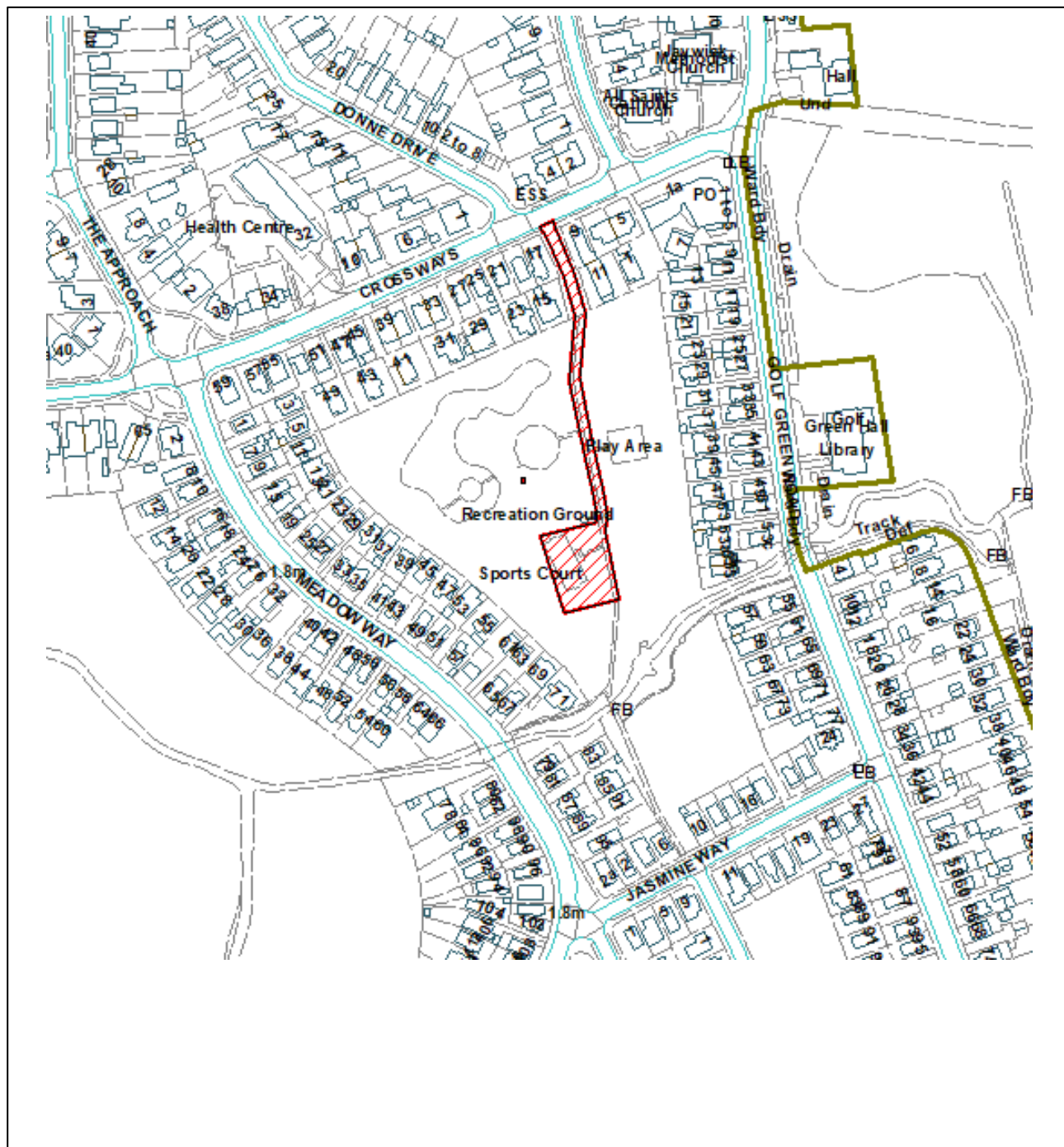


PLANNING COMMITTEE

7th JULY 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 26/00085/FUL – EXISTING MUGA WITHIN CROSSWAYS RECREATION GROUND CROSSWAYS JAYWICK ESSEX



DO NOT SCALE

© Crown Copyright and database right 2026. Ordnance Survey Licence No.100018684.

