

Essex County Council
Green Infrastructure
Environment & Climate Action
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Sophie Adams
Castle Point Borough Council
Planning Services

Date: 21/03/2023
Our Ref: GI-000093
Your Ref: 23/0085/OUT

Consultation Response – 23/0085/OUT Land East of Rayleigh Road, Thundersley, Essex SS7 3UB

Proposal: Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.

Dear Sophie Adams,

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed landscape and green infrastructure (GI) strategy/plans for the aforementioned planning application.

ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultees on GI since 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- Local Planning Authorities (LPA) Green Infrastructure Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- Essex Green Infrastructure Strategy, 2020, aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
- Essex Green Infrastructure Standards, 2022, provide clear guidance on the requirements on both planning policy and planning application and processes.

ECC GI position

Having reviewed the Planning Statement/Design and Access Statement/EIA/ Arboricultural Impact Assessment/Biodiversity Net Gain Design Stage Report/Masterplans and the associated documents which accompanied the planning application, **we do not object** the granting of (23/0085/OUT) based on the following:

Condition 1

The ECC GI Team welcomes the commitment to strategic GI elements such as green corridors, green open space, links to active travel, and planned retention and enhancement of existing GI. It is positive to see that the proposal is positioning GI at the heart of the development, however, we believe there is an opportunity to incorporate this into a Green Infrastructure/Landscape Strategy, based on the Essex Green Infrastructure Strategy (2020) and the Essex GI Standards (2022). This would build upon the Multifunctional Green Infrastructure Strategy that is introduced on p66 of the DAS.

Therefore, we recommend that no works shall take place until a detailed Green Infrastructure Strategy/ Landscape Strategy for the site, based on the Essex Green Infrastructure Strategy 2020 and Essex GI Standards 2022 and an assessment of the ecological context of the development, has been submitted to and approved in writing by a landscape specialist from the local planning authority. The scheme should include but not be limited to:

- The development should be designed to deliver Biodiversity Net Gain and wider environmental net gains, that forms an important component of nature recovery networks and the wider landscape scale GI network.
- Demonstrate that the development site/setting has been reviewed for multiple functions and benefits (listed in the Essex GI Strategy (chapter 5.1, page 35) and ensure that green/open spaces are designed to ensure multi- purpose and functional use.
- Travel Infrastructure should give consideration to use of GI features to ensure accessibility across the site.
- Ensure there are good accessible links for all from the development to existing settlements, urban centres, rural areas, active travel networks and green spaces.
- Demonstrate how the GI has been designed to provide recreational facilities for different user and age groups. It should deliver social inclusive processes that are open to all and incorporate the knowledge and needs of diverse parties.

Reason:

GI and its connectivity are to be at the heart of decision making at every stage in the planning and design process for all developments from the outset, thus GI is integral to place shaping. Planning and design of GI will ensure individual building, street, neighbourhood and landscape scale intervention features contribute to a coherent, meaningful and practical network of high-quality and multi-functional GI, that will

provide multiple environment, social and economic benefits within the development and wider area. By ensuring good early design in light of the local context and including local policy context, the GI will more effectively meet local priorities and needs.

The National Planning Policy Framework 2021 paragraph 8c sets environmental protection and enhancement as one of the 3 objectives of the planning system. Paragraph 98 states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Condition 2

The ECC GI team welcomes the commitment to provide a CEMP prior to development (paragraph 8.3.5 of the planning statement and 4.4 of the Ecological Impact Assessment). We recommend that the CEMP forms part of a Green Infrastructure Plan and that no development shall take place until this Green Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Plans shall include:

- Details of advance planting around construction sites; and
- The timescale for the implementation of each aspect of Green Infrastructure within that phase of development and details of the quality standard of construction and maintenance.
- Set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g. SSSI's etc.) will be protected during construction.

The development shall be carried out and thereafter maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

Strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

Condition 3

The planning statement paragraph 8.3.5 and the Biodiversity Net Gain Design Stage Report 8.1 recommends a Landscape and Ecology Management Plan is submitted prior to development. We support this and recommend that this also includes the planned maintenance of the site. Therefore, no development shall take place until there has been submitted to and approved, in writing, by SuDS and landscape

specialists at the Local Planning Authority a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.

Reason:

To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

Condition 4

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 GI 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 the high-quality and multi-functional benefits of GI assets.

Other Recommendations

Biodiversity Net Gain

The ECC GI Team welcomes the use of Biodiversity Metric 3.1 and the ambition to achieve 10.48% BNG onsite. We recommend that 10.48% is the minimum BNG the development aims to achieve, and wherever possible, if the opportunity arises, the development should seek to achieve further Biodiversity Gain. Please see below further comments and advice regarding Biodiversity Net Gain.

At present, the Environment Act identifies a minimum 10% gain required in biodiversity. The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament. Mandatory biodiversity net gain will become law in November 2023 including the following key components:

- *Minimum 10% gain required calculated using Biodiversity Metric and approval of net gain plan*
- *Habitat secured for at least 30 years via obligations/ conservation covenant*
- *Habitat can be delivered on-site, off-site or via statutory biodiversity credits*
- *There will be a national register for net gain delivery sites*
- *The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss*
- *Will also apply to Nationally Significant Infrastructure Projects (NSIPs)*
- *Does not apply to marine development*
- *Does not change existing legal environmental and wildlife protections*

The following guidance has already been produced to assist the calculation and delivery of biodiversity net gain:

- an updated Biodiversity Metric 3.1 was published in April 2022.
 - It is anticipated that a new Biodiversity Metric 4.0 will be published prior to November 2023.
- CIEEM, IEMA and CIRIA have set out Good Practice Principles for Development and an associated Practical Guide and Case Studies.
- a British Standard on biodiversity net gain and development projects: BS 8683:2021 Process for designing and implementing Biodiversity Net Gain

ECCs GI team expects this development site to deliver Biodiversity Net-Gain (BNG) in line with the Environment Act. The delivery of BNG is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value.

Biodiversity Gain Plan

We recommend that in addition to the 'Biodiversity Net Gain Design Stage Report', a Biodiversity Gain Plan is submitted prior to development. Planning applications subject to mandatory BNG shall require a Biodiversity Gain Plan to be submitted to and approved in writing by the local planning authority. The Environment Act sets out that the biodiversity gain plan should cover:

- How adverse impacts on habitats have been minimised.
- The pre-development biodiversity value of the onsite habitat.
- The post-development biodiversity value of the onsite habitat.
- The biodiversity value of any offsite habitat provided in relation to the development.
- Any statutory biodiversity credits purchased; plus
- Any further requirements as set out in secondary legislation.

Reason:

Biodiversity Gain Plans (subject to guidance made available) sets out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved through such management. Like Landscape and Ecology Management Plan it aims to:

1. Verify the ecological baseline features of interest.
2. Identify ecological mitigation requirements; and,
3. Identify management and enhancement requirements relevant to the application area.
4. To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Play and Natural Play

ECCs GI team supports the consideration of natural play and natural play design features. For this, we would expect play strategies to be formed by the character and function of the green spaces. It should be imaginatively designed using landforms, level changes and water, as well as natural materials such as logs or boulders, which create an attractive setting for play.

Essex Forest Initiative

Moving forward, ECCs GI team recommends that Tom Moat, Senior Forestry and Woodland Officer is consulted in relation to trees and woodland. There are opportunities to work with the Essex Forestry Initiative to assist in tree planting for new development, including funding and advice. For more information, please contact Tom.Moat@essex.gov.uk who would be very interested in discussing further.

Any questions raised within this response should be directed to the applicant and the response should be provided to the Essex GI Team for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

INFORMATIVES:

- Any GI features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- It is not within the scope of the GI team to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of green infrastructure and the information submitted on planning applications based on the key documents listed within this letter. However any relevant information relating to green infrastructure submitted as part of any previous applications should be submitted with the updated information.
- The GI consultation responses provide a high-level review of the proposals onsite. However the relevant specialists e.g ecology and landscape specialists should still be consulted on the information submitted. It should be noted that detailed discharge of condition applications should be referred to technical specialists rather than the GI planning team.
- Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits

the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

Yours sincerely,

Harry Scott
Team: Green Infrastructure
Service: Environment and Climate Action
Essex County Council

Link to Essex GI Standards - <https://www.essex.gov.uk/plans-and-strategies/essex-green-infrastructure-strategy>