

PLANNING COMMITTEE AGENDA

Tuesday 23rd August 2022 at 7.15pm

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC

(Please note this meeting will be broadcast via the Council's YouTube Channel, webcast and audio recorded) www.braintree.gov.uk

This is a decision making public meeting of the Planning Committee, which may be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public may also choose to attend the meeting. Members of the public will also be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor F Ricci
Councillor Mrs J Beavis	Councillor Mrs W Scattergood (Chairman)
Councillor K Bowers	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor Mrs S Wilson
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice-Chairman)	

Substitutes: Councillors T Cunningham, A Hensman, D Hume, Mrs A Kilmartin, P Thorogood, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel).*

Apologies: Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than one hour before the start of the meeting.

S BENNETT
Corporate Director

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non-Pecuniary Interest (NPI)

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration to Speak on a Planning Application/Agenda Item:

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

Members of the public who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Members of the public may speak on any matter listed on the Agenda for this meeting. Registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team by E-Mail at governance@braintree.gov.uk by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of the public may also attend the meeting ‘in person’, but priority will be given to those people who have

registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

Health and Safety/Covid: Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed around the building or given by Officers during the course of their attendance. All visitors will be required to wear a face covering, unless an exemption applies.

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that it is safe to return to the building.

Mobile Phones: Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

WiFi: Public Wi-Fi (called BDC Visitor) is available in the Council Chamber at Causeway House; users are required to register when connecting.

Substitute Members: Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

Documents: Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy:

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions: We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you may send these to governance@braintree.gov.uk

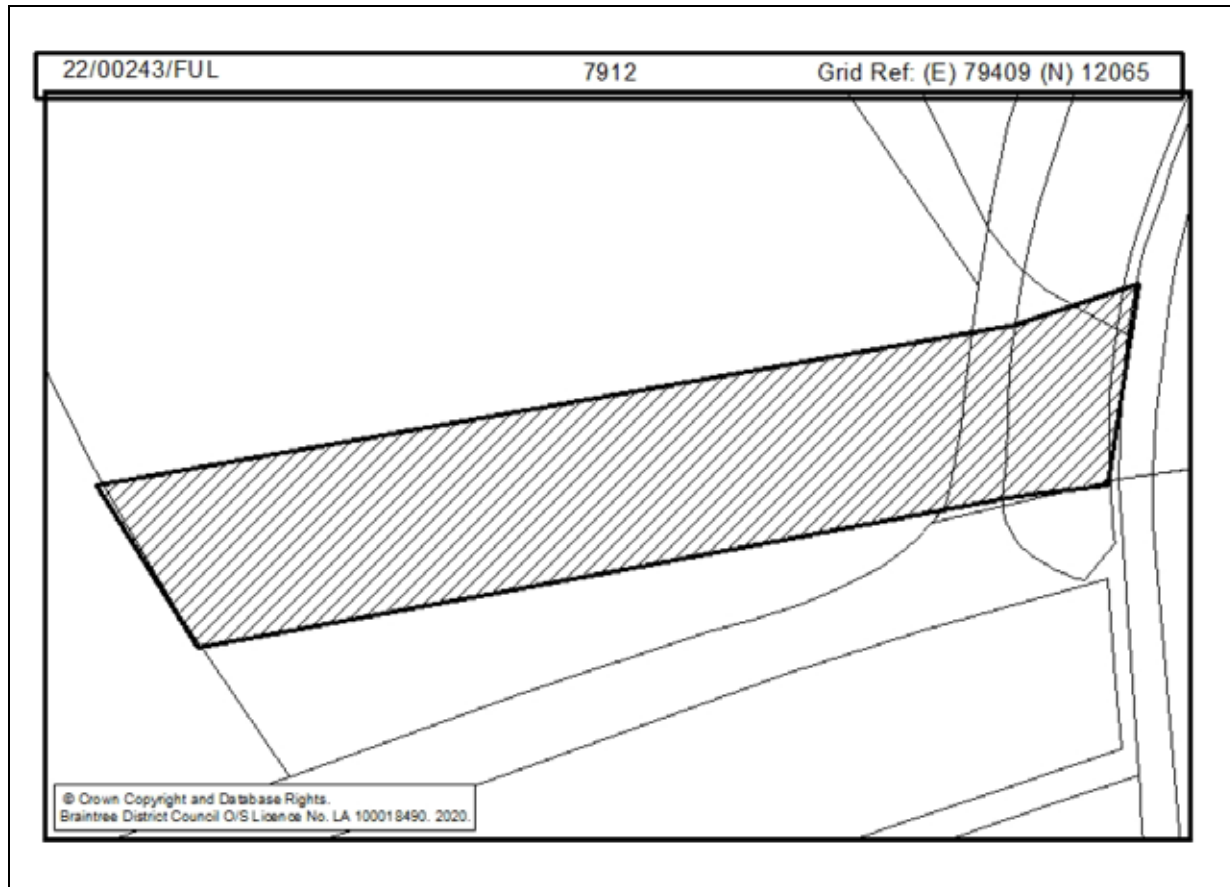
- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Planning Committee held on 9th August 2022 (copy to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 22 00243 FUL – Land South of The Vineyards, HATFIELD PEVEREL** **6-23**
- 5b App. No. 22 01147 FUL – Land adjacent to Butlers Wood and Waldegrave Wood, West of A131 (in the Parishes of Bulmer and Twinstead), Sudbury Road, BULMER** **24-74**
- 6 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 7 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.
At the time of compiling this Agenda there were none.

8 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Report to: Planning Committee		
Planning Committee Date: 23rd August 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	22/00243/FUL	
Description:	Proposed agricultural access from the public highway B1137, to access agricultural fields to the west of Waycotts.	
Location:	Land South Of The Vineyards Hatfield Peverel	
Applicant:	Mr Steve Amann, Journey Transport Planning Ltd, Arise Chelmsford, Alan Cherry Drive, Chelmsford, CM1 1SQ	
Agent:	Mr Steve Amann, Journey Transport Planning Ltd, Arise Chelmsford, Alan Cherry Drive, Chelmsford, CM1 1SQ	
Date Valid:	2nd February 2022	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Peter Lang For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2536, or by e-mail: peter.lang@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic 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

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> <p>The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/00243/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § Braintree District Local Plan 2013 - 2033 § Hatfield Peverel Neighbourhood Development Plan 2015-2033 <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located in an area of land adjacent to the public highway B1137 and the A12.
- 1.2 Planning permission is sought for an agricultural access from the B1137 to access agricultural fields to the west of Waycotts.
- 1.3 The application site is location outside of any development boundary as identified by the Adopted Local Plan. Nevertheless, this application is subject to the Hatfield Peverel Neighbourhood Development Plan.
- 1.4 To summarise, whether or not the proposed development would be in conflict with the Council's Development Plan as a whole is dependent on a number of detailed considerations shaped by the nature of the scheme. In this case, Officers and statutory consultees consider the proposal by reason of its highway and ecological impact, along with its impact upon the character and appearance of the street scene, to not comply with the relevant planning policies, and is therefore recommended for refusal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Agent is related to an employee within the Planning Department.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located on the western side of the public highway B1137 as it feeds onto the northbound A12. This site is also on the northern side of the A12 and is next to the bridge crossing this major road and connecting a number of properties to the main settlement of Hatfield Peverel.
- 5.2 Away from these roads, the proposed development would extend through an area of undeveloped land that includes an identified protected habitat and would be in proximity to a Public Right of Way (PROW).
- 5.3 It is noted that this setting is subject to changes under the proposed A12 widening scheme. This situation will be addressed in the following analysis.

6. PROPOSAL

- 6.1 Planning permission is sought for a gated agricultural access from the public highway B1137 to connect through to agricultural fields to the west of Waycotts.
- 6.2 The proposal would consist of a 6m wide access with a wider dropped kerb positioned along the B1137. The total length of this access from road to agricultural land is some 70m. This proposed development would involve unspecified levels of reprofiling to correct the gradient with the 10m closest to the highway consisting of unbound material.
- 6.3 The proposal, as outlined in the design and access statement, is to provide access to a farm holding that is presently only accessible via land in third party ownership, something that cannot be guaranteed for perpetuity.
- 6.4 This statement indicates that this proposal would seek to take advantage of the A12 widening which could result in this road no longer feeding onto the A12. By creating a legal access prior to these works, this establishes the

principle for further alterations down the line. It is also stated that this land could be brought forward for housing following works to the A12.

6.5 Independent of the above, it is noted that the land that would be made accessible by the development has previously been promoted for residential development under references HATF312 and HATF311. It also appears as an alternative site in the Hatfield Peverel Neighbourhood Plan.

6.6 It is important to stress at this point that in accordance with planning practice and legal precedent, this report considers just the currently proposed access.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 National Highways

7.1.1 Responses received which is summarised as follows:

- The provision of a road of an access that could be delivered as part of the A12 widening scheme is not guaranteed and therefore there is a need to ensure that the proposed scheme is considered under current conditions.
- In this case, there is insufficient information to establish the suitability of the location for a proposed access.
- This includes information demonstrating the relationship to the nearby bridge and highways network, levels changes and potential changes to existing infrastructure.
- The proposed scheme would need to comply with technical guidance and would also need to be accompanied by a risk assessment.
- Recommendation that planning permission should not be granted before December 2022 to allow time for these issues to be resolved. If these cannot be, it is recommended that the proposal is refused due insufficient information.

[Officer Comment: These points will be addressed in the following analysis.]

7.2 Ramblers

7.2.1 Response received which is summarised as follows:

- Comments regarding the potential impact of the A12 works on the surrounding area.
- The proposal would result in the need to divert a public footpath to which no information has been provided.

7.3 BDC Ecology

7.3.1 Response received which is summarised as follows:

- Holding objection made due to insufficient ecological information being submitted.
- The proposal would impact an identified priority habitat (Traditional Orchard) that could host multiple priority species.
- Further information required to determine the potential impacts on bats and other priority species.
- No details have also been provided on any potential mitigation or proportionate compensation measures that could mitigate any identified harm.

[Officer Comment: These points will be addressed in the following analysis.]

7.4 BDC Environmental Health

7.4.1 Response received which is summarised as follows:

- Recommendation that if planning permission is granted, conditions should be imposed relating to hours of works, piling and burning of waste.

[Officer Comment: If this proposal was otherwise considered acceptable, these conditions would be imposed.]

7.5 BDC Landscaping

7.5.1 Comments received which are summarised as follows:

- There is presently insufficient information to make an informed comment upon the planning application.
- The proposed site appears to be densely populated with trees with the preliminary ecology assessment highlighting some high value trees that could be potentially lost. This loss would be to the detriment to character of the surrounding area.
- Additional plans within an arboricultural impact assessment need to be submitted to identify any potential trees lost and any mitigation measures.

[Officer Comment: These points will be addressed in the following analysis.]

7.6 ECC Highways

7.6.1 Response received which is summarised as follows:

- Essex Highways are unable to judge their comments based on the A12 widening scheme and are instead required to judge whether the proposed access could be provided under present conditions.
- Insufficient information submitted to establish the suitability of the location for a proposed access.

- More detailed information required with regards to the design of the proposed access and its relationship to the existing highways network and bridge structure.
- With the gradient change, the work required would need to be detailed including any reprofiling and the relocation of existing infrastructure.
- The PROW within the site should also be demonstrated within the scheme.

[Officer Comment: These points will be addressed in the following analysis.]

8. PARISH / TOWN COUNCIL

8.1 Hatfield Peverel Council

8.1.1 Objection received which is summarised as follows:

- With the proposed development within the A12 widening scheme, this would result in an increased flow of traffic along this road towards the new junctions.
- Response notes the recommendation from National Highways requesting no decision is made within a certain period.
- Reference made to the response received from Essex Highways.
- Comment that the field to be connected by the development has not been unfarmed for several years.
- Concern raised about the potential amount of works required to alter the ground levels.
- The proposal would go against neighbourhood plan policies.

9. REPRESENTATIONS

9.1 6 objections from 4 neighbours were received which are summarised as follows:

- Residential amenity concerns.
- With the busyness of this slip road onto the A12, it would be an inappropriate and unsafe location for slower moving agricultural traffic or a wider increase in traffic.
- With the details of the A12 widening still unclear, any scheme should not be granted on this basis of this potential change.
- The A12 widening proposals would result in new cycle and pedestrian paths that could be made dangerous by the proposed scheme.
- Concern regarding the potential impacts on the existing footpath and the noise impacts of additional agricultural activity.
- There is already access to this site and it has been allowed to lie fallow for multiple years.
- Harmful impact on mature trees and wildlife in an historic orchard environment.

- The proximity of the development to nearby residential properties could result in harm to amenity.
- Misleading statements made in the application regarding the proposed A12 widening.
- Lack of information regarding the proposed groundworks to facilitate the slope in the ground.
- The site behind the access was not adopted by the neighbourhood plan and was not considered suitable local development plan due to its inaccessibility from roads.