Application:	26/00085/FUL	Expiry Date:	10 th July 2026
Case Officer:	Alison Pope		
Town/ Parish:	Clacton Non Parished		
Applicant:	Tendring District Council		
Address:	Existing MUGA Within Crossways Recreation Ground, Crossways, Jaywick, CO15 2NB		
Development:	Planning Application - Construction of a floodlit Football Foundation Playzone		
Referral Reason:	TDC owned land and applicant		
Recommendation:	Full approval subject to conditions		

1. Executive Summary

- 1.1 This application seeks permission for the replacement of the existing MUGA at Crossways Recreation Ground with a Football Foundation PlayZone, including associated fencing, lighting and ancillary facilities. Technical consultees, including Essex Highways and Environmental Protection, raise no objections subject to conditions. The proposal has been demonstrated to be acceptable in flood risk terms, would not materially impact parking or highway safety, and would provide managed and inclusive access to the community. Biodiversity enhancements are also secured through additional planting and conditions.

2. Status of the Local Plan

Planning Policy Context

- 2.1 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.

Neighbourhood Plans

- 2.2 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. 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.

3. **Planning Policy**

3.1 The following Local and National Planning Policies are relevant to this planning application.

National:

National Planning Policy Framework 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP 1 Presumption in Favour of Sustainable Development

SP 7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP4 Safeguarded Open Space

HP5 Open Space, Sports and Recreation Facilities

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

4. **Relevant Planning History**

22/01836/TELLIC	Proposed installation of fixed line broadband electronic communications apparatus.	Determination	11.11.2022
24/01071/TELLIC	Installation of fixed line broadband apparatus.	Determination	06.08.2024
26/00084/ADV	Application for Advertisement Consent - Current 13 signs for Football Foundation Playzone.		

5. **Consultations**

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC Highways Dept**28.05.2026**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted that the proposal is a replacement facility and will be located on private land and set well back from the public highway. It should be noted that public footpath 16 (Great Clacton_167) runs adjacent to the playzone, considering these factors from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions securing the updated Construction Environmental Management Plan (Revision 1) and that the public's rights and ease of passage over public footpath no. 16 (Great Clacton_167) shall be maintained free and unobstructed at all times.

Environmental Protection**08.04.2026**

The Construction Environmental Management Plan was updated as recommended.

A condition is recommended that requests the LPA are contacted in the event of unexpected ground conditions being encountered during construction and the minimum requirements included for dealing with this.

Lighting: We have reviewed the submitted lighting assessment / predictions and are satisfied with their contents and have no adverse comments to make.

Opening Hours / Noise / Lighting: Recommendation to reduce the opening hours to 9am to 9pm, to protect the amenity of nearby, existing residential premises.

Tree & Landscape Officer**10.03.2026**

No trees or other vegetation on the application site will be adversely affected by the proposed development.

The Soft Landscaping Plan ref MCA-MUK3425-06 shows the planting of 9 new trees that will enhance the wider character and appearance of the public open space

Essex County Council Ecology**23.03.2026**

No ecological objection subject to conditions securing the mitigation measures identified in the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October 2025) and Construction Environmental Management Plan (McArdel Sport Tech, October 2025) and the proposed reasonable biodiversity enhancements for protected, Priority and threatened species.

Sport England**05.03.2026**

Sport England advises that the proposal falls outside its statutory remit and therefore no detailed comments are provided; however, the Local Planning Authority should ensure the development accords with Paragraph 104 of the NPPF and relevant local policies in respect of the protection and provision of sports facilities. Consideration should be given to any adopted Playing Pitch or Built Sports Facility Strategy, the potential impacts of new housing on demand for sports provision (with mitigation secured where necessary), and the use of Sport England's Active Design guidance to promote healthy communities, alongside appropriate planning conditions and community use arrangements where relevant.

6. Representations

6.1 Neighbour / Local Representations

Two representations have been received which raise the following concerns:

- Antisocial behaviour
- Noise and Light pollution
- Parking pressures
- Does not include adequate provision for wider community access—particularly for local residents and children—and lacks any form of supervision or management of the play areas alongside it

These matters are addressed in the body of the report.

7. Assessment

Site Context

- 7.1 Crossways Recreation Ground is designated as Safeguarded Open Space in the Local Plan, is owned by Tendring District Council and has Public Right of Way Great Clacton footpath 16 running north south through the park. The park is surrounded by the residential properties of Crossways, Golf Green Road, Jasmine Way and Meadow Way. The park benefits from an existing hard surfaced multi-use games area (MUGA) and play equipment while the majority of the park is laid to grass with limited tree planting across the site. The site also lies within the Jaywick and West Clacton settlement development boundary, a priority area for regeneration and flood zones 2 and 3.

Proposal

- 7.2 This application seeks planning permission for the construction of a floodlit football foundation Playzone to replace the existing MUGA. The Playzone will be fully encapsulated by 3m high fencing, with a 4 metre high goal recess section to the ends of the Playzone.
- 7.3 In addition, four LED floodlights to each corner of the Playzone are proposed, each measuring 8 metres in height, with bollard lighting along the public footpath leading from Crossways to the Playzone. There is also a spectator area, as well as ancillary features such as benches and bins.
- 7.4 The Playzone will be available from 09.00 – 21:00 Monday to Sundays. The booking system will comprise of set bookable timeslots, alongside open access timeslots. Access to the Playzone will be through a gate locking system and it will be free to use during the operational times, except when booking for commercial use.
- 7.5 A number of vinyl signs to each elevation are shown, but are not part of this application and require separate advert consent. This is a separate application under ref 26/00084/ADV.

Principle of Development

- 7.6 Paragraph 103 of the National Planning Policy Framework (NPPF) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 7.7 Paragraph 104 of the NPPF seeks to protect existing open space and sports provision, allowing development only where it can be demonstrated that the space is surplus to requirements, or that any loss would be replaced by equivalent or improved provision in terms of quantity and quality in a suitable location, or where alternative recreational benefits outweigh the loss.

- 7.8 In this instance, the proposal would replace the existing provision with an enhanced facility, representing an overall improvement in both the quality and usability of the recreational offer, and is therefore considered to accord with the requirements of the NPPF.
- 7.9 Local Plan Policy HP5 states The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. While the proposal also complies with Policy HP4 as it would not result in the loss of the Safeguarded Open Space.
- 7.10 The proposal is to provide a replacement outdoor sporting facility. The existing MUGA has a hard court and low perimeter fencing both of which are dated and near the end of useful life. The proposal therefore results in enhanced facilities that would expand the range of accessible sports, recreation and community facilities in Jaywick, which in turn supports community demands. Therefore, the principle is supported subject to the more detailed considerations below.

Scale, Layout & Appearance

- 7.11 Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 7.12 Adopted Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Section 2 Policy SPL3 of the Local Plan also require, amongst other things, that boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings.
- 7.13 The proposed Playzone is larger in scale than the existing MUGA and incorporates higher perimeter fencing, finished in a green colour. As a result, it will appear more prominent within Crossways Recreation Ground, particularly when viewed from the public right of way and by users of the adjoining recreational facilities. The structure will also be clearly visible from neighbouring residential properties. However, it would not be visible from surrounding streets.
- 7.14 In addition, a modest range of ancillary facilities are proposed, including two benches, two bins, and equipment storage, together with bollard lighting providing a route from Crossways to the Playzone, and four LED floodlights which would only be used when the pitch is booked during hours of darkness. These ancillary elements are considered appropriate to the function of the development and are not considered to give rise to any unacceptable visual harm.
- 7.15 The Council's Tree and Landscape Officer has confirmed that no trees or other vegetation on the application site will be adversely affected by the proposal while the proposed planting of 9 new trees will enhance the wider character and appearance of the public open space.
- 7.16 Notwithstanding the increased prominence of the playzone, the development is considered acceptable in this context given its siting within an established recreational area and its functional role, and it would result in a greater impact, but not unacceptable harm to the character or appearance of the area.

Highway Safety/Parking

- 7.17 Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.18 Local Plan Policy CP1 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 7.19 Essex Highways have been consulted and raise no objection to the proposal, noting that it represents a replacement facility set well back from the public highway. It is also noted that Public Footpath No. 16 (Great Clacton_167) runs adjacent to the site, and conditions are recommended to secure the submitted Construction Environmental Management Plan and to ensure the public's rights and ease of passage over the footpath are maintained free and unobstructed at all times.
- 7.20 The use of Crossways Recreation Ground is not anticipated to change significantly as a result of the development, with the site continuing to function as a community recreation space. The proposed Playzone is intended to balance informal and unrestricted public access with bookable sessions for priority groups identified by the Football Foundation. Given that the proposal replaces an existing facility and does not materially intensify the overall use of the site, it is not expected to result in significant additional vehicle movements, and therefore parking pressures on surrounding streets are not considered likely to increase to a harmful degree.

Flood Risk and Drainage

- 7.21 The site is located within Flood Zones 2 and 3. Adopted Policy PPL1 requires that all development proposals include appropriate measures to respond to flood risk both on and off site, and that development within the Flood Zone (including Flood Zones 2 and 3, as defined by the Environment Agency) is supported by a Flood Risk Assessment (FRA). In this instance, the submitted FRA is considered appropriate to the scale, nature and location of the development, and proportionate to the level of flood risk identified.
- 7.22 The proposed Playzone is classified as a sport and recreation use and therefore falls within the water-compatible development category, as defined by Annex 3 of the National Planning Policy Framework. In accordance with Table 3 of the Planning Practice Guidance for Flood Risk and Coastal Change, such development is considered appropriate within Flood Zone 3, and the proposal is therefore acceptable in flood risk terms.
- 7.23 Whilst there are areas of Crossways Recreation Ground identified as being susceptible to surface water flooding, these do not include the application site. Furthermore, the proposed surface will be porous to allow for water infiltration, with surface water directed via a piped connection to the drainage ditch located to the south, thereby appropriately managing run-off.

Impact on Residential Amenity

- 7.24 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.25 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.26 It has been demonstrated, through the submitted lighting assessment and supporting illuminance data, that the proposed floodlighting and bollard lighting would unlikely have an adverse impact on neighbouring residential properties. The floodlighting and bollard lighting would only be active if the Playzone was booked for use during hours of darkness up to 9pm as the operation times.

- 7.27 The Playzone itself would not give rise to any significant overlooking, loss of privacy or adverse impact on outlook.
- 7.28 The proposal replaces an existing facility within the recreation ground and would result in a comparable pattern of use. The level of noise generated is not expected to be significantly different from the existing use of the park. The Council's Environmental Protection team raise no objection in respect of lighting or noise, subject to a restriction on operating hours to 21:00 in the interests of residential amenity.
- 7.29 In addition, the amended Construction Environmental Management Plan will be secured by condition to ensure that construction activities are appropriately managed throughout the build phase.

Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

7.30 General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

The planting of 9 new Rowan *Sorbus aucuparia* trees will provide benefits for frugivorous (fruit-eating) birds and for nectaring and phyllophagous invertebrates (butterflies, moths, aphids, beetles). Essex Highways require the trees to be a minimum distance of 3 metres from the public right of way. A Biodiversity Enhancement Strategy will be secured by condition to deliver the provision of nine Rowan trees, including their purpose, design details, locations, implementation timetable, responsible persons, and arrangements for aftercare and long-term maintenance.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

7.31 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain

objective. Development may not be begun until the BGP, via planning condition discharge, is approved.

Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form.

7.32 Protected Species

The submitted Preliminary Ecological Appraisal confirms that there would be no impact on any designated sites, priority habitats, or protected or priority species. It confirms that the habitats on site are poor quality, containing common species. They contribute very little to biodiversity in Jaywick and are considered to be of value at the Site only scale.

In compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for protected species, mammals and specifically hedgehogs in line with the mitigation set out in the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October 2025) and the Construction Environmental Management Plan V1 (McArdel Sport Tech, March 2026). A condition will be imposed on the grant of planning permission to secure the mitigation.

7.33 Conclusion

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

7.34 Given the location of the site and its proximity to areas of historical, registered contaminated land, the Council's Environmental Protection team recommend the imposition of a watching brief to be secured by condition and adhered to throughout the construction phases of development.

7.35 Concerns have been raised regarding the adequacy of community access and the lack of supervision of the play facilities. In response, the Playzone will operate between 09:00 and 21:00 daily and will incorporate a flexible management approach, combining bookable sessions with open access periods. This approach is intended to balance informal and unrestricted use for the wider community with targeted access for priority groups identified by the Football Foundation, including lower socio-economic groups, women and girls, disabled people, those with long-term health conditions, and ethnically diverse communities. During open access periods, the facility will be freely available, with no booking required, and free of charge other than for commercial use. The inclusion of a booking system is also supported by national governing bodies and stakeholder groups as a means of facilitating inclusive access, particularly for underrepresented users. Clear signage will be provided on site to guide users to the booking system. Accordingly, it is considered that the proposal would provide an appropriate level of accessibility and management for a community facility of this nature.

8. Conclusion

8.1 The proposed development represents an appropriate and policy-compliant improvement to an existing recreational facility within safeguarded open space. It would enhance sports provision in terms of quality and accessibility, without resulting in unacceptable impacts on visual amenity,

residential amenity, highway safety, or flood risk. Subject to the recommended conditions, the proposal is considered to accord with the relevant policies of the Development Plan and the National Planning Policy Framework, and is therefore recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant full planning permission subject to the conditions as stated at paragraph 9.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

The informative notes as may be deemed necessary.

9.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later than 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & 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 (except for Listed Building Consents). 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.

The approved red line plan drawing is Drawing No MCA-MUK3425-03 received 15 January 2026

Drawing No MCA-MUK3425-01 Rev A

Drawing No MCA-MUK3425-02 Rev B

Drawing No MCA-MUK3425-04

Drawing No MCA-MUK3425-06

Drawing No MCA-MUK3425-07

Drawing No MCA-MUK3425-10 Rev A

Playzone Proposed Materials document dated 15th January 2026

Bollard Luminaire technical details by Powerlite Fitzgerald

Document detailing bollard lighting titled Project number : Crossways Path lighting by Powerlite Fitzgerald

Document detailing floodlighting titled Project number : Crossways MUK3425 by Powerlite Fitzgerald

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on approved Drawing No MCA-MUK3425-06 shall be carried out in full 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 approved, in writing, by the Local Planning Authority up to the first use of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

4 SPECIFIC RESTRICTION OF DEVELOPMENT: LIGHTING

CONDITION: The development hereby permitted shall be carried out in accordance with the details of the floodlighting and bollard lighting as shown on the approved plans/documents, one detailing bollard lighting titled Project number : Crossways Path lighting by Powerlite Fitzgerald and the other document detailing floodlighting titled Project number : Crossways MUK3425 by Powerlite Fitzgerald. The lighting shall be installed prior to first use of the development and shall thereafter be retained and operated only in accordance with the approved details. No additional external lighting shall be installed on the site defined by the red line plan unless details have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the external lighting is appropriately controlled in the interests of residential amenity, visual amenity, to minimise light pollution, and in the interests of biodiversity.

5 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development/use shall only operate between the hours of 09.00 and 21.00 Mondays to Sundays and at no other times.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

6 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Environmental Management Plan V1 received 28 April 2026 shall be adhered to throughout the construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity and highway safety.

7 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The

Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly.

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legalisation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- 2) If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- 3) If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

<https://www.tendringdc.gov.uk/content/discharging-the-biodiversity-net-gain-plan-condition-bng>

8 COMPLIANCE: HABITAT MANAGEMENT AND MONITORING PLAN FOR BNG

CONDITION: Unless all biodiversity net gain for the development is achieved via the purchase of off site biodiversity units or statutory biodiversity credits, no development shall commence on the site until a 30 year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan/s under condition 9, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

a description and evaluation of the planned habitat works for the creation and/or enhancement of the on site habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

the management measures to maintain the on site habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless otherwise agreed in writing by the LPA) of the development including:

- i) ecological trends and constraints on the site that may influence management;
- ii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
- iii) a description of the management operations necessary to achieving the aims and objectives;
- iv) prescriptions for management actions;
- v) preparation of a works schedule, including annual works schedule;
- vi) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;

details of the monitoring methodology, to measure the effectiveness of the management of the on site habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when scheme shall be first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and

details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

Furthermore, there shall be a completion report submitted to the local planning authority in writing for its approval, evidencing the completed habitat enhancements and/or creation works as set out in the HMMP prior to first use and/or occupation of the development, unless agreed in writing by the LPA. The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration with the completion of the habitat works for the creation and/or enhancement of the on site habitat no later than the first use/occupation of the development, and the management and monitoring of those habitat works as required and in accordance with the approved HMMP thereafter for the period of 30 years or more.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework and to achieve the Biodiversity Net Gain objectives set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

NOTE: If the approved BNG Plan is for off site units or statutory credits only, this condition does not require discharge. For all development that include a BNG plan for a combination of on site and off site/statutory credit, this condition is imposed and needs to be discharged as set out to secure the on site element. Additionally, should the on site BNG requirement be considered to be "significant" an associated legal agreement will be required to secure monitoring fees.

9 COMPLIANCE REQUIRED: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October 2025) and Construction Environmental Management Plan V1 (McArdel Sport Tech, March 2026) 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) and s40 of the NERC Act 2006 (as amended).

10 FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October

2025), shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (9 Rowan Trees);
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Informatives

Highways Informatives

All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org

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. 16 (Great 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 area(s) directly adjacent to the public footpath in which the trees are to be planted should be no closer than 3m from the Public Right of Way.

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.

10. Additional Considerations

Equality Impact Assessment

- 10.1 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.

- 10.2 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.
- 10.3 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

Human Rights

- 10.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 10.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

11. Declaration of Interest

- 11.1 Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

12. Background Papers

- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.