

**TOWN AND COUNTRY PLANNING ACT 1990**

**Agent:**

Mr Jack Ellis  
Pegasus Planning Group Ltd  
First Floor South Wing  
Equinox North  
Great Park Road  
Almondsbury  
Bristol  
BS32 4QL

**Applicant:**

St Clere's Solar Farm Ltd  
C/O Agent

**PLANNING PERMISSION**

**LOCATION:** Land East And West Of St Cleres Hall Pit Main Road Danbury Chelmsford

**PROPOSAL:** Installation of a solar photovoltaic (PV) park generating up to 25 MW of electricity spread over two sites (sited either side of St Cleres Hall Pit), comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, site accesses, grid connection cables, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements.

**APPLICATION NO:** 21/00081/FUL

**DATE RECEIVED:** 11 January 2021

**DRAWING NO(s):** LCS-SD-01/01; LCS-SD-01/02; LCS-SD-02/02; LCS-SD-03/01; LCS-SD-04/02; LCS-SD-05/01; LCS-SD-06/01; LCS-SD-07/01; LCS-SD-08/02; LCS-SD-09/01; LCS-SD-11/02; LCS-SD-15/01; LCS-SD-16/01; Wintering Bird Surveys; Great Crested Newt eDNA Surveys; Ecological Desktop Assessment; Agricultural Land Classification; Heritage Statement; Consultation Report; Planning Statement; Design & Access Statement; Minerals Resource Assessment \_ Minerals Infrastructure Assessment/7 June 2021; Natural England Great Crested Newt Licencing Certificate; Swept Path at Eastern site access P20-0363 Figure 3/C; LCS017-PLE-01/15; Construction Traffic Management Plan/Rev A; Glint and Glare Study/September 2021; LCS017-PL-02/11; LCS017-PLE-01/18; LCS017-PL-03/7; Planning Statement Addendum August 2021; Flood Risk Assessment July 2021; Ecological Assessment/Rev B; Landscape and Visual Impact Assessment/June 2021; Photomontages VP01 & VP02/v.3.0; Photomontages VP03, VP04 & VP05/v3.0; Photomontages VP06, VP07, VP08, VP09 & VP10/v3.0; Appendix LV1 - Landscape Character Assessment Extracts; Photomontages VP01-VP0; LV2 Additional Panorama G; LV2 Additional Panorama A & B; LV2 Additional Panorama C & D; LV2 Additional Panorama E\_F; Appendix LV3 Viewpoint Analysis/V2; Appendix LV4 Additional Photographs; Figure LV1 - Landscape Character Plan including ZTV/Rev A; Figure LV2 3km ZTV & Designations June 2021/Rev A; Figure LV3- Planting Proposals/Rev B; Figure LV4 Additional Panoramas in Appendix LV2/V2; Figure LV5 Planting Section; Viewpoint Panorama 1; Viewpoint Panorama 10; Viewpoint Panoramas 2\_3/V2; Viewpoint Panoramas 4\_5; Viewpoint Panoramas 6\_7; Viewpoint Panoramas 8\_9; BNG Biodiversity Metric 3.0; BNG Post-Intervention Habitats; BNG Baseline

## **Habitats; Arboricultural Impact Assessment/July 2021;**

The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to **GRANT PLANNING PERMISSION** subject to the following: -

### **Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

### **Condition 3**

The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To reflect the temporary nature of the permission and to ensure that the landscape impact of the development exists only for the lifetime of the development in accordance with Policy DM19 of the Chelmsford Local Plan.

### **Condition 4**

Prior to the commencement of the development hereby permitted, full details of the final locations, design, materials and acoustic attenuation to be used for the panel arrays, battery cabins, inverters, control room, substations, power conversion system, HVAC unit, CCTV cameras, fencing and gates, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.

Reason:

This information to required prior to commencement of the development, to agree the precise location and specification of the solar farm and to ensure the design of the development integrates with the character and appearance of the area and does not materially affect the living environments of neighbouring dwellings in accordance with Policies DM19, DM23 and DM29 of the Chelmsford Local Plan.

### **Condition 5**

No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV park, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme of works shall include the following:

- (a) a programme of works;
- (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site;

- (c) details of any items to be retained on site;
- (d) a method statement for restoring the land to agriculture;
- (e) timescale for the decommissioning, removal and reinstatement of the land;
- (f) a method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason:

To reflect the temporary nature of the permission and to ensure that decommissioning takes place in accordance with a strategy that has been agreed with by the Local Planning Authority in accordance with Policy DM19 of the Chelmsford Local Plan.