[Officer Comment: These points will be addressed in the following analysis.]

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

10.2 The Development Plan

10.2.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 - 2033. Section 2 of the Plan has been found sound by the Planning Inspector and adopted by Full Council on the 25th July 2022.

10.2.2 As set out within Policy LPP52 of the Adopted Local Plan, a key consideration in this case is that the development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users.

11. SITE ASSESSMENT

11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

11.1.1 Policy LPP52 of the Adopted Local Plan states that the public realm including buildings, open areas, circulation spaces, and other townscape and landscape features shall be of a high standard of design and materials and they shall be consistent with affordable long term maintenance which is appropriate to the character and historic value of the area.

11.1.2 The proposed development would consist of a new agricultural access that would be widely visible from the surrounding streetscene and countryside setting. While it is accepted that this type of access can be seen throughout the District, the proposal in this case would significantly alter the character and appearance of the street scene through the removal of a substantial amount of vegetation on the boundary with the highway, which would be required in order to provide the required visibility splays.

11.2 Landscaping

11.2.1 Paragraph 174 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

11.2.2 Policy LPP65 of the Adopted Local Plan states that trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered to be dangerous or in poor condition.

11.2.3 Policy HPE 1 of the Hatfield Peverel Neighbourhood Development Plan states that development should retain and enhance existing trees, hedgerows and habitats particularly Local Wildlife Sites, priority habitats and ancient woodland (an irreplaceable habitat) which are important for their historic, visual or biodiversity value unless the need for, and the benefits of the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated.

11.2.4 As identified in the Preliminary Ecological Assessment submitted as part of this application, there are some potentially high value mature trees that would be impacted by the proposed access way. These would include a disease resistant elm tree and a mature grand specimen apple tree. However, no additional information was submitted regarding this potential loss of trees or any steps to mitigate or avoid this loss.

11.2.5 In accordance with the above, BDC Landscaping have stated in their response that there is presently insufficient information to make an informed comment upon these elements. They have however, outlined that the loss of the mature and disease resistant trees as specified above would result in harm to the character of Hatfield Peverel. Refusal on these grounds is therefore recommended.

11.3 Ecology

11.3.1 Paragraph 179 of the NPPF states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

11.3.2 Policy LPP52 of the Adopted Local Plan states that Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. Biodiversity net gain in line with the requirements of national policy through the provision of new priority habitat where appropriate is encouraged. Policy LPP64 also states that where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site.

11.3.3 With regards to broader ecological and landscape impacts, Policy LPP63 of the Adopted Local Plan states that development proposals must take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity of the district to be acceptable. Policy LPP67 of the Adopted Local Plan also states that proposals which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their impact on the landscape and should not be detrimental to the distinctive landscape features of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development which would not successfully integrate into the local landscape will not be permitted.

11.3.4 Policy HPE 1 of the Hatfield Peverel Neighbourhood Development Plan states that development should retain and enhance existing trees, hedgerows and habitats particularly Local Wildlife Sites, priority habitats and ancient woodland (an irreplaceable habitat) which are important for their historic, visual or biodiversity value unless the need for, and the benefits of the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated.

11.3.5 The proposed access would be located through a protected habitat classified as a "Traditional Orchard" and as such certain policies apply. There are also established elm trees that appear to some disease resistance. The access in relation to this would run directly through this area effectively splitting it into smaller segments.

- 11.3.6 As part of this application a Preliminary Ecological Assessment was provided by the agent detailing the site and potential management plan for the elm trees. However, in their response, BDC Ecology have raised a holding objection to this application owing to the lack of information on bats and other protected species as well as the lack of mitigation measures identified. In line with ecological legalisation, if there is a reasonable likelihood of protected species being present, these matters should be resolved before any planning permission is granted. As such and with the agent indicating that no further information will be submitted, it is considered that this lack of information represents grounds for refusal that are recommended in this instance.

11.4 Highway Considerations

- 11.4.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further to this, Paragraph 112 (C) states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- 11.4.2 Policy LPP52 of the Adopted Local Plan states that the highways impacts of new developments should be assessed, and the resultant traffic generation and its management shall seek to address safety concerns. Developments which will result in a severe impact upon the highway network (taking into account cumulative impacts) will be refused unless they can be effectively mitigated. With reference to PROW, Policy LPP42 states that Development which would adversely affect the character of, or result in loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use. This will apply to rights of way for pedestrian, cyclist or horse rider use.
- 11.4.3 Policy ECN1 of the Hatfield Peverel Neighbourhood Development Plan states that support local businesses should ensure that there is an acceptable impact on the local road network including the management of vehicular movements on the surrounding road network to prevent congestion and damage to road surfaces and verges. Concomitantly to this, Policy FI1 states that new development must provide appropriate safe pedestrian and cycle routes to public transport hubs e.g. bus stops and the railway station and recreational, educational and retail facilities.
- 11.4.4 Repeated reference has also been made in this application to the potential impact of the A12 widening scheme in this area that is presently under consideration. This scheme could potentially alter the surrounding highway layout and the potential impacts of the proposal. However, with this development still not certain to go ahead, both highways consultees here have made clear in their response that the proposed access would be

deliverable under current conditions. As such, the following analysis is made on this basis.

- 11.4.5 The proposed development would be located in proximity to the A12 main road and as such, both Essex Highways and National Highways have been consulted in this application. In both of their consultation responses, they have both stated that there are insufficient details to establish the suitability of the development and whether it would meet the necessary standards. Particular reference is made in these remarks to the relationship of the proposal to the nearby bridge and the wider highway network as well as detailing how the gradient difference would be overcome. It was also highlighted in the consultation responses that there is a general lack of information regarding how the existing PROW would be impacted by the proposal or whether any remedial works would be required.
- 11.4.6 These comments were passed onto the agent and it was indicated that no additional information in response would be submitted. On this basis, it is not considered that it can be demonstrated that the proposal would meet highways standards both in terms of its physical construction and its potential impacts on the surrounding infrastructure and PROW. Refusal on these grounds is therefore recommended.

11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.
- 11.5.2 The proposed development has a material separation to any nearby dwellings and would offer limited development above ground level. Taking this into account and with this application solely involving the access, the proposal is not considered to result in material harm to neighbouring amenity in any material regards.

12. CONCLUSION

- 12.1 The proposed development would consist of an accessway and agricultural crossing both in proximity to a key highways network and sites of ecological and landscaping value. When considering the potential impacts of this proposal, it is considered that insufficient information has been submitted on each of these counts to demonstrate that the proposal is acceptable in its impacts nor policy compliant.
- 12.2 It is also considered that the proposal would have a detrimental impact upon the street scene, as it would require the removal of a substantial amount of vegetation in order to provide the required visibility splays. With the agent indicating that the application should be determined on this basis of the current application submission, refusal is recommended on the above grounds.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

Submitted Plan(s) / Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	N/A	N/A
Proposed Plans	N/A	N/A

Reason(s) for Refusal

Reason 1

The proposed development fails to demonstrate that it would comply with highways standards in relation to its impact on the adjoining highway network, physical construction and nearby PROW. Furthermore, the proposal would result in the loss of a significant amount of vegetation along the highway boundary which would have a detrimental impact upon the street scene and the rural edge of this village. The proposed development is therefore contrary to the National Planning Policy Framework, Policies LPP42 and LPP52 of the Braintree District Local Plan 2013 – 2033, and Policies ECN1 and FI1 of the Hatfield Peverel Neighbourhood Development Plan 2015 - 2033.

Reason 2

The submitted information provides insufficient details with regards to the potential ecological impacts and mitigation measures to ensure the protection of protected species and habitats at this site. The proposed development is therefore contrary to the National Planning Policy Framework, Policies LPP52, LPP63, LPP64 and LPP67 of the Braintree District Local Plan 2013 – 2033, and Policy HPE1 of the Hatfield Peverel Neighbourhood Development Plan 2015 - 2033.

Reason 3

Insufficient details have been submitted to demonstrate that the proposal would not result in material harm to high value trees within the site to the potential detriment of the character, landscape and appearance of the surrounding area. The proposed development is therefore contrary to the National Planning Policy Framework, Policy LPP65 of the Braintree District Local Plan 2013 – 2033, and Policy HPE1 of the Hatfield Peverel Neighbourhood Development Plan 2015 - 2033.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP42	Sustainable Transport
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Appearance

Hatfield Peverel Neighbourhood Development Plan 2015-2033

ECN1	Support for Local Businesses
HPE1	Natural Environment & Biodiversity
FI1	Transport and access

Other Material Considerations

N/A

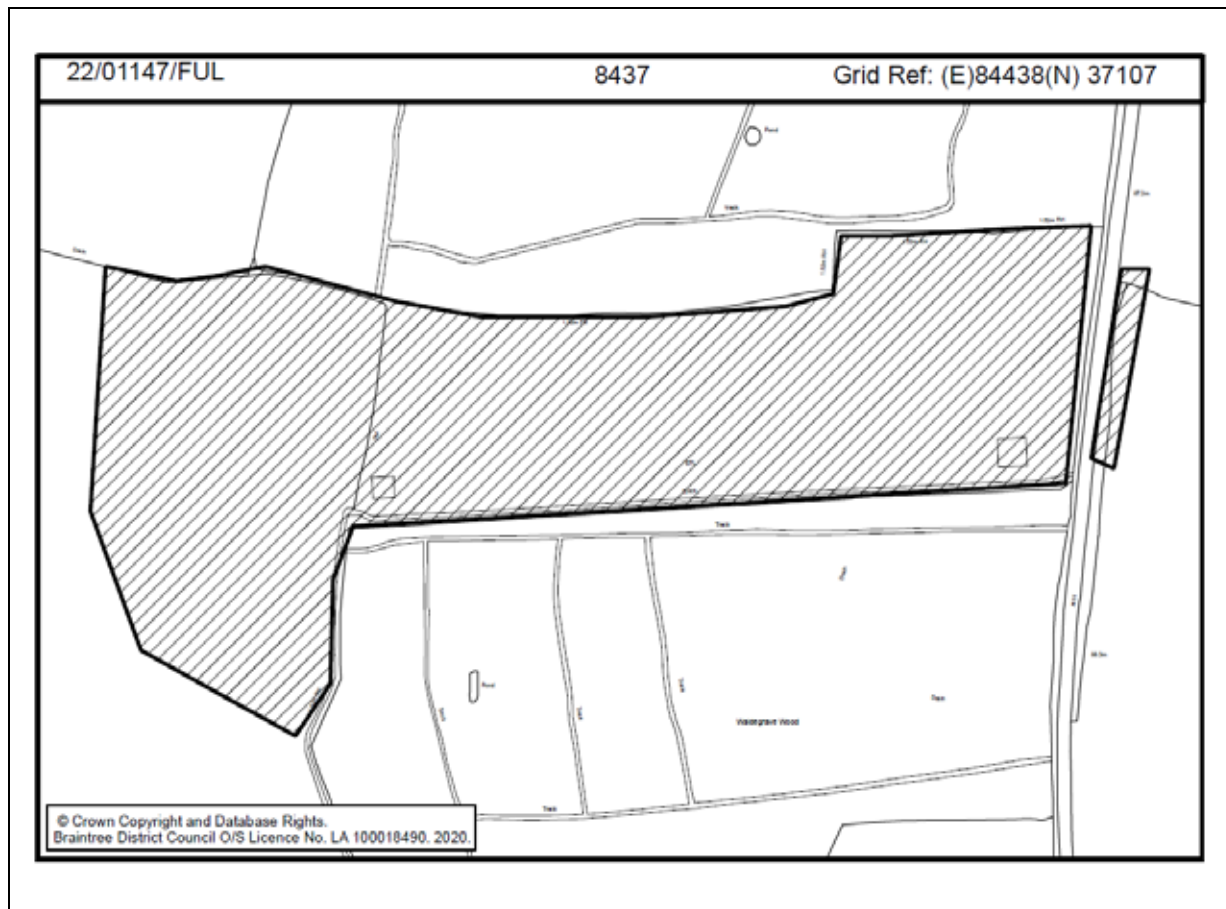
APPENDIX 3:

SITE HISTORY

N/A

Report to: Planning Committee		
Planning Committee Date: 23rd August 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	22/01147/FUL	
Description:	A new 400/132 kilovolt (kV) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain, and landscape mounding) and drainage	
Location:	Land Adjacent Butlers Wood And Waldegrave Wood West Of A131 (In The Parishes Of Bulmer And Twinstead) Sudbury Road Bulmer	
Applicant:	NGET, National Grid House, Warwick Technology Park , Gallows Hill, CV34 6DA, Warwick	
Agent:	Miss Rebecca Burt, Cottons Centre, Second Floor, Cottons Lane, London, SE1 2QG	
Date Valid:	29th April 2022	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Juliet Kirkaldy For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2558, or by e-mail: juliet.kirkaldy@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic 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.

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/01147/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013 - 2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site measures approximately 7ha and is situated to the west of the A131 between the ancient woodlands and Local Wildlife Sites of Butlers Wood and Waldegrave Wood. It is located in the countryside outside of the defined development boundary.
- 1.2 The site is currently arable land bounded by hedgerows with an existing 400kV overhead line, with two steel lattice towers passing through the site boundary. The site is accessed to the east from the A131.
- 1.3 The application proposes a new 400/132 kilovolt (kv) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain and landscaping mounding) and drainage.
- 1.4 The proposal forms part of the wider project proposed for reinforcement of a 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex (referred to as the 'wider reinforcement') by removing the existing 132kV overhead line. Although the submitted proposal for a Grid Supply Point substation is not a 'renewable energy scheme' it forms part of the wider proposal/strategy to distribute low carbon electricity and the aspiration to achieve 40gW of offshore wind connected to the network by 2030.
- 1.5 Alternative sites for the Grid Supply Point substation were explored and there was public consultation and stakeholder engagement. The site was chosen as the preferred location as it would have least impact on landscape character, benefits from screening effect of adjacent woodland, least negative effect in terms of historic environment, potential to create habitat linkages between woodlands, least constrained from technical perspective, short access road, short underground connection to the 132kV distribution network. It was also concluded as the lowest cost option.
- 1.6 The proposal and associated infrastructure will be visible from the A131 its utilitarian character will be at odds with the open countryside character, however, it is acknowledged that there are existing 400kV overhead line and pylons passing through the site and across the wider landscape area which alter the character of the landscape.
- 1.7 Butlers Wood and Waldegrave Wood provide effective screening when travelling along the A131 from a northerly and southerly direction (see figure 5.5 of Design and Access Statement). The views of the site from the A131 would be fleeting given the speed of traffic passing along the road and localised. The additional screening and planting proposed as it becomes established will ensure that the proposed GSP substation becomes more integrated into the landscape, reducing impacts over time.

- 1.8 The operational noise from the proposal would not give rise to unreasonable disturbance to local residents.
- 1.9 The proposal would not result in an increased detrimental impact on the setting of nearby heritage assets and would not result in harm to their significance.
- 1.10 The proposal would not result in likely major landscape effects on the Local Landscape Character Area.
- 1.11 Protected species are present in the wider environment, some in close proximity to the proposed GSP substation. There is sufficient consideration of impacts and identification of appropriate and effective mitigation proposed to provide certainty of likely impacts.
- 1.12 The proposal would deliver sufficient compensation, in excess of 10% Biodiversity Net Gain and increase connectivity with ecological functionality.
- 1.13 The need for tree protection measures, typically provided to afford protection from plant or storage, within a root protection area is considered unnecessary because of the topographical protection provided by deep wide ditches. These ditches offer equivalent protection as fencing as they prevent vehicular access and storage of materials within the woodland.
- 1.14 The loss of agricultural land (3a best and versatile) would be a localised impact, as it would only sterilise a very small amount of land comparatively to the amount of agricultural land remaining in the District.
- 1.15 Given the distance of separation, the proposal would not have a detrimental impact on neighbouring amenity in terms of overlooking, loss of light, loss of privacy, poor outlook.
- 1.16 The risk of flooding from surface water for the majority of the site is at a 'very low risk'.
- 1.17 Prior extraction of minerals at this site is not considered practical as it would extend the construction programme and would impact on the wider reinforcement programme.
- 1.18 Overall, it is considered that there would be no detrimental impacts associated with the development of the GSP substation proposal. The development would however create a benefit in providing the necessary infrastructure to help facilitate the distribution of low carbon electricity. The proposal is therefore considered acceptable subject to appropriate conditions imposed relating to adherence of technical reports submitted, contamination, burning of waste materials and vegetation, surface water drainage scheme, lighting design, ecological mitigation measures, archaeological investigation and highway conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site measures approximately 7ha and is situated to the west of the A131 between the ancient woodlands of Butlers Wood and Waldegrave Wood. These woodlands are also identified as Local Wildlife Sites. The site straddles the Parish boundaries of Bulmer and Twinstead. Wickham St Paul is situated to the south west of the site, Twinstead is to the south east and Bulmer Tye is situated to the north. The site is currently arable land bounded by hedgerows with an existing 400kV overhead line and two steel lattice towers passing through the site boundary. The site is accessed to the east from the A131. There are Public Rights of Way in the wider periphery surrounding the site (PROW 13/16/18/23).

6. PROPOSAL

- 6.1 The application proposes a new 400/132 kilovolt (kv) Grid Supply Point (GSP) substation including two supergrid transformers, associated buildings, equipment and switchgear, a single circuit cable sealing end compound, a new permanent vehicular access to the public highway, associated landscaping (including boundary fencing, an area for Biodiversity Net Gain and landscaping mounding) and drainage.
- 6.2 The proposal forms part of the wider project proposed for reinforcement of a 400kV transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex (referred to as the 'wider reinforcement') by removing the existing 132kV overhead line.
- 6.3 The purpose of the Grid Supply Point Substation in close proximity to the Twinstead Tee is to transform the voltage from 400kV to 132kV. This is to connect the high voltage line to the local distribution network and replace the existing electricity transmission capacity loss through the removal of the 132Kv overhead line. It is required to facilitate the removal of approximately 25km of existing 132kV overhead line, which forms part of the distribution network operator (DNO) network between Burstall Bridge in Suffolk and the Twinstead area of Essex.

- 6.4 In addition to the proposed GSP substation, other associated works will be required including replacement pylons and underground cables to tie the substation into the existing 400kV and 132kV networks. These works are either subject to Permitted Development or separate consenting processes (s37) and therefore do not form part of this planning application.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 No comments.

7.2 Dedham Vale and Stour Valley Project Officer

- 7.2.1 No comments.

7.3 Essex Fire and Rescue

- 7.3.1 No objection.

7.4 Essex Police

- 7.4.1 No response received.

7.5 Essex Wildlife Trust

- 7.5.1 No response received.

7.6 Forestry Commission

- 7.6.1 In summary the following comments were made:

- § The NPPF Paragraph 180 refers to refusing development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless, '*there are wholly exceptional reasons and a suitable compensation strategy exists*'. It also refers to protecting ancient woodlands with a buffer zone of at least 15 metres.
- § Both woodlands have perimeter ditches, which act to protect woodlands. These are a distinctive heritage feature of ancient woodlands and should be protected from infilling or damage during construction.
- § The plan incorporates Biodiversity Net Gain which includes woodland creation to the west of both woodland this is welcomed by Forestry Commission.

7.7 Health and Safety Executive

- 7.7.1 No comments received.

7.8 The Ramblers Association

7.8.1 No response received.

7.9 BDC Ecology Consultant

7.9.1 No objection subject to securing ecological mitigation and compensation and biodiversity enhancements.

7.10 BDC Environmental Health

7.10.1 No objection subject to conditions relating to unidentified contamination, adherence to the submitted Construction Environment Management Plan (CEMP, April 2022) and burning of refuse, waste materials or vegetation.

7.11 BDC Landscape Consultant

7.11.1 In summary the following comments were made:

The Landscape Visual Appraisal (LVA) has identified the landscape baseline of the study area. Only the Local Landscape Character Areas (LLCAs) have been assessed as landscape receptors, we would have expected the District and County level Landscape Character Areas to have been included. All of these have been detailed in the landscape baseline review.

The LVA makes reference to the Technical Guidance Note (TGN) 02-21 'Assessing the Value of Landscapes Outside National Designations' which provides further information on the subject matter and introduces additional factors that should be taken into consideration when assessing value. However, the methodology (Annex 1) sets out the factors used to assess value and these do not accord with those set out in the TGN. This should be reviewed and amended.

It is agreed that the proposal is not expected to result in likely major landscape effects on the LLCAs. However, the methodology (Annex 1) does not provide the criteria for 'scale/degree of effects' nor a matrix to understand how it is to be assessed. It doesn't outline the criteria for what would be deemed 'significant/important' within the assessment. We consider those effects deemed to be Major, Major/Moderate and Moderate to be 'notable/important' and would advise the applicant amends the report accordingly.

We generally agree with the majority of the visual effects judged. A visual receptor scale/degree of effects or matrix table has not been provided to understand how it is assessed. It also doesn't outline which of the criteria would be deemed 'notable/important' within the assessment.

The following matters were also raised to be addressed:

- § Though the section drawings are useful visual tool they do not show the proposed bunding alongside the proposed infrastructure. Section drawings should be extended to include these features to understand the levels and inform our judgement on planting species;
- § Clarification on positioning of fencing details;
- § Scrub planting should be explored as an option close to the sealing end compound on the western edge; and
- § On the western boundary of the site, the proposed woodland parcels should be extended to the site boundary, rather than including additional hedgerow. This would be more in keeping within existing landscape structure and allow for additional dense woodland planting.

7.12 BDC Tree Officer

7.12.1 In summary the following comments were made:

One small tree appears to incur encroachment into its RPA – T1 Oak from the western landscaping mounding. Root impaction could be a concern in this location.

Biodiversity Net Gain report references to planting up of trees and shrubs in order to improve connectivity between woodlands. No details of species, quantities of, stock size have been provided. There is a need for the planting to be native and in keeping with current location. A Planting Plan has been provided (Figure 4 of Environmental Appraisal). The Tree Officer has considered the Planting Plan provides inadequate detail therefore proposed that a condition is imposed requesting a scheme of landscaping be submitted and approved prior to commencement. A further condition is proposed to be imposed requesting an updated Arboricultural Impact Assessment and Arboricultural Method Statement to confirm redesigning of the bund in order to lessen the impact to tree T1.

7.13 ECC Archaeology

7.13.1 No objection subject to condition relating to archaeological monitoring.

7.14 ECC Highway Authority

7.14.1 Initially sought additional information from the applicant regarding extent of visibility splay, extent of highway and swept path analysis. In response to these comments the applicant provided the additional information required and the Highway Authority were re-consulted and raised no objection subject to conditions relating to submission of a construction traffic management plan and construction of access.

7.15 ECC Historic Buildings Consultant

7.15.1 No objection.

7.16 ECC Lead Local Flood Authority

- 7.16.1 No objection subject to conditions relating to submission of a detailed surface water drainage system for the site, a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and prevent pollution, a maintenance plan for surface water drainage system and yearly logs of maintenance.

7.17 ECC Minerals and Waste Planning Authority

- 7.17.1 In summary the following comments were made:

The site is located within land designated as a Mineral Safeguarding Area. A Minerals Resource Assessment is required to be submitted to establish the practicality and environmental feasibility of prior extraction of minerals to avoid the sterilisation of the resource. The site does not pass through a Waste Consultation Area or a Mineral Consultation Area. Recommend a condition requiring a detailed waste management strategy through the submission of a Site Waste Management Plan.

In response to these comments the applicant provided the additional report (Minerals Resource Assessment) required and the Minerals and Waste Planning Authority (MWPA) were re-consulted. Following review of the Minerals Resource Assessment the MWPA concluded that prior extraction is not practical due to the importance of delivery of this project in its stated timeframes in order to contribute to clean energy objectives.

8. PARISH / TOWN COUNCIL

8.1 Alphamstone and Lamarsh Parish Council

- 8.1.1 Objection. In summary the following comments were made:

- Support the views of neighbouring Hennys, Middleton and Twinstead Parish Council;
- Proposal is too close to A131 and provides inadequate screening from the road;
- National Grid have not taken on board the concerns raised during formal consultation period.

8.2 Gestingthorpe Parish Council

- 8.2.1 Gestingthorpe Parish Council object to the application. In summary the following comments were made:

- The proposed location is not the most suitable;
- The Parish Council recognise decisions made are not reversible without cost and delays. Therefore, the Parish Council is focusing on action needed to minimise the impact of the proposal on the area;
- The proposed GSP is located on the highest point in the area;

- Screening of the GSP from footpaths to the west and north is essential;
- The applicant is incorrect to consider only the Farmland Plateau in which the GSP will stand. The Stour Valley planning guidance states that development in adjacent areas that would impinge on the skyline view from the valley should be avoided;
- The applicant is incorrect to be dismissive of the quality of the landscape of the Stour Valley and Farmland Plateau areas because they are not yet parts of the AONB and dismissive of the Public Rights of Way passing through them because they are not named long distance paths;
- The applicant has avoided discussion about landscape value;
- The proposed GSP is only 1.8km from the special A2b Landscape Area (as defined in Essex CC Landscape Character Assessment). It would be more noticeable in the landscape;
- There would be a distant view of the proposed GSP from Gestingthorpe playing field and Stour Valley Project area, opposite the houses on Nether Hill;
- It would be visible from footpaths in the area south and east of Wiggery Wood;
- The PROW map submitted shows that there is a dense network of footpaths that can be linked up to allow long distance walks;
- The proposed tree screening to the west of the development would be inadequate in extent, height and speed of establishment;
- There should be no lighting proposed except occasionally when personnel are visiting for maintenance;
- Residents need protection from noise especially at night;
- Care is needed to avoid noise ground transmission in the underlying chalk;
- A condition should be imposed that the 132kV cable, from its new supply point south of the GSP to the 'diamond crossing' site south of Twinstead T will be removed.
- Concern regarding the suggestion of moving the GSP compound westwards as this would make it more difficult to screen.

8.3 The Hennys, Middleton and Twinstead Parish Council

8.3.1 Objection. In summary the following comments were made:

- Inadequate visual assessment that fails to consider viewpoint of the motorists on the A131;
- The visual receptors are predominately on the Wickham St Paul side of the site. The locations of receptors on Twinstead/Henny site appear to have been carefully selected to avoid locations within the Stour Valley project area;
- The area which includes the landscape between Halstead and Sudbury and in particular Maplesteads, Twinstead, Henny and Bulmer will suffer significant amenity and landscape character detriment;
- National Grid recognise that the screening proposed to the west of the A131 will be inadequate on its own to screen the compound from road users views;

- There are alternative design options that minimise amenity and landscape character detriment (illustrative example included in response). Moving the substation back away from the road provides space and screening planting.

8.4 Wickham St Pauls Parish Council

8.4.1 Objection. In summary the following comments were made:

- The compound should be sited 50 metres further away from the A131. This would give sufficient space for additional tree planting to screen the compound from the main road;
- There should be additional planting to west of compound for screening;
- As ground falls away to the west if compound was recessed 5 metres this would have less impact on the view from A131 from direction of Wickham St Paul;
- A Public Footpath should be considered alongside the compound area;
- Concern about light pollution measures should be taken to reduce this.

9. REPRESENTATIONS

9.1 Site notices were displayed for a 21 day period in various locations around the periphery of the site at Public Footpath entrances. The nearest neighbouring properties were notified by letter. This included properties in Wickham St Paul, Twinstead, Bulmer, Little Henny and Gestingthorpe.

9.2 11 objection representations were received. In summary the following comments were made:

- The map is not detailed enough;
- The landscape around the substation need to be preserved and protected;
- The substation is on high ground;
- Site is visible from a wider area;
- Could impact on local economy through loss of visitors;
- Planting is inadequate;
- There are other more suitable sites available;
- Questioning the need case for a new GSP station;
- Concern regarding noise impact and findings of noise assessment;
- Concern regarding impact from construction traffic, operational dust, noise and vibrations and night time engineering works;
- Impact of noise on local wildlife;
- Loss of agricultural land;
- The site should be screened from the A131;
- NG have ignored comments received during public consultation;
- Concern regarding light pollution;
- Concern regarding impact on setting of Listed Buildings.

10. STATEMENT OF COMMUNITY INVOLVEMENT

- 10.1 The application is supported by a Statement of Community Involvement (SCI).
- 10.2 The SCI refers to consultation undertaken in 2013 which sought views in respect to the provision of a substation associated to support the wider reinforcement. A Further six week consultation took place between March and May 2021. This sought views from interested parties, local residents and communities. The SCI highlights in Paragraph 2.4.4, that this consultation concerned the Bramford to Twinstead reinforcement, which the GSP substation is part of. Therefore, not all responses received concerned the GSP substation.
- 10.3 The SCI refers to 26 properties within a 1km radius of the proposed GSP substation that received an invitation newsletter to raise awareness of the consultation. It also refers to an interactive project website, ten webinars, six telephone surgeries and two live chat sessions. Consultation events were advertised in the local press and on social media.
- 10.4 Further consultation on the proposed GSP substation proposal took place between January 2022 and March 2022. The SCI states that a total of 573 feedback responses were received from members of public and interested parties. Table 2.2 of the SCI summaries the consultation responses received concerning the proposed GSP substation proposal.

11. PRINCIPLE OF DEVELOPMENT

11.1 Need Case and Wider Context

- 11.1.1 The Government is seeking to achieve Net Zero carbon emissions by 2050. In order to do this, there are a number of planned energy projects on the east coast to generate renewable energy. These include additional wind farms to generate 40gW of energy by 2040, a new nuclear substation Sizewell C (now granted consent) and other interconnector and renewable energy projects. However, while the power can be generated, it also needs to be able to be effectively distributed to the East of England and around the country. National Grid as the statutory body, are required to facilitate connection into the electricity network for these projects and manage the wider distribution.
- 11.1.2 The Network Options Assessment (NOA) (an annual report published by National Grid ESO) outlined that the current electricity transmission network around the East of England is not sufficient to be able to accommodate all of the additional renewable energy which is planned. In particular, there is an existing bottleneck in supply between Bramford and Twinstead which requires upgrading. As a consequence, National Grid are in the process of submitting a Nationally Significant Infrastructure project (NSIP) to the Planning Inspectorate for the reinforcement of the electricity network between Bramford and Twinstead (anticipated to be submitted at the end of

2022). The proposals include a new 400 kV electricity line spanning the entire route. As part of the betterment works associated with the NSIP, National Grid are seeking to remove the existing 132kV line which is operated by UK Power Networks. However in doing so, National Grid need to provide mitigation to UKPN for the loss of the 132kV line.

- 11.1.3 The mitigation in this case requires a Grid Supply Point (GSP) substation, which will provide a power supply for the remaining 132kV electricity network (as it converts 400kV electricity into 132kV electricity to be used and distributed by UKPN). National Grid also have to provide UKPN with 'electrical equivalency', meaning that the substation will need to be built with a certain capacity in order to satisfactorily offset for the loss of 132kV line. In this case, to provide electrical equivalency, National Grid have confirmed that two super grid transformers are required at the substation to maintain security of supply requirements in line with UKPN licence obligations.
- 11.1.4 The proposed GSP substation at Butlers Wood forms part of the wider Bramford to Twinstead NSIP, even though it is located some distance away from the new 400kV line. This is because it formed the best site from an options appraisal (in terms of least environmental impacts) and could connect into an existing 400kV line. This is discussed more in the 'Site Selection Considerations' section below.
- 11.1.5 In any case, National Grid have exercised their right to submit a separate, Town and Country Planning Act (TCPA) planning application (separate to the NSIP process) for the GSP substation. The reason why they have done this is it is in the interests of time; the NSIP process will take a considerable amount of time to be approved, while the TCPA application route is much more streamlined. If approved, this application will enable National Grid to build the new substation quicker, so that the overall Bramford-Twinstead programme can be built faster if approved by the Planning Inspectorate (in order to meet the Government mandate timeframes as set out above).
- 11.1.6 Overall, in the context of the wider NSIP and Government requirements, it is considered that there is a clear needs case for this GSP substation. However, the Local Planning Authority are being asked to effectively determine this GSP substation application without the benefit of an approval for the wider NSIP. If the Bramford-Twinstead NSIP were to be refused, it could have implications for the substation, as there may be a question as to whether it would still be needed or not. In this case, it is considered that a pragmatic view is required to make this needs assessment. The electricity network between Bramford-Twinstead is in critical need of reinforcement as found by the NOA; if the NSIP is refused, then it is highly likely a further reinforcement scheme would be put forward in a similar area, which would still necessitate the need for a GSP substation. As set out in the section below, this site is the most logical for a GSP substation to be provided. In any case, any future NSIP proposal would highly likely also seek to connect into this substation, to facilitate the removal of the existing 132kV electricity line.

11.1.7 As such, taking a pragmatic view, it is considered that the needs case for the substation still exists whether the wider Bramford-Twinstead NSIP is approved or not. In any case, while there is a need for the GSP substation, this need would not override the need to assess the overall planning merits of the development; whether the harms outweigh the benefits. These are discussed further below.

11.2 Site Selection Considerations

11.2.1 In July 2012 UK Power Networks carried an initial study which identified eight options to maintain the security of local electricity. This included options to replace the 132kV circuits between Twinstead and Burstall Bridge, extending the 132kV overhead line from Twinstead, reinforcing Braintree substation and strategic locations for a new Grid Supply Point (GSP) substation. The study concluded that a new GSP substation in the vicinity of Twinstead Tee was the preferred option for replacing the capacity loss following removal of the existing 132Kv overhead line. National Grid Electricity Transmission reviewed and concurred with the findings of the study as this, *'represented the most efficient, coordinated and economical option, whilst giving rise to fewer overall environmental effects than the other options considered'* (Paragraph 4.1.3 of Design and Access Statement).

11.2.2 Potential sites for the proposed GSP substation were considered in a total of 8 locations across three substation study areas for more detailed appraisal. These areas included:

- Study Area A: Land north of Colne Valley Farm Park
- Study Area B: Land at Delvyns Lane
- Study Area C: Land at Butlers Wood and Waldegrave Wood

11.2.3 The submitted Design and Access Statement states in Paragraph 4.2.2, *'all options were assessed against technical implications, environmental effects, socio-economic impacts and cost.'* It was concluded that Study Area C (Land at Butlers Wood and Waldegrave Wood) was preferred as it would have the least impact on landscape character, visual amenity, ecology and historic environment. It was also the least constrained in technical terms and would have the shortest access road.

11.2.4 National Grid Electricity Transmission consulted on these 3 options in 2013 and the Design and Access Statement states in Paragraph 4.2.3, *'the majority of feedback agreed that Study Area C was the most suitable'*.

11.2.5 Study Area C comprised four potential siting locations. These locations are illustrated in Figure 4.2 of the Design and Access Statement.

11.2.6 It was concluded that location C2 (area subject to this planning application) was the preferred location as it would have least impact on landscape character, location benefits from screening effect of adjacent woodland,

least negative effect in terms of historic environment, potential to create habitat linkages between woodlands, least constrained from technical perspective, short access road, short underground connection to the 132kV distribution network. It was also concluded as the lowest cost option. Therefore, location C2 was taken forward for further detailed design.

11.3 Environmental Impact Assessment

- 11.3.1 The proposed works have been subject to EIA Screening Opinion (Application Reference 21/03343/SCR). The Officer letter of response to the EIA Screening Opinion stated in the conclusion:

'The National Planning Practice Guidance (PPG) is clear that '...it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits' (Paragraph: 018). Only a very small proportion of Schedule 2 development will require an assessment' In this case, the development falls outside of Schedule 2 development. Having regard to the above matters, it is concluded that with reference to the scale, nature and location of the development the Local Planning Authority would not require an EIA and that an Environmental Statement will not be required to be submitted to support the planning application for this development.

In reaching this conclusion the Council consider that features of the development would not have unusually complex and potentially hazardous environmental effects, and would not occur within a particularly environmentally sensitive or vulnerable location. A range of technical reports would be required to support a formal planning application to assess the impacts of the development.'

11.4 Policy Context and the 'Horlock' Rules

- 11.4.1 The site is situated outside of the defined development boundary and therefore countryside policies apply. Policy LPP1 of the Adopted Local Plan states, *'development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside'*.
- 11.4.2 Policy LPP72 of the Adopted Local Plan states that the Local Planning Authority will encourage appropriate energy conservation and efficiency measures in design of all new dwellings. Policy LPP73 of the Adopted Local Plan refers to renewable energy scheme being encouraged where the benefit in terms of low carbon energy generating potential outweighs harm.

- 11.4.3 The preamble to Policy LPP73 states in Paragraph 6.64, *‘The increase in sources of renewable energy in the District could contribute towards diversity and security of supply, reduce demand on the national power network, address fuel poverty, support the local economy and reduce harmful emissions to the environment.’*
- 11.4.4 Chapter 14 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change. It states in Paragraph 152, *‘the planning system should support renewable and low carbon energy and associated infrastructure’*.
- 11.4.5 Braintree District Council declared a Climate Change Emergency in July 2019. The Climate Change Strategy (2021 to 2030). It recognises that, *‘an increased reliance on the electricity network in the future will require local and national electricity structures to be upgraded and operated more smartly to serve higher demand.’* It further states, *‘we will need to support UKPN to understand future local demand for electricity and to develop a clear plan for investing in upgrades required to the electricity distribution grid’*.
- 11.4.6 Policy LPP71 of the Adopted Local Plan, states that, *‘the Council intends the District to meet part of its future energy needs through renewable and low carbon energy sources and will therefore encourage and support the provision of these technologies subject to their impacts on landscape and visual amenity, residential amenities including, noise, pollution, heritage assets and their settings, biodiversity and designated nature conservation sites, soils and impact on the highway being acceptable.’*
- 11.4.7 National Grid devised the ‘Horlock Rules’ in 2003, updated in 2009. These are guidelines for the design and siting of substations, and were established in pursuance of National Grid duties under Schedule 9 of the Electricity Act 1989. The Horlock Rules states that environmental issues should be considered at the earliest stage to balance the technical benefits and capital cost requirements to keep adverse impacts to a reasonably practicable minimum; seek to avoid internationally and nationally designated sites; protect as far as reasonably practical areas of local amenity value, important existing habitats, landscape feature; take advantage of screening provided by landform and existing features; keep visual, noise and other environmental effects to a minimum; consider land use effect, use space effectively; make design of access roads, perimeter fencing and planting an integral part of site layout and design; consider relationship so as to reduce the prominence of structures from main viewpoints.
- 11.4.8 Consultation on the ‘Planning for New Energy Infrastructure Draft National Policy Statements for energy infrastructure’ closed on 29th November 2021. The Draft Policy Statement referred to the ‘Horlock Rules’ and recognised the principles for design and siting of substations and other assets and should be considered by developers when putting forward a proposal.

- 11.4.9 The submitted Design and Access Statement (Table 4.1) illustrates how the 'Horlock Rules' have influenced the siting and design of the proposed GSP substation.
- 11.4.10 Overall, owing to the above, it is considered that National and Local Policy are supportive 'in principle' of this type of development. The proposed Grid Supply Point Substation would still however need to be assessed against various technical criteria. This assessment is carried out in the 'Site Assessment' section below.
12. SITE ASSESSMENT
- 12.1 Design, Appearance and Impact upon the Character and Appearance of the Area
- 12.1.1 Policy LPP52 of the Adopted Local Plan seeks a high standard of layout and design in all developments in the District. Given the nature of the proposal and the technical equipment required the appearance of the proposal is constrained to an extent.
- 12.1.2 The proposed Grid Supply Point substation would be enclosed within a 2.4 metre high palisade security/safety fence with 3.4 metre high electric fence to the rear to secure the site.
- 12.1.3 It is proposed that there would be 10 modular type buildings to provide office/welfare facilities for employees and to accommodate electrical equipment. This includes, 2 x welfare rooms, 1 x battery rooms, 1 x low voltage alternating current room, 1 x telecoms control room, 1 x relay room, 2 x portable relay room and 2 x workshop/storage room. These buildings are predominately clustered to the west adjacent to an access gate and parking area furthest away from the A131.
- 12.1.4 Two supergrid transformers are proposed to convert the voltage from 400kV to 132kV for onward transmission and distribution. Concrete bunds would be installed for each transformer to act as secondary oil containment measure for the air insulation oil in the transformers. A noise enclosure is proposed around each of the transformers to reduce operational noise. These measure 13.5 metre x 8.6 metre and 6.2 metres in height.
- 12.1.5 Within the substation electrical equipment would predominately be mounted on steel posts fixed to concrete foundations, typically 9 metres above ground. There would be a 13 metre high steel landing gantry structure, which supports the down leads from the adjacent existing 400kV overhead pylon to the south east.
- 12.1.6 Outside of the substation in a separately fenced enclosure is the 400kV single circuit sealing end to the west. Access to this is proposed via a compacted stone dust road. This enclosure would measure approximately 33 metres by 30 metres and would include a gantry approximately 12.5

metres high and high voltage equipment approximately 8 metres high. The enclosure would facilitate a new underground 400kV cable connection.

- 12.1.7 The access would be gained from the A131 via a permanent bellmouth junction. A timber double five rail field gate is proposed at the access. A 5 metre wide surface road is proposed.
- 12.1.8 Landscaping is proposed including a new habitat connection linking Butlers Wood and Waldegrave Wood. 10% Biodiversity Net Gain has been identified within the site boundary including a mix of native trees, shrubs and wildflower grassland. An area of proposed hedgerow tree planting and hedgerow reinforcement is proposed to the east of the A131 to south of Public Right of Way 116/23.
- 12.1.9 To the west of the site a mound is proposed approximately 2.5 metre tall with graded west facing slopes (1:11 gradient). The eastern mound is approximately 1.5metre tall with graded east facing slopes (1:4 gradient) generated from excavation areas.
- 12.1.10 Objection representations received have suggested that the site could be moved further away from the road (A131) to facilitate more screening. The proposed GSP is situated approximately 25 metres from the A131 at its closest point. The Applicant has stated that, *'the ability to relocate the GSP further west is restricted by engineering constraints'*. The submitted Statement of Community Involvement refers to Table 2.2 (Analysis of 2022 Consultation Feedback) where this point is addressed stating that, *'the ability to relocate the GSP further west is restricted by the angle that can be achieved by the proposed down leads coming from the existing tower 4YL80 and by the proposed temporary overhead line diversion to the west (required for replacing tower 4YL91). Nonetheless the location of the proposed GSP allows effective landscape screening and the creation of bunds to both the east and the west'*.
- 12.1.11 The proposal and associated infrastructure would be visible from the A131 its utilitarian character would be at odds with the open countryside character, however, it is acknowledged that there are existing 400kV overhead line and pylons passing through the site and across the wider landscape area. Butlers Wood and Waldegrave Wood provide effective screening when travelling along the A131 from a northerly and southerly direction. The views of the site from the A131 would be fleeting given the speed of traffic passing along the road and localised. The additional screening and planting proposed as it's established will ensure that the proposed GSP becomes more integrated into the landscape, reducing impacts over time.
- 12.1.12 Paragraph 4.6.1 of Draft Overarching National Policy Statement for Energy (EN1) (2021) states *"The visual appearance of a building, structure, or piece of infrastructure, and how it relates to the landscape it sits within, is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations.*

The functionality of an object - be it a building or other type of infrastructure - including fitness for purpose and sustainability, is equally important. Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area." It further states in paragraph 4.6.3, *'Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area'*

- 12.1.13 The development is functional in its design and has to be secured effectively. The proposed buildings are situated at the furthest point of the site from the A131 where the site is most visible.
- 12.1.14 Moreover, as discussed above in Section 11, the proposed location was considered to be the least environmentally constrained option, partly due to it having the lowest impact on the landscape character of the area, visual amenity and the historic environment.
- 12.1.15 In summary, Officers are satisfied that the design and layout proposed is acceptable. It is therefore considered that the proposal accords with Policy LPP52 of the Adopted Local Plan.

12.2 Landscape Impact

- 12.2.1 Policy LPP67 of the Adopted Local Plan refers to the Local Planning Authority taking into account the different roles and character of various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside in order to ensure that any development permitted is suitable for the local context. It further states that proposals which may impact on the landscape will be required to include an assessment of their impact on the landscape and should not be detrimental to the distinctive landscape features.
- 12.2.2 The application is supported by a Landscape and Visual Appraisal (LVA) (Appendix 2).
- 12.2.3 As stated in Paragraph 2.1.4 of the appraisal, *'the LVA reviews the landscape and visual baseline conditions within the site and the local landscape surrounding the site, where notable landscape and visual changes as a result of the proposed GSP substation have the potential to be readily perceived'*.

- 12.2.4 The appraisal refers to a study area defined by a 2km radius of the site, informed by Zone of Theoretical Visibility and professional judgement of similar scale projects which suggest at distances greater than 2km the notable effects on landscape character and visual amenity are unlikely to occur. The Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Special Landscape Area have been excluded as they do not fall within the 2km study area or within a distance deemed likely for landscape or visual impacts to occur. The AONB Officer has been consulted and has commented that as the site lies outside of the Dedham Vale AONB and is situated approximately 1km west of the Stour Valley Project Area boundary, they would not be submitting a response to the application.
- 12.2.5 It is noted that the appraisal is primarily based on the worst case scenario of winter views.
- 12.2.6 The appraisal refers to the national, county and district scale Landscape Character Types and Landscape Character Areas. The site is situated in the South Suffolk and North Essex Clayland (National Landscape Character Area), the Blackwater and Stour Farmlands and Stour Valley (Essex County level) Ancient Rolling Farmlands and Rolling Valley Farmlands (Suffolk County level) and the Wickham Farmland Plateau (District Level). Table 3.2 of the appraisal sets out the characteristics of these areas.
- 12.2.7 The appraisal acknowledges in Paragraph 3.3.5, that, *‘although the published landscape character area descriptions state that tranquillity is a key characteristic of the wider LCAs, the site is heavily influenced by the proximity to the A131, which passes close to its eastern boundary, in addition to the existing 400kV overhead line which passes through the proposed GSP substation between the two blocks of woodland.’*
- 12.2.8 Butlers Wood and Waldegrave Wood provide a screening effect to the north and south of the site. This is illustrated in the Zone of Theoretical Visibility in Figure A2.7.
- 12.2.9 The appraisal refers to potential visual receptors in Table 3.4 including the local community, people living and moving around the settlements and isolated properties in the study area; recreational users of cycle routes and recreational users of the Public Right of Way Network.
- 12.2.10 The appraisal refers to a total of 13 viewpoints representative of the different types of receptors and a range of distances and viewing angles. These are summarised in Table 3.5 of the appraisal and illustrated on map in Figure A2.3. It is stated that, *‘these have been selected through desk study, site work and agreed in consultation with stakeholders’*.
- 12.2.11 Paragraph 3.6 of the appraisal refers to future baseline related to landscape changes that are considered certain or likely to happen but not yet present in the proposals that may affect views or visual amenity. It

refers to Ash trees in the study area that maybe affected by ash dieback. The appraisal states that, *'the future baseline therefore assumes that there would be a loss of ash trees in the long term across the study area, but that other tree species would occupy gaps created in the short term, and overall levels of vegetation would remain similar to existing'*. The appraisal recognises that the, *'intimate mixture of tree species reinforces the resilience of the woodlands to individual tree losses and the affected trees were irregularly scattered and there was no clear evidence of disease'*.

- 12.2.12 An external Landscape Consultant has been consulted on the application and has referred to the photography used to inform the assessment. They have commented on the format of the photography shown as A3/ A4 and refer to LI Technical Guidance Note 06/19 'Visual Representation of Development Proposals' (2019) which states that visuals should be presented as single frames on A3 sheet, supported by baseline panoramic images. They have also commented that they would have preferred to see photograph annotations and more Type 3 visuals with baseline photograph overlaid with proposed wire models, as opposed to Type 2 3D wire models.
- 12.2.13 The Applicant has responded to this comment in an e-mail dated 17.6.2022 stating, *'the viewpoints within the LVA were discussed and agreed with the Landscape Consultant at a pre-application meeting on 5th April 2022 and during meetings for the wider reinforcement project. The wirelines presented in the Viewpoint Appraisal Annex are Type 2 and have been presented at a size and relative position, on a corresponding sheet together with baseline wirelines and baseline photography to allow a like for like comparison (as per TGN 06/19 Section 2 Guiding Principles). It is considered that this is adequate and in line with a proportionate approach to represent how the proposed GSP substation would sit in relation to the baseline. This is also in line with what has been agreed for the wider reinforcement DCO project as discussed in Thematic Meetings. The Type 2 visuals show a worst case/ bare earth scenario. The photomontage has been produced in accordance with Landscape Institute TGN 06/19 Type 4 and illustrates the embedded mitigation and also screening effects of existing vegetation.'*
- 12.2.14 The Landscape Consultant has also commented that only the Local Landscape Character Areas (LLCA) have been assessed as landscape receptors, whereas District and County Landscape Character Areas would have been expected to be included. Comment is also made that the methodology (Annex 1) sets out the factors used to assess value of landscapes (Table 2: Factors contributing to Landscape Value) however this does not accord with the Technical Guidance Note (TGN) 02-21 'Assessing the Value of Landscapes Outside National Designations' and it is recommended that this is reviewed and amended accordingly. The applicants have responded to this comment stating, *'District and County Level LCAs are considered in the baseline. The appraisal of effects on landscape character has been made on Local Landscape Character Areas to avoid double counting of effects.'*

- 12.2.15 Paragraph 2.5 of the appraisal sets out the assumed growth rates for proposed planting at year 1 and year 15. The Landscape Officer has commented that, *'In the short term (at year 1) whilst planting establishes, there are likely to be adverse visual effects on recreational receptors within close proximity to the proposed GSP substation. After 15 years, with proposed planting and mounding the visual impacts will reduce and result in no notable/important effects.'* Paragraph 6.3.6 of the appraisal refers to the year 1 and visual effects on recreational receptors within close proximity to the proposed GSP substation stating, *'these relate to people using the Public Right of Way within close proximity to the proposed GSP substation, albeit these receptors already have close up views of the existing 400kV overhead line. The greatest effects would be seen from the Public Right of Way between Butlers Hall Farm and Old Road as represented at viewpoint 9'.*
- 12.2.16 The Landscape Officer notes that for both landscape receptors and visual receptors the Methodology (Annexe 1) does not provide the criteria for 'Scale/Degree of Effects' or a matrix table to understand how they have been assessed. It also doesn't outline which of the criteria would be deemed 'notable/important' within the assessment for the visual receptors. The Applicant has responded in an e-mail that, *'Overall the approach and method followed in the production of the LVA reflects that taken on other similar projects where no notable concerns have been raised. It is considered appropriate and proportional to the proposed GSP substation proposals. It is noted that any updates in line with the suggestions would not materially change the assessment or conclusions reached.'*
- 12.2.17 The Landscape Officer sought further clarification on the fencing details provided, and where this would be located on the site. They also requested that section drawings are extended to include proposed bunding to understand planting species. They also proposed that scrub/scrub planting is explored as an option close to the sealing end compound on the western edge and that the proposed woodland parcels are extended to the site boundary as opposed to an additional hedgerow.
- 12.2.18 In response to this the applicants have responded with the following comments:

Fencing - A full category 2 electric fence system will be installed around the perimeter of the substation with two separate double manual swing gates for access to the substation and to the CSE road. Within the substation, category 3 palisade fencing, and suitable gates will be installed to delineate the HV compound bays and the UKPN compound. The single circuit CSE compound will also have a separate category 2 electric fence system with a double swing gate; as detailed in Section 5.4.3 of the Design and Access Statement and as annotated on the Block Plan (008) and Proposed CSE Compound Plan (012).

Section drawing - The location of the cross sections submitted with the planning application were chosen to show the height the gantry, as the

tallest element of the proposed GSP substation, in relation to the woodlands to the north and south. The reason the bunding was not included is because it does not sit on the same longitude as the gantry. While the bunding could be superimposed in front of the gantry this would introduce inaccuracies as they are not on the same plane. An east west cross section through the bunds would not capture the woodland and would be approximately 500m long whereby the 1.5m (eastern) and 2.5m (western) bunds would not be discernible.

It is therefore considered that the cross sections and elevations provided are most appropriate for informing the assessment of impacts.

Planting over underground cables - planting scrub and shrub over cables is not possible due to the risks associated with root damage to the cables, though planting a hedgerow, generally perpendicular over cable is possible. Hedgerow planting on the western boundary would provide more effective screening than scrub/shrub, which is thinner particularly in winter.

Hedgerow - We will explore the potential for reducing the extent of the hedgerow planting on the western boundary noting National Grid's commitment to meet 10% net gain and providing screening for the single circuit CSE compound towards the south of this boundary, particularly where it crosses the underground cables where scrub and shrub planting is not possible.

- 12.2.19 Officers are satisfied with the above comments/rational received from the applicants in response to the Landscape Consultants comments. It is noted that the Landscape Officer agreed notwithstanding the above comments that the proposal would not expected to result in likely major landscape effects on the Local Landscape Character Area.
- 12.2.20 In summary, the existing 400Kv overhead line and pylons in the site have already altered the landscape character in this locality. It has been assessed that the proposed GSP substation would not have a significant impact on the landscape although there would be a noticeable change in landscape character over a limited area of the Wickham Farmland Plateau due to equipment, fencing, road and proposed GSP substation. The site will be screened to north and south by the existing woodlands (Butlers Wood and Waldegrave Wood) and the proposed bunding and planting would reinforce screening that within 15 years will result negligible magnitude of change. The proposal would likely integrate into the landscape through the pattern of existing vegetation including hedgerows with trees and woodlands. Landscape proposals including planting and landscape mounding to the west and east of the site would further integrate the proposal into the landscape. There are no significant landscape or visual effects anticipated.
- 12.2.21 The proposal accords with LPP67 of the Adopted Local Plan and the NPPF.

12.3 Heritage and Archaeological Impact

Heritage

- 12.3.1 Policy LPP57 of the Adopted Local Plan states that, *‘the Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land’*. The NPPF states in Paragraph 200, that *‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification.’*
- 12.3.2 Policy LPP59 of the Adopted Local Plan states that, *‘where archaeological remains are thought to be at risk from development, the developer will be required to arrange for an archaeological evaluation of the site to be undertaken and submitted as part of the planning application.’* The NPPF states in Paragraph 194, *‘where a site on development is proposed includes, or has potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation’*.
- 12.3.3 The application is supported by a Historic Environment Baseline report (Appendix 6) which comprises of an asset list of known heritage assets between 250metre and 2km of the site.
- 12.3.4 The site is situated within the wider setting of numerous Listed Buildings. This includes the Grade II listed Butlers Hall Farmhouse, the Grade II Church of All Saints and Grade II listed Nether Farmhouse. The nearest listed building is over 500 metres from the site.
- 12.3.5 The Historic Buildings Consultant has been consulted and raised no objection to the proposal stating, *‘the scheme would not result in an increased detrimental impact on the setting of nearby heritage assets and would not result in harm to their significance’*.
- 12.3.6 The proposal is therefore considered to accord with Policy LPP57 of the Adopted Local Plan and the NPPF.

Archaeology

- 12.3.7 During the course of the application an ‘Archaeology Evaluation Interim Report (Bramford to Twinstead Reinforcement Phase 1: Land at Butlers Wood, Bulmer and Twinstead Essex’ (March 2022) was submitted.
- 12.3.8 The Archaeology Advisor has been consulted and stated that, *‘A programme of geophysics has been undertaken across the development site and a programme of archaeological trial trenching completed in March 2022. The geophysics did not detect any archaeological anomalies within the site. The evaluation found a low level of archaeological remains*

included a prehistoric pit with evidence for burning and possible prehistoric ditch'. The Archaeology Advisor states that, 'it is unclear in the information submitted whether there will be a requirement for topsoil stripping in areas of landscaping which lay beyond the evaluation areas and temporary compounds. A written scheme of investigation for the works should be submitted prior to development. An archaeological investigation will be required to preserve any archaeological remains by record that will be impacted upon by the development.'

- 12.3.9 A condition is proposed to be imposed requiring a programme of archaeological monitoring. This accords with the NPPF (paragraph 205) and policy LPP59 of the Adopted Local Plan.

12.4 Ecology Impact

- 12.4.1 Policy LPP64 of the Adopted Local Plan, refers to Local Wildlife sites and states, *'proposals likely to have an adverse effect on a Local Wildlife Site will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated onsite'*. It further refers to Protected species and priority species and states, *'where there is a confirmed presence or reasonable likelihood of presence, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species'*.
- 12.4.2 The application is supported by a Biodiversity Baseline Report (Appendix 3), Environmental Appraisal, Biodiversity Checklist, Biodiversity Net Gain metric calculations (Appendix 4 of the Environmental Appraisal), Construction Environment Management Plan.
- 12.4.3 Butlers Wood and Waldegrave Wood are ancient woodlands, directly adjacent to the site, and are also designated as Local Wildlife Sites.
- 12.4.4 The Ecology Officer has reviewed the submitted reports and stated that, *'we are satisfied that, as protected species are present in the wider environment, some in close proximity to the proposed GSP substation, sufficient consideration of impacts and identification of appropriate and effective mitigation are proposed to provide certainty of likely impacts'*.
- 12.4.5 The Ecology Officer welcomes that proposed mitigation measures have been embedded into the design and good practice measures have been incorporated to avoid direct and reduce indirect impacts on these irreplaceable and Priority habitats. The good practice measures comprise those relating to pollution prevention and control; drainage; and dust management and control.

European Protected Species

Bats

- 12.4.6 Surveys have identified tree roosts within Waldegrave Wood. The Ecology Officer is satisfied that, *'potential disturbance generated from construction noise in this location would be short term and it is likely that the line of trees and tree roost itself would attenuate any noise generated limiting the potential for indirect effects'*. A condition is proposed to be imposed to secure a wildlife sensitive lighting scheme.

Great Crested Newts

- 12.4.7 Surveys have confirmed the presence of Great Crested Newts within 250 m of the site. The Ecology Officer has responded stating, *'there is a risk these European Protected Species may enter the development footprint using connected terrestrial habitat, we welcome confirmation that the planning application includes the countersigned Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate and that the final license payment will be submitted to Natural England in Autumn 2022'*. A condition is proposed to be imposed to require a copy of the District Level License.

Dormouse

- 12.4.8 Hazel Dormouse are assumed to be present in the adjacent hedgerow and woodlands. It is proposed that an experienced dormouse ecologist would undertake a fingertip search of hedgerow to be removed prior to removal. This is referred to in the Construction Environment Management Plan (CEMP) June 2022. A condition is proposed to be imposed to ensure works are carried out in accordance with the measures identified in the CEMP.

UK Protected Species

Badgers

- 12.4.9 The Ecology Officer has stated, *'we welcome the commitment to a pre-construction walkover survey to check the site for any change in protected species presence e.g. badger setts and preparation of a method statement if appropriate or a license for sett closure if there would be unavoidable damage or disturbance'*.

Reptiles

- 12.4.10 No specific reptile surveys have been completed, suitable habitats for reptiles, particularly grass snake is present within the site along the dry ditch and so common reptile species are assumed to be present, although a low number of reptiles would be affected given the extent of habitat. The Ecology Officer has stated, *'it is anticipated that harm to reptiles can be avoided by implementation of staged vegetation clearance as good practise'*

measure B05 in the CoCP (Annex 1 of Appendix 1) and individuals would naturally disperse into adjacent habitat.'

Priority Species

- 12.4.11 The Ecology Officer has stated, *'the proposed new woodland provides a Stag Beetle log pyramid to enhance the locality for this Priority species and this feature is included in the Landscape and Ecological Management Plan'*.

Priority Habitats

- 12.4.12 Detail has been provided with the application of the Priority habitats which may be affected by the development. A survey and classification of habitats and detailed condition assessment has also been provided. The Ecology Officer notes that, *'Woodland areas recorded within the survey area were primarily small areas of other broadleaved woodland types but inclusive of Priority Lowland Mixed Deciduous Woodland habitat but none of grassland areas recorded are Priority habitat'*.
- 12.4.13 The Ecology Officer welcomes the Code of Construction Practice and the good practice measures for Biodiversity and notes that the development will be supported by a District Level Licencing for the Great Crested Newts. The Ecology Officer states, *'we still expect good practice measures will be implemented during construction. We therefore recommended that measure B05 for reptiles is amended to include other mobile Priority species such as Common Toad and Hedgehog as well as any Great Crested Newt found on site during the construction phase. We therefore recommend that an updated CEMP with a final CoCP is secured by a condition of any consent.'*
- 12.4.14 In response to this comment, the applicant submitted an updated Construction Environment Management Plan (CEMP) June 2022. This was reviewed by the Ecology Officer who confirmed that this version of the CEMP sets out the mitigation measures that the applicant and its contractor would employ during construction to reduce risks to the environment and that a further update to Section 13.5 of the CEMP has been made to the approved Code of Construction Practice. A condition is proposed to be imposed that the mitigation measures embedded in the Environmental Appraisal Appendix 1 CEMP v3 are secured by a condition and implemented in full.

12.5 Biodiversity Enhancements and Net Gain

- 12.5.1 Policy LPP52 of the Adopted Local Plan states that, *'landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity. Biodiversity net gain in line with the requirements of national policy through the provision of new priority habitat where appropriate is encouraged'*. The NPPF refers in Paragraph 180 (d) to

securing measurable net gains for biodiversity and improving opportunities for biodiversity in and around developments integrated into their design.

- 12.5.2 The application is supported by a Biodiversity Net Gain Report (Appendix 4 of the Environmental Appraisal). The report highlights that there is commitment by National Grid Electricity Transmission to achieve a 10% biodiversity new gain using a Biodiversity Metric 3.0 (Defra 2021).
- 12.5.3 The Biodiversity Metric states that the development aims to deliver 47.54% of habitat units, 35.71% hedgerow units and 10.72% river units.
- 12.5.4 The Ecology Officer has stated, *'we are satisfied that the Biodiversity Net Gain baseline has been appropriately calculated and that the mitigation hierarchy has been followed that the submitted Metric calculations meets the trading rules for habitat creation for compensation and delivery of net gain. We welcome the commitment to compensate for the loss of Priority hedgerow to the access road from the A131 by supplementary planting and, alongside planting proposed for the wider environment a new habitat connection between Butlers Wood and Waldegrave Wood will be created. We are satisfied with the proposals for habitat creation, woodland and wild flower grassland. If implemented in full and managed for 15 years, the proposal would deliver sufficient compensation, in excess of 10% Biodiversity Net Gain and increase connectivity with ecological functionality.'*
- 12.5.5 The Ecology Officer has recommended conditions to be imposed relating to: all mitigation/enhancement measures and/or works being carried out in accordance with the details contained in the Environmental Appraisal Appendix 1 Construction Environment Management Plan (July 2022) V3; submission of a copy of Natural England mitigation licence for Great Crested Newt; submission of a wildlife sensitive lighting design scheme; and submission of a Landscape and Ecological Management Plan.
- 12.5.6 Subject to these conditions, the proposal is considered to accord with Policy LPP52 of the Adopted Local Plan and the NPPF.

12.6 Tree Impact

- 12.6.1 Policy LPP64 of the Adopted Local Plan states, *'proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for and benefits of the development in that location clearly outweigh the loss'*. Policy LPP65 of the Adopted Local Plan states, *'Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered dangerous and in poor condition.'* The NPPF recognises in paragraph 131, *'trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.'*

- 12.6.2 An Arboricultural Assessment (Appendix 5) has been submitted as supporting documentation with the application. This has been reviewed by the Council's Tree Officer.
- 12.6.3 The adjacent woodlands (Butlers Wood and Waldegrave Wood) are designated ancient woodlands. There are also Tree Preservation Orders in both woods.
- 12.6.4 The Arboricultural Assessment refers to Butlers Wood as a *'mixed broadleaf woodland with oak as the principal canopy species. Other species include Ash, Birch, Field Maple and small leaved lime with hazel frequent in the understorey'*. The largest trees are almost exclusively oak with a maximum height of 26 metres and canopy spread to 10 metres. The assessment refers to the majority as being, *'healthy and typically structurally sound'*. Waldegrave Wood is of similar species composition to Butlers Wood with aspen on the field edge, with fewer larger trees present at the woodland edge than at the edge of Butlers Wood. For both woodlands it is concluded that, *'the intimate mixture of species and structural diversity makes the woodland resilient to climatic and biotic stresses'*.
- 12.6.5 The Tree Constraints Plan (in Figure A5.1 of Annexe 3 of Appendix 5) identifies the constraints of existing arboricultural features in terms of their quality, stem and roots. The assessment states in Paragraph 2.5.2, *'this information was considered during design development leading to moving the proposed GSP substation approximately 3 metres further south from Butlers Wood and repositioning of security fencing to provide a greater buffer to tree canopies in Butlers Wood'*.
- 12.6.6 It is proposed to remove T12 which is of standing dead wood. Although it is beyond the development boundary its retention near to the proposed GSP substation presents a safety issue. It is also proposed to lift the canopy by removing lower branches of T24 and T25 to facilitate access.
- 12.6.7 It is stated in Paragraph 3.1.5 of the assessment that, *'the northern boundary of Waldegrave Wood mirrored Butlers Wood in being bounded by a large ditch between the woodland and agricultural field. It had been recently (within the last 12 months) cleaned to a depth of more than 1m with tree roots exposed on the upper portion of the cut ditch face. The ditch clearance provided strong evidence that the tree roots do not extend to a full depth of the ditch nor pass beneath it'*.
- 12.6.8 The Arboriculture Method Statement states in Paragraph 4.11 that, *'the need for tree protection measures, typically provided to afford protection from plant or storage, within a root protection area is unnecessary because of the topographical protection provided by deep wide ditches. These ditches offer equivalent protection as fencing as they prevent vehicular access and storage of materials within the woodlands'*.

12.6.9 The Tree Officer has reviewed the application and whilst raising no concerns regarding the proposed work identified in the Method Statement there was concern raised regarding the possible encroachment of root protection area for T1, Oak from the western landscaping mounding. The Tree Officer suggests that some minor sculpting of lower section of perimeter at this location would avoid or limit the root protection area incursion. The Tree Officer also requested further detail regarding list of species/ quantities of, stock size for trees and planting. A Planting Plan has been proposed in Figure 4 of the Environmental Appraisal. However, the Tree Officer considers that the planting plan provides inadequate detail therefore a condition is proposed to be imposed requesting a scheme of landscaping be submitted and approved prior to commencement alongside an irrigation condition for the planting implemented. A further condition requesting an updated Arboricultural Impact Assessment and Arboricultural Method Statement to confirm redesigning of the bund in order to lessen the impact to tree T1 is also proposed to be imposed.

12.6.10 Subject to the above conditions, it is considered that the proposal accords with Policy LPP64 of the Adopted Local Plan.

12.7 Lighting

12.7.1 Policy LPP52 of the Adopted Local Plan refers to lighting stating, *'they will need to be in context with the local area and comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes and nature conservation'*.

12.7.2 Paragraph 3.3.37 of the submitted Environmental Appraisal states, *'post construction security lighting will be used outside of daylight hours but their use would require trigger (i.e. not continuous) and would be on a timer. Such security lighting would be a low lux level lighting emitting diode (LED) type luminaires with directable light output and passive infrared sensor (PIP) motion activated lighting'*.

12.7.3 Paragraph 4.1.30 of the Environmental Appraisal refers to lighting during construction, stating, *'the primary source of temporary lighting requirements will be provided by a mobile solar lighting towers or similar. These will be limited to the Restricted and Core Working Hours. Light emissions will be reduced during start up and shut down activities which will not involve the operation of construction plant and equipment.'*

12.7.4 A condition is proposed to be imposed requiring lighting detail to be submitted and approved by the Council prior to installation to ensure that it would not have a detrimental impact on the dark landscape and nature conservation.

12.8 Loss of Agricultural Land

12.8.1 The NPPF states in Paragraph 174, *'planning decisions should contribute to and enhance the natural and local environment by, recognising the*

intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

- 12.8.2 An Agricultural Land Classification (Appendix 9) has been submitted as supporting documentation with the application.
- 12.8.3 The report explains that a detailed survey was carried out examining the soils physical properties at five locations to a depth of 1.2 metres. At the time of the survey the land use was arable (post-harvest).
- 12.8.4 The report states that, *'the site has both relatively low rainfall and a long growing season, acting to decrease the severity of any potential soil wetness limitation, but increasing the severity of any potential soil droughtiness limitation'*.
- 12.8.5 The report concludes that the site has been mapped as Grade 3a (best and most versatile).
- 12.8.6 The Braintree District comprises a high proportion of high quality agricultural land. As stated in Paragraph 6.28 of the Adopted Local Plan, *'the majority of agricultural land in Braintree District is classified as Grade 2 or 3 with 65.8% classified as Grade 2 and 29,9% as Grade 3'*. Paragraph 6.29 of the Adopted Local Plan states, *'the amount of agricultural land in the Braintree District has a significant influence of the landscape. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'* In this case, whilst there would be a loss of Grade 3a land this would be a localised impact.
- 12.8.7 The report refers to soil handling and reuse and states in Paragraph 6.1.2, *'this will be undertaken in accordance with Defra 2009 Construction Code of Practice for Sustainable Use of Soils on Construction Sites.'* It also makes clear that where land is reinstated or habitat created the appropriate soil conditions will be recreated to a depth of 1.2 metre (or the maximum natural soil depth if this is shallower).
- 12.9 Highway Considerations
- 12.9.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual cumulative impacts on the road network would be severe. Policy LPP43 of the Adopted Local Plan seeks to ensure sufficient vehicle/cycle parking is provided within new developments.
- 12.9.2 A Transport Statement has been submitted as supporting documentation.

- 12.9.3 A permanent bellmouth junction is proposed to be constructed with the A131. This will connect to a surfaced 5 metre wide track and would provide access for the periodic maintenance activities at the proposed GSP substation.
- 12.9.4 The Transport Statement states in Paragraph 4.3.1, '*the construction traffic will utilise the strategic road network closest to the site this includes the A131, A120, A12 and A14.*' It further states that during operation, '*there will be around one vehicle per month to complete maintenance checks*'.
- 12.9.5 During construction of the proposed GSP substation delivery of materials, plant and equipment including Abnormal Indivisible Loads (super grid transformers) to the site will be required. It is stated in the Transport Assessment that, '*construction traffic vehicle numbers are expected to be low with a one way daily average of 10 construction vehicles (one heavy goods vehicle (HGV) per day i.e. 10 inbound and 10 outbound)*'. It further states that construction vehicle traffic patterns will avoid peak hours, with many trips to and from the site made before 07:00 or after 19:00hrs. Table 2 of the Transport Assessment concludes that construction traffic numbers, including those associated with workers numbers is low with less than 1% impact on the A131.
- 12.9.6 The submitted plans propose 5 car parking spaces. As the proposed GSP Substation is proposed to be unmanned during operation with one Light Good Vehicle trip per month for site maintenance. The proposed parking provision is considered sufficient.
- 12.9.7 The Highway Authority sought additional information during the course of the application. This has been provided by the applicant and the Highway Authority were re-consulted raising no objection subject to conditions relating to submission of a Construction Traffic Management Plan and construction of the site access prior to construction. These conditions are proposed to be imposed.
- 12.10 Impact upon Neighbouring Residential Amenity
- 12.10.1 The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings and Policy LPP52 of the Adopted Local Plan states that development shall not cause unacceptable impacts on the amenities of nearby residential properties.
- 12.10.2 The nearest neighbouring properties to the site are over 400 metres from the site. There are no immediate residential properties abutting the site.
- 12.10.3 Given the distance of separation the proposal would not have a detrimental impact on neighbouring amenity in terms of overlooking, loss of light, loss of privacy, poor outlook.
- 12.10.4 Objection representations received have raised concern regarding noise and construction traffic/works. The impact of noise is discussed above and

it is concluded that it would not have a detrimental impact on neighbouring amenity. In terms of construction traffic/works the submitted Environmental Appraisal (Construction Environment Management Plan) refers to movements and deliveries to the site, which are 07:00-19:00 Monday to Fridays and 08:00 to 17:00hours Saturday, Sunday and Bank Holidays. The Environmental Health Officer has commented that, *'as the site is not in a residential area and the distance to the nearest noise sensitive dwellings is significant, I do not consider that I can reasonably seek to request that the more standard restrictions on days and hours could be applied in this instance.'*

12.10.5 Conditions are proposed to be imposed relating to work hours for construction vehicles and deliveries and that applicant adheres to actions proposed in the Construction Environment Management Plan (CEMP, April 2022) before, during and after construction.

12.10.6 The application is considered to accord with Policy LPP52 of the Adopted Local Plan.

12.11 Noise Impact

12.11.1 The preamble to Policy LPP70 of the Adopted Local Plan states in paragraph 6.43, *'developers will need to submit a noise assessment in cases where proposals could potentially cause harm to nearby residents and amenity'*. Policy LPP70 of the Adopted Local Plan states, *'proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. Development will not be permitted where individually, or cumulatively and after mitigation there are likely to be unacceptable impacts arising from the development on natural environment, health and safety of existing residents, noise'*.

12.11.2 The application is supported by a Noise Assessment (Appendix 10).

12.11.3 It is noted that objections received to the application during the public consultation have raised concern regarding vibration impacts from the proposal. The Noise Assessment report states in Paragraph 1.1.4, *'operational substations are not material sources of vibration to an extent that is likely to lead to adverse impacts, even directly adjacent to plant. This is based on National Grids vast experience of operating substations. There is significant distance between the proposed GSP substation and nearby vibration sensitive receptors. Additionally, proposed plant would be installed on vibration isolation fittings as standard practice. Operational vibration is therefore scoped out of the assessment'*.

12.11.4 The Noise Assessment refers to baseline sound level surveys obtained to assess construction and operational noise. It states in the concluding paragraph 7.1.3 of the Noise Assessment that, *'the assessment of construction noise and vibration impact indicates that impacts would be low, principally due to the distance between the proposed GSP substation*

site and nearby vibration sensitive receptors. Impacts will be reduced through Best Practicable Means (site planning and prep/plant and machinery).’ Paragraph 7.1.4 of the Noise Assessment refers to operational noise which states, ‘the assessment indicates that a low impact is expected during normal operation during atypical situations, such as when the use of Super Grid Transformers (SGT) cooling plant, or when backup generators maybe required during emergency conditions. The assessment assumes that the proposed SGTs will be housed within enclosures, and this has been committed to by National Grid. No further specific mitigation measures are required’.

12.11.5 The Environmental Health Officer has reviewed the report and stated that, *‘I am satisfied that noise from day to day operation of the plant once constructed should not give arise to unreasonable disturbance to local residents, and that on occasions where backup systems are required to be used then these should also not give rise to excessive impact on amenity’.* The Environmental Health Officer further states that the principles in the application, Noise Assessment and Environmental Appraisal should be adhered to. This is proposed to be imposed by Condition.

12.11.6 The proposal is therefore considered to accord with Policy LPP70 of the Adopted Local Plan.

12.12 Flooding and Drainage Strategy

12.12.1 Policy LPP74 of the Adopted Local Plan states, *‘new development shall be located on Flood Zone 1 or areas with the lowest probability of flooding, taking into account climate change and will not increase flood risk elsewhere. For development proposals must be accompanied by a site specific Flood Risk Assessment which meets the requirements of the NPPF and Planning Practice Guidance. Flood Risk Assessment submitted must take into account an assessment of flood risk across the life of the development taking climate change into account’.*

12.12.2 The NPPF states that development of ‘essential infrastructure’ is appropriate in Flood Zone 1, however, as the site area exceeds 1 ha (approximately 7ha) a Flood Risk Assessment is required.

