condition approvals.

8. Recommendation

Approval - Full

9. Conditions

1. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved

by the Local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local planning authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the local planning authority prior to the commencement of development pursuant to this condition.

Location Plan	ENV0001929C-JAC-ZZ-00-DR-C-1002 C02
Block Plan	ENV0001929C-JAC-ZZ-00-DR-C-1003 C02
General Site Arrangement	ENV0001929C-JAC-ZZ-00-DR-C-1001 C03
Revetment Plan	ENV0001929C-JAC-ZZ-00-DR-C-1004 C02
Revetment Tie-ins	ENV0001929C-JAC-ZZ-00-DR-C-1005 C03
Revetment Cross-sections	ENV0001929C-JAC-ZZ-00-DR-C-1010 and 1011 C02
Proposed Seawall GA	ENV0001929C-JAC- ZZ-XX-DR-S-2010 C02
Cross Sections	ENV0001929C-JAC-ZZ-XX-DR-S-2015 and 2016 C02
Setting out (Piles)	ENV0001929C-JAC-ZZ-XX-DR-S-2020 to 2025 C03
Setting out (Wall & Base)	ENV0001929C-JAC-ZZ-XX-DR-S-2030 to 2032 C02
Setting out (Downstands)	ENV0001929C-JAC-ZZ-XX-DR-S-2035 to 2037 C02
East tie in GA	ENV0001929C-JAC- ZZ-XX-DR-S-2040 C02
West tie in GA	ENV0001929C-JAC- ZZ-XX-DR-S-2045 C02
Structure at Cockett Wick Outfall GA	ENV0001929C-JAC- ZZ-XX-DR-S-2050 C02
Structure at Bonds Sluice GA	ENV0001929C-JAC- ZZ-XX-DR-S-2055 C02
Flood barrier definition drawing	ENV0001929C-JAC- ZZ-XX-DR-S-2060 P01
Handrail layout	ENV0001929C-JAC- ZZ-XX-DR-S-2061 C02
Precast Seaward Downstand	ENV0001929C-JAC- ZZ-XX-DR-S-2070 C02
Pile Head Details	ENV0001929C-JAC- ZZ-XX-DR-S-2120 C02
SuDS Water quantity and Quality - LLFA Technical Assessment Proforma	
Traffic Management & Logistics Plan Rev. 02	
Reptile Capture & Relocation Scope	
Amended Environmental Report	
Appendix B - TDC Screening Opinion	
Appendix C - MMO Screening Opinion	
Appendix D - Sea Defence Improvement Scheme - Ecology	
Appendix E - MCZ Assessment	
Appendix F - HRA Stage 1	
Appendix G - Landscape and Visual Impact Appraisal	
Appendix I - Water Framework Directive Compliance Assessment	
Appendix J - Heritage Appraisal	
Appendix K - Geoarchaeological Assessment	
Appendix L - Transport Assessment	
Appendix M - Noise Report	
Appendix N - Biodiversity Net Gain Report	
Appendix O - Flood Risk Assessment	

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

2. COMPLIANCE: REPTILE MITIGATION STRATEGY

CONDITION: The Reptile Mitigation Strategy as approved under Discharge of Condition Application reference 23/01050/DISCON shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. COMPLIANCE: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

CONDITION: The construction environmental management plan for biodiversity (CEMP: Biodiversity) as approved under Discharge of Condition Application reference 23/01050/DISCON 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).

4. COMPLIANCE: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: The Biodiversity Enhancement Strategy for protected and priority species as approved under Discharge of Condition Application reference 23/01050/DISCON shall be implemented in accordance with the approved details prior to beneficial use of the development and shall be retained in that manner thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

5. COMPLIANCE: CONSTRUCTION MANAGEMENT PLAN

CONDITION: The details of construction methodology, layout plan and timetable for the development (including remediation works / decommissioning of the site compound) as approved under Discharge of Condition Application reference 23/01050/DISCON shall be implemented in its entirety and shall operate as approved at all times during construction, unless otherwise agreed in writing by the local planning authority.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process.

6. COMPLIANCE: STOPPING UP AND DIVERSION ORDER

CONDITION: Other than the rock delivery, rock placement and site compound set up associated with the development hereby approved, no other works shall take place until the public right of way diversion route for public footpath nos. 18, 29 and 31 (Clacton_ 167) has been constructed in accordance with the Essex County Council Diversion Order approved on 29 June 2023 and associated Public Right of Way - Diversion Route B20.005.05.001 - Rev03.

The Order came into effect on 10 July 2023 and may continue in force for 6 months, or until the works have been completed, whichever is the earlier, at which time public footpath nos. 18, 29 and 31 (Clacton_ 167) shall be re-opened and unobstructed at all times, unless otherwise agreed in writing by the local planning authority in consultation with Essex County Council Highway Authority.

REASON: The new sea wall will be integrated into the existing sea wall, therefore causing a further obstruction to part of public footpath no. 29 (Clacton_ 167). This condition is required in the interests of pedestrian accessibility, to ensure the continued safe passage of pedestrians on the public right of way during and after construction.

10. 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

1. You are strongly advised to adhere to a suitable Traffic Management Plan throughout construction incorporating a designated route, utilising the layby on the B1027 (this layby will be partly closed and used to control the lorries entering the site and travelling through St Osyth). The Traffic Management Plan shall also account for time restrictions and movements through Colchester Road, Spring Road and Beach Road avoiding the peak hours of 8am - 9am and 4pm - 6pm Mon - Fri. The Plan shall also provide for:
 - i. All the lorries will report to the Layby on arrival,
 - ii. When the lorries have entered the layby the vehicle marshal will instruct the driver to drive to site.
 - iii. The marshal will ensure that there is 10 minutes between lorries going to site to reduce the risk of hold ups through the village.
 - iv. This will be reviewed on site to ensure that the timings are sufficient.
 - v. On arrival at the site another vehicle marshal will control the lorries entering the site and will also communicate with the Marshal in the layby.
2. 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

3. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
4. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 18, 29 and 31 (Clacton_ 167) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

5. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

6. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is collaborating with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision?	YES	NO
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If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO