



AGENT: Lynne Bonsall –
Jacobs UK Ltd
Churchill House
Churchill Way
Cardiff
CF10 2HH

APPLICANT: Julie McNulty –
Environment Agency
Kingfisher House
Goldhay Way
Orton Goldhay
Peterborough
PE2 5ZR

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01751/VOC

DATE REGISTERED: 21st December 2023

Proposed Development and Location of the Land:

**Variation of Conditions 2 (approved plans) and 7 (temporary footbridge) of planning permission 23/00181/FUL to make amendments to the approved scheme.
Cockett Sea Wall The Promenade Belsize Avenue Jaywick**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following 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.

DATED: 21st March 2024

SIGNED:



John Pateman-Gee
Head of Planning and Building Control

NATIONAL & LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:**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

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning

permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.