12.12.3 The application is supported by a Flood Risk Assessment (Appendix 7).

12.12.4 The assessment states in Paragraph 2.1.3, *‘there is an agricultural drain/ditch that crosses the site in a north south orientation and flows along its northern boundary in a westerly direction. This drainage ditch is crossed in two places within the site boundary by existing tracks. The site is in the catchment of the Belchamp Brook which is a tributary of the River Stour. An unnamed watercourse is located 180metres south west of the site and discharges to the Belchamp Brook approximately 3km downstream of the site’.*

- 12.12.5 The assessment concludes that the site has a 'very low' risk of flooding from rivers, equivalent to an annual chance less than 1 in 1,000 (0.1%).
- 12.12.6 The assessment includes a map in Figure A7.4 which identifies those areas at risk of surface water flooding. It concludes the risk of flooding from surface water for the majority of the site is at a 'very low risk' of surface water flooding, equivalent to an annual chance of 1 in 1,000 (0.1%). The land to the northern boundary of the site is at a higher risk of surface water flooding this is coincident with the drainage ditch which runs adjacent to, and extends west of Butlers Wood. There is a surface water flow path across the middle of the site which connects to the ditch. This surface water flow path is shown to be at a 'medium risk' (equivalent to an annual change of flooding between 1 in 100 (1%) and 1 in 30 (3.3%) and 'low risk' (equivalent to an annual chance of flooding between 1 in 1,000 (0.1%) and 1 in 100 (1%) chance of surface water flooding. Only small parts of the site are shown to be at 'high risk' of surface water flooding, equivalent to an annual chance of flooding (greater than 1 in 30 3.3%). In the areas of 'high risk' it is stated that floodwaters are typically predicted to be shallow, with depths of less than 300mm.
- 12.12.7 During operation the drainage ditch is retained. The assessment states, *'the access road, adjoins the existing track as it crosses the drainage ditch. Appropriate surface water drainage measures will be incorporated into the detailed design for the access track'*.
- 12.12.8 The site is at low risk of groundwater flooding.
- 12.12.9 The assessment states that, *'runoff across the site will be controlled through a variety of methods include header drains, buffer zones around water courses, onsite ditches, silt traps and bunding.'* It also states that, *'permeable surfaces will be used where ground conditions allow for access tracks and compound areas'*.
- 12.12.10 The assessment concludes that the proposed landscaping mound to the east and west of the proposed GSP substation would not have an impact on existing drainage ditches and is located in an area shown to be at 'very low risk' of flooding from surface water.
- 12.12.11 The Lead Local Planning Authority has reviewed the submitted Flood Risk Assessment and raises no objection subject to conditions being imposed relating to, submission of a detailed surface water drainage scheme for the site, a scheme to minimise risk of offsite flooding caused by surface water run off during construction works, a maintenance plan for the surface water drainage system and yearly logs of maintenance.
- 12.12.12 The proposal is therefore considered to accord with LPP74 of the Adopted Local Plan and the NPPF.

12.13 Minerals Resource Assessment

- 12.13.1 Policy LPP63 of the Adopted Local Plan states, *'development proposals must take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity of the District'*. The NPPF states in paragraph 209, *'it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long term conservation'*. It is further stated in paragraph 210 (c) of the NPPF, *'planning policies should safeguard mineral resources by defining Mineral Safeguarding Area, and adopt policies so that known locations of specific minerals resources of local and national importance are not sterilised by non mineral development where this should be avoided (d) set out policies to encourage prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non mineral development to take place'*.
- 12.13.2 The application site is located within land designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014. As the site area exceeds the specified 5ha threshold upon which local resource safeguarding provisions are applied a Mineral Resource Assessment (MRA) is required.
- 12.13.3 The Minerals and Waste Planning Authority reviewed the submitted Minerals Resource Assessment (MRA) and accepted that prior extraction is not practical. Paragraph 4.3.10 of the MRA states, *'prior extraction would need to take place in advance of work required to construct the proposed GSP substation which is required to be constructed in advance of the wider reinforcement project. The extraction would extend the construction programme. It is important that GSP is delivered as early as feasible, to allow the removal of the existing 132kV overhead line and commencement of the wider reinforcement once Development Consent for this is secured from the Secretary of State. The programme anticipates delivery of the GSP by mid-2024, following an approximate 18 month construction programme, which would allow the commencement of the wider reinforcement (subject to consent) no earlier than late 2024.'*
- 12.13.4 The Minerals and Waste Planning Authority therefore concluded that, *'the MRA is sufficiently competent to conclude that the prior extraction of minerals is not appropriate at this site'*.

12.14 Contamination

- 12.14.1 Policy LPP70 of the Adopted Local Plan states, *'proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise) and ensure no deterioration to either air or water quality. All applications for development where the existence of, or potential creation of pollution is suspected must contain sufficient information to enable the Local Planning Authority to*

make a full assessment of potential hazards'. The NPPF states in Paragraph 183, 'decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks associated arising from land instability and contamination'.

- 12.14.2 A Phase 1 Contaminated Land Assessment (Appendix 8) has been submitted as supporting documentation with the application.
- 12.14.3 The report concludes in Paragraph 5.1.2 that, *'the qualitative risk assessment undertaken did not identify any notable source of contamination currently present at the site or within the immediate vicinity based on current and historical land uses and therefore the contamination potential of the site is considered to be Very Low. As no current source has been identified a source-pathway' receptor linkage has also not been identified and therefore there is not considered a risk to the proposed GSP substation'.*
- 12.14.4 The Environmental Health Officer has reviewed the report and proposed a condition be imposed that should contamination be found that was not previously identified it is made safe and the Local Planning Authority is notified.
- 12.14.5 The proposal accords with Policy LPP70 of the Adopted Local Plan and the NPPF.

13 PLANNING BALANCE AND CONCLUSION

- 13.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 13.2 In assessing the planning balance, the adverse impacts of the proposed development, against the public benefits of the proposal needs to be considered.

Summary of Harms

Harm to the Character and Appearance of the Area and Landscape Character

- 13.3. The proposal would alter the landscape, its character and appearance. There would be a particular noticeable change in landscape character over a limited area of the Wickham Farmland Plateau due to equipment, fencing, road and proposed GSP substation. The site will be screened to north and south by the existing woodlands (Butlers Wood and Waldegrave Wood) and the proposed bunding and planting would reinforce screening that within 15 years will result negligible magnitude of change. There are no significant landscape or visual effects anticipated. This harm is afforded moderate weight.

Ecology Impact

- 13.4 The proposal is situated adjacent to Local Wildlife Sites (Butlers Wood and Waldegrave Wood). Protected species are present in the wider environment and in close proximity to the proposal. There has been sufficient consideration of the impacts and appropriate mitigation proposed to avoid direct and reduce indirect impacts. This harm is afforded moderate weight.

Loss of Agricultural Land

- 13.5 The proposal would result in the localised loss of best and most versatile agricultural land. This harm is afforded limited weight.

Impact on Trees/Hedgerows

- 13.6 The proposal is adjacent to Butlers Wood and Waldegrave Wood both are ancient woodlands. There is a ditch between the woodland and the agricultural field which provides protection for the tree roots, it also prevents vehicular access and storage of materials within the woodlands. This harm is afforded limited weight.

Noise Impact

- 13.7 The submitted Noise Assessment indicates a low impact is expected such as when the use of Super Grid Transformers (SGT) cooling plant, or when backup generators maybe required during emergency conditions. No excessive impact is anticipated on neighbouring amenity. This harm is afforded limited weight.

Summary of Benefits

Biodiversity Net Gain

- 13.8 The proposal would deliver in excess of 10% Biodiversity Net Gain and increase connectivity with ecological functionality. This benefit is afforded moderate weight.

Facilitate Distribution of Low Carbon Electricity

- 13.9 The proposal forms part of the wider reinforcement of the electricity network between Bramford and Twinstead and would facilitate the distribution of electricity generated from renewable sources to the wider electricity network. This benefit is afforded significant weight.
- 13.10 The proposal is considered acceptable in this location. The Applicant has demonstrated that alternative sites have been explored and public engagement has taken place. The proposed location was considered to be the least environmentally constrained option, partly due to it having the lowest impact on the landscape character of the area, visual amenity and

the historic environment. It is not considered that the proposal would have an adverse impact on neighbouring amenity, heritage assets, surface water flooding, ecology or the adjacent ancient woodlands. Furthermore, it is not considered that the proposal would have a significant impact on visual amenity and landscape character. The proposal for a Grid Supply Point substation would form part of the wider proposal/strategy to distribute low carbon electricity in the District and beyond.

- 13.11 It is considered that the benefits of the proposal would outweigh the harms. Against this context, it is recommended that planning permission be granted for the proposed development.

14. **RECOMMENDATION**

- 14.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	AAA_B2B_GSP_SI TELOCATIONPLAN _REV0	N/A
Block Plan	N/A	N/A
Concept Plan	AAA_B2B_GSP_C ONSENTING_PLAN _REV0	N/A
Block Plan	B31000F9-JAC-ZZ- XX-DR-008 P01	N/A
Planning Layout	B31000F9-JAC-ZZ- XX-DR-009 P01	N/A
Planning Layout	B31000F9-JAC-ZZ- XX-DR-010 P01	N/A
Substation Details	B31000F9-JAC-ZZ- XX-DR-011 P01	N/A
General	B31000F9-JAC-ZZ- XX-DR-012 P01	N/A
General	B31000F9-JAC-ZZ- XX-DR-013 P01	N/A
Levels	B31000F9-JAC-ZZ- XX-DR-014 P01	N/A
Levels	B31000F9-JAC-ZZ- XX-DR-015 P01	N/A
General Plans & Elevations	B31000F9-JAC-ZZ- XX-DR-016 P01	N/A
General Plans & Elevations	B31000F9-JAC-ZZ- XX-DR-017 P01	N/A
Topographical Survey	B31000F9-JAC-ZZ- XX-DR-018 P01	N/A
Section	B31000F9-JAC-ZZ- XX-DR-019 P01	N/A
Access Details	B31000F9-JAC-ZZ- XX-DR-020 P01	N/A
Fencing Layout/Details	B31000F9-JAC-ZZ- XX-DR-021 P01	N/A
Arboricultural Report	April 2022	Appendix 5
Noise Details	April 2022	Appendix 10
Other	Construction Environment	V3

Other	Management Plan Archaeological Evaluation Interim Report	N/A
Highway Plan	Swept Path Assessment	21-0130.SPA24
Highway Plan	Detailed Access Drawing	PDD-21847-CIV- 022
Other	Phase 1 Contaminated Land Assessment	N/A

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed above.

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

Condition 3

Prior to commencement of development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 4

Prior to commencement of development a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved and retained thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 5

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 6

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 7

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Environmental Appraisal Appendix 1 Construction Environment Management Plan (CEMP) V3 and as set out in Annex A (Code of Construction Practice – CoCP), 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 and enhance 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).

Condition 8

Any works which will impact the breeding / resting place of Great crested newt, shall not in any circumstances commence unless the Local Planning Authority has been provided with a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

Condition 9

Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To 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).

Condition 10

Prior to first use of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to beneficial use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to deliver Biodiversity Net Gain.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a 15 year work schedule (including an annual work plan capable of being rolled forward over a five-year period to deliver condition of created and enhanced habitats).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To 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).

Condition11

Prior to commencement of development an Arboricultural Impact Assessment and Arboricultural Method Statement (AMS) shall be submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site. The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority. The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason: To ensure existing trees, shrubs and hedges are retained as they are

considered essential to enhance the character of the development.

Condition 12

Prior to the commencement of development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion.

Reason: To enhance the appearance of the development.

Condition 13

Prior to the implementation of the landscaping scheme pursuant to Condition 12 of this permission, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved irrigation and maintenance regime.

Reason

To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

Condition 14

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

Reason: To prevent the increased risk of flooding.

Condition 15

The development shall be carried out in accordance with the management and best guidance practice measures as detailed in the approved Noise Assessment (Appendix 10).

Reason: In the interests of neighbouring amenity.

Condition 16

Prior to commencement of development a Written Scheme of Investigation (WSI) which shall include details for a programme of archaeological investigation for monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The site may be of archaeological interest.

Condition 17

A final archaeological report or (if appropriate) a Post Excavation Assessment report

and an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site maybe of archaeological interest.

Condition 18

Prior to commencement of the development a Construction Traffic Management Plan, which shall include but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved Construction Traffic Management Plan.

Reason:

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 19

No occupation of the development shall take place until the proposal site access arrangements as shown in principle on planning application drawing number PDD-21847-CIV-022 Rev. P02 have been provided or completed.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 20

Should contamination be found that was not previously identified, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with Paragraph 8.2.2 of the Applicant's Environmental Appraisal (CEMP V3) and a separate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented and completed prior to the operation of the development.

Reason: In interests of neighbouring amenity.

Condition 21

There shall be no deliveries or construction vehicle movements to, from or within the premises outside the following times:

- Monday to Friday 0700 hours - 1900 hours;
- Saturday, Sundays, Public and Bank Holidays – 0800 hours – 1700 hours.

Reason: In interests of neighbouring amenity.

Condition 22

The applicant shall adhere to the actions and commitments contained within the Construction Environment Management Plan (CEMP, July 2022, V3) at all times as appropriate before, during, and after construction of the development.

Reason: In interest of neighbouring amenity.

Informative(s)

Informative 1

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners

Informative 2

- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

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 has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage

Other Material Considerations

N/A

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
90/01266/PFHN	Display Of Name board	Refused	12.09.90
22/01015/OHL	Overhead line works associated with proposed grid supply point substation at Butlers Wood	Granted	22.07.22