#### **Condition 6**

The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported to the National Grid.

Reason:

To determine the start of the 40-year temporary planning permission.

#### **Condition 7**

If the solar farm ceases to export electricity to the grid for a continuous period of twelve months, a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve-month period for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within six months of the written approval being given.

Reason:

To ensure that the solar park fulfils its required purpose and to ensure that the landscape impact of the development exists only for the lifetime of the development in accordance with Policy DM19 of the Chelmsford Local Plan.

#### **Condition 8**

No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

Reason:

In the interests of protecting the living environment of occupiers of nearby dwellings in accordance with Policies DM19 and DM29 of the Chelmsford Local Plan.

#### **Condition 9**

Prior to its installation, details of the location of proposed construction compound(s) shall be submitted to and approved in writing by the local planning authority.

Thereafter, the development hereby permitted shall only be carried out in accordance with the approved details and those details contained within the approved Construction Traffic Management Plan Rev A which will provide for but not be limited to the following:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities
- e. construction traffic routing
- f. construction signage and traffic management measures

subject to such minor variations as may be agreed in writing with the Local Planning Authority.

Reason:

To ensure the construction of the proposal does not harm highway safety.

**Condition 10**

Prior to their installation, details of the external walls, roofs, colour and finish of all auxiliary buildings, including substations and inverter/transformer stations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the design of the development integrates with the character and appearance of the area in accordance with Policies DM19 and DM23 of the Chelmsford Local Plan.

**Condition 11**

No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority.

All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

Reason:

To ensure there is no disturbance or harm caused to protected species and neighbouring residents in accordance with Policies DM16, DM19 and DM29 of the Chelmsford Local Plan.

**Condition 12**

Notwithstanding the details contained within the Landscape and Ecological Management Plan (LEMP), a landscaping scheme containing details of both hard and soft landscape works and soft landscaping management shall be submitted to and approved in writing by the Local Planning Authority.

Subsequently the works shall be carried out as approved prior to the first exportation to the National Grid, or in the first available planting season following such exportation and permanently retained and maintained in accordance with the agreed lifetime of the development, subject to any such variation that has been previously agreed in writing with the Local Planning Authority.

The details to be submitted shall include:

- (a) Hard surfacing including pathways and driveways, other hard landscape features and materials;
- (b) Existing trees, hedges or other soft features to be retained;
- (c) Planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- (d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- (e) Provision of unobstructed buffer strips located either side of Public Rights of Way No.s 1 and 4 (Danbury).

Reason:

To ensure that the proposed development is visually satisfactory, to integrate the development within the area, to protect the passage of the Public Right of Way and ensure that the landscaping and planting is appropriately maintained in accordance with Policies DM16 and DM19 of the Chelmsford Local Plan.

**Condition 13**

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to completion of the construction of the development.

The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed;
- (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 work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organisation responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The LEMP shall 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) and to comply with the requirements of Policies DM16, DM17 and DM19 of the Chelmsford Local Plan.

#### **Condition 14**

Prior to their installation, details of boundary treatment and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the works shall be carried out as approved prior to the first occupation of any part of the development and permanently retained and maintained in accordance with the agreed form subject to any such variation that has been previously agreed in writing with the Local Planning Authority.

The details to be submitted shall include:

- (a) Details of the proposed treatment of all boundaries and enclosures, including drawings of any gates, fences, walls, railings, piers;
- (b) Details of the CCTV cameras;
- (c) Whole perimeter fencing plan including provision for the ingress and egress of badgers and other small mammals.
- (d) A scheme to deal with the provision of boundary screening along the A414 roadside frontage whilst the agreed landscaping scheme matures.

Reason:

To ensure the proposed development is visually satisfactory, to integrate the development within the area, to prevent glint and glare to highway users and to and provide appropriate opportunities for biodiversity in accordance with Policies DM16 and DM19 of the Chelmsford Local Plan.

#### **Condition 15**

In relation to tree protection, no works other than enabling works shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall only be carried out in accordance with the submitted Arboricultural Method Statement subject to such minor variations as may be agreed by the Local Planning Authority.

The details to be submitted shall include:

- (a) Details of trees and hedges to be retained and removed;
- (b) Details of tree surgery work to retained trees;
- (c) Specification for tree protection including layout and type of tree protection for construction including change that may occur during development;
- (d) Location and installation of services, utilities and drainage;
- (e) Details of construction within the root protection area of retained trees;
- (f) A full specification for the construction of the new access and parking areas, including details of the bespoke cross-over and cellular confinement specification, and the extent of the areas. Details must include the relevant sections through them;
- (g) Details of site access, temporary parking, welfare facilities, loading and unloading, storage of equipment, materials, fuels and waste;
- (h) Revised tree protection plan;
- (i) Boundary treatments within the root protection areas;
- (j) Arboricultural supervision and inspection, including timings, reporting of inspections and supervision.

Reason:

To safeguard the existing trees which are of amenity value in accordance with Policies DM17 and DM19 of the Chelmsford Local Plan.

#### **Condition 16**

No development shall take place, including demolition, ground works and vegetation clearance until the Local Planning Authority has been provided with a statement in writing to include the results of a badger monitoring survey and any necessary mitigation including whether a development licence will be required from Natural England for the closure of any sett(s).

All works shall then only proceed in accordance with the approved scheme of mitigation.

Reason:

This information is needed prior to commencement of the development to ensure there is no harm caused to badgers in accordance with Policy DM16 of the Chelmsford Local Plan.

#### **Condition 17**

Prior to completion of the construction of the development, a wintering and farmland breeding bird mitigation and monitoring strategy, that includes reference to skylarks, must be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development. Thereafter, the works shall only proceed in accordance with the approved mitigation and monitoring strategy, subject to any minor variation that may be agreed in writing with the Local Planning Authority.

The strategy shall include details of the following:

- (a) Purpose and conservation objectives for the proposed measures;
- (b) Detailed methodology for measures to be delivered;
- (c) Location of the proposed measures
- (d) Mechanism for implementation and monitoring of delivery

The farmland bird mitigation strategy shall be implemented in the first nesting season following completion of the development and in accordance with the approved details or any such variation that has been previously been agreed in writing by the Local Planning Authority and shall be delivered for a minimum period of 10 years from first implementation.

Reason:

To ensure that there is no harm caused to breeding birds in accordance with Policy DM16 of the Chelmsford Local Plan.

#### **Condition 18**

No development shall take place, including demolition, ground works and vegetation until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

- (a) (a) Proposals for on-site mitigation and/or for off-site offsetting, detailing in full measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than expressed by the St Clere's Solar Farm Biodiversity Metric 3.0 dated 27 July 2021.
- (b) A methodology for the identification of any receptor site(s) for offsetting measures;
- (c) The identification of any such receptor site(s);
- (d) The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
- (e) A biodiversity management and monitoring plan.

Reason:

This information is required prior to commencement of the development to ensure that the proposal provides Biodiversity Net Gain Measures in accordance with Policy DM16 of the Chelmsford Local Plan.

### **Condition 19**

No works except demolition shall take place until 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, has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.

The scheme should include but not be limited to:

- (a) Verification of the suitability of infiltration of surface water for the development.
- (b) 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.
- (c) 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.
- (d) The submission of modelling to demonstrate that the proposed development will not increase run off.
- (e) The submission of a final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features.
- (f) A written report summarising the final strategy and highlighting any minor changes to the approved strategy,
- (g) Checking whether dams should be provided in the proposed swales to promote site infiltration and reduce the risk of flooding in the downstream watercourse.

Reason:

This information is required prior to commencement of the development, to ensure there is a scheme to deal with the satisfactory storage of/disposal of surface water from the site, ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy DM18 of the Chelmsford Local Plan.

### **Condition 20**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The proposal shall thereafter be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority.

Reason

This information is required prior to commencement of the development to ensure that the proposed construction of the development does not lead to excess water being discharged from the site in accordance with Policy DM18 of the Chelmsford Local Plan.

**Condition 21**

Prior to first exportation to the National Grid, 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 agreed in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing with the Local Planning Authority, 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 appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and 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 in accordance with Policy DM18 of the Chelmsford Local Plan.

**Condition 22**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Pegasus Group, referenced P20-0363 and dated November 2020, its amendment dated July 2021 and the following mitigation measures detailed within the FRA, subject to any such variation that may be agreed with the Local Planning Authority. All infrastructure shall be located within flood zone 1, at a level of 20.832mAOD (the 0.1% annual probability flood level, inclusive of climate change) or above.

Reason:

To ensure the proposal does not give rise to an unacceptable risk of flooding in accordance with Policy DM18 of the Chelmsford Local Plan.

**Condition 23**

No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety.

**Condition 24**

Prior to their construction, and as shown in principle on drawing Figure 2, Rev A, details of the construction of the western site access, visibility sight splays, dropped kerb vehicular crossing of the footway and details of surface water discharge from the highway, shall be submitted to and approved in writing by the Local Planning Authority, Thereafter, they shall be constructed ready for use prior to first export to the National Grid in accordance with the approved details. The access shall be permanently retained in accordance with the agreed form at all times.

Any redundant parts of the existing accesses on the frontage shall be permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed new accesses are brought into first beneficial use.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

**Condition 25**

Prior to their construction, and as shown in principle on drawing Figure 3, Rev B, details of the construction of the eastern site access, visibility sight splays and dropped kerb vehicular crossing of the footway and



details of surface water discharge from the highway, shall be submitted to and approved in writing by the Local Planning Authority, Thereafter, they shall be constructed ready for use prior to first export to the National Grid in accordance with the approved details. The access shall be permanently retained in accordance with the agreed form at all times.

Any redundant parts of the existing accesses on the frontage shall be permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed new accesses are brought into first beneficial use.

Reason:

To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

### **Condition 26**

Prior to the commencement of any work on the site, details shall be submitted to the Local Planning Authority to show that a joint inspection of the local road (A414) to be used by construction vehicles has been carried out by the applicant and the Highway Authority.

Thereafter, before first export to the National Grid, details shall be submitted to the Local Planning Authority to show that the A414 has been inspected by the applicant and the Highway Authority after completion of the construction of the development.

Reason:

This information is required prior to commencement of the development to obtain a pre-construction assessment of the condition of the A414 and to thereafter preserve the integrity and fabric of the highway, in the interests of highway safety.

### **Notes to Applicant**

#### **1 Hours of work during construction**

In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work:

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work:

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at [www.chelmsford.gov.uk/construction-site-noise](http://www.chelmsford.gov.uk/construction-site-noise)

#### **Party Wall Act**

The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

- 2 The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at <http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

- 3 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

- 4 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

- 5 The Highway Authority (Essex County Council) must be contacted regarding the details of any works affecting the existing highway. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631. Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 6 The applicant is reminded that a grant of planning permission does not override the public's right to pass freely over a public footpath. The public's right and ease of passage over public footpath No 1 and 4 shall be maintained free and unobstructed at all times both during and post construction.

The applicant is advised to contact Essex County Council Highway Authority before development begins, as during the construction phase, it may not be possible to maintain the public footpath(s) free and unobstructed. If this is the case, the applicant may need to seek either the temporary diversion or closure of the footpaths during building works.

- 7 The Highway Authority (Essex County Council) must be contacted regarding construction details for the proposed vehicular crossover. Contact details are:  
Development Management Team,  
Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford  
CM2 5PU.  
Telephone: 0845 603 7631 Email: [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- 8 During the construction phase of the development, banksman should be present whilst vehicle cross public footpaths no.1 and 4 (Danbury) to ensure the continued safe passage of the public on the definitive right of way and accessibility

- 9 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath's No.1 and 4 (Danbury) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- 10 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](mailto:suds@essex.gov.uk)
- 11 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 12 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.  
If you believe you need to apply for consent, further information and the required application forms can be found at [ww.essex.gov.uk/flooding](http://ww.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk).
- 13 The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
- 14 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
- 15 It is the responsibility of anyone carrying out the works to comply with the relevant Building Regulations.
- 16 There may be apparatus and services, including those belonging to National Grid, within the vicinity of the site.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted and also suggested amendments to the proposal during the life of the application. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

---

Date: 27 October 2021

Signed:

*David Green*

**DAVID GREEN**

Director of Sustainable Communities

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED**

**Important Note: This Planning permission does not override the need to obtain any necessary approvals under the Building Regulations, Party Wall Act or any other relevant legislation. Separate approval may also be required in other areas, for example, restrictive covenants, shared agreements, easements, rights of way etc.**

The provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this development and will be determined at Building Regulation Stage.

### **NOTICE TO APPLICANT WHERE PERMISSION IS SUBJECT TO CONDITIONS**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to impose conditions on your permission for the proposed development then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within six months of the Council's decision.
- **However if the development as described in your application is the same or substantially the same as development that is currently the subject of an enforcement notice then you must appeal within 28 days of the date of this decision notice.**
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

#### **Notification of Appeals to the Council**

- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to [planning.appeals@chelmsford.gov.uk](mailto:planning.appeals@chelmsford.gov.uk) or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Department for Communities and Local Government grant permission to develop land subject to conditions, the owner can claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990.

#### **Compensation**

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related to provisions of the Town and Country Planning Act 1990.